

OSG

FY 2015 PERFORMANCE BUDGET

Congressional Submission



Table of Contents

	Page No.
I. Overview.....	2
II. Summary of Program Changes.....	N/A
III. Appropriations Language and Analysis of Appropriations Language.....	N/A
IV. Program Activity Justification.....	5
A. Federal Appellate Activity	
1. Program Description	
2. Performance Tables	
3. Performance, Resources, and Strategies	
V. Program Increase by Item.....	N/A
VI. Program Offsets by Item.....	12
VII. Exhibits	
A. Organizational Chart	
B. Summary of Requirements	
C. FY 2015 Program Changes by Decision Unit	
D. Resources by DOJ Strategic Goal/Objective	
E. Justification for Technical and Base Adjustments	
F. Crosswalk of 2013 Availability	
G. Crosswalk of 2014 Availability	
H. Summary of Reimbursable Resources	
I. Detail of Permanent Positions by Category	
J. Financial Analysis of Program Changes	
K. Summary of Requirements by Object Class	
L. Status of Congressionally Requested Studies, Reports, and Evaluations	
M. Other component-specific exhibits (as required)	

I. Overview for the Office of the Solicitor General

1. Introduction

For FY 2015, the Office of the Solicitor General (OSG) requests a total of \$11,692,000, 51 positions, including 23 attorney positions, and 56 FTE to meet its mission.

2. Mission/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 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.

OSG is headed by the Solicitor General, who is appointed by the President and confirmed by the Senate. Within the attorney staff, there are 23 attorney positions. The attorneys prepare oral arguments, Supreme Court briefs, and other related legal materials. The 28 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 2015. 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 terrorism, and national security issues, intellectual property challenges and economic distress will place new demands on OSG, which it stands ready to meet.

The Office continues to play a significant role in terrorism and national security 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. The Office continues to play an important role in Guantanamo cases as they move through the Supreme Court and the lower federal courts. Likewise, the Office is involved in a range of national security litigation, in

contexts that include surveillance, the Freedom of Information Act, and a range of sensitive employment-related matters.

Increasingly, complex intellectual property issues constitute an important part of the Office's docket. In the 2013-2014 Term, for example, the Court has granted five patent cases and two copyright cases. These cases cover a range of issues that are critical to our Nation's economy. The cases require careful attention and coordination within the government, as well as a difficult assessment of how to apply existing statutory schemes that protect intellectual property in the context of rapidly changing technology. Given the importance and difficulty of these cases, this docket is expected only to increase.

In light of the overall budgetary situation in which the Government finds itself, 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. For FY 2015, OSG is requesting base funding of 51 positions (23 attorneys), 56 FTE and \$11,692,000 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 2015 Request: \$11,692,000)

- 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, 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.

6. Environmental Accountability

OSG has incorporated green purchasing and recycling into its core business processes and continues to look for new and creative ways to integrate environmental accountability into its day-to-day decision making and long-term planning processes.

II. Summary of Program Changes

N/A

III. Appropriations Language and Analysis of Appropriations Language

N/A

IV. Program Activity Justification

A. Federal Appellate Activity

<i>Federal Appellate Activity</i>	Perm. Pos.	FTE	Amount
2013 Enacted with Rescissions and Sequestration	54	48	10,812
2014 Enacted	50	55	11,198
Adjustments to Base and Technical Adjustments	1	1	596
2015 Current Services	51	56	11,794
2015 Program Increases			
2015 Program Offsets	0	0	-102
2015 Request	51	56	11,692
Total Change 2014-2015	1	1	494

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>
13	2012	384	3,668	563	714	525	66
12	2011	458	3,728	614	686	553	58
11	2010	520	3,528	685	892	722	57
10	2009	517	3,959	667	94	628	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 intervener; it does not reflect the total number of underlying cases for each of those arguments.

2. Performance and Resource

		FY 2013		FY 2013		FY 2014		Current Services Adjustments and FY 2015 Program Changes		FY 2015 Request	
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
		54	10,812	54	10775	55	11,198	1	494	56	11,692
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2013		FY 2013		FY 2014		Current Services Adjustments and FY 2015 Program Changes		FY 2015 Request	
Program Activity		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		54	10,812	54	10775	55	11,198	1	494	56	11,692
Performance Measure: Output	Cases in which the Solicitor General Participated	3750		3750		3246				3246	
Performance Measure: Efficiency	Requests to which the Solicitor General Responded	1851		1851		1487				1487	
Performance Measure: Outcome											

A. Definitions of Terms or Explanations for Indicators:

Footnote 1: 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 2014 corresponds with the 2013 Supreme Court Term, FY 2013 corresponds with the 2012 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.

Footnote 2: Includes requests for authorizations as well as recommendations against appeal, intervention, or participation amicus curiae. This category does not include miscellaneous requests, such as requests for authorization of settlement, for stays, for mandamus, etc.

B. Data Validation and Verification.

The Office of the Solicitor General handles all aspects of the law—not just civil matters. The Office uses the Automated Docket System (ADS) to track the matters handled by its attorneys. Data are keyed by the Case Management staff. For Supreme Court matters, all data are verified by the Supervisor or her Assistant, and checked against Supreme Court Records. The Case Management System Supervisor executes daily statistical reports to ensure accurate tracking of both Supreme Court matters and requests for authorization to appeal, intervene, or participate as amicus curiae. Additionally, once a week the Case Management System Supervisor distributes statistical reports on all Office matters to each attorney in the Office. The attorneys then review the reports to ensure accurate tracking of the matters for which they are responsible.

Issues Affecting OSG’s Program Performance.

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.

PERFORMANCE MEASURE TABLE

Decision Unit: 2.6 Protect the federal fisc and defend the interests of the United States.

Performance Report and Performance Plan Targets		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013		FY 2014	FY 2015
		Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	Cases in which the Solicitor General Participated	3611	3915	3517	3566	3750	3246	3246	3246
Performance Measure	Requests to which the Solicitor General responded	2040	2004	2600	2567	1821	1487	1487	1487
Performance Measure									
Efficiency Measure									
OUTCOME Measure									

N/A = Data unavailable

* Denotes inclusion in the DOJ Annual Performance Plan

2. Performance, Resources, and Strategies

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

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.

The first performance measure reflects "cases in which the Solicitor General participated". During the 2011 (FY 2012) Supreme Court Term, the Solicitor General participated in 3,566 cases and it is anticipated OSG will meet its target of 3,750 cases in the 2012 (FY 2013) Term.

The second performance measure reflects "Requests for determinations regarding appeal, *certiorari*, or other matters to which the Solicitor General responded". During the 2011 (FY 2012) Supreme Court Term, the office responded to 2,600 requests. It is anticipated OSG will meet its target of 1,851 cases within the allotted reporting period.

The Office of the Solicitor General does not initiate any programs, have control over the number of Supreme Court cases it is required to handle, or determine 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 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 2015, OSG is requesting base funding of 51 positions, 56 FTE, and \$11,692,000 to accomplish its goals.

OSG has experienced an increase in several Court related activities. In addition, the OSG has faced a set of new expectations, and has been called upon to assume added responsibilities. OSG attorneys have briefed and argued particularly difficult and technical civil and civil rights cases in the 2012-2013 term. Major cases have included *Fisher v. University of Texas*, on affirmative action; *Shelby County v. Holder*, on the constitutionality of Section 5 of the Voting Rights Act;

Hollingsworth v. Perry, on whether the Equal Protection Clause prohibits California from defining marriage as the union of a man and a woman; *United States v. Windsor*, on the constitutionality of the Defense of Marriage Act; and *Association for Molecular Pathology v. Myriad Genetics, Inc.*, which asks whether human genes are patentable.

In the 2013-2014 term, again, difficult constitutional and statutory issues predominate in the major cases that OSG has been asked to handle. Included are major criminal cases such as *United States v. Wurie*, which asks whether the Fourth Amendment permits the police, without obtaining a warrant, to review the call log of a cell phone found on a person who has been lawfully arrested; cases involving constitutional limitations on federal authority such as *Bond v. United States*, which presents the question whether the Chemical Weapons Convention Implementation Act is a valid exercise of Congress's commerce and treaty powers; major environmental cases such as *Utility Air Regulatory Group v. EPA*, which challenges EPA's regulation of certain greenhouse gas emissions under the Clean Air Act; and other cases of note such as *McCutcheon v. Federal Election Commission*, which tests whether statutory limits on contributions to non-candidate national party committees are constitutional. Finally, the government's response to terrorism and economic distress will continue to place new demands on OSG, which it stands ready to meet.

c. Priority Goals

OSG's general goals for FY 2015 are as follows:

- Representing the interests of the United States in the Supreme Court.
- Devoting all resources necessary to prevail in the Supreme Court.

V. Program Increases by Item : N/A

VI. Program Offsets by Item

Item Name:	Administrative Functions Consolidation
Strategic Goal:	Objective 2.6 – Protect the federal fisc and defend the interests of the United States.
Strategic Objective:	_____
Budget Decision Unit(s):	Federal Appellate Activity
Organizational Program:	Office of the Solicitor General

Program Offset: Positions ___ Agt/Atty 0 FTE ___ Dollars -\$102,000

Description of Item

Program and administrative reductions to be identified once funds are appropriated.

Justification

Reductions to existing operations and services necessary to pay for increases in existing costs, including pay raises, FERS contributions and GSA rent, among others. The operations and services that will be reduced will be specified in spending plans after funds have been appropriated. Such reductions could include funds for travel, training, contracts, supplies, and other costs related to current operations.

Impact on Performance

Performance impact information is not yet available for this offset.

Funding

Base Funding

FY 2013 Enacted w/ Resc. & Sequestration				FY 2014 Continuing Resolution				FY 2015 Current Services			
Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)
0	0	0	0	0	0	0	0	0	0	0	-\$102

Personnel Offset Cost Summary

[Positions must be specified by Type, consistent with Exhibit I. **Please delete unused rows.**]

Type of Position/Series	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2015 Request (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)	FY 2017 Net Annualization (change from 2016) (\$000)
Clerical and Office Services (0300-0399)					
Paralegals / Other Law (0900-0999)					
Total Personnel					

Non-Personnel Offset Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2015 Request (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)	FY 2017 Net Annualization (change from 2016) (\$000)
Total Non-Personnel	0	0	-102	0	0

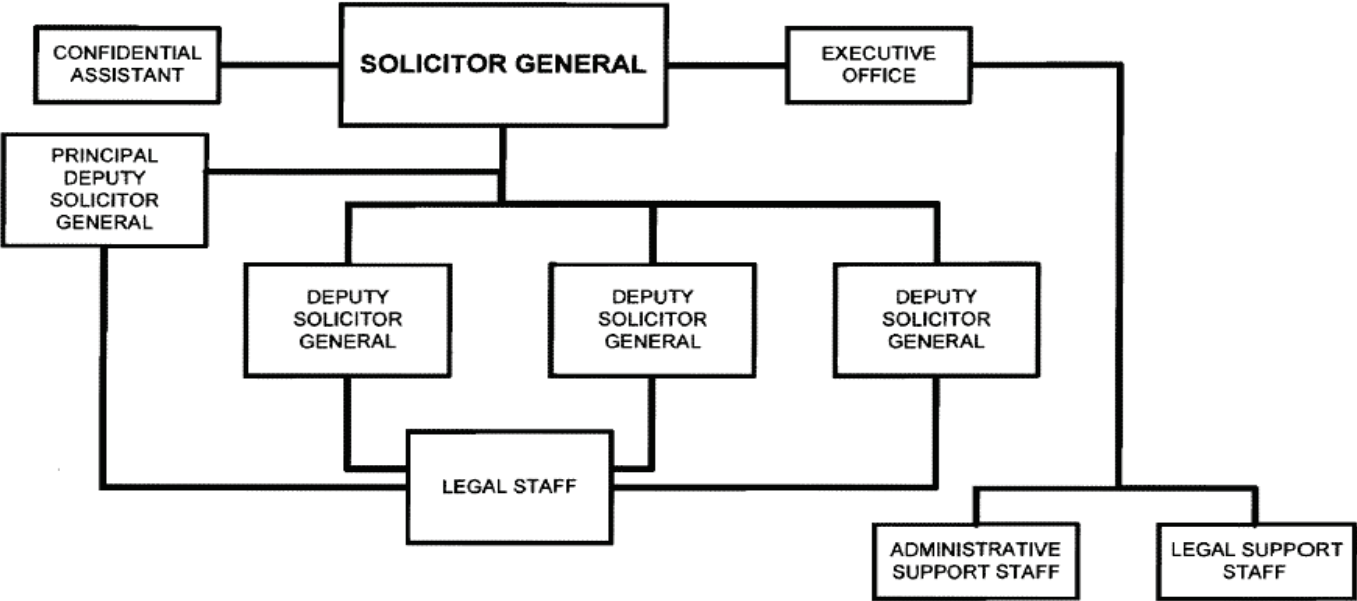
Total Offset for this Item

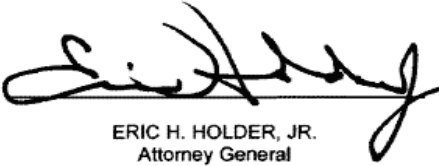
	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)	FY 2017 Net Annualization (change from 2016) (\$000)
Current Services								
Offset	0	0	0	0	-102	-102	0	0
Grand Total								

IV. EXHIBITS

A: Organizational Chart

OFFICE OF THE SOLICITOR GENERAL



Approved by:  Date: Aug. 23, 2012
ERIC H. HOLDER, JR.
Attorney General

B. Summary of Requirements

Summary of Requirements

Office of the Solicitor General

Salaries and Expenses

(Dollars in Thousands)

	FY 2015 Request		
	Direct Pos.	Estimate FTE	Amount
2013 Enacted	54	48	11,584
2013 Rescissions (1.877% & 0.2%)			-229
2013 Sequester Cut			-543
Total 2013 Enacted (Rescissions and Sequester)	54	48	10,812
2014 Enacted	-4	7	11,198
Base Adjustments			
Pay and Benefits	1	1	394
Domestic Rent and Facilities	0	0	202
Other Adjustments	0	0	0
Total Base Adjustments	1	1	596
2015 Current Services	51	56	11,794
Program Changes			
Offsets:			
Administrative Function Consolidation	0	0	-102
Subtotal, Offsets	0	0	-102
Total Program Changes	0	0	-102
2015 Total Request	51	56	11,692
2014 - 2015 Total Change	1	1	494

B. Summary of Requirements

Summary of Requirements

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

Program Activity	2013 Enacted with Rescissions and Sequester			2014 Enacted			2015 Technical and Base Adjustments			2015 Current Services		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Federal Appellat Activity	54	48	10,812	50	55	11,198	1	1	596	51	56	11,794
Total Direct	54	48	10,812	50	55	11,198	1	1	596	51	56	11,794
Balance Rescission			0			0			0			0
Total Direct with Rescission			10,812			11,198			596			11,794
Reimbursable FTE		0			0			0			0	
Total Direct and Reimb. FTE		48			55			1			56	
Other FTE:												
LEAP		0			0			0			0	
Overtime		0			0			0			0	
Grand Total, FTE		48			55			1			56	

Program Activity	2015 Increases			2015 Offsets			2015 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Federal Appellat Activity	0	0	0	0	0	-102	51	56	11,692
Total Direct	0	0	0	0	0	-102	51	56	11,692
Balance Rescission			0			0			0
Total Direct with Rescission			0			-102			11,692
Reimbursable FTE		0			0			0	
Total Direct and Reimb. FTE		0			0			56	
Other FTE:									
LEAP		0			0			0	
Overtime		0			0			0	
Grand Total, FTE		0			0			56	

C. Program Changes by Decision Unit

FY 2015 Program Changes by Decision Unit

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

Program Offsets	Location of Description by Program Activity	Federal Appellate Activity				Total Offsets			
		Direct Pos.	Agt./ Atty.	Est. FTE	Amount	Direct Pos.	Agt./ Atty.	Est. FTE	Amount
Administrative Functions Consolidation	Page 12	0	0	0	-120	0	0	0	-120
Total Program Offsets		0	0	0	-120	0	0	0	-120

D. Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective

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

Strategic Goal and Strategic Objective	2013 Enacted with Rescissions and Sequester		2014 Enacted		2015 Current Services		2015 Increases		2015 Offsets		2015 Total Request	
	Direct/Reimb FTE	Direct Amount	Direct/Reimb FTE	Direct Amount	Direct/Reimb FTE	Direct Amount	Direct/Reimb FTE	Direct Amount	Direct/Reimb FTE	Direct Amount	Direct/Reimb FTE	Direct Amount
Goal 2 Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law												
2.6 Protect the federal fisc and defend the interests of the United States.	48	10,812	55	11,198	56	11,794	0	0	0	-102	56	11,692
Subtotal, Goal 2	48	10,812	55	11,198	56	11,794	0	0	0	-102	56	11,692
TOTAL	48	10,812	55	11,198	56	11,794	0	0	0	-102	56	11,692

Note: Excludes Balance Rescission and/or Supplemental Appropriations.

E. Justification for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

Office of the Solicitor General

Salaries and Expenses

(Dollars in Thousands)

	Direct Pos.	Estimate FTE	Amount
Pay and Benefits			
1 <u>2015 Pay Raise:</u> This request provides for a proposed 1 percent pay raise to be effective in January of 2015. The amount request, \$53,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$38,000 for pay and \$15,000 for benefits.)	0	0	53
2 <u>Annualization of 2014 Pay Raise:</u> This pay annualization represents first quarter amounts (October through December) of the 2014 pay increase of 1.0% included in the 2014 President's Budget. The amount requested \$18,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$13,000 for pay and \$5,000 for benefits).	0	0	18
3 <u>FERS Regular/Law Enforcement Retirement Contribution:</u> Effective October 1, 2014 (FY 2015), the new agency contribution rates of 13.2% (up from the current 11.9%, or an increase of 1.3%) and 28.8% for law enforcement personnel (up from the current 26.3%, or an increase of 2.5%). The amount requested, \$65,000, represents the funds needed to cover this increase.	0	0	65
4 <u>Base Pay Adjustment:</u> The request provides a base pay adjustment for the Office of the Solicitor General for the cost of one attorney position permanently on detail (\$155,500 for pay and \$44,000 for benefits, totaling \$200,000).	1	1	200
5 <u>Health Insurance:</u> Effective January 2015, the component's contribution to Federal employees' health insurance increases by 3.5 percent. Applied against the 2014 estimate of \$361,000, the additional amount required is \$48,000.	0	0	48
6 <u>Retirement:</u> Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency 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 \$10,000 is necessary to meet our increased retirement obligations as a result of this conversion.	0	0	10
Subtotal, Pay and Benefits	1	1	394
Domestic Rent and Facilities			
1 <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 \$202,000 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 FY 2015 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.			202
Subtotal, Domestic Rent and Facilities	0	0	202
Subtotal, Other Adjustments			0
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	1	1	596

F. Crosswalk of 2013 Availability

Crosswalk of 2013 Availability

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

Program Activity	2013 Appropriation Enacted w/o Balance Rescission ¹			Balance Rescission			Sequester			Reprogramming/Transfers			Carryover	Recoveries/ Refunds	2013 Actual		
	Direct Pos.	Estim. FTE	Amount	Direct Pos.	Estim. FTE	Amount	Direct Pos.	Estim. FTE	Amount	Direct Pos.	Estim. FTE	Amount	Amount	Amount	Direct Pos.	Estim. FTE	Amount
Federal Appellate Activity	54	48	11,355	0	0	0	0	0	-543	0	0	0	0	0	54	48	10,812
Total Direct	54	48	11,355	0	0	0	0	0	-543	0	0	0	0	0	54	48	10,812
Reimbursable FTE		0			0			0			0					0	
Total Direct and Reimb. FTE		48			0			0			0					48	
Other FTE:																	
LEAP		0			0			0			0					0	
Overtime		0			0			0			0					0	
Grand Total, FTE		48			0			0			0					48	

Footnotes:

1) The 2013 Enacted appropriation includes the 2 across-the-board rescissions of 1.877% and 0.2%

G. Crosswalk of 2014 Availability

Crosswalk of 2014 Availability
 Office of the Solicitor General
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2014 Enacted			Sequester	Reprogramming/Transfers			Carryover	Recoveries/ Refunds	2014 Availability		
	Direct Pos.	Estim. FTE	Amount		Amount	Direct Pos.	Estim. FTE			Amount	Amount	Direct Pos.
Federal Appellate Activity	50	55	11,198	0	0	0	0	0	0	50	55	11,198
Total Direct	50	55	11,198	0	0	0	0	0	0	50	55	11,198
Balance Rescission			0									0
Total Direct with Rescission			11,198									11,198
Reimbursable FTE		0				0		0			0	
Total Direct and Reimb. FTE		55				0		0			55	
Other FTE:												
LEAP		0				0		0			0	
Overtime		0				0		0			0	
Grand Total, FTE		55				0		0			55	

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category

Office of the Solicitor General

Salaries and Expenses

(Dollars in Thousands)

Category	2013 Enacted with Rescissions & Sequestration		2014 Enacted		2015 Request				
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Clerical and Office Services (300-399)	15	0	14	0	0	0	0	14	0
Accounting and Budget (500-599)	1	0	1	0	0	0	0	1	0
Attorneys (905)	22	0	22	0	1	0	0	23	0
Paralegals / Other Law (900-998)	13	0	10	0	0	0	0	10	0
Information & Arts (1000-1099)	2	0	2	0	0	0	0	2	0
Information Technology Mgmt (2210)	1	0	1	0	0	0	0	1	0
Total	54	0	50	0	1	0	0	51	0
Headquarters (Washington, D.C.)	54	0	50	0	1	0	0	51	0
U.S. Field	0	0	0	0	0	0	0	0	0
Foreign Field	0	0	0	0	0	0	0	0	0
Total	54	0	50	0	1	0	0	51	0

K. Summary of Requirements by Object Class

Summary of Requirements by Object Class

Office of the Solicitor General

Salaries and Expenses

(Dollars in Thousands)

Object Class	2013 Actual		2014 Availability		2015 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 Full-Time Permanent	41	4,898	48	5,324	51	5,727	3	403
11.3 Other than Full-Time Permanent	7	800	7	981	5	492	-2	-489
11.5 Other Personnel Compensation	0	44	0	77	0	305	0	228
<i>Overtime</i>	0	0	0	0	0	0	0	0
<i>Other Compensation</i>	0	0	0	0	0	0	0	0
11.8 Special Personal Services Payments	0	4	0	0	0	0	0	0
Total	48	5,746	55	6,382	56	6,524	1	142
Other Object Classes								
12.0 Personnel Benefits		1,613		1,700		1,649		-51
21.0 Travel and Transportation of Persons		16		25		25		0
22.0 Transportation of Things		315		66		68		2
23.1 Rental Payments to GSA		1,383		1,342		1,646		304
23.2 Rental Payments to Others		93		98		94		-4
23.3 Communications, Utilities, and Miscellaneous Charges		76		80		83		3
24.0 Printing and Reproduction		274		284		294		10
25.1 Advisory and Assistance Services		0		207		214		7
25.2 Other Services from Non-Federal Sources		800		544		594		50
25.3 Other Goods and Services from Federal Sources		269		280		290		10
25.4 Operation and Maintenance of Facilities		3		0		0		0
25.6 Medical Care		5		5		5		0
25.7 Operation and Maintenance of Equipment		29		30		31		1
26.0 Supplies and Materials		124		125		130		5
31.0 Equipment		30		30		45		15
Total Obligations		10,776		11,198		11,692		494
Add - Unobligated End-of-Year, Expiring		36		0		0		0
Total Direct Requirements	0	10,812	0	11,198	0	11,692	0	494
Reimbursable FTE								
Full-Time Permanent	0		0		0		0	
23.1 Rental Payments to GSA (Reimbursable)		0		0		0		0
25.3 Other Goods and Services from Federal Sources - DHS Security (Reimbursable)		0		0		0		0