

OFFICE OF THE SOLICITOR GENERAL

FY 2009 CONGRESSIONAL BUDGET SUBMISSION

January 30, 2008

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*Please refer to the General Legal Activities Consolidated Exhibits

I. Overview for the Office of the Solicitor General

A. Introduction

For FY 2009, the Office of the Solicitor General (OSG) requests a total of \$10,440,000, 48 positions, including 22 attorney positions, and 49 FTE to meet its mission. This request includes only base funding since OSG is not requesting any program increases. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.usdoj.gov/jmd/2009justification/>."

B. Mission/Background

Mission: The major function of the Solicitor General's Office is to conduct all litigation on behalf of the United States in the Supreme Court of the United States and to supervise the handling of litigation in the federal appellate courts. The original Statutory Authorization Act of June 22, 1870, states: "There shall be in the Department of Justice an officer learned in the law, to assist the Attorney General in the performance of his duties to be called the Solicitor General." As stated in 28 CFR 0.20, the general functions of the Office are as follows: (1) conducting or assigning and supervising all Supreme Court cases, including appeals, petitions for and in opposition to certiorari, briefs and arguments; (2) determining whether, and to what extent, appeals will be taken by the government to all appellate courts (including petitions for rehearing en banc and petitions to such courts for the issuance of extraordinary writs); (3) determining whether a brief amicus curiae will be filed by the government, or whether the government will intervene, in any appellate court, or in any trial court in which the constitutionality of an Act of Congress is challenged; and (4) assisting the Attorney General and the Deputy Attorney General in the development of broad Department program policy.

No programs within OSG have been selected for review under the Program Assessments Rating Tool (PART) process.

C. Challenges

Although OSG's mission and strategic objectives will not change in FY 2009, the challenges it faces may. OSG has recently faced new expectations unprecedented in its history, and was called upon to assume added responsibilities. For example, the Solicitor General was asked by the Attorney General and the White House to assume litigation responsibilities in the lower courts with regard to challenges to the United States government's detention at Guantanamo Bay, Cuba, and at the Naval Brig in South Carolina of enemy combatants captured in connection with the ongoing war on terror. Since September 11th, lawyers from OSG, therefore, appear in lower courts more often. Lawyers from OSG have appeared in the D.C., 2nd, 4th, 6th, 7th, and 9th Circuits in important terrorism related cases. These cases are handled by a team of government lawyers headed by the Solicitor General and have placed a significant drain on the limited resources of the Office.

OSG supports the strategic plan of the Department of Justice in the following way.

DOJ Strategic Goal 2: Prevent Crime, Enforce Federal Laws and Represent the Rights and Interests of the American People (\$10,440,000)

- Objective 2.7: Vigorously enforce and represent the interests of the United States in all matters over which the Department has jurisdiction.

D. Full Program Costs

OSG only has one program—Federal Appellate Activity. Its program costs consist almost entirely of fixed costs, such as, personnel and personnel-related costs, GSA rent, and printing.

E. Performance Challenges

External Challenges The Office of the Solicitor General (OSG) does not initiate any programs, but, it is required to handle all appropriate Supreme Court cases and requests for appeal, amicus, or intervention authorization. In the vast majority of cases filed in the Supreme Court in which the United States is a party, a petition is filed by an adverse party and the United States is obliged to respond. Additionally, the Supreme Court formally requests the Solicitor General to express the views of the United States. The number of cases in which the Solicitor General petitions the Supreme Court for review, acquiesces in a petition for a writ of certiorari filed by an adverse party, or participates as an intervenor or as amicus curiae is governed exclusively by the Solicitor General's determination that it is in the best interest of the United States to do so. Further, such activity may vary widely from year to year, which limits the Office's ability to plan its workload and performance activity, since the Office has no control over this activity. For example, the Supreme Court asked the Solicitor General for his views for cases in which the government was not already involved an unusually high number of times in FY 2003 (24). The number of requests dropped 33% to 15 cases in FY 2004 and continued to fluctuate with 13 in FY 2005, 23 in FY 2006, which represented a 77% increase over the prior year, and 22 in FY 2007. Responses are required for each request, and it generally takes considerable time to research, analyze and respond, and, therefore, has a significant impact on attorney workloads and Office resources.

Internal Challenges The Office's personnel resources have not increased in several years. Due to the size of the Office, when positions become vacant it places undue burden on the entire staff to keep the work flowing. When attorneys leave and before replacements arrive, the work must be assigned to another attorney who is already overburdened. This slows down the process and, in turn, affects all units/sections in the office, i.e., Paralegal Unit, Desktop Publishing Unit, and Case Management Section.

IV. Decision Unit Justification

A. Federal Appellate Activity

<i>Federal Appellate Activity</i>	Perm. Pos.	FTE	Amount
2007 Enacted with Rescissions	48	49	9,983
2008 Enacted	48	49	9,883
Adjustments to Base and Technical Adjustments			557
2009 Current Services	48	49	10,440
2009 Program Increases			
2009 Request	48	49	10,440
Total Change 2008-2009			557

1. Program Description

The major function of the Solicitor General's Office is to supervise the handling of government litigation in the Supreme Court of the United States and in Federal appellate courts, to determine whether an amicus curiae brief will be filed by the government, and to approve intervention by the United States to defend the constitutionality of acts of Congress.

The original Statutory Authorization Act of June 22, 1870, states: "There shall be in the Department of Justice an officer learned in the law, to assist the Attorney General in the performance of his duties to be called the Solicitor General." As stated in 28 CFR 0.20, the general functions of the Office are as follows: (1) conducting or assigning and supervising all Supreme Court cases, including appeals, petitions for and in opposition to certiorari, briefs and arguments; (2) determining whether, and to what extent, appeals will be taken by the government to all appellate courts (including petitions for rehearing en banc and petitions to such courts for the issuance of extraordinary writs); (3) determining whether a brief amicus curiae will be filed by the government, or whether the government will intervene, in any appellate court, or in any trial court in which the constitutionality of an Act of Congress is challenged; and (4) assisting the Attorney General and the Deputy Attorney General in the development of broad Department program policy.

This Office does not initiate any programs or have control of the Supreme Court litigations it is required to conduct or the number of appeal and amicus authorizations it handles. Amicus filings often involve important constitutional or Federal statutory questions that will fundamentally affect the administration and enforcement of major Federal programs. Examples in recent Terms include cases presenting significant issues of criminal procedure (affecting the government's ability to succeed in prosecutions), as well as important issues under the civil rights laws (such as the Voting Rights Act and the Americans with Disabilities Act), the environmental laws (such as the Clean Water Act), and many others.

OSG had a substantial increase in all of its workload measures in FY 2006 when compared with the same measurements in FY 2005. The cases in which the Solicitor General was required to participate in increased almost 26%; the number of requests received by the Solicitor General in FY 2006 regarding appeal authorizations increased nearly 14%; the number of cases in which the Solicitor General participated increased nearly 20%; and the number of requests to which the Solicitor General responded increased over 11%. During FY 2006, which roughly parallels the 2005 Supreme Court Term (June 29, 2005 through June 30, 2006), the Office had 420 Supreme Court matters pending at

the beginning of the Term and received an additional 4,125 Supreme Court matters, terminating 4,062 of these matters, leaving a balance of 483 matters pending at the end of the Term. The Office also completed 991 appellate determinations, 1,017 certiorari determinations, and 649 miscellaneous recommendations.¹ Appellate determinations include both appeal authorizations and no appeal decisions. Certiorari determinations include certiorari authorizations, no certiorari decisions, direct appeal authorizations and no direct appeal decisions. Miscellaneous decisions include amicus participation, mandamus, rehearing, settlement, bails, stays, etc. The attorneys in the Office participated in 61 oral arguments before the Supreme Court.²

During FY 2007 (the 2006 Term of the Supreme Court running June 30, 2006 through June 29, 2007), the Office had 483 Supreme Court matters pending at the beginning of the Term, received an additional 4,590 Supreme Court matters, terminating 4,422 of these matters, leaving a balance of 651 matters pending at the end of the Term. The Office completed 762 appellate determinations, 1,176 certiorari determinations, 584 miscellaneous recommendations, and participated in 53 oral arguments before the Supreme Court. During FY 2008 (the 2007 Term of the Supreme Court running June 30, 2007 through June 30, 2008), the Office anticipates having approximately 651 Supreme Court matters pending at the beginning of the Term, receiving an additional 3,876 Supreme Court matters, terminating approximately 4,120 of these matters, leaving a balance of 407 matters pending at the end of the Term. The Office also anticipates completing approximately 860 appellate determinations, 601 certiorari determinations, 732 miscellaneous recommendations, and participating in approximately 65 oral arguments before the Supreme Court. Finally, during FY 2009 (the 2008 Term of the Supreme Court running July 1, 2008 through June 30, 2009), the Office anticipates having approximately 407 Supreme Court matters pending at the beginning of the Term, receiving an additional 3,876 Supreme Court matters, terminating approximately 3,876 of these matters, leaving a balance of 407 matters pending at the end of the Term. The Office also anticipates completing approximately 860 appellate determinations, 601 certiorari determinations, 732 miscellaneous recommendations, and participating in approximately 65 oral arguments before the Supreme Court.

2. Performance, Resources, and Strategies

The Office of the Solicitor General's only decision unit—Federal Appellate Activity—contributes to the Department's Strategic Goal 2: Prevent Crime, Enforce Federal Laws and Represent the Rights and Interests of the American People. The decision unit's total resources fall under the Department's Strategic Objective 2.7 – Vigorously enforce and represent the interests of the United States in all matters over which the Department of Justice has jurisdiction.

a. Performance Plan and Report for Outcomes

The first performance measure is: Cases in which the Solicitor General participated. During the 2005 (FY 2006) Supreme Court Term (June 29, 2005 through June 30, 2006), the Office participated

¹ The figures on determinations and recommendations provided in this document do not directly correspond with the figures provided on the Office's Workload Measurement Tables. Our Workload Measurement Tables track our workload by case; these figures track our workload by determination. Often, the Office of the Solicitor General will receive a request for authorization that includes more than one potential outcome: for example, the Solicitor General may receive a request for authorization for rehearing en banc, or, in the alternative, for a petition for a writ of certiorari. In that case, the Solicitor General may make two determinations; (1) no rehearing and (2) no certiorari. Our Workload Measurement Tables reflect that as a single request; here, we have provided a separate accounting for each determination. Additionally, the figures provided in this document under "miscellaneous requests" include requests for authorization of settlement, for stays, and for mandamus, while the figures on the Performance Measurement Tables do not include such requests.

² The figure for oral argument participation reflects the number of oral arguments the Office presented to the Supreme Court as a party, amicus curiae, or intervenor; it does not reflect the total number of underlying cases for each of those arguments.

in 4,000 cases and in the 2006 (FY 2007) Supreme Court Term, the Office participated in 4,423 cases.

The second performance measure is: Requests to which the Solicitor General responded. During the 2005 Supreme Court Term, the Office responded to 2,389 requests, and in the 2006 Supreme Court Term, the office responded to 2,274 requests. Because the work of the Office is primarily governed by the Supreme Court's schedule, the Office tracks its workload by Supreme Court Term. Fiscal years roughly correspond to Supreme Court Terms, which run from July of the Term year through June of the next year.

OSG participated in more cases and responded to more requests than anticipated in FY 06. However, unlike many of the Department of Justice components, the Office of the Solicitor General does not initiate any programs or have control over the number of Supreme Court cases it is required to handle or the number of requests for appeal, amicus, or intervention authorizations it receives. In the vast majority of cases filed in the Supreme Court in which the United States is a party, a petition is filed by an adverse party and the United States is obliged to respond. Additionally, the Office does not control the number of cases in which the Supreme Court formally requests the Solicitor General to express the views of the United States. Thus, performance measures may vary widely from year to year which increases the likelihood that OSG's actual measures will also vary widely from projected goals. The number of cases in which the Solicitor General petitions the Supreme Court for review, acquiesces in a petition for a writ of certiorari filed by an adverse party, or participates as an intervenor or as amicus curiae is governed exclusively by the Solicitor General's determination that it is in the best interests of the United States to do so.

PERFORMANCE AND RESOURCES TABLE

Decision Unit: Office of the Solicitor General

DOJ Strategic Goal/Objective: Goal 2 -- Prevent Crime, Enforce Laws and Represent the Rights and Interests of the American People. Objective 2.7 - Vigorously enforce and represent the interests of the United States in all matters over which the Department has jurisdiction.

WORKLOAD/ RESOURCES		Final Target		Actual		Changes		Requested (Total)			
		FY 2007		FY 2007		FY 2008 Enacted		Current Services Adjustments and FY 2009 Program		FY 2009 Request	
Federal Appellate Activity											
Workload											
Cases in which the Solicitor General is required to participate or in which the Solicitor General determines participation is in the interest of the United States.		3,876		4,570		3,876				3,876	
Requests received by the Solicitor Genral for authorization to appeal to the Supreme Court or to a lower federal appellate court, or for intervention or participation amicus curiae in any state or federal litigation.		1,873		2,249		1,873				1,873	
Total Costs and FTE		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		49	9,983	[]	[]	49	9,883		557	49	10,440
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2007		FY 2007		FY 2008 Enacted		Current Services Adjustments and FY 2009 Program		FY 2009 Request	
Program Activity		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
	Federal Appellate Activity	49	9,983	[]	[]	49	9,883		557	49	10,440
Workload Measure	Cases in which the Solicitor General participated	3,887		4,423		3,750				3,750	
Workload Measure	Requests to which the Solicitor General responded	1,851		2,274		1,851				1,851	

A. Definitions of Terms or Explanations for Indicators:

Footnote 1: Because the work of the Office is primarily governed by the Supreme Court's schedule, the Office tracks its workload by Supreme Court Term. Fiscal years roughly correspond to Supreme Court Terms, which run from July of the Term year through June of the next year. Reference to fiscal years in this document will reflect information for the applicable Supreme Court Term. Accordingly, FY 2007 corresponds with the 2006 Supreme Court Term, FY 2008 corresponds with the 2007 Supreme Court Term, and so on. The Office of the Solicitor General handles Supreme Court matters on an ongoing basis. As a result, some matters will overlap from one fiscal year to the next, and they are included in the data for the term in which they most appropriately fit.

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

Footnote 3: Includes requests for authorization to petition for rehearing en banc.

B. Data Validation and Verification.

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

Issues Affecting OSG's Program Performance.

The Office of the Solicitor General does not initiate any programs or have control over the number of Supreme Court cases it is required to handle or the number of requests for appeal, amicus, or intervention authorizations it receives. In the vast majority of cases filed in the Supreme Court in which the United States is a party, a petition is filed by an adverse party and the United States is obliged to respond. Additionally, the Office does not control the number of cases in which the Supreme Court formally requests the Solicitor General to express the views of the United States. The number of cases in which the Solicitor General petitions the Supreme Court for review, acquiesces in a petition for a writ of certiorari filed by an adverse party, or participates as an intervenor or as amicus curiae is governed exclusively by the Solicitor General's determination that it is in the best interests of the United States to do so. Thus, the Solicitor General participates in 100% of the cases in which the United States is required to participate, as well as 100% of the cases in which the Solicitor General has determined that the interests of the United States require participation.

PERFORMANCE MEASURE TABLE

Decision Unit: Federal Appellate Activity

Performance Report and Performance Plan Targets		FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007		FY 2008	FY 2009
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Workload Measure	Cases in which the Solicitor General participated	3,237	3,675	3,736	3,811	3,345	4,000	3,887	4,423	3,750	3,750
Workload Measure	Requests to which the Solicitor General Responded	1,935	1,827	1,779	1,815	2,145	2,389	1,851	2,274	1,851	1,851

N/A = Data unavailable

b. Strategies to Accomplish Outcomes

To fulfill the Office of the Solicitor General's critical mission of representing the interests of the United States in the Supreme Court, the Office will devote all resources necessary to prevail in the Supreme Court. For FY 2009, OSG is requesting base funding of 48 positions, 49 workyears and \$10,440,000 to accomplish its goals.

OSG has experienced an increase in several Court related activities. In addition, the OSG is facing new expectations unprecedented in its history and has been called upon to assume added responsibilities. For example, the Solicitor General was asked by the Attorney General and the White House to assume litigation responsibilities in the lower courts with regard to whether the United States government's detention at Guantanamo Bay, Cuba, of al Qaida and Taliban forces captured during the military operations in Afghanistan may be challenged by a writ of habeas corpus in a civilian U.S. court, and, if so, whether their detention violates the United States Constitution, treaties, or other principles of international law. Since September 11th, lawyers from OSG appear in lower courts more often. Lawyers from OSG have appeared in the D.C. 2nd, 4th, 6th, 7th, and 9th Circuits in important terrorism related cases. These cases are handled by a team of government lawyers headed by the Solicitor General and require a significant commitment of attorney and administrative staff resources, which add to the Office's workload. While it might be safe to assume OSG will continue its involvement in similar cases because of the ever changing environment related to world terrorist activities, it is too early to project a trend which can be measured with any degree of confidence.

The Office is reviewing its operations and processes to increase overall efficiency and reduce costs. The Office has made a number of changes and will continue to make additional efforts when appropriate.

This strategy will better enable the OSG and the Department to meet its mission and goals under DOJ Strategic Goal Objective 2.7: Vigorously enforce and represent the interests of the United States in all matters over which the Department has jurisdiction.

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

No programs in this budget account have been subject to a PART Review.

V. E-Gov Initiatives

The Justice Department is fully committed to the President’s Management Agenda (PMA) and the E-Government initiatives that are integral to achieving the objectives of the PMA. The E-Government 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-Government 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 communicates regularly with the other federal agencies that are serving as the “Managing Partners” to ensure that the 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 to 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-Government projects will facilitate achievement of this objective.

A. Funding and Costs

The Department of Justice participates in the following E-Government initiatives and Lines of Business (LoB):

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-Government 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-Government related expenses (oversight and administrative expenses such as salaries, rent, etc.) are reimbursed by the components to the WCF. The Office of the Solicitor General reimbursement amount is based on the anticipated or realized benefits from the e-Government initiatives. The table below identifies OSG’s actual or planned reimbursement to the Department’s Working Capital Fund. As such, OSG’s E-Government reimbursement to the WCF is \$2,000 for FY2008. The anticipated OSG e-Government reimbursement to WCF is \$3,000 for FY2009.

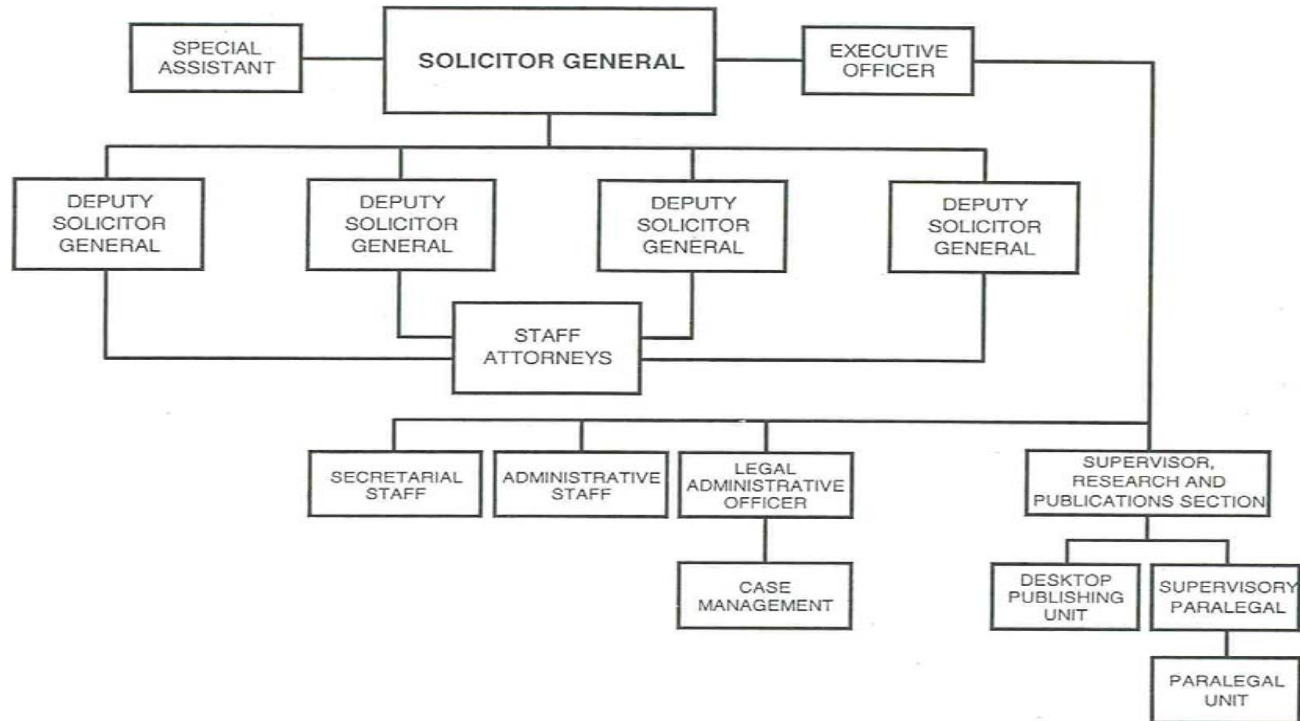
B. Benefits

The OSG has reimbursable agreements with various offices within the Justice Management Division that provide information technology, financial management, and human resource support. E-Gov activities are on-going 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, OSG expects to benefit as the Department retires legacy systems and provides additional information and services which can be better used to manage OSG operations. The LoB’s listed above are under development and no operational capability presently exists. These are the only E-Gov initiatives and Lines of Businesses where OSG ultimately expects to realize benefits.

VI. EXHIBITS

A: Organizational Chart

OFFICE OF THE SOLICITOR GENERAL



Approved by: *Albert B. Gonzales*
ALBERT B. GONZALES
Attorney General

Date: 7/18/06

B: Summary of Requirements

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

	Perm. Pos.	FTE	Amount
2007 Enacted (with Rescissions, direct only)	48	49	9,983
Total 2008 Enacted	48	49	9,883
Adjustments to Base			
Increases:			
2009 pay raise (2.9%)			140
2008 pay raise annualization (3.5%)			60
Retirement (1.3%)			4
Rental Payments to GSA			166
Base Program Cost Adjustment			202
Postage			1
Security Investigations			5
Printing and Reprduction			7
Subtotal Increases	0	0	585
Decreases:			
Change in Compensable Days			(26)
Employee Compensation Fund			(2)
Subtotal Decreases	0	0	(28)
Total Adjustments to Base	0	0	557
2009 Total Request	48	49	10,440
2008 - 2009 Total Change			557

D: Resources by DOJ Strategic Goal and Strategic Objective

**Resources by Department of Justice Strategic Goal/Objective
Office of the Solicitor General**

(Dollars in Thousands)

Strategic Goal and Strategic Objective	2007 Appropriation Enacted w/Rescissions and Supplementals		2008 Enacted		2009 Current Services		2009				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 FTE	Amount \$000s	Direct FTE	Amount \$000s		
Goal 2: Prevent Crime, Enforce Federal Laws and Represent the Rights and Interests of the American People 2.7 Vigorously enforce and represent the interests of the United States in all matters over which the Department has jurisdiction	49	9,983	49	9,883	49	10,440					49	10,440
Subtotal, Goal 2	49	9,983	49	9,883	49	10,440	0	0	0	0	49	10,440
GRAND TOTAL	49	\$9,983	49	\$9,883	49	\$10,440	0	\$0	0	\$0	49	\$10,440

E. Justification for Base Adjustments

Justification for Base Adjustments Office of the Solicitor General

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, \$140,000 represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$112,000 for pay and \$28,000 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 \$60,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$ 48,000 for pay and \$12,000 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 \$4,000 is necessary to meet our increased retirement obligations as a result of this conversion.

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 \$166,000 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 \$202,000 to enable the Office of the Solicitor General to maintain mission critical operations - - for which funds have been previously appropriated -- at anticipated FY 2009 levels. It will fund such items 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.

Postage: Effective May 14, 2007, the Postage Service implemented a rate increase of 5.1 percent. This percentage was applied to the 2008 estimate of \$20,854 to arrive at an increase of \$1,000.

Security Investigations: The \$5,000 increase reflects payments to the Office of Personnel Management for security reinvestigations for employees requiring security clearances.

Government Printing Office (GPO): GOP provides an estimated rate increase of 4%. This percentage was applied to the FY 2008 estimate of \$292,000 to arrive at an increase of \$7,000.

Decreases

Changes in Compensable Days: The decrease costs of one compensable day in FY 2009 compared to FY 2008 is calculated by dividing the FY 2008 estimated personnel compensation \$5,499,000 and applicable benefits \$1,258,000 by 261 compensable days. The cost decrease of one compensable day is \$26,000.

Employees Compensation Fund: The \$2,000 decrease reflects payments to the Department of Labor for injury benefits paid in the past year under the Federal Employee Compensation Act. This estimate is based on the first quarter of prior year billing and current year estimates.

F: Crosswalk of 2007 Availability

Crosswalk of 2007 Availability
 Office of the Solicitor General
 Salaries and Expenses
 (Dollars in Thousands)

Decision Unit	FY 2007 Enacted Without Rescissions			Rescissions			Supplementals			Reprogrammings / Transfers			Carryover/ Recoveries			2007 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Federal Appellate Activity	48	49	9,983													48	49	9,983
TOTAL	48	49	\$9,983	0	0	0	0	0	\$0	0	0	\$0	0	0	\$0	48	49	\$9,983

G: Crosswalk of 2008 Availability

Crosswalk of 2008 Availability

Office of the Solicitor General

Salaries and Expenses

(Dollars in Thousands)

Decision Unit	FY 2008 Enacted			Rescissions			Supplementals			Reprogrammings / Transfers			Carryover/ Recoveries			2008 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Federal Appellate Activity	48	49	9,883													48	49	9,883
TOTAL	48	49	\$9,883	0	0	0	0	0	\$0	0	0	\$0	0	0	\$0	48	49	\$9,883

I: Detail of Permanent Positions by Category

Detail of Permanent Positions by Category
Office of the Solicitor General
Salaries and Expenses

Category	2007 Enacted w/Rescissions and Supplementals		2008 Enacted		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)	17		17						17	
Accounting and Budget (500-599)	1		1						1	
Attorneys (905)	22		22						22	
Paralegals / Other Law (900-998)	6		6						6	
Information & Arts (1000-1099)	2		2						2	
Total	48		48						48	
Headquarters (Washington, D.C.)	48		48						48	
U.S. Field										
Foreign Field										
Total	48		48						48	

K: Summary of Requirements by Grade

Summary of Requirements by Grade
Office of the Solicitor General
Salaries and Expenses

Grades and Salary Ranges	2007 Enacted w/Rescissions and		2008 Enacted		2009 Request		Increase/Decrease	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Executive Level III, \$152,000	1		1		1		
SES, \$111,676 - \$168,000	4		4		4		0	
SL -\$148,095	1		1		1		0	
GS-15, \$110,363 - 143,471	17		17		17		0	
GS-14, \$93,822 - 121,967	3		3		3		0	
GS-13, \$79,397 - 103,220	2		2		2		0	
GS-12, \$66,767 - 86,801	3		3		3		0	
GS-11, \$55,706 - 72,421	9		9		9		0	
GS-9, \$46,041 - 59,852	8		8		8		0	
Total, appropriated positions	48		48		48		0	
Average SES Salary	164		169		173			
Average GS Salary	99		102		104			
Average GS Grade	12		12		12			

L: Summary of Requirements by Object Class

Summary of Requirements by Object Class

Office of the Solicitor General

Salaries and Expenses

(Dollars in Thousands)

Object Classes	2007 Actuals		2008 Enacted		2009 Request		Increase/Decrease	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11.1 Direct FTE & personnel compensation		4,513		4,200		4,389		189
11.3 Other than full-time permanent		926		1,316		1,375		59
11.5 Total, Other personnel compensation		171		200		200		0
<i>Overtime</i>								
<i>Other Compensation</i>								
Total		5,610		5,716		5,964		248
Other Object Classes:								
12.0 Personnel benefits		1,298		1,354		1,441		87
21.0 Travel and transportation of persons		28		40		42		2
22.0 Transportation of things		355		387		406		19
23.1 GSA rent		1,988		1,515		1,628		113
23.3 Comm., util., & other misc. charges		125		157		165		8
24.0 Printing and reproduction		182		199		209		10
25.2 Other services		126		115		121		6
25.3 Purchases of goods & services from Government accounts (Antennas, DHS Sec. Etc..)		155		220		231		11
25.4 Operation and maintenance of facilities		6		6		6		0
25.7 Operation and maintenance of equipment		25		55		58		3
26.0 Supplies and materials		83		105		119		14
31.0 Equipment		2		14		50		36
Total obligations		\$9,983		\$9,883		\$10,440		\$557