

# **U.S. Department of Justice**

## **FY 2021 PERFORMANCE BUDGET Congressional Submission**

### **General Administration**



**GENERAL ADMINISTRATION  
Table of Contents**

- I. Overview.....2**
- II. Summary of Program Changes .....5**
- III. Appropriations Language and Analysis of Appropriations Language.....6**
- IV. Program Activity Justification .....7**
  - A. Department Leadership .....7
    - 1. Program Description .....7
  - B. Intergovernmental Relations/External Affairs .....10
    - 1. Program Description .....10
  - C. Executive Support/Professional Responsibility .....12
    - 1. Program Description .....12
    - 2. Performance Tables .....14
    - 3. Performance, Resources, and Strategies .....16
  - D. Justice Management Division .....18
    - 1. Program Description .....18
    - 2. Performance Tables .....20
    - 3. Performance, Resources, and Strategies .....22
- V. Program Increases by Item**
  - A. Records and Information Management Program (RIM) .....23
- VI. Exhibits**
  - A. Organizational Chart
  - B. Summary of Requirements
  - B. Summary of Requirements by DU
  - C. FY 2021 Program Changes by Decision Unit
  - D. Resources by Strategic Goal and Objective
  - E. Justification for Technical and Base Adjustments
  - F. Crosswalk of 2019 Availability
  - G. Crosswalk of 2020 Availability
  - H-R. Summary of Reimbursable Resources
  - H-S. Summary of Sub-Allotments and Direct Collections Resources
  - I. Detail of Permanent Positions by Category
  - J. Financial Analysis of Program Changes
  - K. Summary of Requirements by Object Class

## I. Overview of General Administration

The FY 2021 General Administration (GA) request totals \$121,769,000 and includes 431 authorized positions (147 attorneys) and 430 direct FTE (77 reimbursable). This budget request represents an increase of \$7.0 million from the FY 2020 Enacted level and includes funds for current services adjustments and one program increase (2 authorized positions, 2 FTE).

GA's primary mission is to support the Attorney General and the Department of Justice (DOJ) senior policy level officials in managing Department resources and developing policies for legal, law enforcement, and criminal justice activities. GA also provides administrative support services to the legal divisions and policy guidance to all Department organizations. GA's mission supports every aspect of the DOJ strategic plan. Most GA offices have significant oversight responsibilities that shape DOJ policy and influence the way the Department works toward meeting each of its strategic goals.

GA consists of four decision units:

- Department Leadership
  - Attorney General, Deputy Attorney General, Associate Attorney General,
  - Professional Misconduct Review,
  - Privacy and Civil Liberties, and
  - Rule of Law.
  
- Intergovernmental Relations and External Affairs
  - Public Affairs,
  - Legislative Affairs, and
  - Tribal Justice.
  
- Executive Support and Professional Responsibility
  - Legal Policy,
  - Information Policy,
  - Professional Responsibility, and
  - Professional Responsibility Advisory Office.
  
- Justice Management Division

### Department Leadership

These offices develop policies regarding the administration of justice in the United States, and direct and oversee the administration and operation of the Department's bureaus, offices, and divisions to ensure the DOJ's success in meeting its strategic goals. These offices also provide advice and opinions on legal issues to the President, Members of the Congress, and heads of Executive Departments and Agencies.

### Intergovernmental Relations and External Affairs

These offices conduct legal and policy analysis of the initiatives necessary for the DOJ to meet its strategic goals, and in the many areas in which the Department has jurisdiction or

responsibilities. They also act as liaisons with Federal, state, local and tribal governments, law enforcement officials, the media, and the Congress on Department activities.

### Executive Support and Professional Responsibility

These offices plan, develop, and coordinate the implementation of major policy initiatives of high priority to the Department and to the Administration, as well as represent the Department in the Administration's judicial process for Article III judges. They also oversee the investigation of allegations of criminal and ethical misconduct by DOJ attorneys, criminal investigators, or other law enforcement personnel and encourage compliance with the Freedom of Information Act.

### Justice Management Division (JMD)

JMD provides advice to senior DOJ officials and develops departmental policies in the areas of management and administration, ensures compliance with departmental and other Federal policies and regulations by DOJ components, and provides a full range of management and administration support services.

*Environmental and Sustainability Services* (ESS) is a program responsibility that falls under the Justice Management Division.

The duties of this program are:

- To provide guidance for Department compliance on legislation, executive orders, and other regulations;
- To provide leadership and support to DOJ components;
- To develop and implement DOJ environmental and energy policies and management plans;
- To ensure the Department complies with DOJ occupational safety and health order;
- To represent DOJ at interagency workgroups to meet regulatory mandates; and
- To ensure DOJ participation in the facility resilience and planning effort.

Two primary Executive Orders (EOs) govern the activities under ESS:

- EO 13783 – “Promoting Energy Independence and Economic Growth”
- EO 13834 – “Efficient Federal Operations”

Four key pieces of legislation guide ESS activities:

- National Energy Conservation Policy of 1978;
- Energy Independence and Security Act of 2007;
- Energy Policy Act (EPA) of 2005; and
- Environmental Regulations, Title 40 Code of Federal Regulations (C.F.R.), *Protection of Environment, July 1, 2002*

EO 13834 requires Federal agencies to submit the Sustainability Report and Implementation Plan (SRIP) annually to the White House Council on Environmental Quality (CEQ) Chair and the Director of the Office of Management and Budget (OMB). The SRIP integrates previous EOs, statutes, and requirements into a single framework that details the agency strategy for

achieving goals and targets required. The SRIP explains how the agency will progress from today toward achieving each goal. The Department submits the SRIP in June annually.

There are ten goals under the Department's SRIP:

- GOAL 1: Facility Energy Efficiency
- GOAL 2: Efficiency Measures, Investment, and Performance Contracting
- GOAL 3: Renewable Energy Use
- GOAL 4: Water Efficiency
- GOAL 5: High Performance Sustainable Buildings
- GOAL 6: Transportation/Fleet Management
- GOAL 7: Sustainable Acquisition
- GOAL 8: Waste Management and Diversion
- GOAL 9: Electronic Stewardship
- GOAL 10: Greenhouse Gas Emission

In addition to having the lead on coordinating efforts to meet the SRIP goals for the Department, ESS also has responsibility for the following:

- Coordinating and submitting the SRIP to CEQ/OMB annually in June;
- Implementing an Electronic Stewardship Program to include acquisition, operations, and maintenance and disposal of electronic products;
- Submitting Department energy and greenhouse gas inventory report to CEQ/OMB annually in January;
- Use the annual Department OMB scorecard distributed by OMB in the Spring to work with bureaus and components for performance improvement;
- Implementing and updating the status of the Energy Savings Performance Contracts in the OMB scorecard;
- Responding to internal and external customer concerns regarding environmental, health, and safety program areas;
- Working closely with JMD Office of Acquisition Management in the sustainable acquisitions program area;
- Monitoring procurement guidance on document requirement to incorporate bio-based terms and conditions in solicitations, purchase Electronic Product Environmental Assessment Tool registered products and Energy Star products, and establish Green Acquisition Plan.
- Implementing a department-level higher-tier Environmental Management System as the primary management approach for addressing environmental aspects of internal agency operations and activities, including environmental aspects of energy and transportation functions to achieve the sustainability goals; and
- Implementing Sustainable Buildings Implementation Plan, Metering Plan, Recycling and Solid Waste Management Plan, and Electronics Stewardship Plan.

## II. Summary of Program Changes

<b>Item Name</b>	<b>Description</b>	<b>Pos.</b>	<b>Estimated FTE</b>	<b>Dollars (\$000)</b>	<b>Page</b>
Records and Information Management (RIM) Program	Funding and staffing is requested to support the RIM program within the Office of Records Management Policy.	2	2	600	23

### **III. Appropriations Language and Analysis of Appropriations Language**

#### **Appropriations Language**

##### Salaries and Expenses, General Administration

For expenses necessary for the administration of the Department of Justice, *[114,740,000]* *\$121,769,000*, of which not to exceed \$4,000,000 for security and construction of Department of Justice facilities shall remain available until expended.

#### **Analysis of Appropriations Language**

No substantive changes proposed.

## IV. Program Activity Justification

### A. Department Leadership

<i>Department Leadership</i>	<b>Direct Pos.</b>	<b>Estimate FTE</b>	<b>Amount</b>
<i>2019 Enacted</i>	54	37	15,933
<i>2020 Enacted</i>	54	55	17,740
<i>Adjustments to Base and Technical Adjustments</i>	0	0	811
<i>2021 Current Services</i>	54	55	18,551
<i>2021 Request</i>	54	55	18,551
<i>Total Change 2020-2021</i>	0	0	811

#### 1. Program Description

The Department Leadership decision unit includes:

- Office of the Attorney General,
- Office of the Deputy Attorney General,
- Office of the Associate Attorney General,
- Professional Misconduct Review Unit,
- Office of Privacy and Civil Liberties, and
- Office of the Rule of Law.

The general goals and objectives of the Department Leadership decision unit are to:

- Advise the President on Constitutional matters and legal issues involving the execution of the laws of the United States;
- Formulate and implement policies and programs that advise the administration of justice in the United States;
- Provide executive-level leadership in:
  - Addressing national security threats, especially cyber threats and terrorism;
  - Combating the opioid crisis;
  - Countering mass violence and violent crimes;
  - Preventing, disrupting, and prosecuting elder fraud;
  - Reducing recidivism among Federal offenders, and
  - Enforcing immigration laws.
- Provide executive-level oversight and management of:
  - International law enforcement training and assistance;
  - Financial institutions reform, recovery, and enforcement programs, and
  - Investigative policy.
- Coordinate criminal justice matters with Federal, state, and local law enforcement and criminal justice agencies;
- Prepare and disseminate an *Annual Report* to the Congress and the public regarding the programs and accomplishments of the Department of Justice; and
- Develop, review, and oversee the Department's privacy policies and operations to ensure privacy compliance.



The Attorney General (AG), as head of the DOJ, is the Nation's chief law enforcement officer and is appointed by the President and confirmed by the Senate. The AG furnishes advice and opinions on legal matters to the President, the Cabinet, and to the heads of the executive departments and agencies of the government, as provided by law, and makes recommendations to the President concerning appointments within the Department, including U.S. Attorneys and U.S. Marshals. The AG appears in person to represent the U.S. Government before the U.S. Supreme Court in cases of exceptional gravity or importance and supervises the representation of the government in the Supreme Court and all other courts, foreign and domestic, in which the United States is a party or has an interest as may be deemed appropriate. The AG supervises and directs the administration and operation of the DOJ, including the Federal Bureau of Investigation; the Drug Enforcement Administration; the Bureau of Alcohol, Tobacco, Firearms and Explosives; the Federal Bureau of Prisons; Office of Justice Programs; the U.S. Attorneys; and the U.S. Marshals Service.

The Deputy Attorney General (DAG) advises and assists the AG in formulating and implementing Department policies and programs and in providing overall supervision and direction to all organizational units of the Department. The DAG is appointed by the President and confirmed by the Senate. In the absence of the AG, the DAG acts as the AG. The DAG is authorized to exercise all the power and authority of the AG, except where such power or authority is prohibited by law from delegation or has been delegated to another Department official.

The DAG exercises the power and authority vested in the AG to take final action in matters specifically pertaining to:

- Employment, separation, and general administration of personnel in the Senior Executive Service and of attorneys and law students regardless of grade or pay;
- Appointment of special attorneys and special assistants to the AG;
- Appointment of Assistant U.S. Trustees and fixing of their compensation; and
- Approval of the appointment by U.S. Trustees of standing trustees and fixing of their maximum annual compensation and percentage fees as provided in 28 U.S.C. 586 (e).

The DAG also coordinates departmental liaison with the White House staff and the Executive Office of the President, as well as coordinates and controls the Department's response to terrorism and civil disturbances.

The Associate Attorney General (AAG) is appointed by the President and is subject to confirmation by the Senate. As the third-ranking official of the Department, the AAG is a principal member of the AG's senior management team that advises and assists the AG and the DAG on the formulation and implementation of DOJ policies and programs. In addition to these duties, the AAG oversees the work of the following divisions:

- Antitrust,
- Civil,
- Civil Rights,
- Environment and Natural Resources, and
- Tax.

The AAG also has oversight responsibility for:

- Office of Justice Programs,
- Office on Violence Against Women,
- Office of Information Policy,
- Executive Office for U.S. Trustees, and
- Foreign Claims Settlement Commission of the U.S.

The Professional Misconduct Review Unit (PMRU) handles disciplinary and state bar referral actions in those instances when Department attorneys fall short on their professional obligations. The PMRU is dedicated to the fair, but expeditious resolution of disciplinary matters arising out of findings of professional misconduct. This singular focus has allowed the PMRU to increase the timeliness of resolutions and to ensure the consistent and equitable treatment of similarly situated employees. The PMRU provides Department attorneys with a fair opportunity to contest findings of professional misconduct and any disciplinary actions arising from such findings and serves as a mechanism for parties to supply essential information regarding the factors that must be weighed to determine the appropriate sanction once a misconduct finding is sustained.

The Office of Privacy and Civil Liberties (OPCL) supports the Department's Chief Privacy and Civil Liberties Officer (CPCLO), who serves in the Office of the Deputy Attorney General and is the principal advisor to DOJ leadership and components on privacy and civil liberties matters affecting the Department's missions and operations. The CPCLO determines the Department's privacy policy and standards, consistent with applicable laws, regulations, and administration policy. The OPCL works with the CPCLO and supports the fulfillment of the CPCLO's statutory duties. The OPCL's primary mission is to implement the Department's privacy policies related to the protection of individual privacy and civil liberties, including in the context of the Department's counterterrorism, cybersecurity, and law enforcement efforts, and to ensure Department compliance with federal information privacy laws and requirements. The OPCL works with the Administration, the Congress, the Privacy and Civil Liberties Oversight Board, and other executive branch agencies on high priority privacy and civil liberties issues affecting the U.S. Government.

The Rule of Law (ROL) Office for Afghanistan and Iraq is housed and managed out of the Office of the Deputy Attorney General. While the Afghanistan ROL program is fully funded by the Department of State (DOS), the Iraq program has been funded by GA to support the staffing of the Justice Attaché's office at the U.S. Embassy in Baghdad and at the ROL office in Washington, D.C. Since 2004, the staffing of the ROL program in Iraq has varied in size from +200 personnel down to one position, the Justice Attaché. In June 2014, due to the security environment, the Justice Attaché departed from post. In 2018, having received approval from the DOS, the Justice Attaché returned to post. The ROL plans to maintain the Attaché position, along with a Translator/Interpreter through 2021, and the staff in Washington, D.C. to support both ROL programs.

**B. Intergovernmental Relations & External Affairs**

<i>Intergovernmental Relations &amp; External Affairs</i>	<b>Direct Pos.</b>	<b>Estimate FTE</b>	<b>Amount</b>
<i>2019 Enacted</i>	47	44	12,117
<i>2020 Enacted</i>	47	50	11,000
<i>Adjustments to Base and Technical Adjustments</i>	0	0	706
<i>2021 Current Services</i>	47	50	11,706
<i>2021 Request</i>	47	50	11,706
<i>Total Change 2020-2021</i>	0	0	706

**1. Program Description**

The Intergovernmental Relations & External Affairs decision unit includes:

- Office of Public Affairs,
- Office of Legislative Affairs, and
- Office of Tribal Justice.

The general goals and objectives of the Intergovernmental Relations & External Affairs decision unit are to:

- Improve the Department’s review and clearance process of legislative proposals initiated by other agencies within the Administration;
- Maintain an efficient and responsive legislative liaison service operation;
- Provide support in advancing the Administration's overall legislative agenda;
- Assure policy consistency and coordination of departmental initiatives, briefing materials, and policy statements;
- Disseminate timely and accurate information about the Department, the AG, and the Administration's priorities, policies, and activities to the media and public;
- Enhance and promote the enforcement goals of the Department by distributing news releases and coordinating press, telephone, and video conferences to announce indictments, settlements, and statements on civil rights, environmental, criminal, antitrust, and other Department enforcement efforts;
- Ensure compliance with all applicable laws, regulations, and policies involving the release of information to the public, such that material is not made public that might jeopardize investigations and prosecutions, violate rights of defendants or potential defendants, or compromise interests of national security;
- Promote internal uniformity of Department policies and litigating positions relating to Indian country; and
- Advise Department components in litigating, protecting or addressing Native American rights and related issues.

The Office of Public Affairs (PAO) is the principal point of contact for DOJ with the media. The PAO is responsible for keeping the public informed about the Department’s activities and the priorities and policies of the AG with regard to law enforcement and legal affairs. Its staff advises Department officials and coordinates with public affairs units of Department components

on all aspects of media relations and general communications. The PAO ensures that information provided to the media is current, complete, and accurate, and that the Department complies with all applicable laws, regulations, and policies involving the release of information. The PAO also serves reporters by responding to queries, issuing news releases and statements, arranging interviews, and conducting news conferences.

The Office of Legislative Affairs (OLA) is responsible for devising and implementing legislative strategies to carry out departmental initiatives that require congressional action. The OLA articulates the views of the Department and its components on proposed legislation and handles the interagency clearance process for the Department with respect to views letters, congressional testimony, and other expressions of Administration policy. The OLA responds on behalf of the Department to requests and inquiries from congressional committees, individual Members of Congress, and their staffs. It has coordination responsibility on congressional oversight activities involving the Department and the appearance of Department witnesses before congressional committees. The OLA also participates in the Senate confirmation process for Federal judges and Department nominees, including Assistant Attorneys General and U.S. Attorneys.

The Office of Tribal Justice (OTJ) serves as the primary point of contact between the 566 federally recognized Tribes and the Department on matters arising from over 54 million acres of Indian country, the majority of which is under Federal jurisdiction. Hundreds of Federal cases, in addition to other conflicts needing resolution, are generated in this area each year. The OTJ coordinates these complex matters, the underlying policy, and emerging legislation among Department components active in Indian country. External coordination with the Congress and numerous Federal agencies, including the Departments of the Interior, Health and Human Services, and Homeland Security, is another OTJ duty. The OTJ also provides legal expertise in Indian law to the Department in matters that progress to the Appellate level and on issues being considered for legislation.

**C. Executive Support & Professional Responsibility**

<i>Executive Support &amp; Professional Responsibility</i>	<b>Direct Pos.</b>	<b>Estimate FTE</b>	<b>Amount</b>
<i>2019 Enacted</i>	58	49	16,982
<i>2020 Enacted</i>	58	58	16,000
<i>Adjustments to Base and Technical Adjustments</i>	0	0	871
<i>2021 Current Services</i>	58	58	16,871
<i>2021 Request</i>	58	58	16,871
<i>Total Change 2020-2021</i>	0	0	871

**1. Program Description**

The Executive Support & Professional Responsibility decision unit consists of:

- Office of Legal Policy,
- Office of Information Policy,
- Office of Professional Responsibility, and
- the Professional Responsibility Advisory Office.

The general goals and objectives of this decision unit are to:

- Improve the Department's efficacy in providing substantive and timely input on the Administration's law enforcement initiatives and other legislative proposals affecting Department responsibilities;
- Handle the processing of judicial and other nominations efficiently and responsively;
- Oversee the investigation of allegations of criminal and ethical misconduct by the Department's attorneys, criminal investigators, or other law enforcement personnel; and
- Assist Department components in processing Freedom of Information Act (FOIA) requests from the public, as well as promote effective FOIA operations across the Executive Branch.

The Office of Legal Policy (OLP) develops and coordinates the implementation of policy initiatives of high priority to the Department and the Administration. It represents the Department in the Administration's judicial process for Article III judges and reviews and coordinates all regulations promulgated by the Department and its components. The OLP is headed by an Assistant Attorney General who is appointed by the President and confirmed by the Senate. The OLP also encompasses the functions of the Office of Dispute Resolution (ODR) and the Office for Access to Justice (ATJ). The mission of the ODR is to promote and facilitate the broad and effective use of alternative dispute resolution processes in settling litigation handled by the DOJ and in resolving administrative disputes throughout the Executive Branch. The ATJ mission is to help the justice system efficiently deliver outcomes that are fair and accessible to all. The ATJ works with Federal agencies and state, local, and tribal justice system stakeholders to increase access to legal assistance and to improve the justice delivery systems that serve people who are unable to afford lawyers.

The Office of Information Policy (OIP) was established to provide guidance and assistance to all government agencies in administering FOIA. The OIP is responsible for encouraging agency

compliance with FOIA and for overseeing agency implementation of that law. To carry out those responsibilities, the OIP develops legal and policy guidance for agencies, publishes the *Department of Justice Guide to the FOIA*, conducts training sessions, and provides counseling services to help agencies properly implement the law. The OIP also establishes reporting requirements for all agencies and assesses their progress in FOIA implementation. In addition to these government-wide responsibilities, the OIP adjudicates, on behalf of the Department, administrative appeals from denials of access to information made by the Department's components, processes initial requests made for the records of senior leadership offices, and handles the defense of certain FOIA litigation cases.

The Office of Professional Responsibility (OPR), which reports directly to the AG, is responsible for investigating allegations of misconduct by Department attorneys in their duties to investigate, represent the government in litigation, or provide legal advice. In addition, the OPR has jurisdiction to investigate allegations of misconduct by law enforcement personnel when they are related to allegations of attorney misconduct within the jurisdiction of the OPR. The OPR's primary objective is to ensure that DOJ attorneys continue to perform their duties in accordance with the high professional standards expected of the Nation's principal law enforcement agency. The OPR is headed by the Counsel for Professional Responsibility, who is a career government official. Under the Counsel's direction, the OPR reviews allegations of attorney misconduct involving violation of any standard imposed by law, applicable rules of professional conduct, or departmental policy. When warranted, the OPR conducts full investigations of such allegations and reports its findings and conclusions to the AG and other appropriate Department officials. The OPR also serves as the Department's contact with state bar disciplinary organizations. The objectives of the OPR are different from the Office of the Inspector General (OIG) in that the OPR focuses on allegations of misconduct that affect the ability of the Department to investigate, litigate, or prosecute, while the OIG focuses on allegations of waste and abuse and other matters that do not implicate the ability of the Department to investigate, litigate or prosecute.

The Professional Responsibility Advisory Office (PRAO) is responsible for providing professional responsibility advice and training to all Department attorneys on how they may carry out their duties in compliance with the applicable rules of professional conduct. PRAO serves as a liaison with state and Federal bar associations for the implementation and interpretation of the rules of professional conduct. PRAO coordinates with the litigating components of the Department to defend all Department attorneys in any disciplinary or other hearings concerning allegations of professional misconduct. PRAO assembles and maintains the professional responsibility rules, interpretative decisions, and bar opinions of every state, territory, and the District of Columbia.

## 2. Performance Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Executive Support / Professional Responsibility (ESPR)											
RESOURCES		Target		Actual		Projected		Changes		Requested (Total)	
		FY 2019		FY 2019		FY 2020		Current Services Adjustments and FY 2021 Program Changes		FY 2021 Request	
Total Costs and FTE		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		58	16,856	57	16,698	60	16,701	0	0	60	16,701
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2019		FY 2019		FY 2020		Current Services Adjustments and FY 2021 Program Changes		FY 2021 Request	
<u>Program Activity: Office of Legal Policy (OLP)</u>		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		29	8,326	29	8,097	31	8,100	0	0	31	8,100
Cost of regulations per fiscal year is below OMB cost cap		0		(\$1.7M)		0		0		0	
Ratio of deregulatory actions to regulatory actions		2:1		3:1		2:1		0		2:1	
<u>Program Activity: Office of Professional Responsibility (OPR)</u>		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		29	8,530	28	8,601	29	8,601	0	0	29	8,601
Percentage of OPR inquiries resolved within one year, and investigations within two years		inquiries 50% investigations 50%		inquiries 91% investigations 97%		inquiries 50% investigations 50%		0		inquiries 50% investigations 50%	

### ***Data Definition, Validation, Verification, and Limitations:***

***OLP*** - A regulatory action is an action that prohibits or requires certain conduct by an individual or entity subject to the action. A deregulatory action is an action that removes or repeals certain prohibitions or requirements placed on an individual or entity. The Department will track regulatory actions and the proposed costs of those regulatory actions. The proposed cost of any regulatory action is just that – a proposal. It is possible that the proposed cost of a regulatory action will not be equal to the actual cost of that regulatory action.

***OPR*** - OPR maintains data in its case management system on the opening, conversion, and closure of the matters that are received. OPR's analysts routinely update the system and review the accuracy of the information that is stored. OPR compiles its inquiries and investigations data to provide the Department leadership with quarterly reports as well as to respond to data inquiries. On an annual basis, OPR releases statistical information about its investigations and inquiries along with a summary of the cases reviewed to the public. The information provided in OPR's annual report reinforces the Department's commitment to ensuring that the attorney and law enforcement workforce are professional, well managed, and adhere to the highest ethical standards.

**PERFORMANCE MEASURE TABLE**

Decision Unit: ESPR

Strategic Objective	Performance Report and Performance Plan Targets		FY 2015	FY 2016	FY 2017	FY 2018	FY 2019		FY 2020	FY 2021	FY 2022
			Actual	Actual	Actual	Actual	Target	Actual	Target	Target	Target
	4.3	<b>Performance Measure</b>	1) Cost of regulations per fiscal year is below OMB cost cap [OLP]	N/A	N/A	N/A	(\$4.8M)	0	(\$1.7M)	0	0
4.3	<b>Performance Measure</b>	2) Ratio of deregulatory actions to regulatory actions [OLP]	N/A	N/A	N/A	5:0	2:1	3:1	2:1	2:1	2:1
4.1	<b>Performance Measure</b>	3) Percentage of OPR inquiries (Q) resolved within one year, and investigations (I) within two years [OPR]	N/A	N/A	N/A	89% (Q) 100% (I)	50% (Q) 50% (I)	91% (Q) 97% (I)	50% (Q) 50% (I)	50% (Q) 50% (I)	50% (Q) 50% (I)

N/A = Data unavailable



### 3. Performance, Resources, and Strategies

#### a. Performance Plan and Report for Outcomes

- 1) *Performance Measure 1 for OLP:*  
In FY 2019, the Department of Justice achieved annualized cost reductions of \$1.689 million, which exceeded OMB's cost cap of \$0 for FY 2019, with the net cost reductions in excess of the cap (i.e., \$1.689 million) being carried forward into FY 2020.
- 2) *Performance Measure 2 for OLP:*  
The Department of Justice achieved three deregulatory actions in FY 2019 and did not promulgate any regulatory actions that were subject to EO 13771.
- 3) *Performance Measure 3 for OPR:*  
In FY 2019, the OPR exceeded its performance targets by making significant progress in the timely processing of its inquiries and investigations. By the end of FY 2019, OPR had resolved 91 percent of its inquiries within one year and 97 percent of its investigations within two years. These results were achieved through regular reviews of the statuses of OPR cases, as well as ongoing management oversight of the reports of investigation and inquiry-closing memoranda. The managers and staff worked to ensure that OPR inquiries and investigations were thorough and that the results were fair and consistent. Because of OPR efforts, Department attorneys and agents were exonerated in appropriate cases and held accountable in instances where their conduct fell below the high professional standards expected of them.

#### b. Strategies to Accomplish Outcomes

- 1) *Performance Measure 1 for OLP:*  
The Department will take action to ensure that the cost of its regulatory actions in each fiscal year is less than the OMB cost cap allocated to the Department for that fiscal year. The Department anticipates satisfying this metric for regulatory and deregulatory actions to be taken during FY 2020.
- 2) *Performance Measure 2 for OLP:*  
Unless prohibited by law, the Department will issue two deregulatory actions for every regulatory action. The Department anticipates satisfying this metric for regulatory and deregulatory actions to be taken during FY 2020.
- 3) *Performance Measure 3 for OPR:*  
The OPR supports Strategic Objective 4.1 by continuing to review professional misconduct allegations against Department attorneys, immigration judges, and law enforcement personnel that relate to allegations of attorney misconduct within the jurisdiction of the OPR. The OPR will carefully analyze the allegations, accurately identify the factual and legal issues to be resolved, and appropriately resolve the allegations in a timely manner. Once the OPR has completed its review, the OPR will timely notify

the subject attorney, the U.S. attorney or component head, as well as the Department leadership of the results. The OPR will prepare and make publically available an annual report that will include statistical information on OPR activities and summaries of investigations completed during the fiscal year. The OPR will work collaboratively with PRAO and the Department Ethics Office (DEO) to identify appropriate training for Department attorneys, provide training through the Office of Legal Education, as well as recommend policy changes and other corrective actions to Department leadership.

#### D. *Justice Management Division*

<i>Justice Management Division</i>	<b>Direct Pos.</b>	<b>Estimate FTE</b>	<b>Amount</b>
<i>2019 Enacted</i>	275	263	67,968
<i>2020 Enacted</i>	269	277	70,000
<i>Adjustments to Base and Technical Adjustments</i>	1	-12	4,041
<i>2021 Current Services</i>	270	265	74,041
<i>2021 Program Increases</i>	2	2	600
<i>2021 Request</i>	272	267	74,641
<i>Total Change 2020-2021</i>	3	-10	4,641

#### 1. **Program Description**

The Justice Management Division (JMD), under the direction of the Assistant Attorney General for Administration (AAG-A), provides advice and assistance to senior management officials on Department policy for budget and financial management, personnel management and training, facilities, procurement, equal employment opportunity, information processing, records management, security, and all other matters pertaining to organization, management and administration. The JMD provides direct administrative support services such as personnel, accounting, procurement, library, budget, facilities and property management to offices, boards and divisions of the Department and operates several central services on a reimbursable basis through the Working Capital Fund. The Division collects, organizes, and disseminates records information that is necessary for the Department to carry out its statutory mandate and provides general research and reference assistance regarding information to Department staff, other government attorneys, and members of the public.

The major functions of JMD are to:

- Review and oversee management functions, programs, operating procedures, supporting systems and management practices;
- Supervise, direct, and review the preparation, justification, and execution of the Department's budget, including the coordination and control of the programming and reprogramming of funds;
- Review, analyze, and coordinate the Department's programs and activities to ensure that the Department's use of resources and estimates of future requirements are consistent with the policies, plans, and mission priorities of the AG;
- Plan, direct, and coordinate department-wide personnel management programs and develop and issue department-wide policy in all personnel program areas;
- Direct department-wide financial management policies, internal controls, programs, procedures, and systems, including financial accounting, planning, analysis, and reporting;
- Formulate and administer the GA appropriation of the Department's budget;
- Plan, direct, administer, and monitor compliance with department-wide policies, procedures, and regulations concerning: records, reports, procurement, printing, graphics, audiovisual activities, forms management, supply management, motor vehicles, real and

personal property, space assignment and utilization, employee health and safety programs, and other administrative services functions;

- Direct all Department security programs including: personnel, physical, document, information processing, telecommunications, and special intelligence;
- Formulate and implement Department defense mobilization and contingency planning;
- Review legislation for potential impact on the Department's resources;
- Establish policy and procedures related to debt collection and asset forfeiture; and
- Direct the Department's ethics program by administering the ethics laws and regulations and coordinating the work of the deputy ethics officials throughout the Department, including issuing advice, providing ethics briefings, and reviewing financial disclosure reports.

## 2. Performance Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Justice Management Division (JMD)											
RESOURCES		Target		Actual		Projected		Changes		Requested (Total)	
		FY 2019		FY 2019		FY 2020		Current Services Adjustments and FY 2021 Program Changes		FY 2021 Request	
Total Costs and FTE		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		34	8,479	34	8,850	34	8,954	0	0	34	8,954
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2019		FY 2019		FY 2020		Current Services Adjustments and FY 2021 Program Changes		FY 2021 Request	
Program Activity: Department Ethics Office (DEO)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		6	1,204	5	1,260	6	1,204			6	1,204
Conduct ethics training for DOJ employees and ensure all financial disclosures are reviewed timely		training 100% disclosures 100%		training 100% disclosures 98%		training 100% disclosures 100%		0		training 100% disclosures 100%	
Program Activity: Human Resources (HR)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		28	7,275	29	7,590	28	7,750	0	0	28	7,750
Time-To-Hire (measured in calendar days) for Mission Critical Occupations (MCO)		205 days		172 days		169 days		0		165 days	

**Data Definition, Validation, Verification, and Limitations:**

**DEO** - DEO maintains records of employees' completion of training requirements via sign-in sheets at in-person training and employee certifications of on-line training, and of the dates of employees' submission and DEO review of assigned financial disclosure reports.

**JMD Human Resources** - JMD HR sends out, on a quarterly basis, a data call to DOJ components requesting Time-To-Hire data for their MCO. There is currently no automated tool to compile this data, so the Department is dependent on its components to provide the information. Additional limitations include untimely responses by components, which creates a data-reporting lag, and unvalidated data submissions since JMD has no method of validation.

PERFORMANCE MEASURE TABLE											
Decision Unit: JMD											
Strategic Objective	Performance Report and Performance Plan Targets		FY 2015	FY 2016	FY 2017	FY 2018	FY 2019		FY 2020	FY 2021	FY 2022
			Actual	Actual	Actual	Actual	Target	Actual	Target	Target	Target
4.4	<b>Performance Measure</b>	4) Conduct ethics training (T) for DOJ employees and ensure all financial disclosures (D) are reviewed timely	N/A	N/A	N/A	100% (T) 95% (D)	100% (T) 100% (D)	100% (T) 98% (D)	100% (T) 100% (D)	100% (T) 100% (D)	100% (T) 100% (D)
4.4	<b>Performance Measure</b>	5) Time-To-Hire (measured in calendar days) for Mission Critical occupations	N/A	N/A	N/A	209 days	205 days	172 days	169 days	165 days	TBD
N/A = Data unavailable											

### 3. Performance, Resources, and Strategies

#### a. Performance Plan and Report for Outcomes

1) *Performance Measure 4 for DEO:*

The DEO was able to offer ethics training to every employee who must take it under the Office of Government Ethics' regulations. On financial disclosure review, however, some reports were not given timely initial review due to administrative oversight error, or there was no documentation that the reports were given timely initial review.

2) *Performance Measure 5 for JMD HR:*

The Department was successful in meeting its FY 2019 Time-To-Hire target for mission critical occupations by 33 days despite the fact that some component data might unfairly skew upward the overall Departmental hiring profile, such as the FBI. Unlike other DOJ components, whose positions are primarily in the "competitive service", all FBI positions are in the "excepted service", which means that though they primarily operate on a merit basis similar to the competitive service, they have their own hiring systems, evaluation criteria, and employment requirements.

#### b. Strategies to Accomplish Outcomes

1) *Performance Measure 4 for DEO:*

The DEO will continue to provide all training required by the OGE and ensure all financial disclosure reports are reviewed timely.

2) *Performance Measure 5 for JMD HR:*

Currently, over 30 of the 40 DOJ components have migrated to EmpowHR, a Human Capital Management System that supports all critical HR components in a single enterprise system. Migration to EmpowHR will streamline and automate the manual, paper SF-52 process with Manager Self-Service and workflow automation. This may help to reduce the Time-To-Hire process and allow the Department to meet its FY 2020 and 2021 targets.

## V. Program Increases by Item

Item Name:	<b><u>Records and Information Management (RIM) Program</u></b>
Strategic Goal:	<u>4. Promote Integrity, Good Governance, and the Rule of Law</u>
Strategic Objective:	<u>4.4 Achieve management excellence</u>
Budget Decision Unit(s):	<u>Justice Management Division (JMD)</u>
Organizational Program:	<u>Office of Records Management Policy (ORMP)</u>
Program Increase:	Positions: <u>2</u> Agt/Atty: <u>0</u> FTE: <u>2</u> Dollars: <u>\$600,000</u>

### Description of Item

Funding and staffing is requested to support the Records and Information Management (RIM) program within the Office of Records Management Policy.

### Justification

As part of the Federal Government's ongoing efforts to reform records management policies and practices and to modernize the management of Government records, GA requests a program increase of \$600,000. Specifically, GA intends to enhance its records and information program by increasing staffing within the Office of Records Management Policy. The ORMP currently manages the RIM program for all of the DOJ, including records management operations for the AG, DAG, and AAG..

The RIM program is currently staffed with five full-time employees. The ORMP needs an additional two full-time employees, specifically electronic records managers. This additional staffing at will also become part of mentoring teams that work with departmental components on how to manage and move their records programs forward.

The ORMP enhancement request of \$600,000 is to support the Department's RIM program in its effort to adhere to the OMB directive M-19-21 on Transition to Electronic Records. This directive mandates that, by 2022, NARA will no longer accept transfers of permanent or temporary analog records, and will only manage all permanent records in electronic format. This initiative will assist Federal agencies in their work to move their business processes and recordkeeping to a fully electronic environment.

### Impact on Performance

This enhancement supports Strategic Objective 4.4 Achieve Management Excellence, which is included in Strategic Goal 4.



## Funding

### Base Funding

FY 2019 Enacted				FY 2020 Enacted				FY 2021 Current Services			
Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)
9	2	9	2,420	9	2	9	2,527	9	2	9	2,527

### Personnel Increase Cost Summary

Type of Position/Series	Full-year Modular Cost per Position (\$000)	1 <sup>st</sup> Year Annualization	Number of Positions Requested	FY 2021 Request (\$000)	2 <sup>nd</sup> Year Annualization	FY 2022 Net Annualization (change from 2021) (\$000)	FY 2023 Net Annualization (change from 2022) (\$000)
Clerical and Office Services (0300-0399)	101	58	2	318	0	0	0
<b>Total Personnel</b>	<b>101</b>	<b>58</b>	<b>2</b>	<b>318</b>	<b>0</b>	<b>0</b>	<b>0</b>

### Non-Personnel Increase/Reduction Cost Summary

[Itemize all non-personnel costs, e.g., include separate rows for operational funding, system development, equipment purchases, etc.]

Non-Personnel Item	Unit Cost	Quantity	FY 2021 Request (\$000)	FY 2022 Net Annualization (change from 2021) (\$000)	FY 2023 Net Annualization (change from 2022) (\$000)
25.0 Contractor Support	282	1	282	0	0
<b>Total Non-Personnel</b>	<b>282</b>	<b>1</b>	<b>282</b>	<b>0</b>	<b>0</b>

### Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2022 Net Annualization (change from 2021) (\$000)	FY 2023 Net Annualization (change from 2022) (\$000)
Current Services	9	2	9	1,613	914	2,527	0	0
Increases	2	0	2	318	282	600	0	0
<b>Grand Total</b>	<b>11</b>	<b>2</b>	<b>11</b>	<b>1,931</b>	<b>1,196</b>	<b>3,127</b>	<b>0</b>	<b>0</b>

## **VI. EXHIBITS**