



# GENERAL LEGAL ACTIVITIES Office of Legal Counsel (OLC)

| FY 2023 Budget Request At A Glance      |  |
|---|--|
| FY 2022 President's Budget:             | \$9.9 million (32 positions; 26 attorneys)           |
| Current Services Adjustments:           | +\$290,000   |
| Program Changes:                        | +\$824,000   |
| FY 2023 Budget Request:                 | \$11.0 million (36 positions; 30 attorneys)          |
| Change From FY 2022 President's Budget: | +\$1.1 million (+11.3%) (+4 positions; +4 attorneys) |

**Mission:**

The mission of the Office of Legal Counsel (OLC) is to assist the Attorney General in his role as legal adviser to the President and Executive Branch departments and agencies. The OLC also serves as arbiter of legal disputes within the Executive Branch; provides general legal assistance to other components of the Department, including where litigation or proposed legislation raises constitutional issues or general issues of executive authority; and reviews for form and legality all Executive Orders and substantive Proclamations and many presidential Memoranda, as well as all proposed Orders of the Attorney General and all regulations requiring Attorney General approval.

**Resources:**

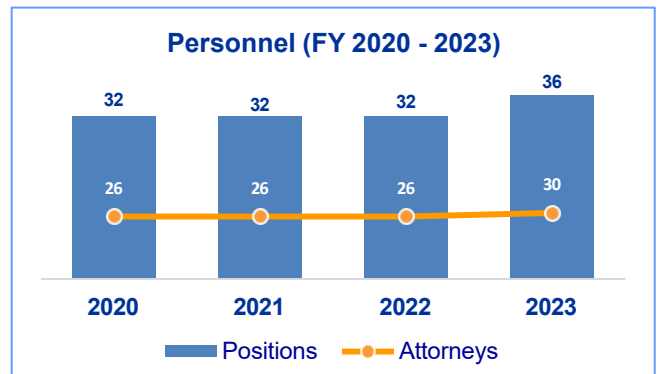
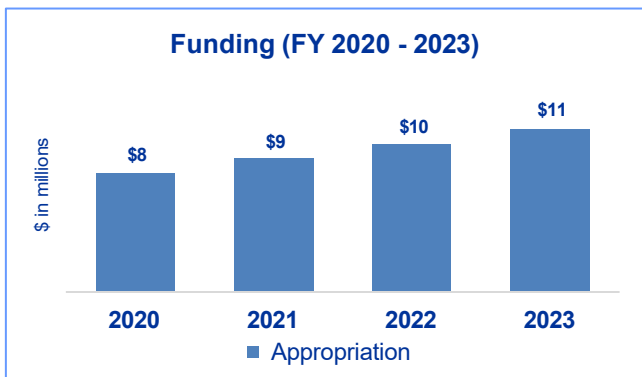
The FY 2023 budget request for the OLC totals \$11.0 million, which is a 11.3 percent increase over the FY 2022 President's Budget and 11.3 percent increase over the FY 2022 Enacted.

**Organization:**

The OLC is headed by an Assistant Attorney General (AAG) who is appointed by the President with the advice and consent of the Senate. The AAG is supported by a Principal Deputy Assistant Attorney General, four career and political Deputies, and 26 staff attorneys and paraprofessionals, all located in Washington, DC. Its administrative functions have been provided by the Executive Office of the Office of the Solicitor General since FY 2012.

**Personnel:**

The OLC's direct requested positions for FY 2023 total 36 positions, including an increase of four positions over the FY 2022 President's Budget of 32 direct authorized positions.



## **FY 2023 Strategy:**

The OLC's mission remains critical as the Department confronts national security and intelligence challenges and advises various Executive Branch departments and agencies about priorities of the Administration, including responding to the pandemic and its economic consequences, confronting racial injustice, and addressing problems in the immigration system.

The OLC's attorneys are involved in reviewing hundreds of pieces of pending legislation annually for constitutionality and is the principal office providing legal advice to the White House and Executive Branch departments and agencies concerning their responses to congressional oversight inquiries.

The OLC's challenges are of both an internal and external nature. The OLC generally does not initiate any programs, nor does it have control over the volume of its work. The work results from requests for opinions and legal advice from the Counsel to the President; general counsels of Executive Branch departments and agencies; and the Attorney General and other Department of Justice officials.

Because it is a relatively small component, the OLC has little flexibility in responding to unexpected surges in workload, such as those created by national security matters that require legal advice to the President, the Attorney General, other components in the Department of Justice, and other executive departments and agencies. In addition, it is critical the OLC be adequately funded to ensure human and technological resources are available to meet workload challenges related to its core mission.

The lack of control over this externally driven workload has been and is likely to remain a constant challenge to the OLC's mission and is inherent in all aspects of the Office's work, including reviewing legislation, and testimony, and presidential and Attorney General documents.

## **FY 2023 Program Changes:**

**Senior Counsel Position:** \$412,000 and 2 positions (2 attorneys)

This request will allow the OLC to meet the continued demands of the Office, such as reviewing executive orders, regulations, and nation security decisions, and answering legal questions that arise in the context of emergency management. Specifically, Senior Counsel positions handle policy related workloads and work directly with White House senior counsel. Current services for this initiative are \$10.2 million and 32 positions (26 attorneys).

**Attorney Advisor:** \$412,000 and 2 positions (2 attorneys)

This request will allow the OLC to meet the continued demands of the Office, such as reviewing executive orders, regulations, and nation security decisions, and answering legal questions that arise in the context of emergency management. Specifically, Attorney Advisor positions respond to queries on the law and legal requirements. Current services for this initiative are \$10.2 million and 32 positions (26 attorneys).

**Office of Legal Counsel**  
(Dollars in Thousands)

|   | Office of Legal Counsel |           |               |
|---|-------------------------|-----------|---------------|
|   | Pos                     | FTE       | Amount        |
| <b>2021 Appropriation</b>                       | <b>32</b>               | <b>32</b> | <b>9,570</b>  |
| <b>2022 Continuing Resolution</b>               | <b>32</b>               | <b>32</b> | <b>9,570</b>  |
| Expected Change from FY 2022 CR                 | 0                       | 0         | 302           |
| <b>2022 President's Budget</b>                  | <b>32</b>               | <b>32</b> | <b>9,872</b>  |
| <b>2023 Request</b>                             | <b>36</b>               | <b>36</b> | <b>10,986</b> |
| <b>Change 2023 from 2022 President's Budget</b> | <b>4</b>                | <b>4</b>  | <b>1,114</b>  |
| <b>Technical Adjustments</b>                    |                         |           |               |
| <b>Total Technical Adjustments</b>              | <b>0</b>                | <b>0</b>  | <b>0</b>      |
| <b>Base Adjustments</b>                         |                         |           |               |
| Pay & Benefits                                  | 0                       | 0         | 258           |
| Domestic Rent & Facilities                      | 0                       | 0         | 9             |
| Other Adjustments                               | 0                       | 0         | 23            |
| <b>Total Base Adjustments</b>                   | <b>0</b>                | <b>0</b>  | <b>290</b>    |
| <b>2023 Current Services</b>                    | <b>32</b>               | <b>32</b> | <b>10,162</b> |
| <b>Program Changes</b>                          |                         |           |               |
| <b>Increases:</b>                               |                         |           |               |
| Senior Counsel Position                         | 2                       | 2         | 412           |
| Attorney Advisor                                | 2                       | 2         | 412           |
| <b>Subtotal, Program Increases</b>              | <b>4</b>                | <b>4</b>  | <b>824</b>    |
| <b>Decreases:</b>                               |                         |           |               |
| <b>Subtotal, Program Decreases</b>              | <b>0</b>                | <b>0</b>  | <b>0</b>      |
| <b>Total Program Changes</b>                    | <b>4</b>                | <b>4</b>  | <b>824</b>    |
| <b>2023 Request</b>                             | <b>36</b>               | <b>36</b> | <b>10,986</b> |

**Office of Legal Counsel**  
(Dollars in Thousands)

| Comparison by activity and program | 2022 President's Budget |     |        | 2023 Current Services |     |        |
|------------------------------------|-------------------------|-----|--------|-----------------------|-----|--------|
|                                    | Pos.                    | FTE | Amount | Pos.                  | FTE | Amount |
| Office of Legal Counsel            | 32                      | 32  | 9,872  | 32                    | 32  | 10,162 |
| <b>Total</b>                       | 32                      | 32  | 9,872  | 32                    | 32  | 10,162 |

| Comparison by activity and program | 2023 Total Program Changes |     |        | 2023 Request |     |        |
|------------------------------------|----------------------------|-----|--------|--------------|-----|--------|
|                                    | Pos.                       | FTE | Amount | Pos.         | FTE | Amount |
| Office of Legal Counsel            | 4                          | 4   | 824    | 36           | 36  | 10,986 |
| <b>Total</b>                       | 4                          | 4   | 824    | 36           | 36  | 10,986 |