

U.S. Department of Justice
FY 2013 PERFORMANCE BUDGET
Congressional Submission

Office of the Solicitor General

February 8, 2012

Table of Contents

	Page No.
I. Overview.....	2
II Summary of Program Changes	5
III. Appropriations Language and Analysis of Appropriations Language.....	5
IV. Decision Unit Justification	6
A. Federal Appellate Activity	6
1. Program Description	
2. Performance Tables	
3. Performance, Resources, and Strategies	
V. Program Increases by Item	12
VI. Program Offsets by Item.....	12
A. Administrative Functions Consolidation	12
VII. Exhibits	
A. Organizational Chart	
B. Summary of Requirements	
C. FY 2013 Program Increases/Offsets by Decision Unit	
D. Resources by DOJ Strategic Goal/Objective	
E. Justification for Base Adjustments	
F. Crosswalk of 2011 Availability	
G. Crosswalk of 2012 Availability	
H. Summary of Reimbursable Resources	
I. Detail of Permanent Positions by Category	
J. Financial Analysis of Program Increases/Offsets	
K. Summary of Requirements by Grade	
L. Summary of Requirements by Object Class	
M. Status of Congressionally Requested Studies, Reports, and Evaluations	

I. Overview for the Office of the Solicitor General

1. Introduction

For FY 2013, the Office of the Solicitor General (OSG) requests a total of \$10,805,000, 48 positions, including 22 attorney positions, and 49 FTE to meet its mission. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.

2. Background

The mission of OSG is to conduct all litigation on behalf of the United States and its agencies in the Supreme Court of the United States, to approve decisions to appeal and seek further review in cases involving the United States in the lower federal courts, and to supervise the handling of litigation in the federal appellate courts.

The original Statutory Authorization Act of June 22, 1870, states: "There shall be in the Department of Justice an officer learned in the law, to assist the Attorney General in the performance of his duties to be called the Solicitor General." As stated in 28 CFR 0.20, the general functions of the Office are to: (1) conduct or assign and supervise all Supreme Court cases, including appeals, petitions for and in opposition to *certiorari*, briefs and arguments; (2) determine whether, and to what extent, appeals will be taken by the government to all appellate courts (including petitions for rehearing *en banc* and petitions to such courts for the issuance of extraordinary writs); (3) determine whether a brief amicus curiae will be filed by the government, or whether the government will intervene, in any appellate court, or in any trial court in which the constitutionality of an Act of Congress is challenged; and (4) assist the Attorney General and the Deputy Attorney General in the development of broad Department program policy.

OSG is headed by the Solicitor General, who is appointed by the President and confirmed by the Senate. Within the attorney staff, there are 17 career line attorney positions, three career Deputy Solicitors General, the Principal Deputy Solicitor General, and the Solicitor General. The attorneys prepare oral arguments, Supreme Court briefs, and other related legal materials. The 26 support staffers are organized into three sections which include Administration, Case Management, and Research and Publication.

3. Challenges

OSG's mission and strategic objectives will essentially remain the same in FY 2013. However, OSG faces a set of new expectations and additional responsibilities. OSG has experienced an increase in several Court related activities. The government's response to health care, terrorism, immigration challenges, and economic distress will place new demands on OSG, which it stands ready to meet.

A significant challenge for OSG attorneys is an inundation of cases stemming from the enactment of the Patient Protection and Affordable Care Act of 2010. A number of states and other parties have raised constitutional challenges related to the insurance mandate. The Attorney General has asked attorneys from the Office of the Solicitor General to handle the Court of Appeals' oral arguments in the constitutional challenges to the Act. OSG has already assumed a leading role in numerous legal proceedings associated with the Act. As additional cases continue to work their way through the lower courts, we project OSG's workload to increase significantly. We also expect substantial demands on the office resulting from increased efforts against health care fraud and abuse. The litigation efforts undertaken by OSG attorneys in this and other actions related to Act continue to place a burden on our resources.

The Office continues to play a significant role in terrorism issues. In the past administration, the Attorney General requested that the Solicitor General assume a range of litigation responsibilities in the lower courts with regard to challenges to the detention of individuals detained at the United States Naval Station located in Guantanamo Bay, Cuba, in connection with ongoing efforts to prevent and punish terrorist activities. With the enactment of the National Defense Authorization Act, such matters will likely continue to be a substantial part of the Office's docket.

Moreover, OSG has been asked by the Attorney General to play a leading role in the development of complex immigration litigation. Most particularly, the Attorney General designated the Office to handle the lawsuit of *United States v. Arizona*, which involved challenges brought by the United States to Arizona's recent immigration law (called S.B. 1070). After OSG attorneys successfully handled arguments in district court, the case was granted certiorari and will be argued during the 2011 Supreme Court Term.

Finally, OSG attorneys have increasingly been asked to brief and argue particularly difficult criminal cases, including matters involving the Fourth Amendment, the Fair Sentencing Act, and finance regulations. OSG presented argument in *United States v. Jones*, which challenged the warrantless installation and use of a GPS tracking device on a respondent's vehicle to monitor its movements on public streets. OSG also plays a major role in challenges to the Fair Sentencing Act, which lowered penalties for certain cocaine-base offenses by increasing the threshold quantities of cocaine-base that trigger certain mandatory-minimum sentences.

In light of the overall budgetary situation in which the Government finds itself, OSG strives to meet the difficult challenge of managing a steady increase in casework, including the significant challenges highlighted in the matters above, without additional resources. Within the last 15 years, OSG has maintained the same FTE levels in spite of its increasing responsibility. For FY 2013, OSG is requesting base funding of 48 positions (22 attorneys), 49 FTE and \$10,805,000 to accomplish its goals.

Following is a brief summary of the Department's Strategic Goals and Objectives in which OSG plays a role.

DOJ Strategic Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Laws (FY 2013 Request: \$10,805,000)

- Objective 2.6: Protect the federal fisc and defend the interests of the United States.

4. Full Program Costs

OSG has only one program—Federal Appellate Activity. Its program costs consist almost entirely of fixed costs, such as salaries and benefit costs, GSA rent, mandatory reimbursable agreements with other DOJ components, and printing.

5. Performance Challenges

External Challenges. In the vast majority of cases filed in the Supreme Court in which the United States is a party, a petition is filed by an adverse party and the United States responds in some way, either by filing a brief or, after reviewing the cases, waiving its right to do so. Additionally, the Supreme Court formally requests the Solicitor General to express the views of the United States on whether the Court should grant certiorari in a case in which the United States is not a party. The number of cases in which the Solicitor General petitions the Supreme Court for review, acquiesces in a petition for a writ of certiorari filed by an adverse party, or participates as an *intervenor* or as *amicus curiae* is governed exclusively by the Solicitor General's determination that it is in the best interest of the United States to take such action. Further, such activity may vary widely from year to year, which limits the Office's ability to plan its workload.

The Office of the Solicitor General does not initiate any programs, but it is required to handle all appropriate Supreme Court cases and requests for appeal, amicus, or intervention authorization.

Internal Challenges. Prior FY performance measures indicate a gradual increase in the number of cases the Solicitor General either participated in and/or responded. The arrival of cases related to the challenges discussed above further predicts an ever increasing caseload.

II. Summary of Program Changes

The Office of Legal Counsel (OLC) and Office of the Solicitor General (OSG) are similarly sized components of the General Legal Activities (GLA) appropriation. Due to fiscal constraints, staffing challenges, and the need for constant reevaluation of processes to find the most efficient management of resources, several executive office functions are being consolidated into a single, unified executive office. This consolidation streamlines the executive office functions of OSG and OLC.

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Federal Appellate Activity	Administrative Functions Consolidation	0	0	-231	12

III. Appropriations Language and Analysis of Appropriations Language

(Please refer to the General Legal Activities Consolidated Justification)

IV. Decision Unit Justification

A. Federal Appellate Activity

<i>Federal Appellate Activity</i>	Permanent Positions	FTE	Amount
2011 Enacted with Rescissions	48	49	10,725
2012 Enacted	48	49	10,724
Adjustments to Base and Technical Adjustments	0	0	312
2013 Current Services	48	49	11,036
2013 Program Increase	0	0	0
2013 Program Offsets	0	0	-231
2013 Request	48	49	10,805
Total Change 2012-2013	0	0	81

1. Program Description

The major function of the Solicitor General's Office is to supervise the handling of government litigation in the Supreme Court of the United States and in Federal appellate courts, to determine whether an amicus curiae brief will be filed by the government, and to approve intervention by the United States to defend the constitutionality of Acts of Congress.

The original Statutory Authorization Act of June 22, 1870, states: "There shall be in the Department of Justice an officer learned in the law, to assist the Attorney General in the performance of his duties to be called the Solicitor General." As stated in 28 CFR 0.20, the general functions of the Office are as follows: (1) conducting or assigning and supervising all Supreme Court cases, including appeals, petitions for and in opposition to *certiorari*, briefs and arguments; (2) determining whether, and to what extent, appeals will be taken by the government to all appellate courts (including petitions for rehearing *en banc* and petitions to such courts for the issuance of extraordinary writs); (3) determining whether a brief amicus curiae will be filed by the government, or whether the government will intervene, in any appellate court, or in any trial court in which the constitutionality of an Act of Congress is challenged; and (4) assisting the Attorney General and the Deputy Attorney General in the development of broad Department program policy.

This Office does not initiate any programs, have control of the Supreme Court litigation it is required to conduct, or determine the number of appeal and amicus authorizations it handles. Amicus filings often involve important constitutional or Federal statutory questions that will fundamentally affect the administration and enforcement of major Federal programs. Examples in recent Terms include cases presenting significant issues of criminal procedure (affecting the government's ability to succeed in prosecutions), as well as important issues under the civil rights laws (such as the Voting Rights Act and the Americans with Disabilities Act), the environmental laws (such as the Clean Water Act), and many others.

The following table provides a fiscal year snapshot of matters pending at the beginning of the Term of the Supreme Court, additional matters received, completed appellate determinations,

certiorari determinations, miscellaneous recommendations, and oral arguments before the Supreme Court.

<i>FY</i>	<i>Supreme Court Term</i>	<i>Matters Pending</i>	<i>Addl. Matters Received</i>	<i>Appellate Determinations</i>	<i>Certiorari Determinations</i>	<i>Miscellaneous Recommendations</i>	<i>Oral Arguments</i>
11	2010	520	3,528	685	892	722	57
10	2009	517	3,959	667	974	628	57
09	2008	511	3,599	641	1,038	673	57

The figures on determinations and recommendations provided in this document do not directly correspond with the figures provided on the Office’s Workload Measurement Tables. Our Workload Measurement Tables track our workload by case; these figures track our workload by determination. Often, the Office of the Solicitor General will receive a request for authorization that includes more than one potential outcome: for example, the Solicitor General may receive a request for authorization for rehearing en banc, or, in the alternative, for a petition for a writ of certiorari. In that case, the Solicitor General may make two determinations; (1) no rehearing and (2) no certiorari. Our Workload Measurement Tables reflect that as a single request; here, we have provided a separate accounting for each determination. Additionally, the figures provided in this document under “miscellaneous requests” include requests for authorization of settlement, for stays, and for mandamus, while the figures on the Performance Measurement Tables do not include such requests.

The figure for oral argument participation reflects the number of oral arguments the Office presented to the Supreme Court as a party, *amicus curiae*, or intervenor; it does not reflect the total number of underlying cases for each of those arguments.

1. Performance Tables

Table A

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Federal Appellate Activity											
WORKLOAD/ RESOURCES		Final Target		Actuals		Projected		Changes		Requested (Total)	
		FY 2011		FY 2011		FY 2012		Current Services Adjustments and FY 2013 Program Changes		FY 2013 Request	
Workload											
Cases in which the Solicitor General Participated		3,750		3,517		3,750				3,750	
Requests to which the Solicitor General Responded		1,821		2,600		1,821				1,821	
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		49	10,725	49	10,694	49	10,724	0	81	49	10,805
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2011		FY 2011		FY 2012		Current Services Adjustments and FY 2013 Program Changes		FY 2013 Request	
Program Activity		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Federal Appellate Activity		49	10,725	49	10,694	49	10,724	0	81	49	10,805
Performance Measure											
Efficiency Measure											
OUTCOME											

* Target for Fiscal Year. For Data Definition, Validation, Verification, and Limitations see Section 3, "Performance, Resources, and Strategies" for details.

Table B – Performance Measure Table

PERFORMANCE MEASURE TABLE												
Decision Unit: Federal Appellate Activity												
Performance Report and Performance Plan Targets		FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011		FY 2012	FY 2013
		Actual	Target	Actual	Target							
Performance Measure	Cases in which the Solicitor General participated	3,811	3,345	4,000	4,423	3,300	3,611	3,915	3,750	3,517	3,750	3,750
Performance Measure	Requests to which the Solicitor General responded	1,815	2,145	2,389	2,274	2,341	2,040	2,004	1,851	2,600	1,851	1,851
Efficiency Measure	(see Section 3, "Performance, Resources, and Strategies" for details)											
OUTCOME Measure	(see Section 3, "Performance, Resources, and Strategies" for details)											

3. Performance, Resources, and Strategies

Because the work of the Office is primarily governed by the Supreme Court's schedule, the Office tracks its workload by Supreme Court Term. Fiscal years roughly correspond to Supreme Court Terms, which run from July of the Term year through June of the next year. Reference to fiscal years in this document will reflect information for the applicable Supreme Court Term. Accordingly, FY 2009 corresponds with the 2008 Supreme Court Term, FY 2010 corresponds with the 2009 Supreme Court Term, and so on. The Office of the Solicitor General handles Supreme Court matters on an ongoing basis. As a result, some matters will overlap from one fiscal year to the next, and they are included in the data for the term in which they most appropriately fit. The data in Table B includes requests for authorizations as well as recommendations against appeal, intervention, or participation *amicus curiae*. It does not include miscellaneous requests, such as requests for authorization of settlement, for stays, for mandamus, etc.

The Office of the Solicitor General utilizes an internal Automated Docket System (ADS) to track matters handled by its attorneys. For Supreme Court matters, all data is verified and checked against Supreme Court Records. Daily statistical reports are generated to ensure accurate tracking of both Supreme Court matters and requests for authorization to appeal, intervene, or participate as *amicus curiae*. Additionally, statistical reports on all Office matters are distributed to each attorney for review to ensure accurate tracking of the matters for which they are responsible.

The Office of the Solicitor General does not initiate any programs or have control over the number of Supreme Court cases it is required to handle or the number of requests for appeal, *amicus*, or intervention authorizations it receives. In the vast majority of cases filed in the Supreme Court in which the United States is a party, a petition is filed by an adverse party and the United States is obliged to respond. Additionally, the Office does not control the number of cases in which the Supreme Court formally requests the Solicitor General to express the views of the United States. The number of cases in which the Solicitor General petitions the Supreme Court for review, acquiesces in a petition for a writ of certiorari filed by an adverse party, or participates as an intervenor or as *amicus curiae* is governed exclusively by the Solicitor General's determination that it is in the best interests of the United States to do so. Thus, the Solicitor General participates in 100% of the cases in which the United States is required to participate, as well as 100% of the cases in which the Solicitor General has determined that the interests of the United States require participation.

The Office of the Solicitor General's only decision unit—Federal Appellate Activity—contributes to the Department's Strategic Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law. The decision unit's total resources fall under the Department's Strategic Objective 2.6 – Protect the federal fisc and defend the interests of the United States.

a. Performance Plan and Report for Outcomes

The first performance measure reflects cases in which the Solicitor General participated. During the 2009 Supreme Court Term (FY 2010), the Office participated in 3,915 cases and in the 2010 Supreme Court Term (FY 2011), the Office participated in 3,517 cases.

The second performance measure reflects requests for determinations regarding appeal, *certiorari*, or other matters to which the Solicitor General responded. During the 2009 Supreme Court Term, the Office responded to 2,004 requests, and in the 2010 Supreme Court Term, the office responded to 2,600 requests. Because the work of the Office is primarily governed by the Supreme Court's schedule, the Office tracks its workload by Supreme Court Term. Fiscal years roughly correspond to Supreme Court Terms, which run from July of the Term year through June of the next year.

In the vast majority of cases filed in the Supreme Court in which the United States is a party, a petition is filed by an adverse party and the United States is obliged to respond in some way, either by filing a brief or (after review of the case) waiving the right to do so. Additionally, the Office does not control the number of cases in which the Supreme Court formally requests the Solicitor General to express the views of the United States. Thus, performance measures may vary widely from year to year which increases the likelihood that OSG's actual measures will also vary widely from projected goals. The number of cases in which the Solicitor General petitions the Supreme Court for review, acquiesces in a petition for a *writ of certiorari* filed by an adverse party, or participates as an *intervenor* or as *amicus curiae* is governed exclusively by the Solicitor General's determination that it is in the best interests of the United States to take such action.

b. Strategies to Accomplish Outcomes

To fulfill the Office of the Solicitor General's critical mission of representing the interests of the United States in the Supreme Court, the Office will devote all resources necessary to prevail in the Supreme Court. For FY 2013, OSG is requesting base funding of 48 positions, 49 FTE, and \$10,805,000 to accomplish its goals.

OSG has experienced an increase in several Court related activities. In addition, OSG has faced a set of new expectations, and has been called upon to assume added responsibilities. These include all the examples set forth in this budget submission. The government's response to terrorism, economic distress, immigration challenges, and health care will place a range of new demands on OSG, which it stands ready to meet.

V. Program Increases by Item

N/A

VI. Program Offsets by Item

Item Name: **Administrative Functions Consolidation**

Budget Decision Unit(s): Federal Appellate Activity

Strategic Goal & Objective: DOJ Strategic Goal 2 Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law. 2.6 – Protect the federal fisc and defend the interest of the United States.

Organizational Program: Office of the Solicitor General

Program Increase: Positions 0 Atty 0 FTE 0 Dollar -\$231,000

Description of Item

The offset will consolidate OSG and OLC’s administrative functions by merging both components’ executive offices into a single executive office.

Summary Justification

The Office of Legal Counsel (OLC) and OSG are similarly sized components of the General Legal Activities (GLA) appropriation. Due to fiscal constraints, staffing challenges, and the need for constant reevaluation of processes to find the most efficient management of resources, JMD proposes the consolidation of several administrative functions in these two components. The consolidation streamlines the administrative and executive office functions of OSG and OLC by merging the two offices, combining many of the overlapping functions with the goal of eliminating redundant positions through attrition. The executive offices of the two components will fully merge under one executive officer. The office will answer to both the Assistant Attorney General (AAG) of OLC as well as the Solicitor General; a single executive officer will oversee budgetary, financial and administrative duties for both components.

Impact on Performance (Relationship of Decrease to Strategic Goals and Priority Goals)

This reduction in non-personnel resources will not affect OSG’s ability to accomplish its mission. The consolidation of the executive office functions will allow both OLC and OSG to operate in a more streamlined and efficient manner.

Base Funding

FY 2011 Enacted (w/resc./supps)				FY 2012 Current Rate				FY 2013 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
6	0	6	579	6	0	6	579	6	0	6	579

Personnel Reduction Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Reduced	FY 2013 Request (\$000)	FY 2014 Net Annualization (change from 2012) (\$000)	FY 2015 Net Annualization (change from 2013) (\$000)
Admin	N/A	0	0	N/A	N/A
Total Personnel	N/A	0	0	N/A	N/A

Non-Personnel Reduction Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2013 Request (\$000)	FY 2014 Net Annualization (change from 2012) (\$000)	FY 2015 Net Annualization (change from 2013) (\$000)
Total Non-Personnel	N/A	N/A	-231	N/A	N/A

Total Request for this Item

	Pos	Atty	FTE	Total (\$000)	FY 2014 Net Annualization (change from 2012) (\$000)	FY 2015 Net Annualization (change from 2013) (\$000)
Current Services	6	0	6	579	N/A	N/A
Decreases	0	0	0	-231	N/A	N/A
Grand Total	6	0	6	348	N/A	N/A

VII. EXHIBITS

A: Organizational Chart

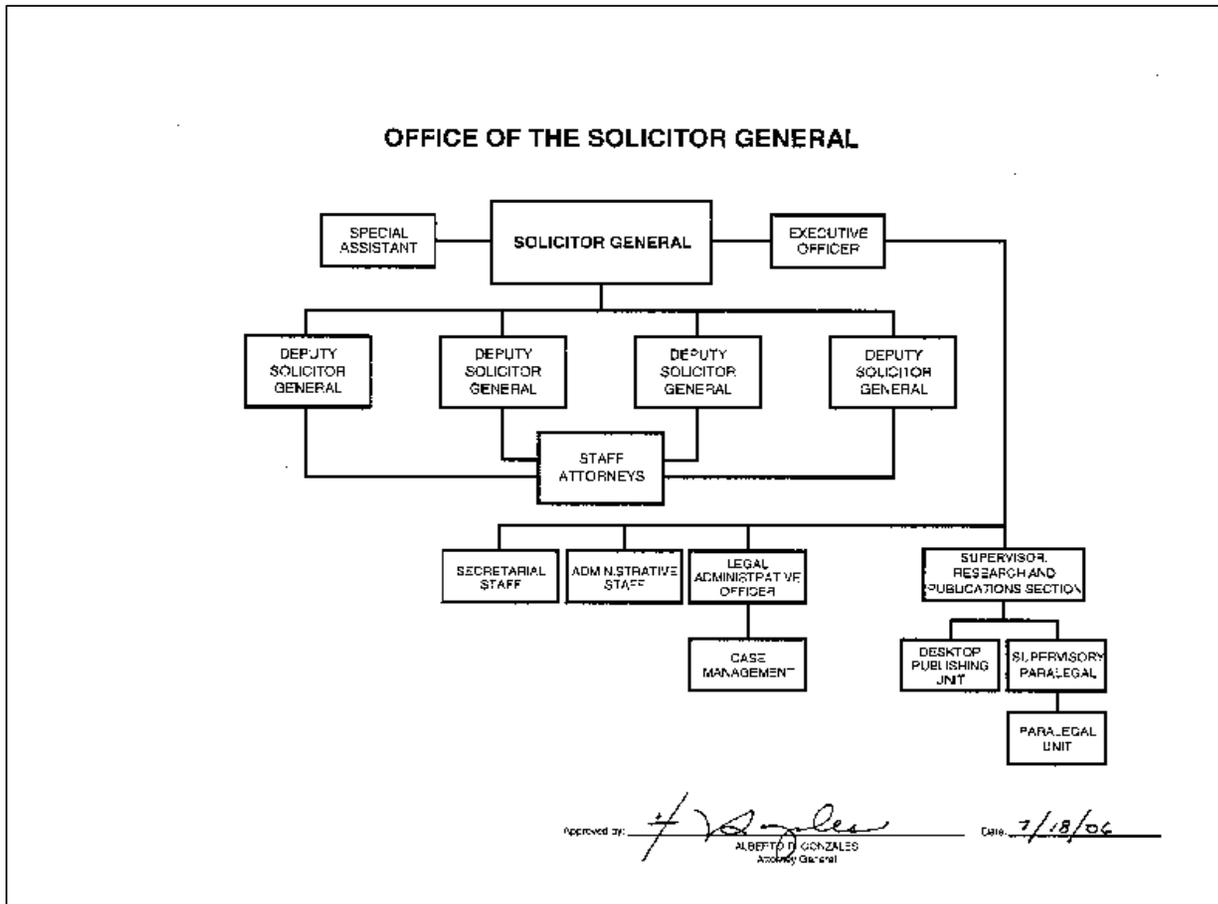


Exhibit A - Organizational Chart

B: Summary of Requirements

Summary of Requirements
Office of the Solicitor General
Salaries and Expenses
(Dollars in Thousands)

	FY 2013 Request		
	Perm. Pos.	FTE	Amount
2011 Enacted	48	49	\$10,725
2012 Enacted	48	49	10,724
2012 Rescissions			
Total 2012 Enacted	48	49	10,724
Adjustments to Base			
Transfers:			
JCON and JCON S/TS	0	0	21
Professional Responsibility Advisory Office (PRAO)	0	0	(10)
Increases:			
Pay and Benefits	0	0	272
Domestic Rent and Facilities	0	0	29
Subtotal Increases	0	0	301
Total Adjustments to Base	0	0	312
Total Adjustments to Base and Technical Adjustments	0	0	312
2013 Current Services	48	49	11,036
Program Changes			
Offsets:			
Administrative Functions Consolidation	0	0	(231)
Subtotal Offsets	0	0	(231)
Total Program Changes	0	0	(231)
2013 Total Request	48	49	10,805
2012 - 2013 Total Change	0	0	81

NOTE: All FTE numbers in this table reflect authorized FTE, which is the total number of FTE available to a component. Because the FY 2013 President's Budget Appendix builds the FTE request using actual FTE rather than authorized, it may not match the FY 2012 FTE enacted and FY 2013 FTE request reflected in this table.

Summary of Requirements
Office of the Solicitor General
Salaries and Expenses
(Dollars in Thousands)

	2011 Appropriation Enacted			2012 Enacted			2013 Adjustments to Base and Technical Adjustments			2013 Current Services			2013 Increases			2013 Offsets			2013 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Estimates by budget activity																					
Federal Appellate Activity	48	49	10,725	48	49	10,724	0	0	312	48	49	11,036	0	0	0	0	0	(231)	48	49	10,805
Total	48	49	\$10,725	48	49	\$10,724	0	0	\$312	48	49	\$11,036	0	0	\$0	0	0	-\$231	48	49	\$10,805
Reimbursable FTE																					0
Total FTE		49			49			0			49			0			0			49	
Other FTE:																					0
LEAP																					0
Overtime																					0
Total Comp. FTE		49			49			0			49			0			0			49	

C: Program Increases/Offsets By Decision Unit

FY 2013 Program Increases/Offsets By Decision Unit

Office of the Solicitor General

(Dollars in Thousands)

Program Increases	Location of Description by Decision Unit	Federal Appellate Activity				Total Increases
		Pos.	Agt./Atty.	FTE	Amount	
N/A	N/A	0	0	0	0	0
Total Program Increases		0	0	0	\$0	\$0
Program Offsets	Location of Description by Decision Unit	Federal Appellate Activity				Total Offsets
		Pos.	Agt./Atty.	FTE	Amount	
Administrative Functions Consolidation	Federal Appellate Activity	0	0	0	(231)	(231)
Total Offsets		0	0	0	(\$231)	(\$231)

D: Resources by DOJ Strategic Goal and Strategic Objective

**Resources by Department of Justice Strategic Goal/Objective
Office of the Solicitor General
(Dollars in Thousands)**

Strategic Goal and Strategic Objective	2011 Appropriation Enacted		2012 Enacted		2013 Current Services		2013				2013 Request	
	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Increases		Offsets		Direct, Reimb. Other FTE	Direct Amount \$000s
							Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s		
Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law												
2.1 Combat the threat, incidence, and prevalence of violent crime					0	0					0	0
2.2 Prevent and intervene in crimes against vulnerable populations, uphold the rights of, and improve services to, America's crime victims					0	0					0	0
2.3 Combat the threat, trafficking, and use of illegal drugs and the diversion of licit drugs					0	0					0	0
2.4 Combat corruption, economic crimes, and international organized crime					0	0					0	0
2.5 Promote and protect Americans' civil rights					0	0					0	0
2.6 Protect the federal fisc and defend the interests of the United States	49	10,725	49	10,724	49	11,036	0	0		(231)	49	10,805
Subtotal, Goal 2	49	10,725	49	10,724	49	11,036	0	0	0	(231)	49	10,805
GRAND TOTAL	49	10,725	49	10,724	49	11,036	0	0	0	(231)	49	10,805

E. Justification for Base Adjustments

Justification for Base Adjustments Office of the Solicitor General

	<u>POS</u>	<u>FTE</u>	<u>Amount</u>
<u>Transfers</u>			
<u>JCON and JCON S/TS</u> . A transfer of \$21,000 is included in support of the Department's JCON and JCON S/TS programs which will be moved to the Working Capital Fund and provided as a billable service in FY 2013.	0	0	21,000
<u>Professional Responsibility Advisory Office (PRAO)</u> . A Transfer of \$10,000 to Professional Responsibility Advisory Office (PRAO) into the General Administration appropriation will centralize appropriated funding and eliminate the current reimbursable financing process. The centralization of the funding is administratively advantageous because it eliminates the paper-intensive reimbursement process.	0	0	(10,000)
<u>Increases</u>			
<u>2013 Pay Raise</u> . This request provides for a proposed 0.5 percent pay raise to be effective in January of 2013. The amount requested, \$24,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$18,000 for pay and \$6,000 for benefits).	0	0	24,000
<u>Base Pay Adjustments</u> . In FY 2013 an upward adjustment to OSG's base personnel funding is required. The Office has experienced an upward shift in personnel costs since budgeted levels were last calculated for the FY 2010 President's Budget; with most costs in OSG's budget being non-discretionary costs such as salary and rent, these upward costs cannot be absorbed by the base. As a result, OSG will not be able to afford its positions and effectively carry out its mission without an upward adjustment to base of \$170,000.	0	0	170,000
<u>Retirement</u> . Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on OPM government-wide estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 1.3 percent per year. The requested increase of \$11,000 is necessary to meet our increased retirement obligations as a result of this conversion.	0	0	11,000
<u>FERS Rate Increase</u> . On June 11, 2010, the Board of Actuaries of the Civil Service Retirement System recommended a new set of economic assumptions for the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS). In accordance with this change, effective October 1, 2011 (FY 2012), the normal cost of regular retirement under FERS will increase from the current level of 12.5% of pay to 12.7%. The total FERS contribution for Law Enforcement retirement will increase from 27.0% to 27.6%. This will result in new agency contribution rates of 11.9% for regular costs (up from the current 11.7%) and 26.3% for law enforcement personnel (up from the current 25.7%). The amount requested, \$10,000, represents the funds needed to cover this increase.	0	0	10,000
<u>Health Insurance</u> . Effective January 2013, this component's contribution to Federal employees' health insurance premiums increased by 10 percent. Applied against the 2012 estimate of \$268,000, the additional amount required is \$30,000.	0	0	30,000
<u>Changes in Compensable Days</u> . The decreased cost for one compensable day in FY 2013 compared to FY 2012 is calculated by dividing the FY 2012 estimated personnel compensation \$5,603 and applicable benefits \$1,057 by 261 compensable days.	0	0	27,000
<u>General Services Administration (GSA) Rent</u> . GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$29,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of an automated system, which uses the latest inventory data, including rate increases to be effective in FY 2013 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provided data on the rate increases.	0	0	26,000
<u>Guard Services: Security Charges</u> . Guard Service includes those costs paid directly by DOJ and those paid to Department of Homeland Security (DHS). The requested increase of \$3,000.00 is required to meet our commitment to DHS and other security costs.	0	0	3,000
Total Increase:	0	0	312,000
Total ATB:	0	0	312,000

F: Crosswalk of 2011 Availability

Office of the Solicitor General
Salaries and Expenses
(Dollars in Thousands)

Decision Unit	FY 2011 Enacted Without Balance Rescissions			Balance Rescissions			Reprogrammings / Transfers			Carryover	Recoveries	2011 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Amount	Amount	Pos.	FTE	Amount
Federal Appellate Activity	48	49	10,725	0	0	0	0	0	0	0	0	48	49	10,725
TOTAL	48	49	\$10,725	0	0	\$0	0	0	\$0	\$0	\$0	48	49	\$10,725
Reimbursable FTE													0	
Total FTE		49			0			0		0			49	
Other FTE														
LEAP													0	
Overtime													0	
Total Compensable FTE		49			0			0					49	

G: Crosswalk of 2012 Availability

Crosswalk of 2012 Availability
 Office of the Solicitor General
 Salaries and Expenses
 (Dollars in Thousands)

Decision Unit	FY 2012 Enacted Without Balance Rescissions			Balance Rescissions			Reprogrammings / Transfers			Carryover	Recoveries	2012 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Amount	Amount	Pos.	FTE	Amount
Federal Appellate Activity	48	49	10,724	0	0	0	0	0	0	0	0	48	49	10,724
TOTAL	48	49	\$10,724	0	0	\$0	0	0	\$0	\$0	\$0	48	49	\$10,724
Reimbursable FTE														0
Total FTE		49			0			0						49
Other FTE														
LEAP		0			0			0						0
Overtime		0			0			0						0
Total Compensable FTE		49			0			0						49

H: Summary of Reimbursable Resources

Summary of Reimbursable Resources

Office of the Solicitor General

Salaries and Expenses

(Dollars in Thousands)

Collections by Source	2011 Enacted			2012 Planned			2013 Request			Increase/Decrease		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
OARM			3			0			0	0	0	(3)
Budgetary Resources:	0	0	\$3	0	0	\$0	0	0	\$0	0	0	(\$3)

I: Detail of Permanent Positions by Category

Detail of Permanent Positions by Category
Office of the Solicitor General
Salaries and Expenses

Category	2011 Enacted		2012 Enacted		2013 Request					
	Total Authorized	Total Reimbursable	Total Authorized	Total Reimbursable	ATBs	Program Increases	Program Decreases	Total Pr. Changes	Total Authorized	Total Reimbursable
Clerical and Office Services (300-399)	17		17						17	
Accounting and Budget (500-599)	1		1						1	
Attorneys (905)	22		22						22	
Paralegals / Other Law (900-998)	6		6						6	
Information & Arts (1000-1099)	2		2						2	
Total	48	0	48	0	0	0	0	0	48	0
Headquarters (Washington, D.C.)	48		48					0	48	0
U.S. Field										
Foreign Field								0	0	
Total	48	0	48	0	0	0	0	0	48	0

K: Summary of Requirements by Grade

Summary of Requirements by Grade

Office of the Solicitor General
Salaries and Expenses

	2011 Enacted w/Rescissions		2012 Enacted		2013 Request		Increase/Decrease	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades and Salary Ranges								
Executive Level III	1		1		1		0	
SES, \$119,554 - 179,700	4		4		4		0	
GS-15, \$123,758 - 155,500	17		17		17		0	
GS-14, \$105,211 - 136,771	3		3		3		0	
GS-13, \$89,033 - 115,742	3		3		4		1	
GS-12, \$74,872 - 97,333	8		9		8		(1)	
GS-11, \$62,467 - 81,204	5		5		5		0	
GS-9, \$51,630 - 67,114	7		6		6		0	
Total, Appropriated Positions	48		48		48		0	
Average SES Salary		\$152,700		\$152,700		\$152,700		
Average GS Salary		\$94,494		\$94,494		\$94,494		
Average GS Grade		13		13		13		

L: Summary of Requirements by Object Class

Summary of Requirements by Object Class

Office of the Solicitor General

Salaries and Expenses

(Dollars in Thousands)

Object Classes	2011 Actuals		2012 Enacted		2013 Request		Increase/Decrease	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11.1 Direct FTE & personnel compensation	38	\$4,496	43	\$5,201	43	\$5,265	0	\$64
11.3 Other than full-time permanent	8	912	6	626	6	464	0	(162)
11.5 Total, Other personnel compensation		313		302		362	0	60
<i>Overtime</i>							0	0
<i>Other Compensation</i>							0	0
11.8 Special personal services payments							0	0
Total	46	5,721	49	6,129	49	6,091	0	(38)
Other Object Classes:								
12.0 Personnel benefits		1,486		1,597		1,619		22
21.0 Travel and transportation of persons		33		40		40		0
22.0 Transportation of things		308		323		352		29
23.1 GSA rent		1,447		1,456		1,482		26
23.2 Moving/Lease Expirations/Contract Parking		94		95		97		2
23.3 Comm., util., & other misc. charges		75		86		80		(6)
24.0 Printing and reproduction		206		220		215		(5)
25.2 Other services		709		314		383		69
25.3 Purchases of goods & services from Government accounts (Antennas, DHS Sec. Etc.)		298		286		279		(7)
25.6 Medical		5		5		5		0
25.7 Operation and maintenance of equipment		28		43		27		(16)
26.0 Supplies and materials		89		90		97		7
31.0 Equipment		104		40		38		(2)
Total obligations		\$10,603		\$10,724		\$10,805		\$81
Unobligated balance, start of year								
Unobligated balance, expiring		122						
Recoveries of prior year obligations								
Total DIRECT requirements		10,725		10,724		10,805		
Reimbursable FTE:								
Full-time permanent	0	\$0	0	\$0	0	\$0		
23.1 GSA rent (Reimbursable)		\$0		\$0		\$0		
25.3 DHS Security (Reimbursable)		\$0		\$0		\$0		