

Congressional Budget Submission (January 2008)

U.S. Department of Justice

FY 2009 PERFORMANCE BUDGET

Office of Legal Counsel

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I. Overview for Office of Legal Counsel

1. Introduction

In FY 2009, the Office of Legal Counsel (OLC) requests a total of \$6,693,000, 37 positions (of which 25 are attorneys), and 37 FTE to meet its primary mission of assisting the Attorney General in his role as legal advisor to the President and Executive Branch agencies and providing timely, thorough, and reliable legal advice in response to requests from the Counsel to the President, general counsels of Executive Branch departments and agencies, the National Security Council Legal Advisor, the Office of Management and Budget, the Attorney General and other Department of Justice officials. OLC is not requesting any program increases in FY 2009.

With the requested FY 2009 resources, OLC will be able to continue to provide top-quality legal advice on matters related to the War on Terror and to homeland security.

Although specifically included only under Strategic Goal II (“Enforce Federal Laws and Represent the Rights and Interests of the American People”), OLC is involved in every aspect of the Department’s Strategic Plan, and most especially now the Department’s primary goal to Prevent Terrorism and Promote the Nation’s Security. OLC has issued opinions or otherwise rendered legal advice touching on virtually every aspect of the Department’s overall work and mission.

Given the nature of its mission and workload, OLC was not selected for review under the Program Assessment Rating Tool (PART) process.

2. Issues, Outcomes and Strategies

OLC’s mission remains highly critical and urgent in the continued prosecution of the War on Terror, which began in the wake of the terrible events of September 11, 2001. Many of the Office’s resources continue to be devoted to providing legal advice related to the War on Terror and to homeland security for the Attorney General, the White House, and various Executive Branch entities. Although the details of the War continue to change, and the content of the related legal work along with it, the effort to defeat the terrorists and protect the homeland remains the government’s top priority. The War on Terror continues to raise a tremendous number of novel legal issues in different contexts. The overall workload in these areas has consistently represented a very large time commitment by the Office, and we do not expect that to change. Recent issues have included, among other things, providing extensive guidance on complex issues related to the Foreign Intelligence Surveillance Act, advising on litigation (and litigation risks), providing advice throughout the Executive Branch related to disaster relief and response (including legal issues pertaining to preparation for and response to an influenza epidemic, and regarding use of the military in disaster response), and addressing the numerous

issues that have arisen in the intelligence reform spawned by September 11. The national security related work of the Office in the last year has included implementation of the Intelligence Reform and Terrorism Prevention Act of 2004, advising on FISA reform efforts, legal issues following the Supreme Court's decision in *Hamdan v. Rumsfeld* and subsequent enactment of the Military Commissions Act of 2006, and the provision of advice with respect to the implementing regulations for the Military Commissions Act. This revised focus has, unfortunately, come at the expense of some of the rest of the Office's workload.

In addition to its significant activities related to counterterrorism and homeland security, OLC will continue its principal duty of assisting the Attorney General in his role as legal advisor to the President and Executive Branch agencies. OLC will also continue in FY 2009 to serve as arbiter of legal disputes within the Executive Branch, to provide general legal assistance to other components of the Department, especially where litigation or proposed legislation raises constitutional issues or general issues of executive authority, and to review for form and legality all Executive Orders and Proclamations proposed by the President, as well as all proposed Orders of the Attorney General and all regulations requiring Attorney General approval.

In addition, OLC will continue to be involved in coordinating the work of the Department regarding treaties, executive agreements and international organizations, and perform a variety of special assignments referred to the Office by the Attorney General, the Deputy Attorney General, or the Associate Attorney General. In recent years, OLC has been responsible for addressing an increased volume of OMB requests for review of legislation and testimony, much of it subject to review on a very expedited basis. The Office is also responsible for advising the Office of Government Ethics on matters of law in the area of conflict of interest.

Formal Attorney General opinions are drafted in OLC and reviewed, revised, and approved by the Attorney General. It is a rare occasion, however, when opinion requests are considered appropriate for Attorney General opinions. Instead, requests typically result in the preparation of legal opinions signed by OLC's Assistant Attorney General or one of his Deputies based upon the research of one or more of the Office's staff attorneys. Other requests may result in the provision of informal advice to the client agency.

OLC is involved in nearly every aspect of the increasingly important work the Department undertakes in the area of immigration law. OLC aids the Attorney General in his review of Board of Immigration Appeals decisions. When the Attorney General decides to certify a case to himself and issue an opinion, OLC oversees that process. OLC is also significantly involved in advising on the ongoing review and potential restructuring of the adjudicatory process within the Executive Office for Immigration Review. Finally, as Congress and Executive Branch agencies propose legislation to change immigration laws, OLC provides legal counsel to the President, the Attorney General, and the Department on the constitutional limits in this unsettled area of law.

OLC's role in the Department's legislative program has increased dramatically in recent years, and includes drafting comments on pending legislation and testimony. OLC regularly receives

legislation for review from both the Office of Management and Budget and the Department's Office of Legislative Affairs, in addition to specific requests from other agencies; the volume is high and the deadlines usually tight. OLC has taken a major role in preparing testimony in connection with pending legislation of interest to the Department and the Executive Branch, and has assisted in the drafting of legislation. The Office has played and continues to play a major role in the Intelligence Community's efforts to reform the Foreign Intelligence Surveillance Act.

In addition, because of its expertise in certain areas, OLC has assumed an on-going advisory role to other Department components, including the Office of the Solicitor General, the National Security Division, and the litigating divisions, on issues relating to, among other things, constitutional rights, national security, and immigration matters.

Since 1977, at the direction of the Attorney General, OLC has published selected formal opinions. Volumes covering the years 1977 through 2000 have already been issued in hardback and production of the volumes for 2001 and 2002 is in progress. As an interim step, preliminary to publication in hardback, OLC has on its website <http://www.usdoj.gov/olc/opinions.htm> published opinions from 1992 to 2007. OLC has accelerated the speed with which it publishes opinions on its website. The rate of publication has increased, and the time between opinion signing and publication has decreased. Work on this effort will continue into FY 2009.

3. Full Program Costs

OLC's budget is fully integrated with its own priorities as well as the full range of the Department's Strategic Goals and Objectives, most especially Strategic Goal II: ("Enforce Federal Laws and Represent the Rights and Interests of the American People").

4. Performance Challenges

OLC's ability to accomplish its mission centers primarily on its ability to maximize resources to meet the demands of an externally-driven workload.

External Challenges: OLC generally does not initiate any programs, nor does it have control over the volume of its work. The work results from requests for opinions and legal advice from the Counsel to the President, general counsels of OMB and other Executive Office of the President components, general counsels of Executive Branch departments and agencies, the National Security Council Legal Advisor, and the Attorney General and other Department of Justice officials. The lack of control over this externally-driven workload has been and is likely to remain a feature of work on the War on Terror, and is inherent in all aspects of the Office's work in reviewing legislation, testimony, and presidential documents.

Internal Challenges: Because it is a relatively small component, representing only a single decision unit, OLC has little flexibility in responding to unexpected surges in workload. The recent refocusing of the majority of OLC's resources towards work related to counterterrorism and homeland security has necessarily been at the expense of other requests for legal opinions. This situation is not likely to change in the foreseeable future.

II. Summary of Program Changes

Not Applicable.

III. Appropriations Language and Analysis of Appropriations Language

Please refer to the General Legal Activities consolidated exhibit and related analysis.

IV. Decision Unit Justification

A. Office of Legal Counsel

<i>Office of Legal Counsel</i> TOTAL	Perm. Pos.	FTE	Amount
2007 Enacted	37	37	\$6,278
2008 Enacted	37	37	6,184
Adjustments to Base			509
2009 Current Services	37	37	6,693
2009 Program Increases	0	0	0
2009 Request	37	37	6,693
Total Change 2008-2009			509

1. Program Description

Playing a major role in the post-9/11 War on Terror, OLC devotes a significant portion of its resources to providing legal advice related to counterterrorism and to homeland security for the White House, the Attorney General, OMB, and other Executive Branch agencies. Although the details of the War continue to change, and the content of the related legal work along with it, the effort to defeat terrorists and protect the homeland remains the government's top priority. The War on Terror continues to raise a tremendous number of novel legal issues in different contexts. The overall workload in these areas has consistently represented a very large time commitment by the Office, and we do not expect that to change. Recent issues have included, among other things, providing extensive guidance on complex issues related to the Foreign Intelligence Surveillance Act, advising on litigation (and litigation risks), providing advice throughout the Executive Branch related to disaster relief and response (including legal issues pertaining to preparation for and response to an influenza epidemic), and addressing the numerous issues that have arisen in the intelligence reform spawned by September 11. The national security related work of the Office in the last year has included implementation of the Intelligence Reform and Terrorism Prevention Act of 2004, legal issues following the Supreme Court's decision in *Hamdan v. Rumsfeld* and subsequent enactment of the Military Commissions Act of 2006, and the provision of advice with respect to the implementing regulations for the Military Commissions Act. This revised focus has, unfortunately, come at the expense of some of the rest of the Office's workload.

OLC will continue its principal duty of assisting the Attorney General in his role as legal advisor to the President and Executive Branch agencies. OLC will also continue in FY 2009 to serve as arbiter of legal disputes within the Executive Branch, to provide general legal assistance to other components of the Department, especially where litigation or proposed legislation raise constitutional issues or general issues of executive authority, and to review for form and legality all Executive Orders and Proclamations proposed by the President, as well as all proposed Orders of the Attorney General and all regulations requiring Attorney General approval.

OLC is involved in nearly every aspect of the increasingly important work the Department undertakes in the area of immigration law. OLC aids the Attorney General in his review of

Board of Immigration Appeals decisions. When the Attorney General decides to certify a case to himself and issue an opinion, OLC oversees that process. OLC is also significantly involved in advising on the ongoing review and potential restructuring of the adjudicatory process within the Executive Office for Immigration Review. Finally, as Congress and Executive Branch agencies propose legislation to change immigration laws, OLC provides legal counsel to the President, the Attorney General, and the Department on the constitutional limits in this unsettled area of law.

OLC's role in the Department's legislative program has increased dramatically in recent years, and includes drafting comments on pending legislation and testimony. OLC regularly receives legislation for review from both OMB and the Department's Office of Legislative Affairs, in addition to specific requests from other agencies; the volume is high and the deadlines usually tight. OLC has taken a major role in preparing testimony in connection with pending legislation of interest to the Department and the Executive Branch, and has assisted in the drafting of legislation. The Office has played and continues to play a major role in the Intelligence Community's efforts to reform the Foreign Intelligence Surveillance Act.

In addition, because of its expertise in certain areas, OLC has assumed an on-going advisory role to other Department components, including the Office of the Solicitor General, the National Security Division, and the litigating divisions, on issues relating to, among other things, constitutional rights, national security, and immigration matters.

2. Performance Table

Performance and Resources Table										
Decision Unit: Office of Legal Counsel										
DOJ Strategic Goal/Objective: Enforce Federal Laws and Represent the Rights and Interests of the American People										
Workload/Resources	Final Target		Actual		Projected		Changes		Requested (Total)	
	FY 2007		FY 2007		FY 2008 Enacted		Current Services Adjustments and FY 2009 Program Changes		FY 2009 Request	
Workload Measures										
Provision of Legal Opinions	1,700		1,700		1,700				1,700	
Review of Executive Orders and Proclamations	190		190		190				190	
Total Costs and FTE										
	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
	37	\$6,278	29	\$5,801	37	\$6,184	0	\$509	37	\$6,693

3. Performance, Resources and Strategies

The Office of Legal Counsel represents a single decision unit. Given its primary mission (“assisting the Attorney General in his role as legal advisor to the President and Executive Branch agencies”), OLC is involved in every aspect of the Department’s Strategic Plan. OLC has issued opinions or otherwise rendered legal advice touching on virtually every aspect of the Department’s overall work and mission.

a. Performance Plan and Report for Outcomes

Given the legal advisory nature of its mission and workload, OLC is not included for review in the Department’s Performance and Accountability Report (PAR). This budget submission is part of the Department’s Performance Plan since we are reporting targets through FY09. However, OLC does not have measures in the PAR.

b. Strategies to Accomplish Outcomes

Since September 11, 2001, OLC has had to realign its priorities in terms of workload and assignments in order to meet the variety of new challenges brought on by the new focus on counterterrorism and homeland security, while still endeavoring to meet its ongoing workload demands to the greatest extent possible with existing resources.

OLC’s general goals for FY 2009 are as follows:

- To provide critical legal advice to the White House, the Attorney General, and other Executive Branch agencies.
- To resolve intra-Executive Branch disputes over legal questions.
- To advise other components of the Department of Justice where litigation or proposed legislation raises constitutional issues or other legal issues of general concern to the Executive Branch.
- To approve for form and legality all Executive Orders and Orders of the Attorney General.

c. Results of Program Assessment Rating Tool (PART) Reviews

Given the legal advisory nature of its mission and workload, OLC is not included for review in the Department’s Performance and Accountability Report (PAR). This budget submission is part of the Department’s Performance Plan since we are reporting targets through FY09. However, OLC does not have measures in the PAR.

V. E-Government Initiatives

The Justice Department is fully committed to the President’s Management Agenda (PMA) and E-Government (E-Gov) initiatives that are integral to achieving the objectives of the PMA. The E-Gov initiatives serve citizens, business, and federal employees by delivering high quality services more efficiently at a lower price. The Department is in varying stages of implementing E-Gov solutions and services including initiatives focused on integrating government wide transactions, processes, standards adoption, and consolidation of administrative systems that are necessary tools for agency administration, but are not core to DOJ’s mission. To ensure that DOJ obtains value from the various initiatives, the Department actively participates in the governance bodies that direct the initiatives and we communicate regularly with the other federal agencies that are serving as the “Managing Partners” to ensure that initiatives meet the needs of the Department and its customers. The Department believes that working with other agencies to implement common or consolidated solutions will help DOJ reduce the funding requirements for administrative and public-facing systems, thereby allowing DOJ to focus more of its scarce resources on higher priority, mission related needs. DOJ’s modest contributions to the Administration’s E-Gov projects will facilitate achievement of this objective.

A. Funding and Costs

The Department of Justice participates in the following E-Gov initiatives and Lines of Business:

Business Gateway	E-Travel	Integrated Acquisition Environment	Case Management LoB
Disaster Assistance Improvement Plan	Federal Asset Sales	IAE - Loans & Grants - Dunn & Bradstreet	Geospatial LoB
Disaster Assist. Improvement Plan - Capacity Surge	Geospatial One-Stop	Financial Mgmt. Consolidated LoB	Budget Formulation and Execution LoB
E-Authentication	GovBenefits.gov	Human Resources LoB	IT Infrastructure LoB
E-Rulemaking	Grants.gov	Grants Management LoB	

The Department of Justice E-Gov expenses – i.e. DOJ’s share of E-Gov initiatives managed by other federal agencies – are paid for from the Department’s Working Capital Fund. These costs, along with other internal E-Gov related expenses (oversight and administrative expenses such as salaries, rent, etc.) are reimbursed by the components to the WCF. The OLC reimbursement amount is based on anticipated or realized benefits from an E-Gov initiative. OLC’s actual or planned reimbursement to the Department’s Working Capital Fund is \$2,000 for FY2008 and \$2,000 for FY2009.

B. Benefits

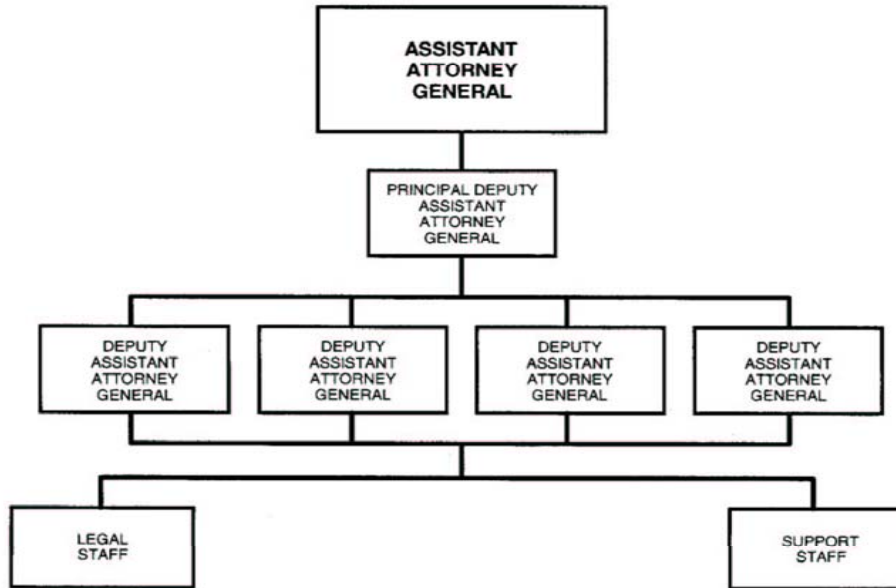
OLC has reimbursable agreements in place with various offices within the Justice Management Division that provide information technology, financial management, and human resource support. E-Gov activities are ongoing or planned in each of these areas and as the Department completes migrations to common solutions provided by an E-Gov or Line of Business initiative, OLC expects to benefit as the Department retires legacy systems and provides additional information and services which can be used to better manage OLC operations.

The E-Gov Initiatives and Lines of Businesses where OLC ultimately expects to realize benefits are the Financial Management Consolidated Line of Business, the Human Resource Line of Business, and the Information Technology Infrastructure Line of Business. All three are currently under development and there are as yet no operational capabilities for which benefits can be quantified.

EXHIBITS

A: Organizational Chart

OFFICE OF LEGAL COUNSEL



John Ashcroft
Approved by: _____ Date: 10/22/01
JOHN D. ASHCROFT
Attorney General

B: Summary of Requirements

Summary of Requirements
Office of Legal Counsel
Salaries and Expenses
(Dollars in Thousands)

	FY 2009 Request		
	Perm. Pos.	FTE	Amount
2007 Enacted	37	37	6,278
2008 Enacted	37	37	6,184
Adjustments to Base			
Increases:			
2009 pay raise (2.9%)			95
2008 pay raise annualization (3.5%)			35
Retirement (1.3%)			3
Health Insurance			133
GSA Rent			134
Base Program Cost Adjustment			126
Subtotal Increases	0	0	526
Decreases:			
Change in Compensable Days	0	0	(17)
Subtotal Decreases	0	0	(17)
Total Adjustments to Base	0	0	509
2009 Current Services	37	37	6,693
2009 Total Request	37	37	6,693
2008 - 2009 Total Change	0	0	509

Estimates by budget activity	FY 2007 Enacted			FY 2008 Enacted			FY 2009 Adjustments to Base			FY 2009 Current Services			FY 2009 Increases			FY 2009 Offsets			FY 2009 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Office of Legal Counsel	37	37	6,278	37	37	6,184			509	37	37	6,693	0	0	0	0	0	0	37	37	6,693
Total	37	37	6,278	37	37	6,184	0	0	509	37	37	6,693	0	0	0	0	0	0	37	37	6,693
Reimbursable FTE		0			0						0										0
Total FTE		37			37			0		37				0			0				37
Other FTE:																					
LEAP								0						0							
Overtime								0						0							
Total Comp. FTE		37			37			0		37				0							37

D: Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective
Office of Legal Counsel
(Dollars in Thousands)

Strategic Goal and Strategic Objective	FY 2007 Enacted		FY 2008 Enacted		FY 2009 Current Services		FY 2009				FY 2009 Request	
	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Increases		Offsets		Direct, Reimb. Other FTE	Direct Amount \$000s
							Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s		
Goal 1: Prevent Terrorism and Promote the Nation's Security 1.1 Prevent, disrupt, and defeat terrorist operations before they occur 1.2 Strengthen partnerships to prevent, deter, and respond to terrorist incidents 1.3 Prosecute those who have committed, or intend to commit, terrorist acts in the United States 1.4 Combat espionage against the United States Subtotal, Goal 1	0	0	0	0	0	0	0	0	0	0	0	0
Goal 2: Prevent Crime, Enforce Federal Laws and Represent the Rights and Interests of the American People 2.1 Strengthen partnerships for safer communities and enhance the Nation's capacity to prevent, solve, and control crime 2.2 Reduce the threat, incidence, and prevalence of violent crime 2.3 Prevent, suppress, and intervene in crimes against children 2.4 Reduce the threat, trafficking, use, and related violence of illegal drugs 2.5 Combat public and corporate corruption, fraud, economic crime, and cybercrime 2.6 Uphold the civil and Constitutional rights of all Americans 2.7 Vigorously enforce and represent the interests of the United States in all matters over which the Department has jurisdiction 2.8 Protect the integrity and ensure the effective operation of the Nation's bankruptcy system Subtotal, Goal 2	37	6,278	37	6,184	37	6,693	0	0	0	0	37	6,693
Goal 3: Ensure the Fair and Efficient Administration of Justice 3.1 Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement 3.2 Ensure the apprehension of fugitives from justice 3.3 Provide for the safe, secure, and humane confinement of detained person awaiting trial and/or sentencing, and those in the custody of the Federal Prison System 3.4 Provide services and programs to facilitate inmates' successful reintegration into society, consistent with community expectations and standards 3.5 Adjudicate all immigration cases promptly and impartially in accordance with due process 3.6 Promote and strengthen innovative strategies in the administration of State and local justice systems 3.7 Uphold the rights and improve services to America's crime victims Subtotal, Goal 3	0	0	0	0	0	0	0	0	0	0	0	0
GRAND TOTAL	37	\$6,278	37	\$6,184	37	\$6,693	0	\$0	0	\$0	37	\$6,693

E. Justification for Base Adjustments

Justification for Base Adjustments Office of Legal Counsel

Increases

2009 pay raise. This request provides for a proposed 2.9 percent pay raise to be effective in January of 2009 (This percentage is likely to change as the budget formulation process progresses.) This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$95,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$77,000 for pay and \$18,000 for benefits).

Annualization of 2008 pay raise. This pay annualization represents first quarter amounts (October through December) of the 2008 pay increase of 3.5 percent included in the 2008 President's Budget. The amount requested, \$35,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$28,000 for pay and \$7,000 for benefits).

Retirement. Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 1.3 percent per year. The requested increase of \$3,000 is necessary to meet our increased retirement obligations as a result of this conversion.

Health Insurance: Effective January 2007, this component's contribution to Federal employees' health insurance premiums increased by 66.7 percent. Applied against the 2008 estimate of \$200,000, the additional amount required is \$133,000.

General Services Administration (GSA) Rent. GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$134,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of an automated system, which uses the latest inventory data, including rate increases to be effective in FY 2009 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. Rate increases have been formulated based on GSA rent billing data.

Base Program Cost Adjustment. This adjustment provides for base program costs of \$126,000 to enable the Office of Legal Counsel to maintain mission-critical operations -- for which funds have been previously appropriated -- at anticipated FY 2009 levels. It will fund items such as personnel costs for previously authorized positions, operational travel and supplies, and information technology maintenance costs. These costs cannot be deferred without severe negative impact on mission-critical base operations.

Decreases

Change in Compensable Days: The decreased cost of one compensable day in FY 2009 compared to FY 2008 is calculated by dividing the FY 2008 estimated personnel compensation of \$3,580,000 and applicable benefits of \$952,000 by 261 compensable days. The cost decrease of one compensable day is \$17,000.

F: Crosswalk of 2007 Availability

Crosswalk of 2007 Availability

Office of Legal Counsel

Salaries and Expenses

(Dollars in Thousands)

Decision Unit	FY 2007 Enacted			Rescissions			Supplementals			Reprogrammings / Transfers			Carryover/ Recoveries			FY 2007 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Office of Legal Counsel	37	37	6,278													37	37	6,278
TOTAL	37	37	\$6,278	0	0	\$0	0	0	\$0	0	0	\$0	0	0	\$0	37	37	\$6,278
Reimbursable FTE																		0
Total FTE		37			0			0			0			0				37
Other FTE																		
LEAP																		0
Overtime																		0
Total Compensable FTE		37			0			0			0			0				37

G: Crosswalk of 2008 Availability

Crosswalk of 2008 Availability

Office of Legal Counsel
Salaries and Expenses
(Dollars in Thousands)

Decision Unit	FY 2008 Enacted			Rescissions			Supplementals			Reprogrammings / Transfers			Carryover/ Recoveries			FY 2008 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Office of Legal Counsel	37	37	6,184												37	37	6,184	
TOTAL	37	37	6,184	0	0	0	0	0	0	0	0	0	0	0	37	37	\$6,184	
Reimbursable FTE																	0	
Total FTE		37			0			0			0			0			37	
Other FTE																		
LEAP																	0	
Overtime																	0	
Total Compensable FTE		37			0			0			0			0			37	

I: Detail of Permanent Positions by Category

Detail of Permanent Positions by Category
Office of Legal Counsel
Salaries and Expenses

Category	FY 2007 Enacted		FY 2008 Enacted		FY 2009 Request					
	Total Authorized	Total Reimbursable	Total Authorized	Total Reimbursable	ATBs	Program Increases	Program Decreases	Total Pr. Changes	Total Authorized	Total Reimbursable
Clerical and Office Services (300-399)	8		8					0	8	
Attorneys (905)	25		25					0	25	
Paralegals / Other Law (900-998)	4		4					0	4	
Total	37	0	37	0	0	0	0	0	37	0
Headquarters (Washington, D.C.)	37		37					0	37	
U.S. Field								0	0	
Foreign Field								0	0	
Total	37	0	37	0	0	0		0	37	0

K: Summary of Requirements by Grade

Summary of Requirements by Grade
Office of Legal Counsel
Salaries and Expenses

Grades and Salary Ranges	FY 2007 Enacted		FY 2008 Enacted		FY 2009 Request		Increase/Decrease	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
SES, \$111,676 - \$168,000	10		10		10		0	
GS-15, \$110,363 - 143,471	14		13		13		0	
GS-14, \$93,822 - 121,967	1		3		3		0	
GS-13, \$79,397 - 103,220	2		2		2		0	
GS-12, \$66,767 - 86,801	1		1		1		0	
GS-11, \$55,706 - 72,421	6		6		6		0	
GS-10, 50,703 - 65,912	2		0		0		0	
GS-9, \$46,041 - 59,852	1		2		2		0	
GS-8, 41,686 - 54,194	0		0		0		0	
GS-7, \$37,640 - 48,933	0		0		0		0	
GS-6, \$33,872 - 44,032	0		0		0		0	
GS-5, \$30,386 - 39,501	0		0		0		0	
GS-4, \$27,159 - 35,303	0		0		0		0	
GS-3, \$24,194 - 31,451	0		0		0		0	
GS-2, \$22,174 - 27,901	0		0		0		0	
GS-1, \$19,722 - 24,664	0		0		0		0	
Total, appropriated positions	37		37		37		0	
Average SES Salary		\$155,344		\$160,160		\$163,683		
Average GS Salary		\$87,149		\$89,851		\$91,827		
Average GS Grade		13		13		13		

L: Summary of Requirements by Object Class

Summary of Requirements by Object Class

Office of Legal Counsel

Salaries and Expenses

(Dollars in Thousands)

Object Classes	FY 2007 Actuals		FY 2008 Enacted		FY 2009 Request		Increase/Decrease	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11.1 Direct FTE & personnel compensation	23	2,703	32	2,650	32	2,730	0	80
11.3 Other than full-time permanent	6	633	5	850	5	883	0	33
11.5 Total, Other personnel compensation	0	113	0	100	0	100	0	0
<i>Overtime</i>	0	0	0	0	0	0	0	0
<i>Other Compensation</i>	0	0	0	0	0	0	0	0
11.8 Special personal services payments	0	0	0	0	0	0	0	0
Total	29	3,449	37	3,600	37	3,713	0	113
Other Object Classes:								
12.0 Personnel benefits		794		950		1,086		136
21.0 Travel and transportation of persons		6		20		25		5
22.0 Transportation of things		27		30		35		5
23.1 GSA rent		1,123		1,137		1,304		167
23.2 Moving/Lease Expirations/Contract Parking		31		25		25		0
23.3 Comm., util., & other misc. charges		98		100		110		10
24.0 Printing and reproduction		5		17		25		8
25.1 Advisory and assistance services		0		0		0		0
25.2 Other services		32		50		50		0
25.3 Purchases of goods & services from Government accounts (Antennas, DHS Sec. Etc..)		169		125		150		25
25.4 Operation and maintenance of facilities		2		0		0		0
25.5 Research and development contracts		0		0		0		0
25.7 Operation and maintenance of equipment		0		30		35		5
26.0 Supplies and materials		65		50		60		10
31.0 Equipment		0		50		75		25
Total obligations		\$5,801		\$6,184		\$6,693		\$509