



BUDGET The United States
Department of the Interior
JUSTIFICATIONS

and Performance Information
Fiscal Year 2009

**OFFICE OF
THE SOLICITOR**

NOTICE: These budget justifications are prepared for the Interior, Environment and Related Agencies Appropriations Subcommittees. Approval for release of the justifications prior to their printing in the public record of the Subcommittee hearings may be obtained through the Office of Budget of the Department of the Interior.



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**DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
FISCAL YEAR 2009 BUDGET JUSTIFICATION**

TABLE OF CONTENTS

OVERVIEW

Organizational Chart	SOL-1
General Statement	SOL-2
Management’s Challenges and Strategies.....	SOL-3
President’s Management Agenda.....	SOL-5
Across-the-Board Travel Reduction	SOL-6
Budget Request Overview	SOL-7
Budget at a Glance	SOL-8
Appropriation Language – Salaries and Expenses.....	SOL-9
Appropriation Language Citation	SOL-10
Summary of Requirements.....	SOL-11
Comparison by Activity	SOL-12
Justification of Fixed and Related Cost Changes.....	SOL-13

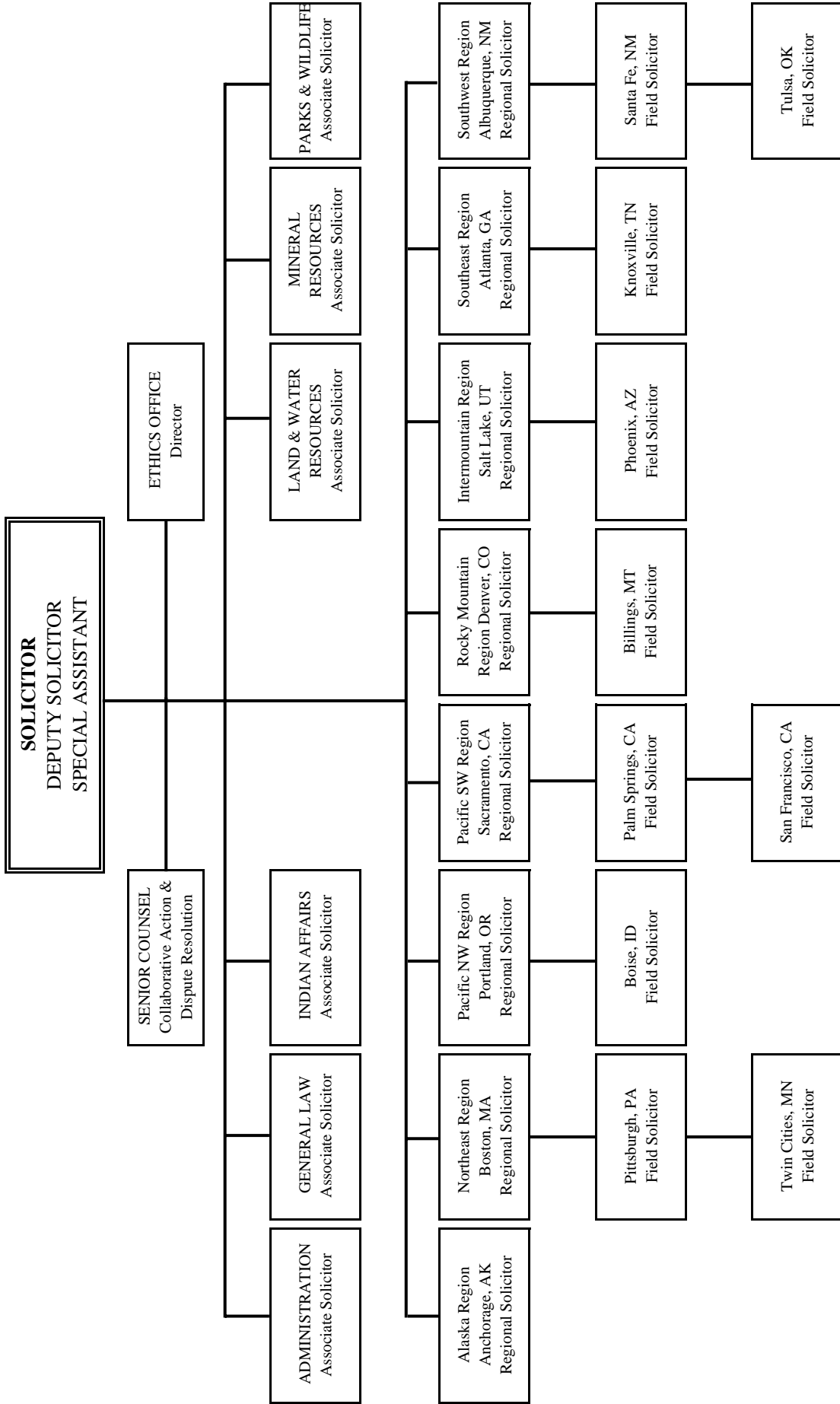
PROGRAM CHANGES

General Administration	SOL-15
Legal Services	SOL-21
Ethics Office	SOL-33

APPENDIX

Summary of Requirements by Object Class	SOL-39
Program and Financing Schedule	SOL-40
Object Classification Schedule	SOL-41
Personnel Summary Table	SOL-42
Employee Count by Grade Table.....	SOL-43
Section 405 Compliance	SOL-44
Reimbursable Positions Funded by Bureaus Table	SOL-46

**DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
ORGANIZATIONAL CHART**



GENERAL STATEMENT

With an emphasis on high ethical standards, excellence in public service and the delivery of quality legal counsel, and advice and representation to fulfill the United States Department of the Interior's wide-ranging mission, the Solicitor's Office performs the legal work for the Department, manages the Department's Ethics Office and resolves Freedom of Information Act Appeals.

The Office of the Solicitor (SOL) provides advice, counsel and legal representation to the Immediate Office of the Secretary, the Assistant Secretaries, and all other bureaus and offices overseen by the Secretary. The advice provided by the Office impacts nearly every program within the Secretary's jurisdiction.

The Solicitor's Office is organized into the Immediate Office of the Solicitor, the Ethics Office, five legal divisions, an administrative division, and eighteen regional and field offices located throughout the United States.

The Solicitor is the chief attorney for the United States Department of the Interior. The Solicitor is assisted by a Deputy Solicitor, Special Assistant, Ethics Director, Senior Counsel for Collaborative Action and Dispute Resolution, six Associate Solicitors, eight Regional Solicitors, and a staff of more than three hundred attorneys and four hundred total employees.

More than half of the attorneys are assigned to regional and field offices located as far west as Anchorage, Alaska and as far east as Boston, Massachusetts. The other attorneys are assigned to divisions located at headquarters in Washington DC.

The FY 2009 request allows the Office to continue to move forward to meet the challenges of today and ensure that this Office is better able to meet the challenges of tomorrow. The Office is continuing its initiatives to improve for the Department as well as legal services and administrative efficiencies.

MANAGEMENT'S CHALLENGES:

The Office of the Solicitor's FY 2009 budget was formulated to allow the Office to significantly improve management practices and morale of employees. The Office of Personnel Management's most recent Federal Human Capital Survey ranks the Solicitor's Office 218 out of 222 overall and last in the training and development category. The FY 2009 budget request is directed at improving automation tools. The 2009 budget increase will significantly work towards improving the low Human Capital Survey ranking.

Longstanding high priority management challenges include an absence of an updated records management system and not being able to connect to the Internet. There are also significant challenges with new filings and increasing litigation relating to important issues such as oil and gas royalties and Indian trust issues.

Internet Access

The Office has not been able to utilize the Internet since December 5, 2001. This has made client communication extremely difficult and electronic filings to courts practically unavailable to the Office.

Recommendations From 2005

An independent review was performed in 2005 by Linda Brughelli and Chris Greene, both from the California State Attorney General's Office, and Robert Moll, a retired SOL attorney. The following assessment of the Office's operations was provided:

"The Office is not presently equipped with the methods and tools with which it hopes to achieve 21st century excellence as a law office... indeed, without additional resources brought to bear on these issues, it will be very difficult for the Office in the foreseeable future to overcome its knowledge management challenges, comply with the expectations of Federal electronic information management standards, or meet the objectives of the President's Management Agenda initiative calling for the adoption of knowledge management systems."

MANAGEMENT'S STRATEGIES:

The Solicitor's Office faces many challenges. The Office initiated efforts to address a number of these challenges in FY 2006, FY 2007, and FY 2008. The FY 2009 request will continue to address some of these challenges.

Reconnecting to the Internet

Since December 5, 2001, the Solicitor's Office has been disconnected from the Internet due to a court order in the case of *Cobell v. Kempthorne*. The Office developed and implemented a strategy focused on prioritizing and improving IT security deficiencies in FY 2006 to ensure that adequate security systems are in place to reconnect to the Internet once the approval to reconnect is obtained from the court. The Office is continuing this effort in FY 2008 and FY 2009.

Investing in Records Management

The Solicitor's Office has not had a centralized docket section to manage records by way of a conventional or modernized filing system for more than a decade. In FY 2006 resources were used to create a new docket system. To overhaul the records management practices of the Office, the Office of the Solicitor contracted with the Office of the Secretary Records Officer and the National Archives and Records Administration. In FY 2008, we will continue to make progress on developing filing systems and protocols.

Putting a Priority on Professional Training

Since 2006 the Office has made training a priority. Creative training initiatives were launched, a training officer was designated, and a low-cost training program was developed. The Office secured free legal training through the DOJ Professional Responsibility Advisory Office and certified DOJ video training. Development of an in-house training program for supervisors and electronic discovery training has also been initiated in FY 2007. The FY 2009 budget will help the Office continue and further develop these efforts.

Placing a Premium on Ethical Conduct

Since September 2006, a new Director and Deputy Director for our Ethics program have been brought on board, and a staff attorney has been dedicated to the Office since 2007. And, to further bolster the program, the Solicitor clarified that only ethics personnel and attorneys in the ethics office may provide ethics advice to departmental employees.

Emphasizing Legal Professionalism

In 2006, guidance on several matters of importance have been issued including (1) reporting fraud, waste, and abuse to the Inspector General or other appropriate authorities; (2) surnaming documents; (3) serving the interests of conflicting clients; and (4) dealing with disagreements on policy. Also, the Acting Director for DOJ's Office of Professional Responsibility has spoken to our attorneys about the topic of professional responsibility.

THE PRESIDENT'S MANAGEMENT AGENDA:

The Office of the Solicitor continues to support the President's Management Agenda (PMA), which outlines a strategy for a citizen-centered, results orientated, and market based government, in two very distinct ways. First, by providing legal counsel and support to the Department in implementing the PMA, and second, the Office is improving business practices with a focus on these initiatives.

Specific actions, which the Office of the Solicitor has undertaken include:

Improved Financial Performance - The Office continues to improve financial performance and accountability by regularly reviewing budget execution procedures and business processes to improve financial performance in areas ranging from the timeliness of travel processing and payment of vendor invoices to avoid interest and penalties, to management of the federal charge card program to prevent fraud, waste, and abuse. The Office also continues to refine its database to track contingent liabilities to meet the needs specified by the Department's financial auditors. This initiative continues to improve the support this Office provides to the independent financial audit of the Department.

Strategic Management of Human Capital - The Office's strategic human capital management plan and a position management system, as part of the workforce plan, will provide guidance in achieving effective staffing levels to accomplish the work of the Office, and better utilization of the current staff. Staff performance is to be improved through both a comprehensive training program and improved alignment of positions with functions based on analysis of employee time as recorded in the Quicktime time and attendance system. The senior management of the Office has taken additional strategic approaches to develop 1) a succession plan to address the aging workforce and the loss of valuable institutional knowledge, and 2) a diversity plan that encourages and promotes a diverse workforce. Sound succession planning and knowledge management are of vital importance to address the aging workforce in the Office. Approximately 52% of supervisors and 37% of all attorneys are eligible to retire in the next five years.

Expanding E-government – The Office contributes \$36,700 to support the President's E-government initiatives in FY 2009. This amount is paid into the Department's Working Capital Fund account, and costs are distributed based on relative benefits received by each bureau. The Departmental Management budget justification includes amounts for each initiative and describes the benefits received from E-government activity.

Performance Improvement Initiative – The Office has implemented the Department's ABC/M system, which captures time and purchases to activities that describe the work of the Department. Divisions within the Washington Office and the regions have implemented the ABC/M system to accurately capture employee time to activities. This tool will provide workload data for executive and senior managers to more effectively measure and compare unit costs and performance by dollars associated with specific activities.

ACROSS-THE-BOARD TRAVEL REDUCTION

The Department is undertaking a \$20 million effort to reduce travel and relocation expenses across the board. The allocation of shares of this travel reduction is based on each bureau's and office's percentage of the Department's total 2007 budget object class 21 expenses. The Office of the Solicitor's share of this reduction is \$130 thousand. The Office of the Solicitor will create a strategy to manage and control travel and relocation costs that promotes improved efficiency in allocating available travel funds to highest priority uses, locations and functions. The Office of the Solicitor will review policies and business practices for managing travel and relocations to ensure that these policies and business practices emphasize travel priorities, reduce costs through improved management and efficiencies, and increase accountability for managing travel priorities and cost. Options that the Office of the Solicitor will consider in reducing 2009 travel expenses include:

- Reduce number of travelers to meetings, conferences, seminars, etc. to only essential personnel, i.e., primary decisionmaker, presenter, representative.
- Reduce number of meetings hosted and attended to only mission-critical meetings.
- Reduce number of conferences, seminars, etc. hosted and attended to only mission-critical events.
- Increase use of teleconferences, video-conferencing technologies, on-line meeting capabilities, etc. in lieu of traveling to events.
- Combine meetings, conferences, seminars, and other events to reduce the number of individual travel events.
- Increase use of on-line booking and travel management services.

The individual program reductions are included in the 2009 program changes category of the introductory table of each activity and subactivity and are identified in a footnote to that table.

**DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR**

FISCAL YEAR 2009 BUDGET REQUEST OVERVIEW

The Office of the Solicitor FY 2009 Budget Request is \$62,050,000 , an increase of \$3,724,000 above the Office’s FY 2008 enacted budget. The request level includes increases of (1) \$2,430,000 for fixed cost (2) \$1,424,000 for information technology (IT), (3) reduction of \$130,000 for travel.

The Office’s 2009 budget request was developed to meet the on-going efforts to support the President’s Management agenda and all four of the Department’s mission goals of resource protection, resource use, recreation and serving communities. Also, the budget request considered the Department’s strategic plan by providing legal counsel and support to all areas of the Department by ensuring that programs are carried out in a manner consistent with laws and regulations.

The following table illustrates (in thousands of dollars) the 2007 enacted, the 2008 enacted, the 2009 budget request, and changes from the 2008 enacted budget.

TOTAL 2009 BUDGET REQUEST
(Dollars in thousands)

	2007 Enacted	2008 Enacted	2009 Budget Request	2009 Request Change from 2008
Appropriation total	55,018	58,326	62,050	+3,724
FTE direct	354	354	354	0
FTE reimbursable	41	48	48	0
FTE total	395	402	402	0

Budget at a Glance
(dollars in thousands)

	2007 Enacted	2008 Enacted	Fixed Cost Changes	Program Changes	2009 Request
Legal Services	42,152	44,351	1,587	0	45,938
General Administration	11,809	12,864	808	1,294	14,966
Ethics Office	1,057	1,111	35	0	1,146
Total	55,018	58,326	2,430	1,294	62,050

**DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR**

APPROPRIATION LANGUAGE

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, [\$59,250,000] \$62,050,000. (*Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008.*)

**DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR**

APPROPRIATION LANGUAGE CITATION

Appropriation: Salaries and Expenses

For necessary expenses of the Office of the Solicitor.

43 U.S.C. § 1455

43 U.S.C. § 1455 provides that, on and after June 26, 1946, the legal work of the Department of the Interior shall be performed under the supervision and direction of the Solicitor of the Department of the Interior, who shall be appointed by the President with the advice and consent of the Senate.

DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
SUMMARY OF REQUIREMENTS
(dollars in thousands)

	<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>
Appropriation: Salaries and Expenses				
FY 2008 Enacted			354	58,326
Fixed Costs and related changes:				
Additional cost in 2008 for January 2008 pay raise	0	+263		
One less pay day	0	-134		
Additional cost in 2009 for January 2009 pay raise	0	+762		
Federal Employee Health Insurance	0	+222		
Working Capital Fund	0	+658		
Worker's Compensation Payments	0	+6		
Unemployment Compensation	0	+5		
GSA / Non-GSA Space Rental	0	+648		
Total Fixed Costs and related changes	0		0	+2,430
Program changes:				
Information Technology Requirements	0	+1,424		
Knowledge Management implementation and maint.	0	[308]		
Case / Matter Tracking system and maintenance	0	[465]		
Portal Content Development and Publishing	0	[130]		
Departmental Enterprise Services Network	0	[310]		
Core operations - recurring costs	0	[211]		
Travel reduction initiative	0	-130		
Total program changes	0		0	+1,294
Total requirements FY 2009 request			354	62,050

Comparison by activity / program element

(dollar in thousands)

	2007		2008		2009			Inc. (+) / Dec (-) from 2008 PB FTE Amount				
	FTE	Amount	FTE	Amount	Fixed Costs & Related Changes (+/-) FTE	Amount	Program Changes (+/-) FTE		Amount			
Legal Services	319	42,152.0	319	44,351.0	0	+1,587.0	0	0.0	319	45,938.0	0	+1,587.0
General Administration	28	11,809.0	28	12,864.0	0	+808.0	0	+1,294.0	28	14,966.0	0	+2,102.0
Ethics Office	7	1,057.0	7	1,111.0	0	+35.0	0	0.0	7	1,146.0	0	+35.0
Total	354	55,018.0	354	58,326.0	+0	+2,430.0	+0	+1,294.0	354	62,050.0	+0	+3,724.0

OFFICE OF THE SOLICITOR
Justification of Fixed Costs and Related Changes
(in thousands of dollars)

	2008 Budget	2008 Revised	2009 Fixed Costs Change
<u>Additional Operational Costs from 2008 and 2009 January Pay Raises</u>			
1. 2008 Pay Raise, 3 Quarters in 2008 Budget	\$1,014	\$998	NA
<i>Amount of pay raise absorbed</i>	[0]	[\$186]	NA
2. 2008 Pay Raise, 1 Quarter (Enacted 3.5 %)	NA	NA	+\$263
<i>Amount of pay raise absorbed</i>	NA	NA	[\$44]
3. 2009 Pay Raise (Assumed 2.9 %)	NA	NA	+\$762
These adjustments are for an additional amount needed to fund estimated pay raises for Federal employees.			
Line, 2008 Revised Column1 is an update of 2008 budget estimates based upon an enacted 3.5% and the 1.56% across the board reduction.			
Line 2 is the amount needed and funded in 2009 to fund the enacted 3.5 % January 2008 pay raise from October through December 2008.			
Line 3 is the amount needed in 2009 to fund the estimated 2.9 % January 2009 pay raise from January through September 2009.			
<u>Other Fixed Cost Changes:</u>			
1. One Less Payday	NA	NA	-\$134
This adjustment reflects the decreased costs resulting from the fact that there is one less pay day in 2009 than in 2008.			
Employer Share of Federal Health Benefit Plans	+\$135	+\$133	+\$222
<i>Amount of health benefits absorbed</i>	[0]	[2]	[0]
The adjustment is for changes in the Federal government's share of the cost of health insurance coverage for Federal employees. For 2009, the increase is estimated at 3.0 %, the average increase for the past few years.			
Workers Compensation Payments	\$114	\$112	+\$6
<i>Amount of workers compensation absorbed</i>	[0]	[2]	[0]
Adjustment is for actual charges through June 2007 in the costs of compensating injured employees and dependents of employees who suffer accidental deaths while on duty. Costs for 2009 will reimburse the Department of Labor, Federal Employees Compensation Fund, pursuant to 5 U.S.C. 8147(b) as amended by Public Law 94-273.			
Unemployment Compensation Payments	\$8	\$8	+\$5
<i>Amount of unemployment compensation absorbed</i>	[0]	[0]	[0]
The adjustment is for estimated changes in the costs of unemployment compensation claims to be paid to the Department of Labor, Federal Employees Compensation Account, in the Unemployment Trust Fund, pursuant to Public Law 96-499.			
Rental Payments	\$6,044	\$6,044	+\$648
<i>Amount of rental payments absorbed</i>	[0]	[94]	[0]
The adjustment is for changes in the costs payable to General Services Administration and others resulting from changes in rates for office and non-office space as estimated by GSA, as well as the rental costs of other currently occupied space. These costs include building security; in the case of GSA space, these are paid to DHS. Costs of mandatory office relocations, i.e., relocations in cases where due to external events there is not alternative but to vacate the currently occupied space, are also included.			

	2008 Budget	2008 Revised*	2009 Fixed Costs Change
Departmental Working Capital Fund	\$3,075	\$2,888	+658
<i>Amount of WCF payments absorbed</i>	<i>[0]</i>	<i>[57]</i>	<i>[0]</i>
The change reflects expected changes in the charges for Department services and other services through the Working Capital Fund. These charges are displayed in the Budget Justification for Department Management.			

GENERAL ADMINISTRATION ACTIVITY

Activity: General Administration

(dollars in thousands)

	2007 Enacted	2008 Enacted	2009			Change from 2008 (+/-)
			Fixed Costs & Related Changes (+/-)	Program Changes (+/-)	Budget Request	
General Administration	11,809	12,864	+808	+1,294	14,966	+2,102

The additional \$2.1 million for General Administration includes an increase of \$808,000 for fixed costs, and \$1,294,000 for a program increase. The program increase includes \$1,424,000 for Information Technology and -\$130,000 for a reduction in travel expenses.

SUMMARY OF FY 2009 PROGRAM CHANGES:

Information Technology (+\$1,424,000 / 0 FTE)

The Office of the Solicitor requests \$1,424,000 which includes: \$211,000 for core IT operations and maintenance of networks; \$310,000 for Departmental Enterprise Services Network (ESN) managed services costs; \$308,000 for Knowledge Management (KM) implementation and maintenance; \$465,000 for a Matter Tracking initiative; and \$130,000 for portal collaboration content development and publishing.

The IT budget request in FY 2009 will help the Solicitor's Office increase employee effectiveness and efficiency through automated tools and address on-going needs for IT security. The Solicitor's Office is working toward achieving the following strategies:

- Implement a KM System. KM will provide a means by which the Office creates and stores documents in a vastly more efficient means than it currently stores them. This would include scanning paper documents to create electronic copies. The Office does not currently have a central paper or electronic filing system. It is therefore difficult for employees to readily access information that may be beneficial for pressing work assignments. KM would give employees the ability to conduct plain-text-word searches on documents and on meta-data. KM would also link electronic documents to common research tools to facilitate even quicker related research. For example, an SOL legal opinion on a particular FOIA appeal typically refers to other opinions upon which it is based, Departmental guidance, and other authorities. These base documents would also be obtainable to the researcher through a link in the originating research document. This tool would substantially increase the intellectual capital of the Office while simultaneously turning SOL into a knowledge sharing environment. The results would

be more timely, complete, and accurate legal advice. The SOL will begin to implement KM in FY 2008 and complete its installation in FY 2009.

- SOL expects to utilize Departmental services for Web Hosting and Internet applications as they become available. The Department's goal for ESN is to connect bureau and office local area networks to a common Departmental network that will provide a platform for Intranet applications such as email and secure financial applications. Ultimately, the Intranet infrastructure will provide connectivity to bureau local area networks.
- Support implementation of Active Directory (AD) and Departmental Standards. The Office has implemented the Microsoft suite of office products to improve the efficiencies of intra-Departmental communication. The Office migrated to the Department's consolidated "DOI Net" Active Directory forest in FY 2007, and will continue to utilize and support AD configuration, policy management, and domain controller services in concert with the root forest configuration services provided by the ESN /OCIO AD initiatives. During FY 2008 SOL expects to transfer management of all WAN circuits to the ESN.
- Manage IT resources more effectively to ensure that employees have the best resources possible to accomplish their mission. The SOL CIO has developed a baseline for IT budgets. This included conducting an inventory of equipment, developing an equipment replacement schedule, and gathering data on recurring expenses to ensure that minimum needs are clearly defined for future operations. SOL is also maximizing efficiencies by coordinating with the Department and bureaus as reflected in the broad-based-IT-management reforms described above. Finally, the SOL CIO is working cooperatively with SOL employees to learn about the IT needs of the staff through the Management Advisory Council (MAC) IT steering subcommittee. SOL utilizes an investment review board to identify, prioritize, select, and manage IT investments.

Summary of IT Enhancements:

Enterprise Services Network (\$310,000)

SOL will continue to work aggressively with the Office of the Chief Information Officer utilizing the Department's Enterprise Services Network. Generally, the ESN allows SOL local area networks (LAN) to participate in Departmental enterprise projects. More specifically, it provides a certified and accredited Wide Area Network infrastructure connecting the SOL LANs that will support consolidated enterprise services such as web hosting, electronic mail, and internet applications. The Department's goal for ESN is to connect bureau and office local area networks to a common Departmental network that will provide a platform for Intranet applications such as email and secure financial applications. Ultimately, the Intranet infrastructure will provide connectivity to bureau local area networks. ESN will improve efficiencies by electronically linking SOL

employees to their client-representatives in the bureaus and offices throughout the Department.

Since the Office was disconnected from the Internet in 2001, there has been minimal investments in the telecommunications facilities (data circuits) used to connect the SOL field and regional offices with the SOL network operations centers servers. In preparing to get back on the internet, the Office must upgrade its IT infrastructure. The Solicitor's Office is requesting a base increase to fund the costs of adding and upgrading new circuits. These circuits will accommodate additional band-width required to support increased data traffic from internet usage and new automated tools for eighteen regional and field offices nationwide. Funds will be used to upgrade and augment current data circuits to meet the performance (bandwidth) requirements of new applications and network traffic increases arising from Internet access. SOL will be implementing new Digital Signal Level Three, (DS3), high speed connections, including automatic failover, at its two operations centers at an annual cost of \$140,000, adding additional circuits at each of the field and regional offices for additional performance and redundancy (\$158,400), and an additional Transparent Lan Service, (TLS), connection between the Office headquarters and the Herndon data center (\$11,600).

Operations and Maintenance of SOL Networks (\$211,000)

The Office is requesting an increase to support expenses related to the operation and maintenance of the SOL local area networks and continued improvements in the Office's IT Security Program, to include investments in Smart Card technology resulting from Departmental efforts. LAN operation and maintenance includes IT security software upgrades (\$31,500), operating system licenses (\$74,000), operations (\$59,000), and software maintenance costs (\$46,500) to ensure secure stable operations in the current computing environment. Furthermore, the SOL maintains up-to-date security hardware by refreshing a portion of its equipment each year and ensuring that it is capitalizing on security best practices. SOL has taken action to install new servers to ensure availability of its network resources. Annually, the Solicitor's Office replaces older servers to minimize potential interruptions of service that might otherwise result from the failure of aging equipment and lower the lifecycle total cost of ownership.

Knowledge Management (KM) (\$308,000)

In support of the Knowledge Management initiative, SOL is requesting funds to implement KM hardware, software, and tools for conversion of existing paper documents into electronic form. Once in electronic format, these documents can be indexed and made available via the KM system to facilitate additional improvements in accessibility and timeliness of decision information. Additionally, opportunities continue to arise for expanded usage of the KM

resources. Leveraging these opportunities will require funds for KM system tuning and extension. Specifically the Office expects to invest \$42,500 in new software, \$36,000 in on-line storage hardware, \$65,000 in high speed scanning equipment, \$48,000 in consulting services, and \$116,500 in document conversion services for conversion of 10% of the Office's paper documents.

Case / Matter Tracking (\$465,000)

Although some regional and field offices have rudimentary tools (such as an Access database) to track pending matters, SOL does not currently have an automated enterprise solution for identifying, assigning, tracking, and managing the legal matters it performs. This poses a serious management deficiency because managers are not readily able to identify the work their staffs are performing and employees are not able to easily identify colleagues who may be working on similar projects. This deficiency complicates the ability of managers to manage effectively and employees to work efficiently.

A case/matter tracking system would provide managers with an effective means for understanding the work flow in the office. This information is important for two reasons. First, managers could use this information to more equitably manage the work within a division or region. The uneven distribution of work can pose morale problems for highly performing employees. Second, senior managers could use information contained in a case/matter tracking database along with the information collected through the position management system to better understand macro-level staffing needs in the Office. This, too, should help managers distribute work equitably in the office by informing office-wide staffing decisions.

The funds will support software licensing (\$240,000), computer hardware (\$75,000), and vendor installation services (\$150,000).

Portal Content Development and Publishing (\$130,000)

SOL attorneys work on litigation and other legal issues supporting all Interior bureaus and offices frequently spanning large geographical areas. Currently SOL depends exclusively upon email for exchanging documents, briefs, filings and other content. This clogs the e-mail system, complicates email reviewing, and adversely affects attorney productivity. SOL is requesting \$130,000 for contracted services to enable SOL to develop and publish tools and content for attorney collaboration and internal communications. SOL maintains an intranet portal for deployment and sharing of the tools and content developed.

Travel Reduction Initiative (-\$130,000/0 FTE)

Driven by the Department's goal to improve effectiveness and efficiency by reducing travel, the Office of the Solicitor will reduce travel and relocation expenses by \$130,000.

GENERAL ADMINISTRATION PROGRAM OVERVIEW:

General Administration includes Executive Direction and the Division of Administration. The Division of Administration includes the FOIA appeals program, IT planning, Training program, and central services functions that centrally funds office-wide costs for information technology, telecommunications, postage, workers compensation, personnel services, and administrative and consolidated services.

Executive Direction: Executive direction includes the Immediate Office of the Solicitor and the Associate Solicitors for Parks and Wildlife, General Law, Indian Affairs, Land and Water Resources, Mineral Resources, and Administration. The Immediate Office of the Solicitor includes the Solicitor, Deputy Solicitor, Special Assistant, Counselor, and supporting secretarial staff.

Division of Administration: Under the direction of an Associate Solicitor, the Division of Administration is responsible for providing and coordinating all management and administrative support services needed by the Office in an efficient manner. Responsibilities in the Division of Administration include organizational, strategic, and performance planning; program evaluation; budget and accounting; human resources management; training and employee development; space and property management; procurement services; IT planning and services; records management; and FOIA appeals. The Division consists of four branches, each headed by a Branch Chief who has responsibility for particular subject matters.

(1) Resource Management and Administrative Operations - Responsible for budget formulation, presentation, justification, and execution. Along with managing the budgetary resources, this section of the branch is also responsible for reviewing business practices to ensure efficient usage of resources, and provide senior management with the tools necessary to make prudent financial decisions.

Responsibilities also include administrative and management support services in the areas of personnel management, including position classification, recruitment, pay and benefits, and employee relations; procurement of office space, supplies, furniture, and equipment; facility management; telecommunications; employee development, training, and competencies initiatives.

(2) Information Services – Responsible for administrative and management support services in the areas of controlled correspondence; records management; and information technology, including acquisition, installation, and

administration of computer hardware, software, and networks. Also, this branch ensures the Office is in compliance with all Federal and Departmental requirements.

(3) FOIA Appeals – Program description listed below.

FOIA Appeals Program Description: The Office has had an increasing role in providing advice on the Privacy Act, as issues relating to maintenance and protection of personal information continue to intensify. FOIA creates a statutory duty to respond to inquiries from interested citizens. In FY 2004, the Department reorganized its FOIA and Privacy Act appeals function, and as a result, transferred the FOIA appeals processing function from the Office of the Chief Information Officer (OCIO) to the Office of the Solicitor, Division of Administration. The Department's reorganization of this function to improve efficiencies along with the slight readjustment in staffing levels demonstrates the seriousness of this important mission to answer to the citizens.

Formerly, through the Division of General Law, the Office only performed legal review of certain appeals to determine the legal sufficiency of potential final agency decisions, while the OCIO managed the overall administration of the appeals program. With the transfer of the FOIA appeals processing function, the Office is now fully responsible for this extensive program. This requires the Division of Administration to review incoming appeals to determine the issues that require review and to develop the Department's response. Resolution of the appeals often requires significant staff time reviewing documents, coordinating with the bureau or office that had been responsible for the FOIA request at issue, and drafting the Department's decision. These decisions frequently involve complex issues that may only be resolved through an in-depth analysis of controlling authorities, causing the staff to devote significant time to researching and drafting the decisions. The FOIA Appeals Officer directly issues appeal decisions for matters involving procedural issues not requiring legal review. An example of the type of such an appeal would be one alleging that a bureau did not conduct an adequate search of its files.

LEGAL SERVICES ACTIVITY

Activity: Legal Services

(dollars in thousands)

	2007 Enacted	2008 Enacted	2009			Change from 2008 (+/-)
			Fixed Costs & Related Changes (+/-)	Program Changes (+/-)	Budget Request	
Legal Services	42,152	44,351	+1, 587	+0	45,938	+1,587

SUMMARY OF FY 2009 PROGRAM CHANGES:

The 2009 request for legal services is \$45,938,000 an increase of \$1, 587,000 for fixed costs.

LEGAL SERVICES PROGRAM OVERVIEW

The responsibility of the Legal Services divisions is to effectively manage the legal work to support the top priorities of the Secretary and the client-representative bureaus. The Solicitor’s Office request for legal services includes an increase for fixed costs.

Legal Workload Drivers: Executive managers and staff continue to report a significant increase in the workload of the Office over the last decade. The Office continues to develop automated tools common to the legal profession that tracks the legal program activities.

The administration of the Department and the performance of its missions is constantly facing new challenges and changes. The changing nature of the workload requires a continuous assessment by this Office’s senior managers of the distribution of Office resources, particularly the human resources, to meet the ever changing legal needs of the Secretary and the client-representative bureaus. Significant examples of workload drivers include the *Energy Policy Act of 2005*, implementation of the *Northwest Forest Plan*, the National Fire Plan and the President’s Healthy Forests Initiative, and the *Water 2025 Initiative*.

- ***Energy Policy Act of 2005:*** The nation’s energy minerals managed by the Department were highlighted by Congress for special attention in the Energy Policy Act, enacted in August 2005. This Act contains multiple initiatives requiring a number of DOI bureaus (including MMS and BLM) to engage in many new rulemakings, to conduct studies, to enter into memoranda of understanding with other agencies, to start pilot projects, and to develop new policies. These have and will continue to require the Solicitor’s Office to provide intensive legal support in the development and implementation stages, and in defending DOI actions against possible legal challenges. Much of the legal advice involves interpreting complex provisions of the new law, advising the DOI bureaus of the range of policy options, and assisting the bureaus with

drafting regulations and other documents by the dates prescribed in the Act. This work is currently ongoing and is expected to continue in FY 2008 and beyond.

The Energy Policy Act (EPAAct) provides new regulatory authority to MMS to manage development and implementation of alternative energy projects on the OCS, including wind, wave and solar projects, and to regulate transportation of oil and gas. Because these are entirely new authorities for the Department, the Office has devoted and will continue to devote considerable effort in assisting with development of these new regulatory programs, including legal interpretation of the scope of the new authority, rulemaking, and defense of litigation.

Another example of substantially increased workload requirements will result from Section 241 of the EPAAct which provides that with respect to FERC hydropower projects, any license applicant or other party to the proceeding is entitled to a determination on the record, after opportunity for a trial-type hearing of no more than 90 days, of any disputed issue of material fact pertaining to any section 4(e) condition or section 18 fishway prescription filed by Interior in the license proceeding. This trial-type hearing process is expedited, so all processes, including motions to dismiss, discovery, the actual hearing, post-hearing briefing and final decisions, must be completed in no more than 90 days. Interior must initiate a 30-day period for license parties to request a trial-type hearing in any licensee proceeding in which Interior files one or more section 4(e) conditions or section 18 prescriptions. Two of these recent proceedings are illustrative where teams of regional and/or headquarters attorneys totaling as many as ten attorneys at a time, worked evenings and weekends to meet the statutorily imposed deadlines. This workload is likely to further increase with the filing for FERC approval of tidal and wave energy projects. These are new technologies for which FERC is expecting to process numerous permit and license applications in the next year which we can expect will expand DOI and SOL responsibilities, particularly with the requirements for trial-type hearings.

- ***Wildland Fire Management, The President's Healthy Forests Initiative and the Northwest Forest Plan:*** Our attorneys provide assistance in implementing direction from the President and Congress associated with the Healthy Forests Initiative (HFI), which calls for improvements to regulatory and administrative processes to ensure more timely decisions, greater efficiency, and better results in reducing the risk of catastrophic wildfires by restoring forest health. In general, efforts are focused on hazardous fuels reduction.

Legal counsel and review is necessary for a variety of activities carried out under the auspices of the HFI, including efforts to streamline compliance with the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Federal Land Policy and Management Act (FLPMA), and state laws concerning prescribed fire. The Office was involved in amending Bureau of Land Management and Office of Hearings and Appeals regulations addressing wildfire management decisions. With respect to streamlining ESA compliance, the Office was involved in developing

counterpart regulations for consultation under section 7 of the ESA for projects supporting the National Fire Plan. Further, after Congress passed the Healthy Forests Restoration Act in 2003, attorneys in this Office assisted BLM in developing guidance for implementing projects authorized under that statute. This Office has also been actively advising BLM in its efforts to implement the stewardship contracting authority recently provided by Congress. Our Office has also been active in helping to defend the Department in litigation challenging the categorical exclusions, counterpart regulations, and individual HFI projects.

As a more general matter, the Office is actively involved in the review, development and implementation of direction associated with procurement contracts, grants, and cooperative agreements associated with wildfire and the HFI. The Office also reviews authority for, and legal aspects of, memoranda of agreement with state, local and foreign governments providing firefighting assistance.

With respect to the Northwest Forest Plan, this Office plays a key role in advising the BLM on the many legal issues involving the management of timber in the Pacific Northwest, including issues related to land use planning; NEPA, ESA, and FLPMA compliance; and implementation of, and contracting for, timber and salvage sales under the Plan. The Office also plays a key role in advising the BLM and assisting DOJ in litigation related to the Plan, which has significantly impacted BLM's ability to offer timber for harvest in compliance with the Plan. The BLM is currently in the process of revising the Resource Management Plans (RMPs) for those districts subject to the Northwest Forest Plan. The Office will continue to offer significant support to the BLM as it proceeds through these high-profile plan revisions.

- ***Water 2025: Preventing Crisis and Conflict in the West:*** In 2003, the Water 2025 initiative was announced to address emerging water conflicts in the West before they become a crisis. In particular, the initiative seeks to find solutions to conflicts that arise from the interplay of water shortages, explosive population growth, aging water supply facilities, and conflicting demands among users. Implementation of the initiative will include, among other actions, various agreements with State and local entities, which we expect to involve legal review by this Office.

With its emphasis on improving automation, the SOL FY 2009 budget is designed to allow the Office to effectively manage this increased work through improved efficiency and effectiveness of the staff rather than by increasing staff.

Program and Organizational Overview – Legal Services

The Office of the Solicitor consists of a headquarters organization in Washington, D.C., and regional and field offices in 18 locations throughout the United States. The Solicitor is the chief attorney for the Department and the principal legal adviser to the Secretary. The Solicitor directs the Office's professional staff and is responsible for the legal work provided to the Department.

The Washington, D.C. office is organized into the Immediate Office of the Solicitor, the Ethic's Office, five major legal divisions, and an administrative division as detailed below. Each division is headed by an Associate Solicitor who is directly responsible to the Solicitor and Deputy Solicitor. Attorneys under the supervision of Associate Solicitors render legal services for the Department's programs. The field organization of the Solicitor's Office is divided into eight regions, as detailed below. Each region is headed by a Regional Solicitor who is directly responsible to the Solicitor and Deputy Solicitor.

HEADQUARTERS

Immediate Office of the Solicitor

Office of Ethics

Division of Parks and Wildlife

Division of General Law

Division of Indian Affairs

Division of Land and Water Resources

Division of Mineral Resources

Division of Administration

<u>REGION</u>	<u>REGIONAL OFFICES</u>	<u>FIELD OFFICES</u>
Alaska	Anchorage, Alaska	----
Southeast	Atlanta, Georgia	Knoxville, Tennessee
Northeast	Boston, Massachusetts	Pittsburgh, Pennsylvania Twin Cities, Minnesota
Inter-mountain	Salt Lake City, Utah	Phoenix, Arizona
Rocky Mountain	Denver, Colorado	Billings, Montana
Pacific Northwest	Portland, Oregon	Boise, Idaho
Pacific Southwest	Sacramento, California	Palm Springs, California San Francisco, California
Southwest	Albuquerque, New Mexico	Santa Fe, New Mexico Tulsa, Oklahoma

PROGRAM AND ORGANIZATION DESCRIPTIONS

The majority of the Office's resources are devoted to the defense of a wide range of litigation against the United States, both administrative and judicial, and to other "nuts-and-bolts" legal services, ensuring that the Department's agencies carry out their responsibilities in accordance with the law. In most judicial litigation, attorneys actively assist or are co-counsel with attorneys from the Department of Justice (DOJ). In some judicial litigation and all administrative litigation, attorneys represent the Department without assistance from DOJ.

The Office also provides everyday legal service assistance in drafting and reviewing legislation, proposed and final regulations, contracts, memoranda of agreement, decisions, agreements, leases, rights-of-way, title documents, and other legal instruments, as well as providing both written and oral legal advice on a constant flow of legal questions. Some of these questions arise from such generic statutes as the Administrative Procedure Act (APA), Freedom of Information Act, Privacy Act, Federal Advisory Committee Act (FACA), Federal Tort Claims Act (FTCA), Civil Service Reform Act, the Civil Rights Acts, and the Rehabilitation Act, while other questions arise from the many specific statutes applicable to the Department's program areas, statutes on which the Office's attorneys and paralegals have developed significant expertise.

In addition to this essential baseline of legal work, the Office engages in a significant number of special legal projects, providing critical legal support for the Department's key initiatives. The legal staff assists the bureaus in responding to congressional direction in appropriations and substantive legislation. The Office advises the bureaus on legal options for streamlining processes and improving program management and implementing plans to carry out departmental goals. Finally, the Office assists the bureaus in responding to Inspector General, congressional, judicial, and public FOIA requests, as well as subpoenas for documents.

In addition to the immediate Office of the Secretary and the offices of the Assistant Secretaries, client-representatives include the following bureaus and offices within the Department:

- Fish and Wildlife Service (FWS)
- National Park Service (NPS)
- Bureau of Indian Affairs (BIA)
- Bureau of Indian Education (BIE)
- Bureau of Land Management (BLM)
- Bureau of Reclamation (BOR)
- Minerals Management Service (MMS)
- Office of Chief Information Officer (OCIO)
- Office of Historical Trust Accounting (OHTA)
- Office of Indian Trust Transition (OITT)
- Office of Surface Mining Reclamation and Enforcement (OSM)
- United States Geological Survey (USGS)
- Policy, Management and Budget (PMB)
- Office of Environmental Policy and Compliance (OEPC)
- Office of Civil Rights (PCR)
- Office of Insular Affairs (OIA)
- Office of the Special Trustee (OST)
- Indian Arts and Crafts Board (IACB)

Client-representative specific narratives are omitted for those bureaus and offices where the legal services provided are predominantly generic, that is, relating to personnel, procurement, FOIA, and other statutes of general applicability to all bureaus and offices.

ORGANIZATIONAL DESCRIPTIONS

The **Division of General Law** is responsible for legal matters related to procurement, patents, and tort claims; Insular areas; equal employment opportunity, labor law, and other personnel matters; and administrative and other general legal issues, including legislative and appropriations issues not assigned to another division. In addition, the Division provides legal assistance and counsel to the Assistant Secretary - Policy, Management and Budget and to the Endangered Species Committee. The Division has an Associate Solicitor and three branches, each headed by an Assistant Solicitor.

- (1) The Branch of Acquisitions and Intellectual Property has responsibility for legal matters related to Department contract and procurement functions including related litigation, use of revolving and franchise funds, interagency agreements, grants and cooperative agreements, the Federal Tort Claims Act, the Military Personnel and Civilian Employees Claims Act, claims relating to agreements and contracts under the Indian Self Governance and Self Determination Acts, patents, copyrights, trademarks, rights in data, and other forms of intellectual property.
- (2) The Branch of General Legal Services has responsibility for legal matters related to budget, finance, legal ethics, FOIA, records management, electronic data management, financial management, partnerships, the Federal Advisory Committee Act, the Privacy Act, rule making, and other administrative law matters, internal delegations of authority, Departmental law enforcement policies, Insular areas, all other related and general matters not specifically the responsibility of any other branch or Division.
- (3) The Branch of Personnel Litigation and Civil Rights has responsibility for legal matters related to the areas administered by the Office for Equal Opportunity, including internal complaints, Title VI matters, and minority business enterprise matters; personnel and equal employment opportunity litigation, personnel policy, and labor relations.

The **Division of Indian Affairs** is responsible for legal matters related to the programs and activities of the Bureau of Indian Affairs and the Bureau of Indian Education. In addition, the Division provides legal assistance and counsel to the Assistant Secretary - Indian Affairs. The Division has an Associate Solicitor, Deputy Associate Solicitor, and four branches, each headed by an Assistant Solicitor.

- (1) The Branch of Water and Power has responsibility for legal matters related to BIA programs and activities with respect to water rights held in trust by the United States for Indian tribes and allottees, including adjudications and Congressional settlements of Indian water rights; license applications before the Federal Energy Regulatory Commission and hydroelectric power projects that affect Indian reservations and resources; and the operation and maintenance of BIA irrigation projects.
- (2) The Branch of Trust Responsibility has responsibility for advising the Secretary in the Secretary's capacity as trustee over lands and minerals owned by Indian Tribes and individual Indians. The Branch is responsible for legal matters related to the acquisition and management of lands held in trust for the benefit of Indian Tribes and individual Indians; the management of the trust assets, including probate, and the use, leasing, sale, and conservation of trust assets such as forest and range lands; breach of trust and land claim litigation; environmental issues

arising in connection with trust lands, and the protection and preservation of tribal cultural resources.

- (3) The Branch of Tribal Government and Alaska has responsibility for legal matters related to BIA tribal governmental programs and activities. In addition, the Branch is responsible for tribal status, treaty rights, reservation boundary, zoning, and taxation disputes; issues concerning Federal, State, and tribal jurisdiction; tribal courts and law enforcement and implementation of the Indian Civil Rights Act.
- (4) The Branch of General Indian Legal Activities has responsibility for legal matters related to BIA and BIE programs and activities other than those assigned to other branches. These matters include gaming, self-determination and self-government, education, roads, social services, and economic development.

The **Division of Land and Water Resources** is responsible for legal matters related to the programs and activities of the Bureau of Reclamation and the Bureau of Land Management (BLM), other than legal matters concerning BLM's mineral programs. The Division is also responsible for asserting, on behalf of all of Interior's bureaus, affirmative claims seeking reimbursement under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) for the costs incurred by those bureaus in remediating contamination on bureau lands. The Division also defends the bureaus in contribution actions asserted against them under CERCLA and other laws. In addition, the Division provides legal assistance and counsel to the Assistant Secretary - Water and Science; the Assistant Secretary - Land and Minerals Management; and with respect to matters concerning Federal facilities compliance and operation of the Central Hazardous Materials Fund, the Assistant Secretary - Policy, Management and Budget. The Division has a Deputy Associate Solicitor and three branches, each headed by an Assistant Solicitor.

- (1) The Branch of Public Lands has responsibility for legal matters related to BLM land management functions, including land acquisitions, disposals, surveys, boundaries, withdrawals, classification, rights-of-way, trespass, land titles, land use planning, grazing, forest management, wildland fire issues, law enforcement, and wilderness.
- (2) The Branch of Water and Power has responsibility for legal matters related to BOR programs and activities, including contracting for water delivery, repayment, and operation and maintenance; hydropower development; water research and technology; water policy; and water rights.
- (3) The Branch of Federal Facilities Compliance has responsibility for legal matters related to cost-recovery and cost-avoidance involving cases funded from Interior's Central Hazardous Materials Fund. The Branch also has responsibility for legal assistance and counsel with respect to issues of environmental compliance that arise under numerous state and federal laws at Interior's facilities,

as well as environmental liabilities that arise during real property transactions. The Branch also works closely with U.S. Environmental Protection Agency and other agencies in promoting the redevelopment of Brownfields sites; encouraging the cleanup of mixed ownership sites (private and public lands); and facilitating the remediation of formerly used defense sites. The Branch also coordinates its response activities with the Department's Natural Resource Damage Assessment and Restoration Program.

The **Division of Mineral Resources** is responsible for legal matters related to the programs and activities of the Geological Survey, other than those related to its Biological Research Division, the Minerals Management Service, and the Office of Surface Mining Reclamation and Enforcement, as well as legal matters concerning BLM's mineral programs. The Division is also responsible for legal services pertaining to programs and activities of the Department related to the Law of the Sea and international law affecting marine minerals, pollution, and related matters. The Division provides legal assistance and counsel to the Assistant Secretary - Water and Science and the Assistant Secretary - Land and Minerals Management. The Division has an Associate Solicitor, Deputy Associate Solicitor, and three branches, each headed by an Assistant Solicitor.

- (1) The Branch of Royalty and Offshore Minerals has responsibility for legal matters related to MMS programs and activities. The Branch is also responsible for legal matters related to international marine minerals, international and national boundaries, international pollution matters, and other Law of the Sea, Outer Continental Shelf, and international matters; enforcement of Federal and Indian mineral lease royalty and other financial obligations; and mineral leasing laws and the Federal Oil and Gas Royalty Management Act of 1982.
- (2) The Branch of Onshore Minerals has responsibility for legal matters related to the mineral programs of BLM and USGS, except matters pertaining to international marine minerals and the Outer Continental Shelf.
- (3) The Branch of Surface Mining has responsibility for legal matters related to OSM programs and activities, including regulatory programs, enforcement and collections, and abandoned mine land reclamation.

The **Division of Parks and Wildlife** is responsible for legal matters related to the programs and activities of the National Park Service, the Fish and Wildlife Service, and the Biological Research Division of the USGS. In addition, the Division provides legal assistance and counsel to the Assistant Secretary - Fish, Wildlife and Parks and the Assistant Secretary - Water and Science. The Division has an Associate Solicitor, Deputy Associate Solicitor, and three branches, each headed by an Assistant Solicitor.

- (1) The Branch of Parks and Recreation has responsibility for legal matters related to NPS programs and activities and for legal matters related to the programs and activities of NPS's National Capital Region and the United States Park Police.

- (2) The Branch of Fish and Wildlife has responsibility for legal issues related to the programs, activities, and policies of the Department and the Department's Fish and Wildlife Service concerning conservation, the preservation of migratory birds, fish, other kinds of endangered species, game and marine mammals, and their habitats throughout the United States, its possessions and territorial waters; the protection, management, and use of natural and cultural resources within the National Wildlife Refuge System; and interaction and liaison between the Department and other Federal and state agencies, foreign countries and international organizations.
- (3) The Branch of Environmental Restoration has responsibility for the resolution of legal problems which involve the programs, activities, and policies of the Department and the various agencies within the Department when related to natural resource restoration.

The **Division of Administration**¹

The **Office of Ethics**², which is part of the Immediate Office of the Solicitor, is responsible for Department-wide implementation of the Ethics in Government Act and other applicable ethics statutes, Executive Orders, and regulations. The Office oversees the Department's nationwide ethics program, providing advice on ethics issues, developing and disseminating Departmental policy and guidance on ethics and conflict of interest matters, and serving as the Department's liaison with the Office of Government Ethics.

The **Office of Indian Trust Litigation**, which is part of the Immediate Office of the Solicitor, is responsible for defending litigation brought by Indian tribes and individual Indians against the Department for breach of trust relating to the accounting for, and management of, trust funds held by the Department for tribes and individual Indians and for breach of trust relating to the management of tribal lands and natural resources.

The Indian Trust Litigation Office has been involved in the past year with a four week trial in *Cobell v. Kempthorne* (D.D.C) over the adequacy of Interior's plan to conduct historical accountings for individual Indian trust accounts; defending tribal trust lawsuits in both the federal District Courts and the Court of Federal Claims; and working to gain District Court permission to reconnect Interior trust bureaus, including the Solicitor's Office, to the internet. The defense of the tribal trust cases will extend into FY 2009 and future fiscal years, as will the need to defend historical accountings in court as they are issued under Interior's plan.

¹ In-depth description of the Division of Administration is on pages SOL19-SOL20.

² More in-depth description of the Ethics Office is on pages SOL33-SOL38.

Regions and Field Offices. The following paragraphs describe the field organization and client assignments of the Office of the Solicitor. Legal services are provided based on bureau regional boundaries, rather than Office of the Solicitor regional boundaries. Because regional boundaries vary from bureau to bureau, the actual areas served by the Solicitor's Regional and Field Offices overlap to a considerable extent, with the result that more than one Regional or Field Solicitor's Office may handle legal matters for different bureaus within a single state. In addition, Regional and Field offices are responsible for legal matters arising in Departmental offices within their jurisdiction, including all elements of the Office of the Secretary, the Assistant Secretary-Policy, Management, and Budget, and organizations affiliated with the Department.

A. The **Alaska Region** is responsible for legal matters involving all bureaus except OSM in Alaska. The Regional Office is located in Anchorage, Alaska.

B. The **Northeast Region** is responsible for legal matters involving all bureaus except BIA in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; legal matters involving all bureaus except NPS in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin; and legal matters involving specific bureaus in Iowa (BIA, FWS, and USGS), Kentucky (OSM), Missouri (FWS), Nebraska (BIA), North Dakota (BIA), South Dakota (BIA), and Tennessee (OSM). The Regional Office is located in Newton Corner, Massachusetts, and Field Offices are located in Fort Snelling, Minnesota, and Pittsburgh, Pennsylvania.

C. The **Pacific Northwest Region** is responsible for legal matters involving all bureaus in Idaho, Oregon, and Washington; and legal matters involving the BIA in southern Alaska (Metlakatla) and northwestern Montana (Flathead Indian Reservation). The Region also handles legal matters for the PNW Region of BOR extending into northwestern Montana, and for Region I of the FWS, it handles legal matters in Hawaii and the Pacific Islands. The Regional Office is located in Portland, Oregon, and a Field Office is located in Boise, Idaho.

D. The **Pacific Southwest Region** is responsible for legal matters involving all bureaus in California and Nevada; and legal matters involving specific bureaus in Alaska (OSM and USGS), Hawaii (NPS and USGS), Idaho (OSM), Oregon-Klamath Basin (BOR), Pacific Islands (NPS and USGS), Washington (OSM and USGS). The Regional Office is located in Sacramento, California, and Field Offices are located in Palm Springs, California, and San Francisco, California.

E. The **Intermountain Region** is responsible for legal matters involving all bureaus except FWS and OSM in Utah; legal matters involving all bureaus except FWS, NPS, and OSM in Arizona; legal matters for BOR in Nevada and California (BOR Lower Colorado Region) and Colorado, New Mexico, and Texas (BOR Upper Colorado Region); legal matters for BIA in Nevada (BIA Eastern Nevada Field Office and Western Nevada Agency) and New Mexico (BIA Navajo Regional Office); and legal matters for BLM in Nevada (shared with the Pacific Southwest Region). The Regional Office is located in Salt Lake City, Utah, and a Field Office is located in Phoenix, Arizona.

F. The **Rocky Mountain Region** is responsible for all legal matters involving the BLM in Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, and Wyoming; all legal matters involving the Bureau of Reclamation Great Plains Region (located east of the Continental Divide in Colorado, Wyoming, and Montana, and in Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, Texas); all legal matters involving FWS Region VI (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming); legal matters involving the NPS in Colorado, Iowa, Illinois, Kansas, Michigan, Minnesota, Missouri, Montana (with the exception of Big Hole Battlefield—Nez Perce), Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming, and NPS concessions contract matters in Arizona, New Mexico, Oklahoma, Texas, and Utah, and legal matters involving subject matter oversight and coordination of the various Solicitor's Office services to the Regional Director, Intermountain Region, NPS; all legal matters involving the BIA in Montana (with the exception of the Flathead Indian Reservation) and Wyoming; all legal matters involving the Central Region of the USGS; and all legal matters coordinated through OSM Western Regional Coordinating Center. The Regional Office is located in Lakewood, Colorado and a Field Office is located in Billings, Montana.

G. The **Southeast Region** is responsible for legal matters involving all bureaus in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and the Virgin Islands; legal matters involving all bureaus except MMS in Louisiana; and legal matters for specific bureaus in Arkansas (FWS and OSM), Connecticut (BIA), Illinois (OSM), Indiana (OSM), Iowa (OSM), Kansas (OSM), Maine (BIA), Massachusetts (BIA), Missouri (OSM), New York (BIA), Oklahoma (OSM), Rhode Island (BIA), Texas (OSM), and Virginia (BIA, BLM, and OSM). The Regional Office is located in Atlanta, Georgia, and a Field Office is located in Knoxville, Tennessee.

H. The **Southwest Region** is responsible for legal matters involving all bureaus in New Mexico, Oklahoma, and Texas; the Navajo Region of the BIA in New Mexico, Arizona, and Colorado; specific bureaus in Arizona (FWS, NPS, and OSM), Illinois (OSM), Kansas (BIA, BLM, MMS), Louisiana (MMS, OSM),. The Southwest Region also is responsible for legal matters involving the Central Office West offices of the BIA which includes the Office of Law Enforcement, the Office of Facilities Management and Construction, the Bureau of Indian Education; and the Office of the Special Trustee. Regional Office is located in Albuquerque, New Mexico, and Field Offices are located in Santa Fe, New Mexico, and Tulsa, Oklahoma.

ETHICS OFFICE ACTIVITY

Activity: Ethics Office
(dollars in thousands)

	2007 Enacted	2008 Enacted	2009			Change from 2008 (+/-)
			Fixed Costs & Related Changes (+/-)	Program Changes (+/-)	Budget Request	
Ethics Office	1,057	1,111	+35	0	1,146	+35

SUMMARY OF FY 2009 PROGRAM CHANGES:

The 2009 budget request for the Ethics program is \$1,146,000 an increase of \$35,000 for fixed costs.

PROGRAM OVERVIEW

The Departmental Ethics Office (DEO) is responsible for overseeing the Department's statutorily mandated ethics program. The DEO is responsible for implementing the laws, executive orders, regulations and departmental policies concerning conflicts of interest and employee responsibilities and conduct.

The Departmental Ethics Office strives to provide every Interior employee the proper counseling and technical assistance to help them with the ethics and conduct issues they may face as entrusted public servants. The ethics office seeks to integrate leadership and ethical concepts into everyday decision making in order to foster and maintain high ethical standards for Interior employees.

The Departmental Ethics Office (DEO) is located within the Office of the Solicitor. The DEO is responsible for overseeing the Department's statutorily mandated ethics program, and derives its authority directly from the Secretary, who by regulation, is the head of the agency's ethics program. The DEO is responsible for implementing the laws, Executive Orders, regulations and departmental policies concerning conflicts of interest and employee responsibilities and conduct (5 C.F.R. § 2638.201-202). The DEO is unique within the Office of the Solicitor, as it has programmatic responsibilities, as well as the rendering of legal advice.

The DEO is headed by a Director, who is also the Designated Agency Ethics Official (DAEO). The DAEO is delegated the responsibility to manage and coordinate the Department's Ethics program (5 C.F.R. § 2638.202-203). The DEO develops departmental ethics policy to ensure that employees incorporate an awareness of the ethics rules and regulations that apply to Interior employees into their day-to-day management practices. The DEO also ensures the implementation of and compliance with the Ethics in Government Act of 1989, other statutes

with ethics provisions, E.O. 12674, government-wide ethics regulations, and the Department's supplemental ethics regulations and policies governing employee conduct.

The DEO provides direct services to all employees: within the Immediate Office of the Secretary, under the Assistant Secretary for Policy, Management and Budget, employees within the Office of the Solicitor as well as all political employees. Along with this program requirement, the DEO is responsible for providing oversight and technical assistance to the Department's eight bureaus to ensure that each of the bureaus' ethics programs are in compliance with all applicable ethics laws, executive orders, and regulations. 5 C.F.R. § 2638.202.

The DEO performs a number of tasks that are required to be performed by law or regulation. Additionally, the DEO provides other, broader assistance in a variety of Departmental initiatives to ensure that attention is paid to whether a particular course of action is prudent and in concert with ethics laws and regulations writ large. The DEO's responsibilities may therefore be categorized as required or as necessary. Comprehensive attention to both types of responsibilities is critical to maintaining a robust ethics program throughout the Department.

At the request of the Secretary of the Interior and with the support of the Solicitor, the Director of the Departmental Ethics Office reviewed the Office of Government Ethics (OGE) Ethics Program Model Practices to determine what practices the Department already utilized and to determine which additional model practices the Department could or should implement. Of the eighty Ethics Program Model Practices, the Department of the Interior was already utilizing sixty. In some cases the Interior practices that were implemented could be enhanced by establishing or improving systems that are already in place.

Based on this review the Director developed a strategic action plan on how to implement the remaining twenty Ethics Program Model Practices. While incorporating new Model Practices into the Department of the Interior ethics program and enhancing other practices it is essential to continue the technical competence of the ethics program. In addition to that initial action plan, the Director has updated the action plan and continues to develop new initiatives to foster a stronger ethical climate with partners, industry and other non-federal entities. Some of the Model Practices that have been incorporated over the past fifteen months include:

A letter prepared to employees outlining the responsibilities of management to fulfill their ethics requirements including linking these responsibilities to salary increases and bonuses.

The Deputy Secretary chaired a senior level task group to develop the core values of the Department of the Interior. The Director participate in the development of the core values of "Stewardship for America with Integrity and Excellence" which is being integrated into the organization structure of the Department.

The Secretary of Interior signed a welcome letter to new employees emphasizing the need to understand the ethics laws and regulations and to understand the commitment to an ethical culture. This is a responsibility of all Department of Interior employees. This letter has been included in all new employees' welcome packages.

The Departmental Ethics Office has increased its liaison efforts with the Office of Government Ethics (OGE) and has served as a member of the OGE Leadership initiative focus group.

The Secretary filmed a Senior Leader video emphasizing an ethical culture. This video was used in ethics training broadcast to employees throughout the United States and a copy of this video has been distributed to the Bureau Assistant Ethics Counselors to be utilized in their training programs.

The Departmental Ethics Office as part of its efforts to increase training initiatives has become part of a new Interagency Ethics Council task force on training. The Secretary as well as the DAEO and Alternate Agency Ethics Official (AAEO) were speakers at the OGE conference. The DAEO and other ethics officials from the DEO presented ethics sessions at the SES conference, weekly politicals' meetings and several other planned conferences. The DEO will focus on several training initiatives based on the Departmental Ethics Training Plan including:

- Personal appearances by Senior Leaders at training.
- Preparing effective decision making modules for training to enhance the ethics culture.
- Enhance ethics training by having leaders and managers discuss ethics related issues with their staff at staff meetings and other work settings.
- Identify trends of ethics violations and publicize what happens with ethical lapses.
- Use media accounts to showcase what happens to those who violate the laws.
- Focus on training the 14 guiding principles of ethics.
- Solicit feedback on training from employees.
- Train the ethics officials, branching out their training into effective decision making and an ethical culture.

In order to continue to enhance the Department of the Interior's ethics culture, the Solicitor has worked closely with the Departmental Ethics Office and reallocated resources in order to achieve these initial efforts. In addition to two ethics counselors hired in July 2006, the Solicitor hired two experienced ethics attorneys. The three ethics attorneys combined have over 40 years of Government ethics experience. Additionally the Director has utilized extern programs to add additional resources to the ethics program.

One of the first projects of this new ethics team was to conduct a self assessment of the Department of the Interior ethics program similar to an Office of Government Ethics program review. The results of this self assessment assisted in determining additional processes and systems that have been implemented and incorporated into the ethics program. There will continue to be a self assessment of the ethics program and the Departmental Ethics Office has recently been trained in ethics program reviews. Bureaus Ethics Counselors will also receive program review training in order to properly execute their oversight roll. Additionally, the Departmental Ethics Program will participate as a member of the Ethics Resource Center (ERC).

REQUIRED FUNCTIONS

- **Oversight and Technical Assistance to Bureaus:** Not only is the DEO responsible for performing ethics functions for a broad spectrum of employees, it is also responsible for ensuring that the Department's bureaus are properly administering their ethics programs. The regulations require that the DAEO administer a program for periodic evaluation of the ethics program and its components. Currently, the DEO meets this responsibility by convening monthly meetings with the bureaus' headquarters ethics contacts to ensure consistency in the management of the program. Additionally, the DEO secured contract services to perform program reviews of the bureaus. The DEO also provides, from time to time, live workshop training on topics important to the consistent management of the bureaus' ethics programs. The DEO received program review training and will conduct a program review as part of the oversight responsibility of the office. Additionally the DEO is preparing for a joint ethics training program with the Department of Agriculture to train ethics counselors from the two Departments.

- **Presidential Appointments:** The DEO plays a critical role in the clearance process of nominees to Senate-confirmed Presidential appointee positions. The DEO reviews financial documents, consults with the nominees, and recommends and drafts appropriate recusals or authorizations to allow the nominees to perform their duties without actual or apparent conflicts of interest. Key in this process is the coordination with the White House Counsel's Office, and the Office of Government Ethics (OGE). Additionally the DEO works with the Department's Office of Congressional and Legislative Affairs to prepare nominees for their committee hearings and assists in the drafting of responses to any questions committee members may have of nominees. In a Presidential transition year, additional time is spent coordinating and ensuring compliance with the financial disclosure requirements for all political appointees, training these employees, and providing individual counseling on a range of ethics topics essential to the appropriate performance of their official duties.

- **Financial Disclosure:** The DEO is responsible for ensuring that the public and confidential financial disclosure reporting requirements are met by the requisite employees. Both levels of financial disclosure require the administration of tracking systems for the collection, review, and certification of the forms in accordance with the time frames set out by regulation (5 C.F.R. § 2634.601-607; § 2634.901-909). Additionally, any remedial action required as a result of review and certification of these forms must be administered by the DEO or respective bureau ethics program. Such remedial actions include divestiture, recusals, or authorization, all of which require a determination in accordance with criminal statutes and administrative regulations. Department-wide, there are approximately 13,000 filers of financial disclosure forms. All forms require technical as well as more stringent financial conflict of interest review and

certification. The DEO is responsible for certifying all financial disclosure forms of employees: in the Immediate Office of The Secretary, under the Assistant Secretary for Policy, Management and Budget, employees in the Office of the Solicitor and all political employees of the Department. Presidentially Appointed-Senate Confirmed (PAS) employees' financial disclosure forms are certified by the DAEO and forwarded to OGE for final certification.

- Training: The DEO is responsible for providing new employee ethics training as well as annual training for all filers of the confidential and public financial disclosures. All public financial disclosure report filers are required to receive live annual training. The administration of the ethics training program is in accordance with 5 C.F.R. § 2638.701-708. Additionally, the DEO is responsible for assisting the ethics counselors in receiving appropriate training. The DEO host training opportunities for ethics counselors.
- Counseling: As required by 5 C.F.R. § 2638.203, the DEO is responsible for maintaining a system for counseling employees on all ethics matters, including interpretations of the criminal financial conflict of interest statutes, the post-employment statute, as well as all standards of conduct regulations (both government-wide and agency-specific). Such systems must include adequate documentation of questions raised and advice rendered to provide employees with written advice, but also for purposes of audit and evaluation by the OGE, or in support of an investigation of alleged violations by the Office of Inspector General. Additionally the DEO is responsible for providing guidance and training for all bureau ethics counselors to ensure consistency in the advice and counseling provided as well as provide guidance and counseling to ethics counselors and general employees on any changes to the ethics rules and regulations.
- Liaison Role: The DAEO is required to be the agency's liaison with the OGE for all matters relating to the management of the ethics program (5 C.F.R. § 2638.203(b)). Additionally, the DAEO and ethics staff performs this role with the White House Counsel's Office, as well as with the Office of Special Counsel.

NECESSARY FUNCTIONS

As stated earlier, there are a number of necessary functions performed by the DEO in order to meet its required responsibilities and also for the purpose of furthering the goal of administering a robust and proactive ethics program, which includes prevention, education, identification of violations, and coordination of enforcement actions. Among these necessary functions are:

- Act as liaison and technical advisor to the Office of Inspector General.

- Compile Department wide annual reports to be submitted to the Office of Government Ethics.
- Participate in the work of the Deputy Chief Human Capital Officer workgroup, to ensure that other aspects of the agency's human resources responsibilities include attention to ethics, i.e., working to include ethics management performance standards in supervisors and ethics counselors' position descriptions.
- Serve on several Departmental initiatives, such as donations of gifts policy; appropriate identification of ethics considerations for volunteers and special government employees; the Core Values working group; the Conduct and Accountability Board; and the Agency Emergency Preparedness Team.
- Work with the Division of General Law on the Federal Advisory Committee Act issues that raise ethics questions, such as the proper designation of members as either representatives or special government employees, and ensuring the administration of financial disclosure requirements for those designated as special government employees.
- Ensure an adequate system for responding to Freedom of Information Act requests as well as requests for documents or other technical assistance from Congressional Committees.

DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
SUMMARY OF REQUIREMENTS BY OBJECT CLASS
(in thousands of dollars)

<u>Object Class</u>	<u>2008 Estimates</u>		<u>Fixed Costs & Related Changes (+/-)</u>		<u>Program Changes (+/-)</u>		<u>2009 Request</u>	
	<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>
11.1 Permanent positions	354	36,025	0	713	0	0	354	36,738
12.1 Personnel benefits: civilian	0	9,353	0	411	0	0	0	9,764
23.1 Rental payments to GSA	0	4,044	0	648	0	0	0	4,692
23.3 Communications, utilities, and	0	1,380	0	0	0	0	0	1,380
25.2 Other services	0	7,524	0	658	0	1,294	0	9,476
Total Appropriations	354	58,326	0	2,430	0	1,294	354	62,050

DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
PROGRAM AND FINANCING
(in millions of dollars)

Identification Code 14-0107-0-1-306	2007 Actual	2008 Estimate	2009 Estimate
Obligations by program activity:			
00.01 Direct program	55	58	62
09.00 Reimbursable program	9	9	9
10.00 Total new obligations	<u>64</u>	<u>67</u>	<u>71</u>
Budgetary resources available for obligation:			
22.00 New budget authority (gross)	65	67	71
23.95 Total new obligations	-64	-67	-71
23.98 Unobligated balance expiring or withdrawn	-1	.....	.....
New budget authority (gross) detail:			
Discretionary:			
40.00 Appropriation	55	59	62
40.33 Appropriation permanently reduced (H.R. 2764)	.....	-1	.....
43.00 Appropriation (total discretionary)	55	58	62
Spending authority from offsetting collections:			
58.00 Offsetting collection (cash)	8	9	9
58.10 Change in uncollected customer payments from Federal sources (unexpired)	2	.....	.....
58.90 Spending authority from offsetting collections (total discretionary)	<u>10</u>	<u>9</u>	<u>9</u>
70.00 Total new budget authority (gross)	<u>65</u>	<u>67</u>	<u>71</u>
Change in obligated balances:			
72.40 Obligated balance, start of year	-3	2	4
73.10 Total new obligations	64	67	71
73.20 Total outlays (gross)	-63	-65	-71
73.40 Adjustments in expired accounts (net)	-1	.....	.....
74.00 Change in uncollected customer payments from Federal sources (unexpired)	-2	.....	.....
74.10 Change in uncollected customer payments from Federal sources (expired)	7	.....	.....
74.40 Obligated balance, end of year	<u>2</u>	<u>4</u>	<u>4</u>
Outlays (gross), detail:			
86.90 Outlays from new discretionary authority	59	63	67
86.93 Outlays from discretionary balances	4	2	4
87.00 Total outlays (gross)	<u>63</u>	<u>65</u>	<u>71</u>
Offsets:			
Against gross budget authority and outlays:			
88.00 Offsetting collections (cash) from: Federal sources	-10	-9	-9
Against gross budget authority only:			
88.95 Change in uncollected customer payments from Federal sources (unexpired)	-2	.....	.....
88.96 Portion of offsetting collections (cash) credited to expired accounts	2	.....	.....
Net budget authority and outlays:			
89.00 Budget authority	55	58	62
90.00 Outlays	53	56	62

**DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR**

**OBJECT CLASSIFICATION
(in million of dollars)**

Identification Code 14-0107-0-1-306	2007 Actual	2008 Estimate	2009 Estimate
<hr/>			
Direct Obligations			
11.1 Full-time permanent	35	36	37
12.1 Civilian personnel benefits	9	9	10
23.1 Rental payments to GSA	3	4	5
23.3 Communications, utilities, and miscellaneous charges	1	1	1
25.2 Other services	<u>7</u>	<u>8</u>	<u>9</u>
99.0 Direct obligations	55	58	62
99.0 Reimbursable obligations	<u>9</u>	<u>9</u>	<u>9</u>
99.9 Total new obligations	64	67	71

**DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR**

PERSONNEL SUMMARY

Identification Code	2007	2008	2009
	Actual	Estimate	Estimate
14-0107-0-1-306			
<hr/>			
Direct:			
1001 Civilian full-time equivalent employment	354	354	354
Reimbursable:			
2001 Civilian full-time equivalent employment	<u>41</u>	<u>48</u>	<u>48</u>
	395	402	402

**DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
EMPLOYEE COUNT BY GRADE**

	FY 2007	FY 2008	FY 2009
	<u>Actual</u>	<u>Estimate</u>	<u>Estimate</u>
Executive Level IV	<u>1</u>	<u>1</u>	<u>1</u>
Subtotal	1	1	1
 SES	 19	 20	 20
 GS-15	 78	 80	 80
GS-14	192	185	187
GS-13	27	34	36
GS-12	15	18	19
GS-11	8	8	7
GS-10	0	1	1
GS-9	12	12	12
GS-8	6	8	8
GS-7	33	39	33
GS-6	12	7	7
GS-5	2	0	2
GS-4	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal	385	392	392
 Total employment (actual/projected) at end of fiscal year	 405	 413	 413

- **SECTION 405 OF THE INTERIOR, ENVIRONMENT AND RELATED AGENCIES APPROPRIATION ACT**

The 2006 Interior, Environment and Related Agencies Appropriation Act requires disclosure of overhead, administrative and other types of spending:

Section 405: Estimated overhead charges, deductions, reserves or hold backs from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central office operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

The administrative costs for this Office will be displayed in two components - **External Administrative Costs**, and **Bureau Billing for Client Support** for reimbursable attorney positions funded by clients.

➤ **External Administrative Costs** - the following table illustrates external administrative costs paid to the Department and other agencies to support Department-wide activities such as IT security, architecture, and capital planning; training through DOI University; telecommunications; finance and accounting services; building security; mail room; and enterprise licenses.

External Administrative Costs (in thousands of dollars)			
	FY2007 Actual	FY 2008 Estimate	FY 2009 Estimate
Department's Working Capital Fund			
Centralized Billings	2,974.5	2,887.7	3,534.2
Direct Billings	1,077.8	1,390.0	1,351.4
Total	4,052.3	4,277.7	4,885.6

➤ **Bureau Billing for Client Support** - A number of client bureaus and offices within the Department have brought the Office special requests for assistance that goes beyond the level of services this Office is generally able to provide. The client generally has identified a special project needing legal services of limited duration but some urgency. In these instances, the Office typically hires one or more attorneys on term appointments for the duration of the project, and the Office enters into a reimbursable support agreement with the client to cover the cost.

Prior to FY 2001, this Office only billed clients for salary and benefits and absorbed the indirect costs associated with the reimbursable support. In FY 2001, the Office of the Solicitor began to collect indirect overhead costs for reimbursable attorney positions funded by the Department's bureaus and offices.

The table below illustrates the indirect overhead costs for reimbursable attorney positions funded by clients. The indirect overhead costs reflects a pro rata portion of salary and benefit costs for administrative and support staff, operating costs which includes space, telecommunications, postage, courier services, supplies, printing, copying, computer equipment, law books, automated legal research services, and external administrative costs.

Bureau Billing for Client Support (in thousands of dollars)			
	FY2007 Actual	FY 2008 Estimate	FY 2009 Estimate
Attorney salaries and benefits	7,350.9	7,578.2	7,654.0
Reimbursable attorney overhead	1,896.1	1,960.8	1,980.4
Total	9,247.0	9,539.0	9,634.4

In addition to reimbursements for staff positions and some related expenses, client bureaus continue to fund a portion of the Office's travel. Consistent with the understanding developed with the Appropriations Committees, travel related to litigation and other core Office functions is paid out of SOL appropriation, but clients fund some travel for our attorneys to provide client training, attend meetings, and for other matters not involving core Office functions.

Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended (42 U.S.C. 9601, et seq), the Federal Water Pollution Control Act (Clean Water Act), and the Oil Pollution Act (OPA) of 1990, (U.S.C. 101-380), the Office will receive funding, funding level yet to be determined, from the Natural Resource Damage Assessment and Restoration (NRDAR) Fund for NRDAR-related travel and work.

DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
Reimbursable Positions
(in thousands of dollars)

	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>
Bureau of Indian Affairs			
Legal support, Office of Economic Development	83	0	0
Legal support, licensing of FERC projects	168	174	178
Legal support, realty matters	31	32	0
Legal support, Indian trust funds	153	0	0
Legal support, Departmental policies for Indian Affairs issues	74	0	0
Legal support, Departmental policies for Indian Affairs issues	81	0	0
Legal support, restoration of land	39	44	46
Legal support, review and examine land titles	40	46	48
Legal support, Stockbridge-Munsee Reservation issues	22	0	0
Legal support, land and water resources issues	372	387	368
Subtotal	1,063	683	640
Bureau of Land Management			
Legal support, implementation of rangeland reform and related litigation	190	197	0
Legal support, water rights issues	84	86	89
Legal support, Trans Alaska Pipeline System	178	187	93
Legal support, processing tort claims	60	64	67
Legal support, Southern Nevada Public Land Management Act implementation	177	182	146
Legal support	156	159	150
Legal support	283	359	432
Legal support	0	600	687
Subtotal	1,128	1,834	1,664

DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
Reimbursable Positions
(in thousands of dollars)

	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>
Bureau of Reclamation			
Legal support, water law issues	239	86	89
Legal support, stream adjudications, contracts, and water rights issues	117	125	132
Legal support, Reclamation issues	459	206	210
Legal support, Central Valley Project water service contracts, Central Valley Improvement Act implementation, and water quality standards for the Sacramento-San Joaquin Delta Estuary and CalFed process	175	181	190
Legal support, Reclamation law, NEPA, and ESA	170	177	182
Legal support, Gila River Indian Community distribution system for the Central Arizona Project and development of Colorado River management criteria and compliance activity	141	158	167
Legal support, Boulder Canyon Project Act	195	202	205
Legal support, Boulder Canyon Project Act	150	155	157
Legal support	0	78	190
Legal support	0	43	153
Subtotal	<u>1,646</u>	<u>1,411</u>	<u>1,675</u>
Fish and Wildlife Service			
Legal support, FWS environmental law issues	75	83	87
Legal support, water rights issues	178	0	0
Legal support, realty matters	94	96	0
Legal support, Alaska subsistence	183	190	199
Legal support, refuge mgt and land acquisition matters	89	99	93
Subtotal	<u>619</u>	<u>468</u>	<u>379</u>
Mineral Management Service			
Legal support, royalty management issues	57	0	0
Legal support	20	135	160
Legal support	0	134	145
Legal support	59	196	0
Legal support	0	0	204
Subtotal	<u>136</u>	<u>465</u>	<u>509</u>

**DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
Reimbursable Positions
(in thousands of dollars)**

	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>
National Business Center			
Legal support, NBC issues	150	153	68
Legal support, NBC issues	0	0	149
	<u>150</u>	<u>153</u>	<u>217</u>
National Park Service			
Legal support, water rights issues	192	170	177
Legal support, legal research	15	0	0
Legal support, issues related to use of water from Cape Cod National Seashore and Assateague Island	75	82	87
Legal support, Mojave National Preserve and Golden Gate National Recreation Area issue	113	116	118
Legal support, Yosemite National Park issues	89	99	93
Legal support, NPS issues	160	162	176
Subtotal	<u>644</u>	<u>629</u>	<u>651</u>
Office of the Secretary			
Employees detailed to Working Group on Indian Water Rights Settlements	77	80	0
Legal support, Everglades restoration	186	153	159
Legal support, Office of Special Trustee for American Indians	2,618	2,618	2887
Legal support, HAZMAT compliance	700	753	758
Subtotal	<u>3,581</u>	<u>3,604</u>	<u>3,804</u>
TOTAL REIMBURSEMENTS	8,967	9,247	9,539