



# **AUDIT OF LEGISLATIVE AND PUBLIC AFFAIRS EXPENSES IN THE DEPARTMENT OF JUSTICE**

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# **AUDIT OF LEGISLATIVE AND PUBLIC AFFAIRS EXPENSES IN THE DEPARTMENT OF JUSTICE**

## **EXECUTIVE SUMMARY**

As mandated by Congress, the U.S. Department of Justice (DOJ) Office of the Inspector General (OIG) conducted an audit of legislative and public affairs expenses throughout the DOJ. Specifically, Pub. L. No. 110-161 (2007), Consolidated Appropriations Act, 2008, required that:

Within 200 days of enactment of this Act, the Inspector General shall conduct an audit and issue a report to the Committees on Appropriations of all expenses of the legislative and public affairs offices at each location of the Justice Department, its bureaus and agencies, including but not limited to every field office and headquarters component; the audit shall include any and all expenses related to these activities.

### **Audit Approach**

To accomplish this audit, we:

- identified DOJ agencies, offices, and divisions that performed legislative or public affairs functions;
- obtained data for all fiscal year (FY) 2007 legislative and public affairs expenses and staffing within DOJ; and
- analyzed the legislative and public affairs expense data provided by the components.

For the purposes of this audit, legislative affairs functions were defined as: (1) coordinating legislative activity and communicating between DOJ components and Congress; (2) developing legislative proposals; (3) responding to Office of Management and Budget (OMB) and DOJ Office of Legislative Affairs (OLA) requests for information and questions for the record following congressional hearings; (4) preparing briefing papers in anticipation of congressional testimony, witness statements, congressional reports, views letters, and other legislative products.

Additionally, public affairs functions were defined as: (1) informing the public and press about component activities, priorities, and policies;

(2) responding to inquiries from news organizations; and (3) coordinating DOJ responses to national media contacts.

Based on discussions with staff from the Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies (CJS Appropriations), we did not include in our definition of public affairs activities community outreach, responses to public solicitation of information (e.g., Freedom of Information Act requests), and component museum and historian staff.

Our audit covered FY 2007 legislative and public affairs expenses and staffing among all 40 DOJ components and the 94 U.S. Attorneys Offices (USAO).<sup>1</sup> Additionally, we interviewed officials at the OLA and the Office of Public Affairs (PAO) to obtain background information on legislative and public affairs functions, as well as at Justice Management Division (JMD) to obtain information on a similar congressional request that JMD received from congressional staff in FY 2007.

To identify DOJ agencies, offices, and divisions that perform legislative or public affairs functions, we administered a survey to all DOJ components and USAOs. We followed up with a data request for legislative and public affairs expense and staffing information from DOJ components and USAOs that we determined had performed significant legislative and public affairs functions in FY 2007.<sup>2</sup> Finally, we compiled and analyzed the expense and staffing data provided by the components.<sup>3</sup>

## **Results in Brief**

We determined that DOJ had 25 components and 58 USAOs performing significant legislative and public affairs functions in FY 2007, with combined associated expenses totaling \$49.35 million and 476 employees

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<sup>1</sup> Appendix IV and V include lists of DOJ components and USAOs included in our survey.

<sup>2</sup> For the purposes of this audit, we defined "significant" as at least one staff performing legislative or public affairs functions for an average of 25 percent or more of their time per week in FY 2007, during the period in which they were assigned to perform these functions.

<sup>3</sup> Our audit did not assess the adequacy of component information systems, internal controls, or estimation methodologies for the data provided to the OIG. Nonetheless, we attempted to ensure that our audit methodology met the intent of Congress through discussions with CJS Appropriations staff.

performing these functions throughout FY 2007, as shown in Table 1.<sup>4</sup> The 476 employees consisted of 269 headquarters staff and 207 field office and USAO staff. The 476 staff also included 24 who were detailed to perform legislative or public affairs functions throughout FY 2007. We found more than twice as many DOJ employees performing public affairs functions (325 positions) compared to those assigned legislative affairs duties (151 positions).

Of the \$49.35 million in FY 2007 legislative and public affairs expenses reported, 88 percent was for personnel expenses and 12 percent was for non-personnel expenses such as travel, space charges, communications, printing, supplies, and equipment.

**TABLE 1**  
**FISCAL YEAR 2007 DOJ LEGISLATIVE AND PUBLIC AFFAIRS**  
**EXPENSES AND STAFFING<sup>5</sup>**

	<b>NO. OF POSITIONS<sup>6</sup></b>	<b>PERSONNEL EXPENSES</b>	<b>NON-PERSONNEL EXPENSES</b>	<b>TOTAL EXPENSES</b>
<b>LEGISLATIVE AFFAIRS</b>	151	\$13,623,621	\$2,567,729	<b>\$16,191,350</b>
<b>PUBLIC AFFAIRS</b>	325	29,787,127	3,374,095	<b>33,161,223</b>
<b>TOTAL</b>	<b>476</b>	<b>43,410,748</b>	<b>\$5,941,824</b>	<b>49,352,573</b>

Source: OIG data request of DOJ components on legislative and public affairs

The legislative and public affairs expenses of \$49.35 million accounted for approximately 0.2 percent of the entire FY 2007 DOJ budget.

<sup>4</sup> Generally, our audit only included staff performing legislative or public affairs functions for an average of 25 percent or more of their time per week in FY 2007, during the period in which they were assigned to perform these functions. However, we included all staff funded by OLA and PAO, since these components are dedicated to performing legislative and public affairs functions, respectively.

<sup>5</sup> Throughout this report differences in total amounts are due to rounding. Additionally, differences in total percentages as compared to the sum of individual component percentages are due to rounding.

<sup>6</sup> It should be noted that the 476 staff performing legislative or public affairs functions does not equate to 476 full-time equivalent (FTE) positions. Because staff performing legislative or public affairs as a significant collateral duty were required to estimate a percentage of time performing these functions, generally we were unable to calculate FTEs.

During FY 2007, DOJ was funded by a series of continuing resolutions that carried forward from FY 2006 restrictions on the number of OLA and PAO staffing. Specifically, OLA was limited to 26 permanent positions and 21 full-time equivalent (FTE) work years.<sup>7</sup> PAO was limited to 17 permanent positions and 22 FTEs.

Our review of FY 2007 OLA and PAO staffing levels indicates that OLA complied with its permanent positions ceiling, and PAO complied with its permanent positions and FTE ceilings. However, we also found that OLA exceeded its 21 FTE ceiling by 2.8 FTE work years.

Personnel expenses in FY 2007 for DOJ legislative affairs totaled \$13.62 million. Five DOJ components accounted for \$9.89 million or 72.6 percent of DOJ's total legislative affairs personnel expenses, as shown in Table 2.

**TABLE 2  
DOJ COMPONENTS WITH THE HIGHEST LEGISLATIVE  
AFFAIRS PERSONNEL EXPENSES**

COMPONENT	PERSONNEL EXPENSES	PERCENT OF DOJ TOTAL
Federal Bureau of Investigation	\$ 3,763,292	27.6%
Office of Legislative Affairs	2,045,555	15.0%
Bureau of Alcohol, Tobacco, Firearms and Explosives	1,389,305	10.2%
Office of Legal Policy	1,372,362	10.1%
Drug Enforcement Administration	1,321,621	9.7%
<b>TOTAL</b>	<b>\$9,892,135</b>	<b>72.6%</b>

Source: OIG data request of DOJ components on legislative and public affairs

FY 2007 expenses for public affairs personnel totaled \$29.79 million, and the top 5 components accounted for \$27.22 million or 91.4 percent of DOJ's total public affairs personnel expenses, as shown in Table 3.

<sup>7</sup> A permanent position is defined by 5 C.F.R. 531.403 as a "position filled by an employee whose appointment is not designated as temporary by law and does not have a definite time limitation of 1 year or less. 'Permanent position' includes a position to which an employee is promoted on a temporary or term basis for at least 1 year." An FTE is "the total number of regular straight-time hours (i.e., not including overtime or holiday hours) worked by employees divided by the number of compensable hours applicable to each fiscal year. Annual leave, sick leave, compensatory time off and other approved leave categories are considered 'hours worked' for purposes of defining FTE employment."

**TABLE 3  
DOJ COMPONENTS WITH THE HIGHEST PUBLIC  
AFFAIRS PERSONNEL EXPENSES**

COMPONENT	PERSONNEL EXPENSES	PERCENT OF DOJ TOTAL
Federal Bureau of Investigation	\$ 11,570,450	38.8%
Bureau of Alcohol, Tobacco, Firearms and Explosives	5,355,929	18.0%
U.S. Attorneys Offices	5,008,627	16.8%
Drug Enforcement Administration	3,353,697	11.3%
Office of Public Affairs	1,933,899	6.5%
<b>TOTAL</b>	<b>\$27,222,602</b>	<b>91.4%</b>

Source: OIG data request of DOJ components on legislative and public affairs

To ensure that all staff conducting relevant public affairs activities were included in our audit, we also obtained a list of all DOJ General Schedule (GS) series 1035 Public Affairs Specialists from the National Finance Center, the organization that processes the DOJ payroll. Based on our analysis, we identified five staff that should have been included in the public affairs expense and staffing data for this report, but were not reported by the components. We notified the responsible components of the oversight and the five staff were subsequently included. Additionally, we identified two staff that were reassigned to duties other than public affairs prior to FY 2007.

Our report contains detailed information on the full results of our audit of legislative and public affairs expenses within DOJ. The remaining sections of this Executive Summary summarize in more detail our audit findings.

### **Components Performing Legislative or Public Affairs in FY 2007**

To identify DOJ agencies, offices, and divisions that performed legislative or public affairs functions in FY 2007, we administered a survey to all 40 DOJ components and the 94 USAOs. We received a 100-percent response. Our survey indicated that 25 of the 40 DOJ components and 58 USAOs performed significant legislative or public affairs functions during FY 2007. As mentioned previously, for purposes of this audit the term "significant legislative or public affairs functions" means staff performing legislative or public affairs functions for an average of 25 percent or more of their time per week in FY 2007, during the period in which they were assigned to perform these functions. These 25 components are listed in Table 4.

**TABLE 4  
DOJ COMPONENTS PERFORMING SIGNIFICANT  
LEGISLATIVE OR PUBLIC AFFAIRS FUNCTIONS**

ANTITRUST DIVISION (ATR)	INTERPOL - U.S. NATIONAL CENTRAL BUREAU (USNCB)
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES (ATF)	JUSTICE MANAGEMENT DIVISION (JMD)
FEDERAL BUREAU OF PRISONS (BOP)	NATIONAL SECURITY DIVISION (NSD)
CIVIL DIVISION (CIV)	OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS)
CIVIL RIGHTS DIVISION (CRT)	OFFICE OF INFORMATION AND PRIVACY (OIP)
COMMUNITY RELATIONS SERVICE (CRS)	OFFICE OF JUSTICE PROGRAMS (OJP)
CRIMINAL DIVISION (CRM)	OFFICE OF LEGAL POLICY (OLP)
DRUG ENFORCEMENT ADMINISTRATION (DEA)	OFFICE OF LEGISLATIVE AFFAIRS (OLA)
ENVIRONMENT AND NATURAL RESOURCES DIVISION (ENRD)	OFFICE OF PUBLIC AFFAIRS (PAO)
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (EOIR)	OFFICE ON VIOLENCE AGAINST WOMEN (OVW)
EXECUTIVE OFFICE FOR U.S. ATTORNEYS (EOUSA) AND 58 USAOS	TAX DIVISION (TAX)
EXECUTIVE OFFICE FOR U.S. TRUSTEES (EOUST)	U.S. MARSHALS SERVICE (USMS)
FEDERAL BUREAU OF INVESTIGATION (FBI)	

Source: OIG Survey of DOJ components on legislative and public affairs

The remaining 15 DOJ components reported performing incidental (less than 25 percent of any one person's time during the period in which they were assigned to perform these functions) or no legislative or public affairs functions, as shown in Table 5.



**TABLE 5**  
**DOJ COMPONENTS PERFORMING INCIDENTAL OR**  
**NO LEGISLATIVE OR PUBLIC AFFAIRS FUNCTIONS**

FOREIGN CLAIMS SETTLEMENT COMMISSION (FCSC)
NATIONAL DRUG INTELLIGENCE CENTER (NDIC)
OFFICE OF THE ASSOCIATE ATTORNEY GENERAL (OAAG)
OFFICE OF THE ATTORNEY GENERAL (OAG)
OFFICE OF THE DEPUTY ATTORNEY GENERAL (ODAG)
OFFICE OF DISPUTE RESOLUTION (ODR)
OFFICE OF THE FEDERAL DETENTION TRUSTEE (OFDT)
OFFICE OF THE INSPECTOR GENERAL (OIG)
OFFICE OF INTERGOVERNMENTAL AND PUBLIC LIAISON (OIPL)
OFFICE OF LEGAL COUNSEL (OLC)
OFFICE OF THE PARDON ATTORNEY (OPA)
OFFICE OF PROFESSIONAL RESPONSIBILITY (OPR)
OFFICE OF THE SOLICITOR GENERAL (OSG)
PROFESSIONAL RESPONSIBILITY ADVISORY OFFICE (PRAO)
U.S. PAROLE COMMISSION (USPC)

Source: OIG Survey of DOJ components on legislative and public affairs

To obtain data for all FY 2007 legislative and public affairs expenses and staffing within DOJ, we distributed an expense and staffing data request to the 25 components identified in our survey as performing significant legislative or public affairs functions in FY 2007.<sup>8</sup> We also sent our expenses and staffing data request to all 94 USAOs. However, the responses indicated that only 58 USAOs reported staff performing significant levels of legislative or public affairs functions.

### **Legislative and Public Affairs by DOJ Component**

The DOJ components and USAOs identified in the OIG survey as performing significant legislative and public affairs functions reported FY 2007 expenses totaling \$49.35 million, as shown in Table 6.

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<sup>8</sup> Although the Civil Division was initially excluded from our legislative and public affairs expense and staffing data request, we subsequently identified and included legislative affairs expenses for this component. Specifically, during FY 2007 the Civil Division detailed 1 staff member to OLA on a non-reimbursable basis for a 12-month period that included the last month of FY 2007 and continued into FY 2008. During the period of the detail this staff member performed legislative affairs exclusively, and thus was included in the expense and staffing data for this report.

**TABLE 6  
FISCAL YEAR 2007 DOJ LEGISLATIVE AND PUBLIC AFFAIRS  
EXPENSES BY COMPONENT**

<b>COMPONENT</b>	<b>LEGISLATIVE AFFAIRS EXPENSES</b>	<b>PUBLIC AFFAIRS EXPENSES</b>	<b>COMBINED EXPENSES</b>
FBI	\$ 3,814,226	\$ 11,953,630	<b>\$15,767,856</b>
ATF	1,415,897	5,481,585	<b>6,897,482</b>
USAOs <sup>9</sup>	182,329	6,356,003	<b>6,538,332</b>
DEA	1,492,281	3,802,965	<b>5,295,246</b>
OLA	3,260,559	0	<b>3,260,559</b>
PAO	0	2,733,233	<b>2,733,233</b>
OLP	2,078,346	0	<b>2,078,346</b>
USMS	810,931	409,370	<b>1,220,301</b>
BOP	484,432	648,388	<b>1,132,820</b>
OJP	328,284	652,794	<b>981,078</b>
EOIR	648,081	320,774	<b>968,855</b>
JMD	688,920	0	<b>688,920</b>
COPS	276,850	192,550	<b>469,400</b>
EOUST	62,644	177,373	<b>240,017</b>
CRS	0	184,995	<b>184,995</b>
CRM	161,976	0	<b>161,976</b>
USNCB	0	160,257	<b>160,257</b>
CRT	96,958	17,369	<b>114,327</b>
ATR	50,731	58,080	<b>108,811</b>
OVW	72,116	11,857	<b>83,973</b>
OIP	82,793	0	<b>82,793</b>
TAX	67,616	0	<b>67,616</b>
NSD	59,890	0	<b>59,890</b>
ENRD	45,288	0	<b>45,288</b>
CIV	10,202	0	<b>10,202</b>
<b>TOTAL</b>	<b>\$16,191,350</b>	<b>\$33,161,223</b>	<b>\$49,352,573</b>

Source: OIG data request of DOJ components on legislative and public affairs

The FBI, ATF, DEA and USAOs accounted for \$34.5 million or 69.9 percent of the total DOJ legislative and public affairs expenses. However, legislative and public affairs expenses only accounted for 0.3 percent, 0.7 percent, 0.3 percent, and 0.4 percent of the FBI, ATF, DEA, and USAOs FY 2007 budgets, respectively.

<sup>9</sup> Throughout this report, we combined the total expenses and number of positions of the 58 USAOs and the Executive Office for U.S. Attorneys into one component, referred to as "USAOs."

The 25 DOJ components and 58 USAOs reported 476 staff performing legislative and public functions throughout FY 2007. The 476 staff included 269 headquarters staff and 207 field office and USAO staff, as shown in Table 7.

**TABLE 7  
FISCAL YEAR 2007 DOJ LEGISLATIVE AND PUBLIC AFFAIRS  
STAFFING BY COMPONENT**

COMPONENT	LEGISLATIVE AFFAIRS			PUBLIC AFFAIRS			COMBINED
	HQ STAFF	FIELD OFFICE STAFF	TOTAL	HQ STAFF	FIELD OFFICE STAFF	TOTAL	TOTAL
FBI	32	0	32	42	82	124	156
USAOs	1	1	2	0	80	80	82
ATF	13	0	13	15	23	38	51
DEA	11	0	11	15	21	36	47
OLP	25	0	25	0	0	0	25
OLA	22	0	22	0	0	0	22
PAO	0	0	0	21	0	21	21
USMS	7	0	7	6	0	6	13
BOP	4	0	4	6	0	6	10
OJP	3	0	3	6	0	6	9
EOIR	5	0	5	2	0	2	7
JMD	7	0	7	0	0	0	7
COPS	4	0	4	1	0	1	5
CRM	3	0	3	0	0	0	3
CRT	2	0	2	1	0	1	3
ATR	1	0	1	1	0	1	2
EOUST	1	0	1	1	0	1	2
NSD	2	0	2	0	0	0	2
OIP	2	0	2	0	0	0	2
OVW	2	0	2	0	0	0	2
CIV	1	0	1	0	0	0	1
CRS	0	0	0	1	0	1	1
ENRD	1	0	1	0	0	0	1
TAX	1	0	1	0	0	0	1
USNCB	0	0	0	1	0	1	1
<b>TOTAL</b>	<b>150</b>	<b>1</b>	<b>151</b>	<b>119</b>	<b>206</b>	<b>325</b>	<b>476</b>

Source: OIG data request of DOJ components on legislative and public affairs

### Appropriations Law – Staffing Restrictions

Since FY 1996, annual appropriation laws have placed specific restrictions on the number of staff permitted to perform legislative affairs functions for OLA and public affairs functions for PAO. The terms of these staffing restrictions have varied from FYs 1996 through 2007. During

FY 2007, DOJ was funded by a series of continuing resolutions that carried forward certain FY 2006 positional requirements for OLA and PAO. Specifically, OLA was "not to exceed 26 permanent positions, 21 full-time equivalent work years . . ." and PAO was "not to exceed 17 permanent positions, 22 full-time equivalent work years . . ." <sup>10</sup> The legislation further stated that "the OLA and PAO may utilize, on a non-reimbursable basis details of career employees within the ceilings provided." In contrast to prior fiscal years, the FY 2008 appropriations law does not include any specific staffing ceilings related to OLA and PAO. <sup>11</sup>

Our review of FY 2007 OLA and PAO staffing levels indicates that OLA was within its permanent positions ceiling, and PAO was within its permanent positions and FTE ceilings as identified in the appropriations language. However, we found that OLA exceeded its 21 FTE ceiling by 2.8 FTE work years in FY 2007.

JMD, OLA, and PAO share the responsibility of ensuring compliance with the staffing ceilings mandated by the appropriations law. However, because of the limited size of OLA and PAO, JMD monitors OLA's and PAO's compliance with budget requirements. JMD disagrees with the OIG's conclusion that OLA exceeded its FTE ceiling. According to JMD, OLA and PAO were within the staffing ceilings mandated by appropriations requirements.

Table 8 shows the OLA and PAO staffing ceilings, actual average daily permanent positions, and FTE work years for FY 2007. It includes our calculation of these numbers, as well as JMD's calculations.

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<sup>10</sup> Pub. L. No. 109-108 (2005), Science, State, Justice, Commerce, And Related Agencies Appropriations Act, 2006.

<sup>11</sup> Pub. L. No. 110-161 (2007), Consolidated Appropriations Act, 2008.

**TABLE 8  
ANALYSIS OF OLA AND PAO FISCAL YEAR 2007  
PERMANENT POSITIONS AND FTES**

	PERMANENT POSITIONS <sup>12</sup>			FTE WORK YEARS <sup>13</sup>		
	CEILING	OIG DAILY AVERAGE	JMD DAILY AVERAGE	CEILING	OIG ACTUAL	JMD ACTUAL
<b>OLA</b>	26	23.2	23.0	21	<b>23.8</b>	17.0
<b>PAO</b>	17	16.3	14.3	22	17.6	17.1

Source: OIG data request of DOJ components on legislative and public affairs

As detailed above, the appropriations language allowed OLA 5 more permanent positions than FTEs, while it allowed PAO 5 fewer permanent positions than FTEs. We noted that these were unusual allocations, because it allowed OLA 26 permanent positions but only 21 FTEs, and conversely allowed PAO only 17 permanent positions but 22 FTEs. Achieving these ceilings would require that OLA use a significant number of part-time permanent staff, while PAO would be required to use a significant number of temporary or term staff.

According to OMB Circular A-11, non-reimbursable detailed staff are included in the providing component's permanent positions and FTE ceilings; the receiving component, such as OLA and PAO, would not have to count such detailed personnel against their staffing levels. However, we believe the appropriations language clearly states that while OLA and PAO may utilize non-reimbursable detailed staff, the use of such non-reimbursable detailed staff must be within the permanent positions and FTE ceilings provided by the appropriations law. As a result, we used the specific terms of the appropriations language in our analysis, and we included all staff performing legislative affairs functions for OLA and all staff performing public

<sup>12</sup> Our analysis of the actual number of permanent positions for OLA and PAO was based on the average number of onboard staff, including detailed staff, each day during FY 2007. We did not include temporary or term staff in our calculations of permanent positions.

<sup>13</sup> FTEs equal the total number of regular straight-time hours (i.e., not including overtime or holiday hours) worked by employees divided by the number of compensable hours applicable to each fiscal year (2,080 hours for FY 2007). Annual leave, sick leave, compensatory time off, and other approved leave categories are considered "hours worked" for purposes of defining FTEs.

affairs functions for PAO.<sup>14</sup> However, we did not count any temporary or term staff in the permanent positions ceilings.

### *Office of Legislative Affairs Staffing*

The 23.2 daily average permanent positions we calculated for OLA is reflective of the total number of staff that performed legislative affairs activities for OLA during FY 2007, excluding one term staff. Therefore, we concluded that OLA was within its 26 permanent positions ceiling.

Pursuant to OMB Circular A-11, non-reimbursable detailed staff are not included in a receiving component's permanent positions or FTE ceilings. However, the appropriations language specifically states that OLA may utilize, on a non-reimbursable basis, career detailed staff "within the ceilings provided." JMD officials believed that the appropriations language was intended to limit the number of staff performing legislative affairs functions for OLA. As a result, in a good faith effort to meet the intent of the appropriations language and contrary to standard budgeting practices, JMD included 9 of the 11 non-reimbursable staff detailed to OLA throughout FY 2007 in its calculations of OLA's permanent positions. JMD did not include one non-career Schedule C staff in its calculations of OLA's permanent positions because JMD interpreted the appropriations language to state that only career detailed staff should be included in the ceilings. Additionally, both the OIG and JMD did not include one term staff.

However, JMD did not include non-reimbursable detailed staff in its calculations of OLA's FTEs. In calculating OLA's FY 2007 FTEs, JMD followed OMB Circular A-11 and did not include the 11 non-reimbursable detailed staff. JMD stated that including the detailed staff in the FTE ceiling would not make sense because an agency cannot have 26 permanent positions authorized and expect to stay within the 21 FTE ceiling unless a significant number of staff were permanent part-time employees.

We do not agree with JMD's methodology for calculating FTEs. We believe the appropriations language stating that OLA may utilize, on a non-reimbursable basis, career detailed staff "within the ceilings provided," requires that non-reimbursable detailed staff be included in both the permanent positions and FTE ceilings, not just the permanent positions

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<sup>14</sup> It should be noted that PAO had two staff that were detailed to other agencies on a non-reimbursable basis during FY 2007, during which time they were not performing public affairs functions. As a result, we did not include the period these staff were on detail in our calculations of permanent positions and FTEs.

ceiling. As a result, we included all 11 non-reimbursable staff, including the non-career Schedule C staff, detailed to OLA throughout FY 2007 in our calculations of OLA's FTEs. We found that during FY 2007, OLA exceeded its 21 FTE ceiling by 2.8 FTE work years.

### *Office of Public Affairs Staffing*

We found that PAO was within the FY 2007 FTE ceiling of 22 required by the appropriations language. The 17.6 FTE work years we calculated for PAO is reflective of the total number of staff that performed public affairs activities for PAO during FY 2007, including staff whose salaries and benefits were paid for by another component under a reimbursable agreement and term staff detailed to PAO on a non-reimbursable basis. The 17.1 FTEs that JMD calculated include the 3 staff funded under a reimbursable agreement but does not include 3 term staff detailed to PAO throughout FY 2007.

Further, in our analysis of PAO's permanent positions, we found that on a daily average during FY 2007 PAO used 16.3 permanent positions, which was within the 17 permanent positions ceiling. We included three PAO staff funded through agreements with the Criminal Division, Antitrust Division, and National Security Division in our analysis of PAO's permanent positions ceiling. In our judgment, these staff fall under the definition of a permanent position since their appointments were for more than 1 year.<sup>15</sup> Further, these staff are PAO employees.

In its calculations of PAO's 14.3 permanent positions, JMD did not include the 3 staff whose salaries and benefits were funded through reimbursable agreements. According to JMD officials, when the salaries and benefits of staff within a component are paid for by another component through a reimbursable agreement, these staff are not counted in the permanent positions ceiling of either component. As a result, JMD did not include these staff in its calculations of PAO's permanent positions. We do not agree with this methodology and included these staff in our calculations.

Our overall conclusion is that for FY 2007 OLA complied with its permanent positions ceiling, and PAO complied with its permanent positions and FTE ceilings. However, we also found that OLA exceeded its 21 FTE ceiling by 2.8 FTE work years.

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<sup>15</sup> A permanent position is defined by 5 C.F.R. 531.403 as a "position filled by an employee whose appointment is not designated as temporary by law and does not have a definite time limitation of 1 year or less. 'Permanent position' includes a position to which an employee is promoted on a temporary or term basis for at least 1 year."

## **Analysis of Legislative and Public Affairs Personnel Expenses**

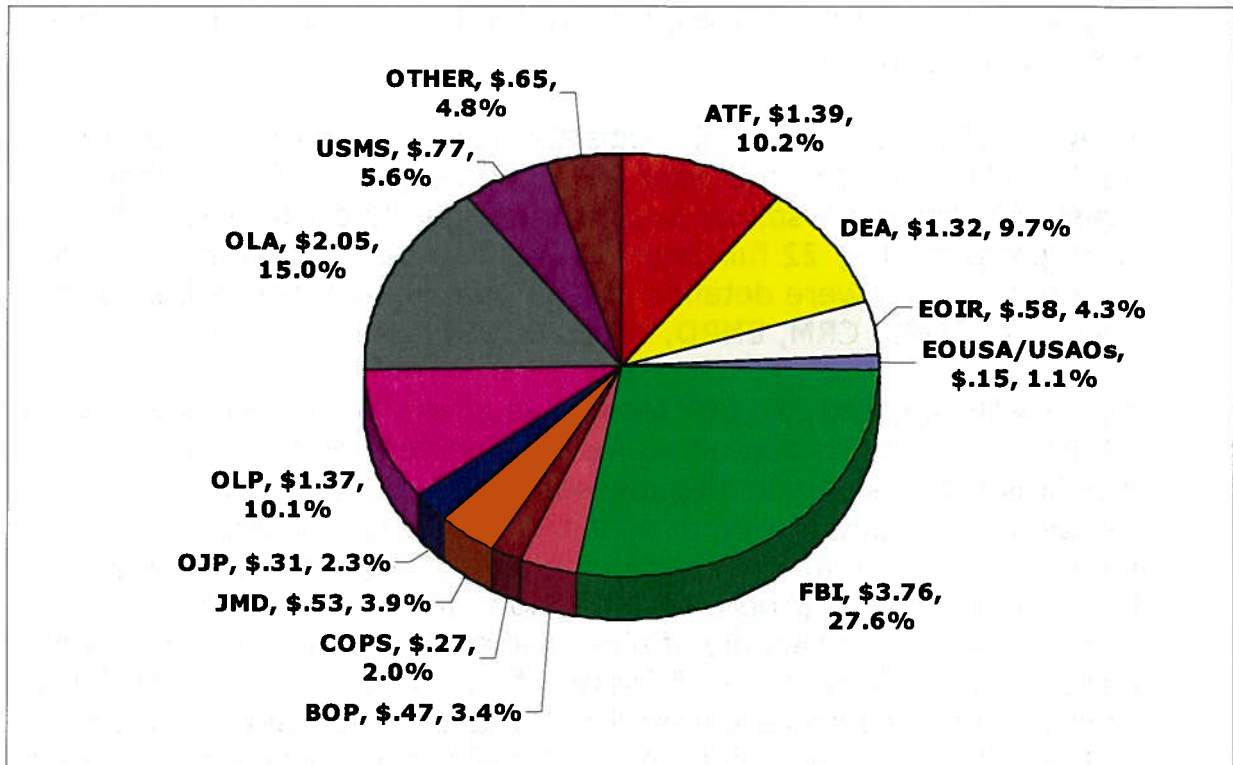
The personnel expenses provided by the components and the USAOs were based on actual amounts spent. As a result, personnel expenses were comparable among components and USAOs. Conversely, the non-personnel expenses were based on either actual or estimated amounts, and were not comparable among the components and USAOs. Therefore, in analyzing legislative and public affairs expenses among the components and USAOs we based our analysis on personnel expenses only, which accounted for \$43.41 million or 88 percent of total expenses. The \$43.41 million total was comprised of \$13.62 million in legislative affairs personnel expenses and \$29.79 million in public affairs personnel expenses.

### *Legislative Affairs Personnel Expenses*

We found that five components accounted for \$9.89 million or 72.6 percent of DOJ's \$13.62 million total legislative affairs personnel expenses: (1) FBI, (2) OLA, (3) ATF, (4) OLP, and (5) DEA. Figure 1 depicts DOJ components' and USAOs' FY 2007 legislative affairs personnel expenses as a percentage of the overall DOJ legislative affairs personnel expenditures.



**FIGURE 1**  
**ANALYSIS OF FISCAL YEAR 2007 LEGISLATIVE AFFAIRS**  
**PERSONNEL EXPENSES<sup>16</sup>**  
**(DOLLARS IN MILLIONS)**



Source: OIG data request of DOJ components on legislative and public affairs

More detail about the legislative affairs activities of the top five components is provided below:

1. **FBI** – The FBI reported FY 2007 legislative affairs personnel expenses of \$3.76 million, which accounted for 27.6 percent of the total DOJ legislative affairs personnel expenses. The FBI’s legislative affairs functions generally consist of acting as the FBI’s primary liaison to Congress, particularly the nine primary Senate and House committees that oversee FBI funding and operations; vetting congressional materials such as proposed legislation, testimony, letters, reports and other materials; and preparing consolidated responses for transmittal to Congress. Responsibilities include keeping Congress informed about

<sup>16</sup> For reporting purposes, the “Other” consisted of the following 12 components: (1) ATR, (2) CIV, (3) CRM, (4) CRS, (5) CRT, (6) ENRD, (7) EOUST, (8) NSD, (9) OIP, (10) OVW, (11) TAX, and (12) USNCB INTERPOL.

FBI activities, as well as responding to oversight inquiries, requests for documents and constituent matters. Legislative affairs functions were performed by 32 full-time FBI staff, of which 30 were at the FBI's Office of Congressional Affairs and other headquarters sections, 1 was on detail to the Office of the Director of National Intelligence, and 1 was on detail to the Senate Committee on Homeland Security and Governmental Affairs.

2. **OLA** – OLA reported FY 2007 legislative affairs personnel expenses of \$2.05 million, which accounted for 15 percent of the DOJ's total legislative affairs personnel expenses. Legislative affairs functions were performed by 22 full-time OLA staff. Additionally, throughout FY 2007 11 staff were detailed to OLA on a non-reimbursable basis from CIV, COPS, CRM, ENRD, EOIR, EOUST, JMD and OLP.<sup>17</sup>
3. **ATF** – ATF reported FY 2007 legislative affairs personnel expenses of \$1.39 million, which accounted for 10.2 percent of the total DOJ legislative affairs personnel expenses. ATF's legislative affairs functions generally consist of acting as a liaison for communications between Congress and ATF, preparing and managing testimony for hearings, reviewing proposed legislation, and advising ATF management on legislative affairs. Legislative affairs function were performed by 13 full-time ATF staff, of which 11 were at ATF's Office of Public and Governmental Affairs, 1 was on detail to the House Judiciary Committee, and 1 was on detail to the House Appropriations Committee.
4. **OLP** – OLP reported FY 2007 legislative affairs personnel expenses of \$1.37 million, which accounted for 10.1 percent of the total DOJ legislative affairs personnel expenses. OLP's legislative affairs functions generally consist of developing and coordinating DOJ's legislative proposals for transmission to Congress, assisting in preparing witnesses to testify before Congress, drafting congressional correspondence, and briefing congressional staff. Legislative affairs functions were performed by 19 OLP staff, 4 staff detailed from USAOs, and 1 staff detailed from the Civil Division. Additionally, 1 staff was detailed from OLP to OLA to perform legislative affairs functions on a full-time, non-reimbursable basis. Finally, JMD detailed one staff member to OLP on a non-reimbursable basis.

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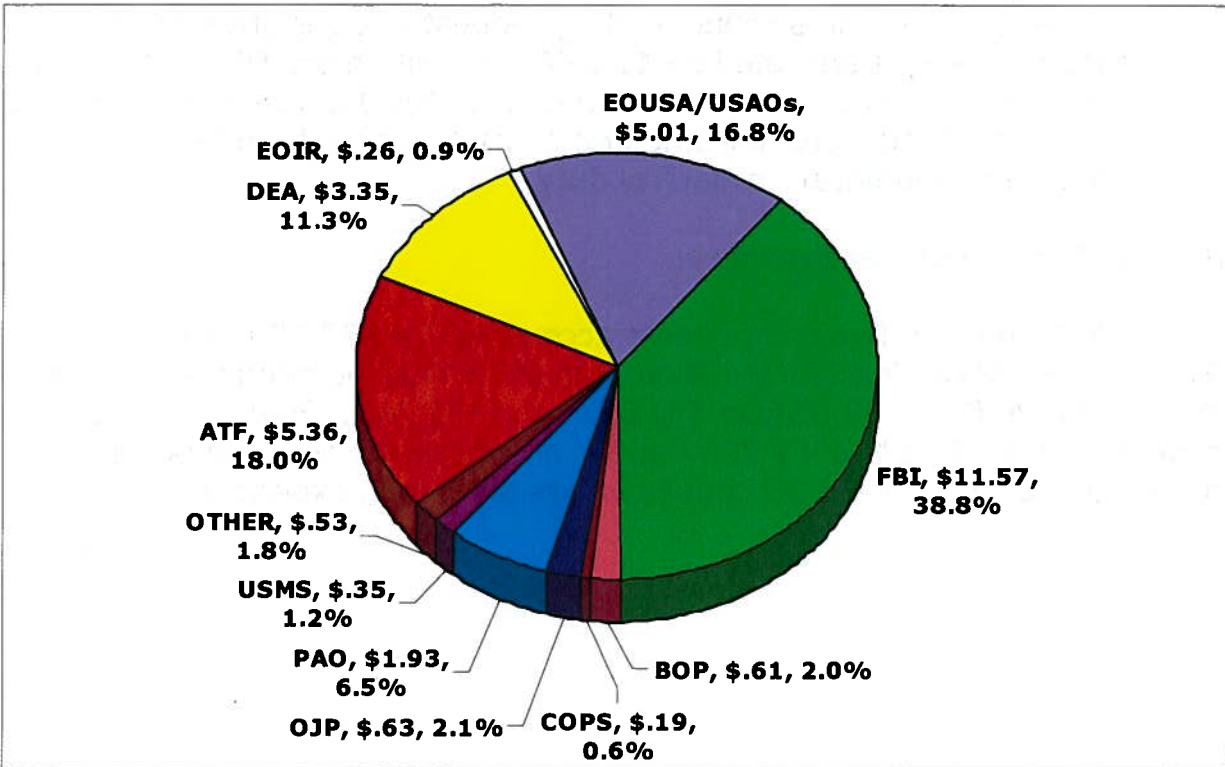
<sup>17</sup> The expenses and staffing information associated with these positions were not included in OLA's staffing and expense totals since the expense and staffing information for these positions were included by the components providing the detailees.

5. **DEA** – The DEA reported FY 2007 legislative affairs personnel expenses of \$1.32 million, which accounted for 9.7 percent of the total DOJ legislative affairs personnel expenses. DEA’s legislative affairs functions generally consist of responding to congressional requests, ranging from member information requests, constituent information requests, and topic-specific briefing requests. Legislative affairs functions were performed by 11 DEA staff within the DEA’s Office of Congressional and Public Affairs and other headquarters sections. Of the 11 staff, 10 were full-time and 1 employee performed legislative affairs as a significant collateral duty.

*Public Affairs Personnel Expenses*

We found that five components accounted for \$27.22 million or 91.4 percent of DOJ’s \$29.79 million in public affairs personnel expenses: (1) FBI, (2) ATF, (3) 58 USAOs, (4) DEA, and (5) PAO. Figure 2 depicts DOJ components’ and USAOs’ FY 2007 public affairs personnel expenses as a percentage of the overall DOJ public affairs personnel expenditures.

**FIGURE 2**  
**ANALYSIS OF FISCAL YEAR 2007 PUBLIC AFFAIRS PERSONNEL**  
**EXPENSES**  
**(DOLLARS IN MILLIONS)**



Source: OIG data request of DOJ components on legislative and public affairs

More detail about the public affairs activities of the top five components is provided below:

1. **FBI** – The FBI reported FY 2007 public affairs personnel expenses of \$11.57 million, which accounted for 38.8 percent of the DOJ’s total public affairs personnel expenses. The FBI’s public affairs functions consist of responding to media inquiries; providing regular briefings to the media; and educating the public about crime, terrorism, and FBI activities. Public affairs functions were performed by 124 FBI staff, consisting of 42 full-time staff at the FBI’s Office of Public Affairs and other headquarters sections, and 82 staff located throughout the FBI’s 56 field offices. Of the 82 field office staff, the FBI reported that 23 exclusively performed public affairs activities while another 59 performed public affairs as a significant collateral duty.

2. **ATF** – ATF reported FY 2007 public affairs personnel expenses of \$5.36 million, which accounted for 18 percent of the total DOJ public affairs personnel expenses. ATF’s public affairs functions generally consist of providing information on its activities, priorities, and policies to the media and public. Public affairs functions were performed by 38 ATF staff consisting of 15 full-time staff at ATF’s Office of Public and Governmental Affairs and 23 full-time staff located at its field divisions.<sup>18</sup>
3. **EOUSA & 58 USAOs** – The EOUSA and 58 USAOs reported FY 2007 public affairs personnel expenses of \$5.01 million, which accounted for 16.8 percent of the total DOJ public affairs personnel expenses. The USAOs’ public affairs functions generally consist of issuing press releases, responding to press inquiries, and coordinating press conferences. Public affairs functions were performed by 80 USAO staff consisting of 29 full-time staff and 51 staff that performed public affairs as a significant collateral duty within the 58 USAOs that reported performing a significant amount of public affairs functions in FY 2007.
4. **DEA** – The DEA reported FY 2007 public affairs personnel expenses of \$3.35 million, which accounted for 11.3 percent of the total DOJ public affairs personnel expenses. The DEA’s public affairs functions generally consist of maintaining liaison with the media and the public. Public affairs functions were performed by 36 DEA staff consisting of 15 staff at the DEA’s Office of Congressional and Public Affairs (8 full-time staff and 7 collateral duty staff) and 21 field office staff (9 full-time staff and 12 collateral duty staff).
5. **PAO** – The PAO reported FY 2007 public affairs personnel expenses of \$1.93 million, which accounted for 6.5 percent of the total DOJ public affairs personnel expenses. The PAO generally serves as the principal point of contact for DOJ with the news media. Public affairs functions were performed by 21 full-time PAO staff; two of which were detailed to other agencies on a non-reimbursable basis for part of FY 2007, during which time they were not performing public affairs functions. In addition to the 21 PAO staff, one staff member was detailed to PAO on a non-reimbursable basis from the ATR.

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<sup>18</sup> ATF currently has 25 field divisions; however, during FY 2007 ATF only had 23 field divisions.

## **Detailed Staffing Arrangements**

As part of our data request, we asked components to provide information on the number of staff detailed to or from other components for legislative and public affairs purposes. The 476 staff reported by the components and USAOs as involved in legislative and public affairs activities included 24 staff who were detailed to perform these functions during FY 2007. Specifically, throughout FY 2007:

- 11 staff were detailed to OLA,
- 6 staff were detailed to OLP,
- 4 staff were detailed to Congress,
- 1 staff was detailed to the Office of the Director of National Intelligence,
- 1 staff member was detailed to PAO, and
- 1 staff member was detailed to OVW.

## **Conclusion and Recommendations**

This audit identified the legislative and public affairs expenses and staffing within all DOJ components and USAOs. Based on a 100-percent response to our survey, we identified 25 DOJ components and 58 USAOs who had at least one staff member who performed legislative or public affairs functions at least 25 percent each week on average in FY 2007, during the period in which they were assigned to perform these functions. These components and USAOs reported FY 2007 expenses totaling \$49.35 million, which equates to 0.2 percent of the total DOJ FY 2007 budget. The FBI, ATF, DEA, and USAOs accounted for \$34.5 million or 69.9 percent of the total DOJ legislative and public affairs expenses.

The 25 DOJ components and 58 USAOs also reported 476 staff performing legislative and public affairs functions throughout FY 2007, which consisted of 269 headquarters staff and 207 field office staff. The FBI, ATF, DEA, and USAOs accounted for 336 or 70.6 percent of the total DOJ staff performing these functions either full-time or as significant collateral duty.

From our analysis of the legislative and public affairs staffing data, overall we found that for FY 2007 OLA complied with its permanent positions

ceiling and PAO complied with its permanent positions and FTE ceilings as required by congressional appropriations language. However, we also found that OLA exceeded its 21 FTE ceiling by 2.8 FTE work years during FY 2007. We recommend that JMD ensure OLA complies with future staffing restrictions mandated by appropriations law. JMD disagrees with the OIG's conclusion that OLA exceeded its FTE ceiling.

Additionally, our analysis of DOJ personnel categorized as GS-1035 Public Affairs Specialists staff found five staff that were not included in the public affairs expense and staffing data. We notified the responsible components of the oversight and the five staff were subsequently included. We also determined other errors in personnel classifications related to Public Affairs Specialists. As a result, the OIG made one additional recommendation to ensure that staffing information is properly classified.

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**AUDIT OF LEGISLATIVE AND PUBLIC AFFAIRS  
EXPENSES IN THE DEPARTMENT OF JUSTICE**

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## **INTRODUCTION**

Pursuant to Pub. L. No.110-161 (2007), Consolidated Appropriations Act, 2008, the U.S. Department of Justice (DOJ) Office of the Inspector General (OIG) conducted an audit of legislative and public affairs expenses at the DOJ. Specifically, the law stated:

Within 200 days of enactment of this Act, the Inspector General shall conduct an audit and issue a report to the Committees on Appropriations of all expenses of the legislative and public affairs offices at each location of the Justice Department, its bureaus and agencies, including but not limited to every field office and headquarters component; the audit shall include any and all expenses related to these activities.

### **Background**

While the DOJ's Office of Legislative Affairs (OLA) and Office of Public Affairs (PAO) are primarily responsible for DOJ's legislative and public affairs functions, other DOJ components also conduct a substantial amount of legislative and public affairs activities.

#### *DOJ Office of Legislative Affairs*

OLA is responsible for coordinating DOJ functions related to legislation and Congress. According to OLA, its mission is to advise appropriate DOJ components on the development of DOJ's official policies through legislation initiated by DOJ, by other parts of the executive branch, or by members of Congress, and to explain and advocate DOJ's policies to Congress. The major activities of OLA are to:

- maintain liaison, manage, and direct all legislative functions between DOJ and Congress;
- consult with and advise the Attorney General, the Deputy Attorney General, and the Associate Attorney General on controversial legislative matters and policy considerations, important policy decisions, new legislative initiatives, and priority decisions;
- serve as DOJ's spokesperson with Congress;
- issue guidelines or instructions to assure a coordinated approach is being taken on legislative actions; and

- participate in the coordination of DOJ's position on all proposed legislation.

### *DOJ Office of Public Affairs*

PAO is the principal point of contact for DOJ with the news media. According to PAO, its mission is to coordinate the relations of DOJ with the news media and serve as the center for information about all organizational units within DOJ. The major activities of PAO are to:

- ensure that the public is informed about DOJ's activities and about the priorities and policies of the Attorney General and the President in the fields of law enforcement and legal affairs;
- advise the Attorney General and other DOJ officials on all aspects of media relations and communications issues;
- coordinate the public affairs units of all DOJ component organizations;
- prepare and issue news releases, and edit and approve releases issued by components;
- serve reporters assigned to DOJ by responding to queries, issuing news releases and statements, arranging interviews, and conducting news conferences;
- ensure that information provided to the news media by DOJ is current, complete, and accurate; and
- ensure that applicable laws, regulations, and policies involving the release of information to the public are followed so that material is not made public that might jeopardize investigations and prosecutions, violate rights of defendants or potential defendants, or compromise national security interests.

OLA and PAO do not perform all of DOJ's legislative and public affairs functions. Often, Congress or the press will directly contact specific DOJ components, and thus it would be impractical for OLA or PAO to be involved in every contact with a reporter or congressional staff member. For example, PAO generally performs public affairs functions for DOJ Offices, Boards, and Divisions – primarily the DOJ's litigating divisions. However, other than providing oversight and coordination, PAO does not perform the public affairs functions of other larger DOJ components such as the Federal

Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), U.S. Marshals Service (USMS), Federal Bureau of Prisons (BOP), Office of Community Oriented Policing Services (COPS), Executive Office for Immigration Review (EOIR), and Office of Justice Programs (OJP). Detailed information on the types of legislative and public affairs functions performed by these components is contained in Appendix II.

### *Legislative and Public Affairs Functions*

To determine the types of functions involving DOJ legislative and public affairs, we used mission statements from OLA, PAO, and the legislative and public affairs offices within other DOJ components. Additionally, we distributed a survey requesting that all 40 DOJ components and 94 USAOs provide information on the legislative and public affairs activities performed by their employees. The details of our survey are discussed in the section of this report entitled *OIG Audit Approach*.

Based on the information obtained, we created a consolidated list of DOJ legislative and public affairs functions.<sup>1</sup> For the purposes of this audit, we included the following activities as legislative affairs functions:

- coordinating legislative activity and communicating between DOJ components and Congress;
- developing legislative proposals;
- responding to Office of Management and Budget (OMB) and OLA requests for information and questions for the record following congressional hearings; and
- preparing briefing papers in anticipation of congressional testimony, witness statements, congressional reports, views letters, and other legislative products.

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<sup>1</sup> To ensure that the consolidated list of DOJ legislative and public affairs functions identified during our audit met the needs of Congress, we contacted the Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies, responsible for the audit request and described the types of functions for which we intended to acquire expense data. Based on our discussions, we were informed that our planned audit approach met the intent of the congressional request.

Additionally, we included the following activities as public affairs functions:

- informing the public and press about component activities, priorities, and policies;
- responding to inquiries from news organizations; and
- coordinating DOJ responses to national media contacts.

Certain functions that could be construed as public affairs were excluded from this audit based on discussions with staff from the Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies (CJS Appropriations). Specifically, we were informed that the audit was not intended to focus on community outreach, responses to public solicitation of information (i.e., Freedom of Information Act requests), component museum and historian staff, and other functions not related to informing the public and press about component's activities, priorities, and policies.

### **Prior Review – Justice Management Division**

In July 2007, the DOJ's Justice Management Division (JMD) received a request from CJS Appropriations staff to provide staffing information and an expense comparison for legislative and public affairs within DOJ for fiscal years (FY) 2005 through 2007.<sup>2</sup>

To obtain the requested staffing and expense data, JMD budget staff created a template requesting legislative and public affairs personnel and non-personnel expenses and staffing information, including the number of staff positions and staff detailed to and from other DOJ components. JMD sent the data request to 29 of the 40 DOJ components. See Appendix III for a list of the 29 components included in the JMD request. JMD received expense and staffing data from 13 components. The remaining components either did not respond or did not report any legislative or public affairs

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<sup>2</sup> CJS Appropriations staff also requested that JMD provide expense data for intergovernmental affairs offices within DOJ. However, CJS Appropriations staff did not request intergovernmental affairs expense data for our audit.

expenses.<sup>3</sup> The 13 components that responded to JMD's request are shown in Table 1.<sup>4</sup>

**TABLE 1  
COMPONENTS WITH EXPENSE DATA IN JMD REQUEST**

ANTITRUST DIVISION
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
CRIMINAL DIVISION
DRUG ENFORCEMENT ADMINISTRATION
ENVIRONMENT AND NATURAL RESOURCES DIVISION
EXECUTIVE OFFICE FOR U.S. TRUSTEES
FEDERAL BUREAU OF INVESTIGATION
FEDERAL BUREAU OF PRISONS
INTERPOL- U.S. NATIONAL CENTRAL BUREAU
OFFICE OF COMMUNITY ORIENTED POLICING SERVICES
OFFICE OF JUSTICE PROGRAMS
TAX DIVISION
U.S. MARSHALS SERVICE

Source: JMD

We obtained a copy of the report on legislative and public affairs expenses and staffing data submitted to Congress by JMD. According to JMD, the 13 components estimated FY 2007 legislative affairs expenses of \$664.28 million and public affairs expenses of \$917.34 million, for a total of \$1.58 billion. However, we determined that due to a spreadsheet formatting error the FY 2007 estimated legislative and public affairs expenses were overstated by \$1.56 billion. Specifically, in JMD's spreadsheet component expense data was required to be formatted "in thousands." However, the legislative and public affairs expenses for OJP were reported in full rather than in thousands.

After correcting the formatting error, we determined that the estimated FY 2007 amounts JMD reported to Congress for the

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<sup>3</sup> JMD also sent its data request to the following offices: (1) the Wireless Management Office, part of JMD; (2) the Executive Office for the Organized Crime Drug Enforcement Task Forces, a multi-agency drug enforcement program; and (3) DOJ Asset Forfeiture Fund staff. None of these offices reported legislative or public affairs expenses.

<sup>4</sup> The Executive Office for Immigration Review responded but was not included in JMD's results because its information was not received in a timely manner. As a result, JMD's data request did not include EOIR's estimated FY 2007 public affairs expenses of \$547,000 for 5 career staff and 1 staff detailed from EOIR.

13 components should have been legislative affairs expenses of \$7.44 million and public affairs expenses of \$15.0 million, for a total of \$22.43 million, as shown in Table 2.

**TABLE 2**  
**JMD DATA REQUEST – FISCAL YEAR 2007 ESTIMATES<sup>5</sup>**  
(Dollars in Thousands)

	LEGISLATIVE AFFAIRS		PUBLIC AFFAIRS		COMBINED	
	EXPENSES	NO. OF POSITIONS	EXPENSES	NO. OF POSITIONS	EXPENSES	NO. OF POSITIONS
FBI	\$2,087	34	\$ 5,145	75	\$ 7,232	109
DEA	1,462	9	4,503	28	5,965	37
ATF	952	9	2,078	14	3,030	23
OJP	657	6	903	6	1,560	12
BOP	483	4	1,023	8	1,506	12
USMS	708	7	532	6	1,240	13
COPS	363	3	134	1	497	4
TAX	471	3	0	0	471	3
EOUST	64	1	183	1	247	2
ATR	0	0	198	2	198	2
ENRD	189	1	0	0	189	1
USNCB	0	0	160	1	160	1
CRM <sup>6</sup>	0	0	139	0	139	0
<b>TOTAL</b>	<b>\$7,436</b>	<b>77</b>	<b>\$14,998</b>	<b>142</b>	<b>\$22,434</b>	<b>219</b>

Source: JMD data request spreadsheet

As shown in Table 2, the 13 components estimated 77 positions performing legislative affairs and 142 positions performing public affairs. The position totals were not affected by the error related to FY 2007 expenses.

- Of the 77 legislative affairs staff reported in the JMD request, 74 staff were career appointees, 2 were political appointees, and 1 was not categorized as either a career or political appointee. The components also reported a total of seven staff detailed to or from their components to perform legislative affairs. However, component responses did not indicate whether the 7 staff were included within the 77 total positions.

<sup>5</sup> Throughout this report, differences in the total amounts are due to rounding. Additionally, differences in total percentages as compared to the sum of individual component percentages are due to rounding.

<sup>6</sup> CRM did not report any public affairs staff. However, its response included expenses of \$139,000 for one public affairs staff on detail.



- Of the 142 public affairs staff reported, all were career staff. The components also reported a total of six staff detailed to or from their component to perform public affairs. Again, component's responses did not indicate whether these 6 staff were included within the 142 total positions.

Our audit used JMD's data request as an initial framework, especially with regard to the use of federally defined expense categories (object classes) to request consistent expense data.<sup>7</sup> However, our audit differed from the JMD review in that the scope of our audit was more comprehensive. Specifically:

- Our audit included an OIG survey of all 40 DOJ components and 94 U.S. Attorneys Offices (USAO) to identify the types of legislative and public affairs functions performed and all components that performed significant legislative or public affairs functions.
- In addition to headquarters staff and staff assigned to components' legislative or public affairs offices, our audit included staff performing legislative or public affairs functions in component field offices as well as USAO staff.
- In addition to staff performing these functions on a full-time basis, our audit included staff performing legislative or public affairs as a significant collateral duty.

### **OIG Audit Approach**

The OIG audit of legislative and public affairs expenses within DOJ:

- identified DOJ agencies, offices, and divisions that perform legislative or public affairs functions;
- obtained data for all FY 2007 legislative and public affairs expenses and staffing within DOJ; and

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<sup>7</sup> Object classes are "categories in a classification system that presents obligations by the items or services purchased by the federal government. . . . Obligations are recorded when the federal government places an order for an item or service, awards a contract, receives a service, or enters into similar transactions that will require payments in the same or a future period."

- analyzed the legislative and public affairs expense data provided by the components.

Our audit covered FY 2007 legislative and public affairs expenses and staffing among all 40 DOJ components and the 94 USAOs. Additionally, we interviewed officials at OLA and PAO to obtain background information on legislative and public affairs functions and we conducted interviews at JMD to obtain information on a similar congressional request that JMD received from congressional staff in FY 2007.

### *OIG Legislative and Public Affairs Survey*

To identify DOJ agencies, offices, and divisions that perform legislative or public affairs functions, we administered a survey to all 40 DOJ components and 94 USAOs requesting information on FY 2007 legislative and public affairs functions. Appendix IV and V include lists of DOJ components and USAOs included in our survey. The purpose of the survey was to obtain:

- information on components performing legislative or public affairs functions;
- information on the types of legislative and public affairs functions performed;
- the number of staff performing legislative or public affairs functions on either an exclusive basis or as a collateral duty; and
- the number of staff detailed to or from components for the purpose of performing legislative or public affairs functions.

Using the responses to our survey, we identified the components with offices dedicated to legislative or public affairs that had staff performing a significant amount of legislative or public affairs functions in FY 2007. We defined "significant" as at least one staff performing legislative or public affairs functions for an average of 25 percent or more of their time per week in FY 2007 (or 10 hours per week based on a 40-hour per week work schedule), during the period in which they were assigned to perform these functions. We used the 25-percent threshold because we did not want to include incidental, non-recurring activities such as those associated with component staff completing an occasional press release or providing an intermittent response to OLA. The results of our survey are discussed in further detail in the Findings and Recommendations section of this report.

## *OIG Legislative and Public Affairs Expense and Staffing Data Request*

To obtain data for all FY 2007 legislative and public affairs expenses within DOJ, we distributed a data request to the components and USAOs identified in our survey that had offices dedicated to legislative or public affairs or staff performing a significant amount of legislative or public affairs functions in FY 2007. Appendix IV and V contain lists of DOJ components and USAOs included in our expense and staffing data request. We requested that the components provide:

- summary and detailed FY 2007 legislative or public affairs personnel and non-personnel expenses for all component offices of legislative and public affairs, headquarters offices, field offices, and USAOs;
- detailed staffing information for all full-time staff and staff performing legislative or public affairs as a significant collateral duty; and
- estimated percentage of time spent on legislative or public affairs functions for all staff performing these functions as a significant collateral duty.

## *OIG Legislative and Public Affairs Data Analysis*

We analyzed the expense information and supporting documentation provided by the components to identify miscalculations and inconsistencies, and compiled the expense data. Additionally, we:

- obtained and analyzed information on the number of staff detailed to or from other components;
- obtained a list of all DOJ General Schedule (GS) series 1035 Public Affairs Specialist staff from the National Finance Center, the organization that processes the DOJ payroll; and
- reconciled the list of GS-1035 Public Affairs Specialists to the public affairs expense and staffing data provided by the DOJ components and USAOs to ensure that we had received expense and staffing data for all public affairs specialists.

There is no specific Office of Personnel Management classification series for legislative affairs staff. Therefore, we could not obtain a list of staff performing legislative affairs functions from the National Finance Center to perform a similar analysis of the legislative affairs expense and staffing

information provided by the components and USAOs in response to our data request.

Our audit did not assess the adequacy of component information systems, internal controls, or estimation methodologies used to respond to our survey and data request. Additional information related to the audit objectives, scope, and methodology is contained in the Findings and Recommendations sections of this report and in Appendix I.

## **FINDINGS AND RECOMMENDATIONS**

### **I. DOJ LEGISLATIVE AND PUBLIC AFFAIRS EXPENSES AND STAFFING**

Based on the responses to the OIG survey, we identified 25 DOJ components and 58 USAOs that performed significant legislative or public affairs functions in FY 2007. These components and USAOs reported FY 2007 expenses totaling \$49.35 million, or 0.2 percent of the DOJ's total FY 2007 budget. The FBI, ATF, DEA, and the USAOs accounted for \$34.5 million or 69.9 percent of the total DOJ legislative and public affairs expenses. The 25 DOJ components and 58 USAOs reported 476 staff performing legislative or public affairs functions throughout FY 2007, which consisted of 269 headquarters staff and 207 field office staff. The 476 staff included 24 staff who were detailed to perform legislative or public affairs functions throughout FY 2007.

Our review of FY 2007 OLA and PAO staffing levels indicates that OLA was within its permanent positions ceiling, and PAO was within its permanent positions and full-time equivalent (FTE) work years ceiling as identified in the appropriations language. However, we found that OLA exceeded its 21 FTE ceiling by 2.8 FTE work years in FY 2007.

#### **OIG Legislative and Public Affairs Survey**

The first objective of our audit was to identify DOJ agencies, offices, and divisions that performed significant legislative or public affairs functions in FY 2007. To accomplish this objective, we administered our survey to all 40 DOJ components and the 94 USAOs. The purpose of this survey was to obtain information on the legislative and public affairs functions at each component. The survey requested the following information of each component and USAO:

- personnel responsible for performing legislative or public affairs functions;
- the type(s) of legislative or public affairs function(s) performed;

- the number of staff that performed legislative or public affairs functions on a full-time (exclusive) basis or as a significant collateral duty, at both headquarters and field offices during FY 2007;<sup>8</sup> and
- the number of detailed staff and politically appointed staff performing legislative or public affairs functions during FY 2007.

We received responses to our survey from each of the 40 DOJ components and 94 USAOs. Based on the component responses, we determined that 25 of the 40 DOJ components and 58 of the 94 USAOs performed significant legislative or public affairs functions during FY 2007. Specifically, we found that:

- Two DOJ components exclusively perform legislative or public affairs functions – OLA and PAO.
- Eight DOJ components have offices or sections within the component dedicated to legislative or public affairs, as shown in Table 3.

**TABLE 3  
COMPONENTS WITH LEGISLATIVE OR PUBLIC  
AFFAIRS OFFICES OR SECTIONS**

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES (ATF)
FEDERAL BUREAU OF PRISONS (BOP)
DRUG ENFORCEMENT ADMINISTRATION (DEA)
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (EOIR)
FEDERAL BUREAU OF INVESTIGATION (FBI)
OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS)
OFFICE OF JUSTICE PROGRAMS (OJP)
U.S. MARSHALS SERVICE (USMS)

Source: OIG survey of DOJ components on legislative and public affairs

- An additional 15 DOJ components without offices or sections dedicated to legislative or public affairs had at least one staff member performing a significant amount of legislative or public affairs, as shown in Table 4.

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<sup>8</sup> For the purposes of this audit, we defined "significant" as at least one staff performing legislative or public affairs functions for an average of 25 percent or more of their time per week in FY 2007, during the period in which they were assigned to perform these functions. We used the 25-percent threshold to avoid capturing incidental, non-recurring activities.

**TABLE 4  
COMPONENTS WITHOUT DESIGNATED  
OFFICES OR SECTIONS PERFORMING SIGNIFICANT  
LEGISLATIVE OR PUBLIC AFFAIRS FUNCTIONS**

ANTITRUST DIVISION (ATR)
CIVIL DIVISION (CIV) <sup>9</sup>
CIVIL RIGHTS DIVISION (CRT)
COMMUNITY RELATIONS SERVICE (CRS)
CRIMINAL DIVISION (CRM)
ENVIRONMENT AND NATURAL RESOURCES DIVISION (ENRD)
EXECUTIVE OFFICE FOR U.S. ATTORNEYS (EOUSA)
EXECUTIVE OFFICE FOR U.S. TRUSTEES (EOUST)
INTERPOL- U.S. NATIONAL CENTRAL BUREAU (USNCB)
JUSTICE MANAGEMENT DIVISION (JMD)
NATIONAL SECURITY DIVISION (NSD)
OFFICE OF INFORMATION AND PRIVACY (OIP)
OFFICE OF LEGAL POLICY (OLP)
OFFICE ON VIOLENCE AGAINST WOMEN (OVW)
TAX DIVISION (TAX)

Source: OIG survey of DOJ components on legislative and public affairs

- 58 USAOs had at least one staff member performing a significant amount of legislative or public affairs functions. Appendix V contains a list of these 58 USAOs.
- 15 DOJ components performed either incidental or no legislative or public affairs functions, as shown in Table 5. These 15 components were excluded from our subsequent data request to gather legislative and public affairs expense and staffing data.

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<sup>9</sup> Although the Civil Division was initially excluded from our legislative and public affairs expense and staffing data request, we subsequently identified and included legislative affairs expenses for this component. Specifically, during FY 2007 the Civil Division detailed 1 staff member to OLA on a non-reimbursable basis for a 12-month period that included the last month of FY 2007 and continued into FY 2008. During the period of the detail, this staff member performed legislative affairs exclusively and thus was included in the expense and staffing data for this report.

**TABLE 5  
COMPONENTS PERFORMING INCIDENTAL OR NO  
LEGISLATIVE OR PUBLIC AFFAIRS FUNCTIONS**

Foreign Claims Settlement Commission (FCSC)
National Drug Intelligence Center (NDIC)
Office of the Associate Attorney General (OAAG)
Office of the Attorney General (OAG)
Office of the Deputy Attorney General (ODAG)
Office of Dispute Resolution (ODR)
Office of the Federal Detention Trustee (OFDT)
Office of the Inspector General (OIG)
Office of Intergovernmental and Public Liaison (OIPL)
Office of Legal Counsel (OLC)
Office of the Pardon Attorney (OPA)
Office of Professional Responsibility (OPR)
Office of the Solicitor General (OSG)
Professional Responsibility Advisory Office (PRAO)
U.S. Parole Commission (USPC)

Source: OIG survey of DOJ components on legislative and public affairs

**OIG Legislative and Public Affairs Expense and Staffing Data Request**

To obtain data for significant FY 2007 legislative and public affairs expenses and staffing within DOJ, we distributed a data request to each of the 25 components and 58 USAOs included in our audit. We also initially sent our expense and staffing data request to all 94 USAOs. However, we were informed that the Executive Office for United States Attorneys (EOUSA) could more readily access USAO expense data. As a result, we requested that all 94 USAOs provide the name, title, grade and series, and estimated amount of time spent on public affairs functions for staff performing these functions in FY 2007 since each USAO is required to have a media point of contact. Based on the responses provided, we identified 58 USAOs that reported staff that performed a significant amount of legislative or public affairs functions. EOUSA budget staff provided personnel and non-personnel expense data for staff performing significant legislative or public affairs functions at the 58 USAOs.

In each of the legislative and public affairs expense and staffing data requests, we requested that each component provide personnel and non-personnel expense data. Obtaining consistent non-personnel expense data across the entire DOJ was difficult because: (1) different accounting



systems are used; (2) components with legislative or public affairs offices used office codes, program codes, or organization codes to collect expenses; and (3) components without legislative or public affairs offices did not have office, program, or organization codes to capture expense data and were required to estimate the non-personnel expenses of individual staff performing these functions on a full-time basis or as a collateral duty.

To obtain consistent types of expense data, we requested that the components report expenses using OMB object classes. A detailed description of the expense and staffing data request and the object classes used to obtain expense data is included in Appendix I.

### **FY 2007 Legislative and Public Affairs Expenses and Staffing Results**

Based on the results of our legislative and public affairs expense and staffing data request and our analysis of the data provided by the components, we determined that for FY 2007 the 25 DOJ components and 58 USAOs performing significant legislative or public affairs functions reported expenses totaling \$49.35 million.<sup>10</sup> This included legislative affairs expenses of \$16.19 million and public affairs expenses of \$33.16 million, as shown in Table 6.

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<sup>10</sup> Generally, our audit only included staff performing legislative or public affairs functions for an average of 25 percent or more of their time per week in FY 2007, during the period in which they were assigned to perform these functions. However, we included all staff funded by OLA and PAO, since these components are dedicated to performing legislative and public affairs functions, respectively.

**TABLE 6**  
**FISCAL YEAR 2007 DOJ LEGISLATIVE AND PUBLIC AFFAIRS**  
**EXPENSES BY OBJECT CLASS AND STAFFING POSITIONS<sup>11</sup>**

<b>OBJECT CLASS</b>	<b>LEGISLATIVE AFFAIRS EXPENSES</b>	<b>PUBLIC AFFAIRS EXPENSES</b>	<b>TOTAL EXPENSES</b>
11.1 FT PERMANENT	\$ 9,992,552	\$ 20,052,590	\$ 30,045,142
11.3 OTHER THAN FT PERMANENT	65,026	332,939	397,965
11.5 OVERTIME	430,929	1,978,479	2,409,408
11.5 AWARDS/BONUSES	198,595	298,588	497,183
12.0 PERSONNEL BENEFITS	2,885,826	7,088,872	9,974,698
OTHER PERSONNEL COSTS	50,692	35,660	86,352
<b>TOTAL PERSONNEL COSTS</b>	<b>\$13,623,621</b>	<b>\$29,787,127</b>	<b>\$43,410,748</b>
21.0 TRAVEL	136,361	533,302	669,663
22.0 TRANSPORTATION OF THINGS	191,309	71,280	262,589
23.1 SPACE CHARGES	1,606,750	1,014,964	2,621,714
23.3 COMMUNICATION, RENT, AND UTILITIES	118,133	297,667	415,800
24.0 PRINTING	10,156	60,167	70,323
25.0 OTHER CONTRACTUAL SERVICES	275,420	861,991	1,137,411
26.0 SUPPLIES AND MATERIALS	165,774	313,863	479,637
31.0 EQUIPMENT - FURNITURE	5,800	62,149	67,949
31.0 EQUIPMENT - ALL OTHER	58,018	158,677	216,695
OTHER NON-PERSONNEL COSTS	9	36	45
<b>TOTAL NON-PERSONNEL COSTS</b>	<b>\$ 2,567,729</b>	<b>\$ 3,374,095</b>	<b>\$ 5,941,824</b>
<b>TOTAL COSTS</b>	<b>\$16,191,350</b>	<b>\$33,161,223</b>	<b>\$49,352,573</b>
<b>STAFFING POSITIONS</b>			
TOTAL FULL-TIME (EXCLUSIVE) POSITIONS	110	193	303
TOTAL COLLATERAL DUTY POSITIONS	41	132	173
<b>TOTAL POSITIONS</b>	<b>151</b>	<b>325</b>	<b>476</b>

Source: OIG data request of DOJ components on legislative and public affairs

Of the \$49.35 million in FY 2007 legislative and public affairs expenses reported, \$43.41 million, or 88 percent, were for personnel costs and \$5.94 million, or 12 percent were for non-personnel costs. The majority of personnel costs were for full-time permanent salaries and employee

<sup>11</sup> Throughout this report, differences in the total amounts are due to rounding. Additionally, differences in total percentages as compared to the sum of individual component percentages are due to rounding.

benefits, and the majority of non-personnel costs were for space charges and other contractual services. As shown in Table 6, the components performing significant legislative or public affairs functions reported 476 staff executing these functions throughout FY 2007, including 151 staff performing legislative affairs functions and 325 staff performing public affairs functions on a full-time basis or as significant collateral duty.<sup>12</sup> We also identified the legislative and public affairs expenses by DOJ component, as shown in Table 7.

**TABLE 7**  
**FISCAL YEAR 2007 DOJ LEGISLATIVE AND PUBLIC AFFAIRS**  
**EXPENSES BY COMPONENT**

<b>COMPONENT</b>	<b>LEGISLATIVE AFFAIRS EXPENSES</b>	<b>PUBLIC AFFAIRS EXPENSES</b>	<b>COMBINED EXPENSES</b>
FBI	\$ 3,814,226	\$ 11,953,630	<b>\$15,767,856</b>
ATF	1,415,897	5,481,585	<b>6,897,482</b>
USAOs <sup>13</sup>	182,329	6,356,003	<b>6,538,332</b>
DEA	1,492,281	3,802,965	<b>5,295,246</b>
OLA	3,260,559	0	<b>3,260,559</b>
PAO	0	2,733,233	<b>2,733,233</b>
OLP	2,078,346	0	<b>2,078,346</b>
USMS	810,931	409,370	<b>1,220,301</b>
BOP	484,432	648,388	<b>1,132,820</b>
OJP	328,284	652,794	<b>981,078</b>
EOIR	648,081	320,774	<b>968,855</b>
JMD	688,920	0	<b>688,920</b>
COPS	276,850	192,550	<b>469,400</b>
EOUST	62,644	177,373	<b>240,017</b>
CRS	0	184,995	<b>184,995</b>
CRM	161,976	0	<b>161,976</b>
USNCB	0	160,257	<b>160,257</b>
CRT	96,958	17,369	<b>114,327</b>
ATR	50,731	58,080	<b>108,811</b>
OVW	72,116	11,857	<b>83,973</b>

<sup>12</sup> It should be noted that the 476 staff performing legislative or public affairs functions does not equate to 476 Full Time Equivalent (FTE) positions. Because staff performing legislative or public affairs as a significant collateral duty were required to estimate a percentage of time performing these functions, we were unable to calculate FTEs.

<sup>13</sup> Throughout this report, we combined the total expenses and number of positions of the 58 USAOs and the Executive Office for U.S. Attorneys into one component, referred to as "USAOs."

<b>COMPONENT</b>	<b>LEGISLATIVE AFFAIRS EXPENSES</b>	<b>PUBLIC AFFAIRS EXPENSES</b>	<b>COMBINED EXPENSES</b>
OIP	82,793	0	<b>82,793</b>
TAX	67,616	0	<b>67,616</b>
NSD	59,890	0	<b>59,890</b>
ENRD	45,288	0	<b>45,288</b>
CIV	10,202	0	<b>10,202</b>
FCSC	N/A	N/A	<b>N/A</b>
NDIC	N/A	N/A	<b>N/A</b>
OAAG	N/A	N/A	<b>N/A</b>
OAG	N/A	N/A	<b>N/A</b>
ODAG	N/A	N/A	<b>N/A</b>
ODR	N/A	N/A	<b>N/A</b>
OFDT	N/A	N/A	<b>N/A</b>
OIG	N/A	N/A	<b>N/A</b>
OIPL	N/A	N/A	<b>N/A</b>
OLC	N/A	N/A	<b>N/A</b>
OPA	N/A	N/A	<b>N/A</b>
OPR	N/A	N/A	<b>N/A</b>
OSG	N/A	N/A	<b>N/A</b>
PRAO	N/A	N/A	<b>N/A</b>
USPC	N/A	N/A	<b>N/A</b>
<b>TOTAL</b>	<b>\$16,191,350</b>	<b>\$33,161,223</b>	<b>\$49,352,573</b>

Source: OIG data request of DOJ components on legislative and public affairs

As shown in Table 7, the FBI, ATF, DEA and USAOs accounted for \$34.5 million or 69.9 percent of the total DOJ legislative and public affairs expenses. However, legislative and public affairs expenses only accounted for 0.3 percent, 0.7 percent, 0.3 percent, and 0.4 percent of the FBI, ATF, DEA, and USAOs FY 2007 budgets, respectively. As also shown in Table 7, 15 components did not report any significant legislative or public affairs activities, which according to our methodology is one or more staff performing legislative or public affairs functions for an average of 25 percent or more of their time per week in FY 2007, during the period in which they were assigned to perform these functions. As a result, no legislative or public affairs expenses were reported for these components.

The DOJ components and USAOs included in our review reported 476 staff that performed significant legislative or public affairs functions throughout FY 2007. The 476 staff included 269 headquarters staff and 207 field office and USAO staff, as shown in Table 8.

**TABLE 8  
FISCAL YEAR 2007 DOJ LEGISLATIVE AND PUBLIC AFFAIRS  
STAFFING BY COMPONENT**

COMPONENT	LEGISLATIVE AFFAIRS			PUBLIC AFFAIRS			COMBINED TOTAL
	HQ STAFF	FIELD OFFICE STAFF	TOTAL	HQ STAFF	FIELD OFFICE STAFF	TOTAL	
FBI	32	0	32	42	82	124	156
USAOs	1	1	2	0	80	80	82
ATF	13	0	13	15	23	38	51
DEA	11	0	11	15	21	36	47
OLP	25	0	25	0	0	0	25
OLA	22	0	22	0	0	0	22
PAO	0	0	0	21	0	21	21
USMS	7	0	7	6	0	6	13
BOP	4	0	4	6	0	6	10
OJP	3	0	3	6	0	6	9
EOIR	5	0	5	2	0	2	7
JMD	7	0	7	0	0	0	7
COPS	4	0	4	1	0	1	5
CRM	3	0	3	0	0	0	3
CRT	2	0	2	1	0	1	3
ATR	1	0	1	1	0	1	2
EOUST	1	0	1	1	0	1	2
NSD	2	0	2	0	0	0	2
OIP	2	0	2	0	0	0	2
OVW	2	0	2	0	0	0	2
CIV	1	0	1	0	0	0	1
CRS	0	0	0	1	0	1	1
ENRD	1	0	1	0	0	0	1
TAX	1	0	1	0	0	0	1
USNCB	0	0	0	1	0	1	1
<b>TOTAL</b>	<b>150</b>	<b>1</b>	<b>151</b>	<b>119</b>	<b>206</b>	<b>325</b>	<b>476</b>

Source: OIG data request of DOJ components on legislative and public affairs

Appendix II includes detailed information on the legislative and public affairs expenses, staffing, and types of functions performed by the DOJ components and USAOs.

### **Appropriations Law – Staffing Restrictions**

Since FY 1996, annual appropriation laws have placed specific restrictions on the number of staff permitted to perform legislative affairs functions for OLA and public affairs functions for PAO. The terms of these staffing restrictions have varied from FYs 1996 through 2007. During FY 2007, DOJ was funded by a series of continuing resolutions that carried

forward certain FY 2006 positional requirements for OLA and PAO. Specifically, OLA was "not to exceed 26 permanent positions, 21 full-time equivalent work years . . ." and PAO was "not to exceed 17 permanent positions, 22 full-time equivalent work years . . ."<sup>14</sup> The legislation further stated that "the OLA and PAO may utilize, on a non-reimbursable basis details of career employees within the ceilings provided." In contrast to prior fiscal years, the FY 2008 appropriations law does not include any specific staffing ceilings related to OLA and PAO.<sup>15</sup>

Our review of FY 2007 OLA and PAO staffing levels indicates that OLA was within its permanent positions ceiling, and PAO was within its permanent positions and FTE ceilings as identified in the appropriations language. However, we found that OLA exceeded its 21 FTE ceiling by 2.8 FTE work years in FY 2007.

JMD, OLA, and PAO share the responsibility of ensuring compliance with the staffing ceilings mandated by the appropriations law. However, because of the limited size of OLA and PAO, JMD monitors OLA's and PAO's compliance with budget requirements. JMD disagrees with the OIG's conclusion that OLA exceeded its FTE ceiling. According to JMD, OLA and PAO were within the staffing ceilings mandated by appropriations requirements.

Table 9 shows the OLA and PAO staffing ceilings, actual average daily permanent positions, and FTE work years for FY 2007. It includes our calculation of these numbers, as well as JMD's calculations.

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<sup>14</sup> Pub. L. No. 109-108 (2005), Science, State, Justice, Commerce, And Related Agencies Appropriations Act, 2006.

<sup>15</sup> Pub. L. No. 110-161 (2007), Consolidated Appropriations Act, 2008.

**TABLE 9**  
**ANALYSIS OF OLA AND PAO FISCAL YEAR 2007**  
**PERMANENT POSITIONS AND FTEs**

	PERMANENT POSITIONS <sup>16</sup>			FTE WORK YEARS <sup>17</sup>		
	CEILING	OIG DAILY AVERAGE	JMD DAILY AVERAGE	CEILING	OIG ACTUAL	JMD ACTUAL
<b>OLA</b>	26	23.2	23.0	21	<b>23.8</b>	17.0
<b>PAO</b>	17	16.3	14.3	22	17.6	17.1

Source: OIG data request of DOJ components on legislative and public affairs

As detailed above, the appropriations language allowed OLA five more permanent positions than FTEs, while it allowed PAO five fewer permanent positions than FTEs. We noted that these were unusual allocations, because it allowed OLA 26 permanent positions but only 21 FTEs, and conversely allowed PAO only 17 permanent positions but 22 FTEs. Achieving these ceilings would require that OLA use a significant number of part-time permanent staff, while PAO would be required to use a significant number of temporary or term staff.

According to OMB Circular A-11, non-reimbursable detailed staff are included in the providing component's permanent positions and FTE ceilings; the receiving component, such as OLA and PAO, would not have to count such detailed personnel against their staffing levels. However, we believe the appropriations language clearly states that while OLA and PAO may utilize non-reimbursable detailed staff, the use of such non-reimbursable detailed staff must be within the permanent positions and FTE ceilings provided by the appropriations law. As a result, we used the specific terms of the appropriations language in our analysis, and we included all staff performing legislative affairs functions for OLA and all staff performing public

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<sup>16</sup> Our analysis of the actual number of permanent positions for OLA and PAO was based on the average number of onboard staff, including detailed staff, each day during FY 2007. We did not include temporary or term staff in our calculations of permanent positions.

<sup>17</sup> FTEs equal the total number of regular straight-time hours (i.e., not including overtime or holiday hours) worked by employees divided by the number of compensable hours applicable to each fiscal year (2,080 hours for FY 2007). Annual leave, sick leave, compensatory time off, and other approved leave categories are considered "hours worked" for purposes of defining FTEs.

affairs functions for PAO.<sup>18</sup> However, we did not count any term staff in the permanent positions ceiling.

### *Office of Legislative Affairs Staffing*

The 23.2 daily average permanent positions we calculated for OLA is reflective of the total number of staff that performed legislative affairs activities for OLA during FY 2007, excluding one term staff. Therefore, we concluded that OLA was within its 26 permanent positions ceiling.

Pursuant to OMB Circular A-11, non-reimbursable detailed staff are not included in a receiving component's permanent positions or FTE ceilings. However, the appropriations language specifically states that OLA may utilize, on a non-reimbursable basis, career detailed staff "within the ceilings provided." JMD officials believed that the appropriations language was intended to limit the number of staff performing legislative affairs functions for OLA. As a result, in a good faith effort to meet the intent of the appropriations language and contrary to standard budgeting practices, JMD included 9 of the 11 non-reimbursable staff detailed to OLA throughout FY 2007 in its calculations of OLA's permanent positions. JMD did not include one non-career Schedule C staff in its calculations of OLA's permanent positions because JMD interpreted the appropriations language to state that only career detailed staff should be included in the ceilings. Additionally, both the OIG and JMD did not include one term staff.

However, JMD did not include non-reimbursable detailed staff in its calculations of OLA's FTEs. In calculating OLA's FY 2007 FTEs, JMD followed OMB Circular A-11 and did not include the 11 non-reimbursable detailed staff. JMD stated that including the detailed staff in the FTE ceiling would not make sense because an agency cannot have 26 permanent positions authorized and expect to stay within the 21 FTE ceiling, unless a significant number of staff were permanent part-time employees.

We do not agree with JMD's methodology for calculating FTEs. We believe the appropriations language stating that OLA may utilize, on a non-reimbursable basis, detailed staff "within the ceilings provided," requires that non-reimbursable detailed staff be included in both the permanent positions and FTE ceilings, not just the permanent positions ceiling. As a

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<sup>18</sup> It should be noted that PAO had two staff that were detailed to other agencies on a non-reimbursable basis during FY 2007, during which time they were not performing public affairs functions. As a result, we did not include the period these staff were on detail in our calculations of permanent positions and FTEs.



result, we included all 11 non-reimbursable staff, including the non-career Schedule C staff, detailed to OLA throughout FY 2007 in our calculations of OLA's FTEs. We found that during FY 2007, OLA used 23.8 FTE work years, as shown in Table 10, which exceeded its 21 FTE ceiling by 2.8 FTE work years.

**TABLE 10  
ANALYSIS OF FISCAL YEAR 2007 OLA FTEs**

<b>STAFF TYPE</b>	<b>No. OF STAFF</b>	<b>HOURS WORKED</b>
OLA Staff	22	35,779
Detailed Staff – JMD	3	4,160
Detailed Staff – EOIR	2	4,160
Detailed Staff – COPS	1	2,080
Detailed Staff – OLP	1	1,024
Detailed Staff – EOUST	1	736
Detailed Staff – ENRD	1	696
Detailed Staff – CRM	1	656
Detailed Staff – CIV	1	120
<b>Totals</b>	<b>33</b>	<b>49,411</b>
<b>FTEs</b>		<b>23.8</b>

Source: OIG data request of DOJ components on legislative and public affairs

The permanent positions and FTEs calculated for OLA include 2 staff who were detailed to OLA from EOIR since FY 2001 on a non-reimbursable basis. We found documentation showing that in July 2001 JMD requested that EOIR accept the reassignment of two attorneys from OLA to EOIR. JMD also requested that once EOIR accepted the reassignment of the two attorneys, EOIR should detail the attorneys back to OLA on a non-reimbursable basis.

We determined that this JMD request came from its Consolidated Executive Office.<sup>19</sup> We asked JMD officials to provide information on the purpose and intent of this request and whether there were similar arrangements with other components involving reassignment to a different component and instructions to detail the reassigned staff back to either OLA or PAO.

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<sup>19</sup> JMD's Consolidated Executive Office provides administrative support in the areas of financial management, acquisition services, human resources liaison, voice and data communications, and facilities coordination to executives, managers, and employees of DOJ's leadership offices, senior management offices, and selected JMD staffs.

JMD officials responded that "individuals who were around at the time [of the detail] did mention that this process began after an earlier congressional mandate not to fund a [legislative affairs] office in Main DOJ."<sup>20</sup> Unfortunately, we don't have anything on that but that was the recollection." JMD officials did not provide any further information related to this issue.

### *Office of Public Affairs Staffing*

We found that PAO was within the FY 2007 FTE ceiling of 22 required by the appropriations language. The 17.6 FTE work years we calculated for PAO is reflective of the total number of staff that performed public affairs activities for PAO during FY 2007, including staff whose salaries and benefits were paid for by another component under a reimbursable agreement and term staff detailed to PAO on a non-reimbursable basis. The 17.1 FTEs that JMD calculated include the 3 staff funded under a reimbursable agreement but does not include 3 term staff detailed to PAO throughout FY 2007.

Further, in our analysis of PAO's permanent positions, we found that on a daily average during FY 2007 PAO used 16.3 permanent positions, which was within the 17 permanent positions ceiling. We included three PAO staff funded through agreements with the Criminal Division, Antitrust Division, and National Security Division in our analysis of PAO's permanent positions ceiling. In our judgment, these staff fall under the definition of a permanent position since their appointments were for more than 1 year.<sup>21</sup> Further, these staff are PAO employees.

In its calculations of PAO's 14.3 permanent positions, JMD did not include the 3 staff whose salaries and benefits were funded through reimbursable agreements. According to JMD officials, when the salaries and benefits of staff within a component are paid for by another component through a reimbursable agreement, these staff are not counted in the permanent positions ceiling of either component. As a result, JMD did not include these staff in its calculations of PAO's permanent positions. We do not agree with this methodology and included these staff in our calculations.

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<sup>20</sup> The congressional mandate refers to the appropriations law which placed restrictions on salaries and expenses and the number of positions and FTEs for DOJ components, discussed previously in our report.

<sup>21</sup> A permanent position is defined by 5 C.F.R. 531.403 as a "position filled by an employee whose appointment is not designated as temporary by law and does not have a definite time limitation of 1 year or less. 'Permanent position' includes a position to which an employee is promoted on a temporary or term basis for at least 1 year."

Our overall conclusion is that for FY 2007 OLA complied with its permanent positions ceiling, and PAO complied with its permanent positions and FTE ceilings. However, we also found that OLA exceeded its 21 FTE ceiling by 2.8 FTEs.

### **Analysis of Legislative and Public Affairs Personnel Expenses**

In our audit, the personnel expenses provided by the 25 components and the 58 USAOs were based on actual expenses, primarily from the National Finance Center. Conversely, the non-personnel expenses provided by the 25 components and the 58 USAOs were based on either actual or estimated amounts. Specifically:

- Components with offices dedicated to legislative or public affairs were capable of obtaining actual non-personnel expenses tracked by an office code, program code, or organization code. However, in some instances not all non-personnel expenses were allocated to the office code, such as equipment charges.
- Components that had field office staff performing these functions could not directly identify and allocate all actual non-personnel expenses to each individual staff performing these functions. In these instances, using a cost module, application rate, or other cost accounting method, components were requested to estimate the amount of non-personnel expenses related to staff performing these functions.

As a result, although the personnel expenses were based on actual costs and were comparable among components, the non-personnel expenses contained actual and estimated costs and were not as easily comparable among the components. Therefore, for the purpose of our comparative analysis of components' legislative and public affairs expenses during FY 2007, we used personnel expenses only, which accounted for 88 percent of total expenses. The personnel expenses for the DOJ components and USAOs performing significant legislative and public affairs functions are shown in Table 11.<sup>22</sup>

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<sup>22</sup> The estimated non-personnel expenses reported by the DOJ components and USAOs performing significant legislative and public affairs functions are shown in Appendix VI. The non-personnel expenses are provided for informational purposes only since these costs were not comparable among components.

**TABLE 11**  
**FISCAL YEAR 2007 LEGISLATIVE AND PUBLIC AFFAIRS PERSONNEL**  
**EXPENSES BY COMPONENT**

<b>COMPONENT</b>	<b>LEGISLATIVE AFFAIRS PERSONNEL EXPENSES</b>	<b>PUBLIC AFFAIRS PERSONNEL EXPENSES</b>	<b>COMBINED PERSONNEL EXPENSES</b>
FBI	\$ 3,763,292	\$ 11,570,450	<b>\$15,333,742</b>
ATF	1,389,305	5,355,929	<b>6,745,234</b>
USAOs	151,566	5,008,627	<b>5,160,193</b>
DEA	1,321,621	3,353,697	<b>4,675,318</b>
OLA	2,045,555	0	<b>2,045,555</b>
PAO	0	1,933,899	<b>1,933,899</b>
OLP	1,372,362	0	<b>1,372,362</b>
USMS	767,597	354,037	<b>1,121,634</b>
BOP	469,029	606,880	<b>1,075,909</b>
OJP	309,571	630,940	<b>940,511</b>
EOIR	582,529	255,222	<b>837,751</b>
JMD	531,246	0	<b>531,246</b>
COPS	272,713	188,617	<b>461,330</b>
EOUST	62,644	163,169	<b>225,813</b>
CRS	0	172,490	<b>172,490</b>
CRM	158,258	0	<b>158,258</b>
USNCB	0	110,132	<b>110,132</b>
ATR	50,731	58,080	<b>108,811</b>
CRT	85,461	13,101	<b>98,562</b>
OVW	63,275	11,857	<b>75,132</b>
OIP	67,831	0	<b>67,831</b>
NSD	59,890	0	<b>59,890</b>
TAX	54,869	0	<b>54,869</b>
ENRD	34,074	0	<b>34,074</b>
CIV	10,202	0	<b>10,202</b>
<b>TOTAL</b>	<b>\$13,623,621</b>	<b>\$29,787,127</b>	<b>\$43,410,748</b>

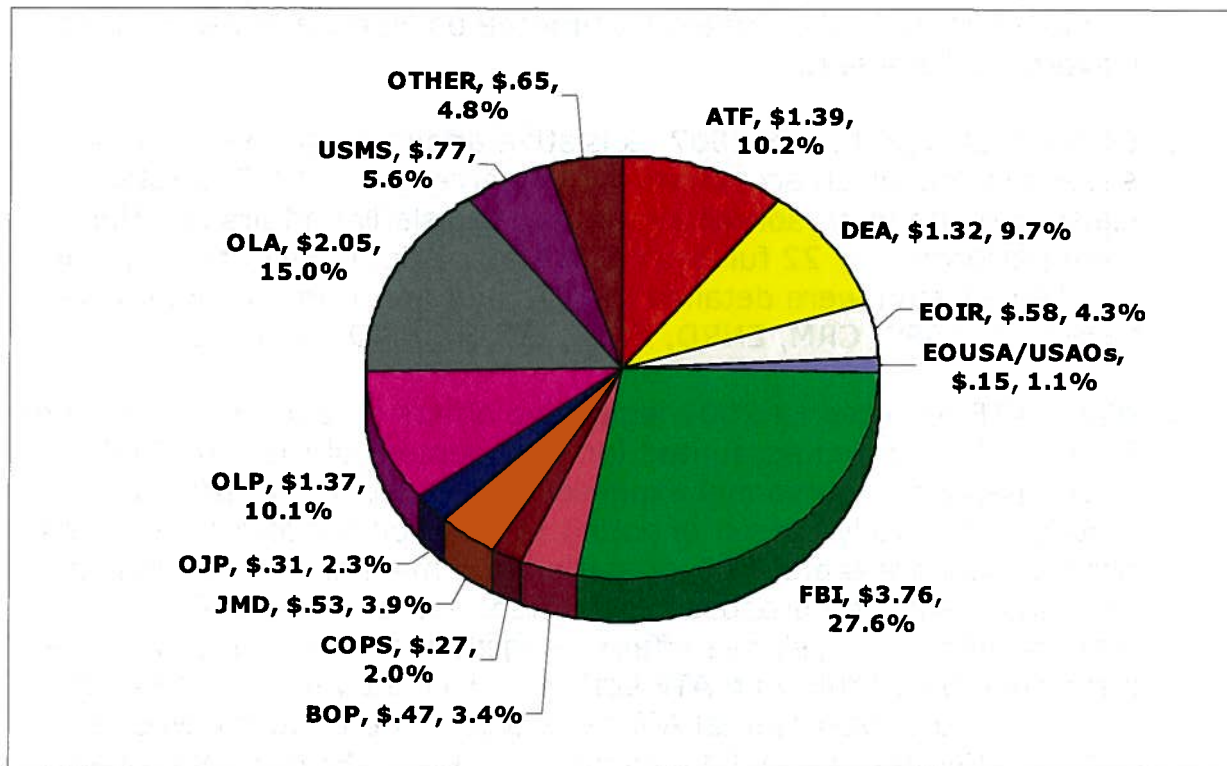
Source: OIG data request of DOJ components on legislative and public affairs

*Legislative Affairs Personnel Expenses Analysis*

For each of the 25 components and 58 USAOs, we analyzed personnel expenses for legislative affairs functions to identify those components with the highest expenses for FY 2007. We found that five components accounted for \$9.89 million or 72.6 percent of DOJ's \$13.62 million total legislative affairs personnel expenses: (1) FBI, (2) OLA, (3) ATF, (4) OLP, and (5) DEA. Figure 1 depicts DOJ components' and USAOs' FY 2007

legislative affairs personnel expenses as a percentage of the overall DOJ legislative affairs personnel expenditures.

**FIGURE 1**  
**ANALYSIS OF FISCAL YEAR 2007 LEGISLATIVE AFFAIRS**  
**PERSONNEL EXPENSES<sup>23</sup>**  
**(DOLLARS IN MILLIONS)**



Source: OIG data request of DOJ components on legislative and public affairs

More detail about the legislative affairs activities of the top five components is provided below:

1. **FBI** – The FBI reported FY 2007 legislative affairs personnel expenses of \$3.76 million, which accounted for 27.6 percent of the total DOJ legislative affairs personnel expenses. The FBI’s legislative affairs functions generally consist of acting as the FBI’s primary liaison to Congress, particularly the nine primary Senate and House committees that oversee FBI funding and operations; vetting congressional

<sup>23</sup> For reporting purposes, the “Other” consisted of the following 12 components: (1) ATR, (2) CIV, (3) CRM, (4) CRS, (5) CRT, (6) ENRD, (7) EOUST, (8) NSD, (9) OIP, (10) OVW, (11) TAX, and (12) USNCB INTERPOL.

materials such as proposed legislation, testimony, letters, reports and other materials; and preparing consolidated responses for transmittal to Congress. Responsibilities include keeping Congress informed about FBI activities, as well as responding to oversight inquiries, requests for documents and constituent matters. Legislative affairs functions were performed by 32 full-time FBI staff, of which 30 were at the FBI's Office of Congressional Affairs and other headquarters sections, 1 was on detail to the Office of the Director of National Intelligence, and 1 was on detail to the Senate Committee on Homeland Security and Governmental Affairs.

2. **OLA** – OLA reported FY 2007 legislative affairs personnel expenses of \$2.05 million, which accounted for 15 percent of the DOJ's total legislative affairs personnel expenses. Legislative affairs functions were performed by 22 full-time OLA staff. Additionally, throughout FY 2007 11 staff were detailed to OLA on a non-reimbursable basis from CIV, COPS, CRM, ENRD, EOIR, EOUST, JMD and OLP.<sup>24</sup>
3. **ATF** – ATF reported FY 2007 legislative affairs personnel expenses of \$1.39 million, which accounted for 10.2 percent of the total DOJ legislative affairs personnel expenses. ATF's legislative affairs functions generally consist of acting as a liaison for communications between Congress and ATF, preparing and managing testimony for hearings, reviewing proposed legislation, and advising ATF management on legislative affairs. Legislative affairs function were performed by 13 full-time ATF staff, of which 11 were at ATF's Office of Public and Governmental Affairs, 1 was on detail to the House Judiciary Committee, and 1 was on detail to the House Appropriations Committee.
4. **OLP** – OLP reported FY 2007 legislative affairs personnel expenses of \$1.37 million, which accounted for 10.1 percent of the total DOJ legislative affairs personnel expenses. OLP's legislative affairs functions generally consist of developing and coordinating DOJ's legislative proposals for transmission to Congress, assisting in preparing witnesses to testify before Congress, drafting congressional correspondence, and briefing congressional staff. Legislative affairs functions were performed by 19 OLP staff, 4 staff detailed from

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<sup>24</sup> The expenses and staffing information associated with these positions were not included in OLA's staffing and expense totals since the expense and staffing information for these positions were included by the components providing the detailees.

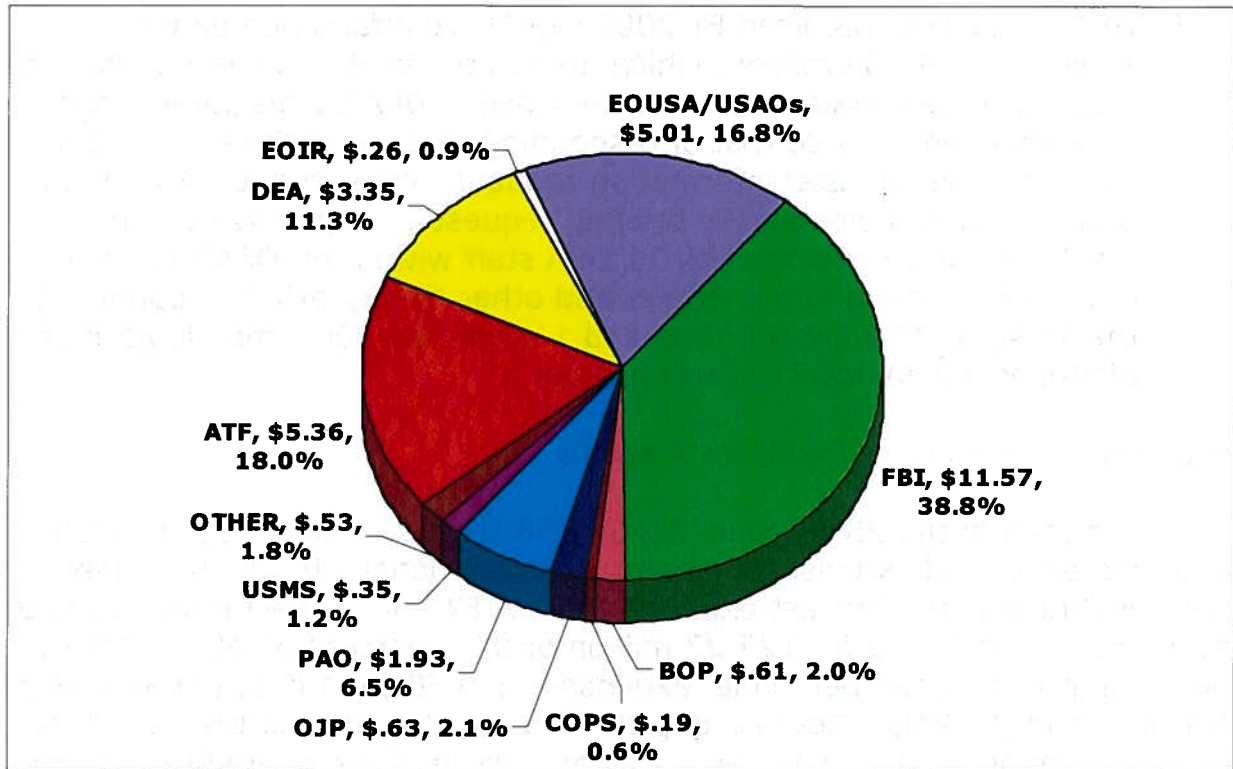
USAOs, and 1 staff detailed from the Civil Division. Additionally, 1 staff was detailed from OLP to OLA to perform legislative affairs functions on a full-time, non-reimbursable basis. Finally, JMD detailed one staff member to OLP on a non-reimbursable basis.

5. **DEA** – The DEA reported FY 2007 legislative affairs personnel expenses of \$1.32 million, which accounted for 9.7 percent of the total DOJ legislative affairs personnel expenses. DEA’s legislative affairs functions generally consist of responding to congressional requests, ranging from member information requests, constituent information requests, and topic-specific briefing requests. Legislative affairs functions were performed by 11 DEA staff within the DEA’s Office of Congressional and Public Affairs and other headquarters sections. Of the 11 staff, 10 were full-time and 1 employee performed legislative affairs as a significant collateral duty.

#### *Public Affairs Personnel Expenses Analysis*

For each of the 25 components and 58 USAOs (combined), we also analyzed personnel expenses for public affairs functions to identify those components with the highest expenditures for FY 2007. We found that five components accounted for \$27.22 million or 91.4 percent of DOJ’s \$29.79 million in public affairs personnel expenses: (1) FBI, (2) ATF, (3) 58 USAOs, (4) DEA, and (5) PAO. Figure 2 depicts DOJ component and USAOs’ FY 2007 public affairs personnel expenses as a percentage of the overall DOJ public affairs personnel expenditures.

**FIGURE 2**  
**ANALYSIS OF FISCAL YEAR 2007 PUBLIC AFFAIRS PERSONNEL**  
**EXPENSES**  
**(DOLLARS IN MILLIONS)**



Source: OIG data request of DOJ components on legislative and public affairs

More detail about the public affairs activities of the top five components is provided below:

1. **FBI** – The FBI reported FY 2007 public affairs personnel expenses of \$11.57 million, which accounted for 38.8 percent of the DOJ’s total public affairs personnel expenses. The FBI's public affairs functions consist of responding to media inquiries; providing regular briefings to the media; and educating the public about crime, terrorism, and FBI activities. Public affairs functions were performed by 124 FBI staff, consisting of 42 full-time staff at the FBI’s Office of Public Affairs and other headquarters sections, and 82 staff located throughout the FBI’s 56 field offices. Of the 82 field office staff, the FBI reported that 23 exclusively performed public affairs activities while another 59 performed public affairs as a significant collateral duty.



2. **ATF** – ATF reported FY 2007 public affairs personnel expenses of \$5.36 million, which accounted for 18 percent of the total DOJ public affairs personnel expenses. ATF’s public affairs functions generally consist of providing information on its activities, priorities, and policies to the media and public. Public affairs functions were performed by 38 ATF staff consisting of 15 full-time staff at ATF’s Office of Public and Governmental Affairs and 23 full-time staff located at its field divisions.<sup>25</sup>
3. **EOUSA & 58 USAOs** – The EOUSA and 58 USAOs reported FY 2007 public affairs personnel expenses of \$5.01 million, which accounted for 16.8 percent of the total DOJ public affairs personnel expenses. The USAOs’ public affairs functions generally consist of issuing press releases, responding to press inquiries, and coordinating press conferences. Public affairs functions were performed by 80 USAO staff consisting of 29 full-time staff and 51 staff that performed public affairs as a significant collateral duty within the 58 USAOs that reported performing a significant amount of public affairs functions in FY 2007.
4. **DEA** – The DEA reported FY 2007 public affairs personnel expenses of \$3.35 million, which accounted for 11.3 percent of the total DOJ public affairs personnel expenses. The DEA’s public affairs functions generally consist of maintaining liaison with the media and the public. Public affairs functions were performed by 36 DEA staff consisting of 15 staff at the DEA’s Office of Congressional and Public Affairs (8 full-time staff and 7 collateral duty staff) and 21 field office staff (9 full-time staff and 12 collateral duty staff).
5. **PAO** – The PAO reported FY 2007 public affairs personnel expenses of \$1.93 million, which accounted for 6.5 percent of the total DOJ public affairs personnel expenses. The PAO generally serves as the principal point of contact for DOJ with the news media. Public affairs functions were performed by 21 full-time PAO staff; two of which were detailed to other agencies on a non-reimbursable basis for part of FY 2007, during which time they were not performing public affairs functions. In addition to the 21 PAO staff, one staff member was detailed to PAO on a non-reimbursable basis from the ATR.

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<sup>25</sup> ATF currently has 25 field divisions; however, during FY 2007 ATF only had 23 field divisions.

## Detailed Staffing Arrangements and Reimbursable Agreements

As part of our legislative and public affairs expense and staffing data request, we asked components to provide information on the number of staff detailed to or from other components for legislative and public affairs purposes. Specifically, we asked for the origin and destination of the detailed staff, the length of detail, the type of legislative or public affairs functions performed, and whether the type of detail arrangement was non-reimbursable or reimbursable.

A detail arrangement involves the temporary transfer of a staff member from one component to another. Specifically, in accordance with 5 U.S.C. § 3341 (2007), "the head of an Executive department or military department may detail employees among the bureaus and offices of his department, except employees who are required by law to be exclusively engaged on some specific work." Details may be for not more than 120 days, but may be extended in increments up to 120 days. If the detail is non-reimbursable, expenses associated with the position are paid from the providing component's appropriation and the detailed staff remains, administratively, part of the providing component's personnel. However, for the duration of the detail the detailed staff resides at and performs work for the recipient component. A reimbursable detail arrangement is similar, except the providing component is usually reimbursed by the recipient component for the personnel expenses associated with the detailed staff.<sup>26</sup>

Of the DOJ's 476 legislative and public affairs staff, 24 were detailed during FY 2007, of which 18 were detailed on a non-reimbursable basis and 6 were detailed using a reimbursable agreement. Additionally, 22 of the 24 detailed staff performed legislative affairs functions and 2 staff performed public affairs functions. The detail arrangements, components, functions performed, and length of detail for each of the 24 detailed staff are shown in Table 12.

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<sup>26</sup> There are also reimbursable detail arrangements in which the involved parties split the costs of the detail.

**TABLE 12  
FISCAL YEAR 2007 LEGISLATIVE AND PUBLIC AFFAIRS  
DETAIL ARRANGEMENTS**

	<b>TYPE OF DETAIL ARRANGEMENT</b>	<b>PROVIDING COMPONENT</b>	<b>RECIPIENT COMPONENT</b>	<b>FUNCTION PERFORMED</b>	<b>LENGTH OF DETAIL IN FY07</b>
1	Non-Reimbursable	ATR	PAO	Public Affairs	12 mo
2	Reimbursable	OJP	OVW	Public Affairs	2 mo
3	Non-Reimbursable	ENRD	OLA	Leg. Affairs	4 mo
4	Non-Reimbursable	EOIR	OLA	Leg. Affairs	12 mo
5	Non-Reimbursable	EOIR	OLA	Leg. Affairs	12 mo
6	Non-Reimbursable	EOUST	OLA	Leg. Affairs	4 mo
7	Non-Reimbursable	COPS	OLA	Leg. Affairs	12 mo
8	Non-Reimbursable	JMD	OLA	Leg. Affairs	12 mo
9	Non-Reimbursable	JMD	OLA	Leg. Affairs	10 mo
10	Non-Reimbursable	JMD	OLA	Leg. Affairs	3 mo
11	Non-Reimbursable	OLP	OLA	Leg. Affairs	6 mo
12	Non-Reimbursable	CRM	OLA	Leg. Affairs	4 mo
13	Non-Reimbursable	CIV	OLA	Leg. Affairs	< 1 mo
14	Non-Reimbursable	ATF	House Judiciary Committee	Leg. Affairs	4 mo
15	Non-Reimbursable	ATF	House Appropriations Committee	Leg. Affairs	3 mo
16	Non-Reimbursable	FBI	ODNI <sup>27</sup>	Leg. Affairs	12 mo
17	Non-Reimbursable	FBI	HSGAC <sup>27</sup>	Leg. Affairs	12 mo
18	Non-Reimbursable	USAO District of Columbia	House Judiciary Committee	Leg. Affairs	6 mo
19	Non-Reimbursable	JMD	OLP	Leg. Affairs	8 mo
20	Reimbursable	Civil Division	OLP	Leg. Affairs	12 mo
21	Reimbursable	USAO District of Massachusetts	OLP	Leg. Affairs	8 mo
22	Reimbursable	USAO District of Vermont	OLP	Leg. Affairs	< 1 mo
23	Reimbursable	USAO Northern District of Indiana	OLP	Leg. Affairs	10 mo
24	Reimbursable	USAO Eastern District of Wisconsin	OLP	Leg. Affairs	2 mo

Source: OIG data request of DOJ components on legislative and public affairs

<sup>27</sup> ODNI is the acronym of the Office of the Director of National Intelligence. HSGAC is the acronym used to reference the Senate Committee on Homeland Security and Governmental Affairs (HSGAC).

### Other Reimbursable Agreements

Reimbursable agreements are used when components provide services or goods to other components and involve the transfer of funds between the participating components. JMD provided us with three reimbursable agreements that were in effect during FY 2007, all involving staff performing public affairs. The agreements were for reimbursement of personnel expenses incurred by PAO staff that provided support in the areas of public affairs for the Criminal Division, Antitrust Division, and National Security Division. The reimbursable agreements are detailed in Table 13.

**TABLE 13  
FISCAL YEAR 2007 LEGISLATIVE AND PUBLIC  
REIMBURSABLE AGREEMENTS**

	<b>BUYING COMPONENT</b>	<b>SELLING COMPONENT</b>	<b>LENGTH OF AGREEMENT DURING FY 2007</b>	<b>REIMBURSABLE AGREEMENT AMOUNT<sup>28</sup></b>
1	ATR	PAO	12 mo	\$ 154,129
2	CRM	PAO	12 mo	139,030
3	NSD	PAO	10 mo	126,493
	<b>TOTAL</b>			<b>\$419,652</b>

Source: OIG data request of DOJ components on legislative and public affairs

### Analysis of National Finance Center Public Affairs Staff List

The Office of Personnel Management (OPM) has a position classification series for public affairs staff titled General Schedule 1035, Public Affairs Specialist. OPM defines this series as:

responsible for administering, supervising, or performing work involved in establishing and maintaining mutual communication between federal agencies and the general public and various other pertinent publics including internal or external, foreign or domestic audiences. Positions in this series advise agency management on policy formulation and the potential public reaction to proposed policy, and identify and carry out the public communication requirements inherent in disseminating policy decisions.

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<sup>28</sup> The actual expenses related to these reimbursable agreements were included in the expenses and staffing data reported by PAO because these reimbursable services were performed by permanent PAO staff.

We obtained a list of all GS-1035 personnel within DOJ during FY 2007 that was drawn from a National Finance Center personnel database. The list contained the names of 132 GS-1035 Public Affairs Specialist staff assigned to DOJ components as of September 30, 2007.<sup>29</sup>

We compared the list of GS-1035 Public Affairs Specialists to the public affairs expense and staffing data survey responses provided by the DOJ components included in the list to ensure that we had received expense and staffing data for all Public Affairs Specialists. As stated previously, the list contained 132 GS-1035 staff, from which we traced 100 staff back to the expense and staffing data provided by the components.<sup>30</sup> However, we identified 32 GS-1035 Public Affairs Specialists staff that were not included in the expense and staffing data provided by the components in response to our survey. We therefore requested additional information from the components on the 32 GS-1035 Public Affairs Specialists staff and determined the following information.

- The components correctly did not include 25 GS-1035 Public Affairs Specialists because they performed functions that did not meet our definition of public affairs for the purpose of this audit. The FY 2007 job functions performed by these staff included community outreach, intergovernmental affairs, audiovisual, graphics and photography, web content manager, internal employee communications, museum, project management, and special events.<sup>31</sup>
- The BOP, OJP, and the USAOs for the Southern District of Florida and District of Arizona had not initially included five GS-1035 staff in their response to our public affairs expense and staffing data.<sup>32</sup> These exclusions were due to error or because components thought that the GS-1035 positions in question did not meet the audit's definition of performing public affairs functions. However, based on our follow-up regarding these positions, the public affairs expense and staffing data request was subsequently updated to include these positions.

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<sup>29</sup> Our audit was not intended to assess the accuracy of the National Finance Center personnel database.

<sup>30</sup> The list included six additional staff that we identified and verified were not GS-1035s during FY 2007. As a result, these staff were not included in our analysis.

<sup>31</sup> A detailed list of the 25 GS-1035 staff and related personnel expenses, by component and in total, are included in Appendix VII.

<sup>32</sup> The five staff that were not initially included in our public affairs expense and staffing data included two staff from OJP.

- ATF and COPS did not include two GS-1035 staff because they no longer performed public affairs functions during FY 2007. However, the OPM series classifications for these two staff had not been updated as of September 30, 2007. The FY 2007 job functions performed by these staff included performing special events planning in the ATF Liaison Division and working on cooperative agreements and grants in the COPS Program Policy Support and Evaluation Division. Prior to our audit, COPS updated the OPM series classification for its one staff that no longer performed public affairs functions. We believe that ATF should also update the OPM series classifications for its one staff that no longer performs public affairs functions.

There is no OPM classification series for legislative affairs staff, and therefore we could not obtain a list of staff performing legislative affairs functions from the National Finance Center. As a result, we could not perform a similar analysis of the legislative affairs expense and staffing information provided by the components and USAOs in response to our data request.

## **Conclusion**

This audit identified the legislative and public affairs expenses and staffing within all DOJ components and USAOs. Based on a 100-percent response to our survey, we identified 25 DOJ components and 58 USAOs who had at least one staff member who performed legislative or public affairs functions at least 25 percent each week on average in FY 2007, during the period in which they were assigned to perform these functions. These components and USAOs reported FY 2007 expenses totaling \$49.35 million, which equates to 0.2 percent of the total DOJ FY 2007 budget. The FBI, ATF, DEA, and USAOs accounted for \$34.5 million or 69.9 percent of the total DOJ legislative and public affairs expenses.

The 25 DOJ components and 58 USAOs also reported 476 staff performing legislative and public affairs functions throughout FY 2007, which consisted of 269 headquarters staff and 207 field office staff. The FBI, ATF, DEA, and USAOs accounted for 336 or 70.6 percent of the total DOJ staff performing these functions either full-time or as significant collateral duty.

From our analysis of the legislative and public affairs expense and staffing data, overall we found that for FY 2007 OLA complied with its permanent positions ceiling, and PAO complied with its permanent positions and FTE ceilings. However, we also found that OLA's exceeded its 21 FTE ceiling by 2.8 FTE work years.

Additionally, our analysis of DOJ personnel categorized as GS-1035 Public Affairs Specialists staff found five staff that were not included in the public affairs expense and staffing data reported by BOP, OJP, and the USAOs for the Southern District of Florida and District of Arizona. We notified the responsible components of the oversight and the five staff were subsequently included. We also determined other errors in personnel classifications related to Public Affairs Specialists.

### **Recommendations**

We recommend JMD:

1. Ensure that OLA complies with any future staffing restrictions mandated by appropriations law.

We recommend ATF:

2. Update the OPM series classifications for a staff member who no longer performs public affairs functions.

## **STATEMENT ON INTERNAL CONTROLS**

In planning and performing our audit of legislative and public affairs expenses within DOJ, we considered component internal controls for the purpose of determining our auditing procedures. The evaluation was not made for the purpose of providing assurance on the internal control structure as a whole. However, we noted certain matters that we consider significant deficiencies under generally accepted government auditing standards. Specifically, OLA exceeded its FTE ceiling mandated by the FY 2007 appropriations law.

Because we are not expressing an opinion on components' internal control structure as a whole, this statement is intended solely for the information and use of components involved in this audit of legislative and public affairs expenses within DOJ.



## **STATEMENT ON COMPLIANCE WITH LAWS AND REGULATIONS**

As required by generally accepted government auditing standards, we tested DOJ components' records and documentation for the period of October 2006 through September 2007 to obtain reasonable assurance that it complied with laws and regulations that, if not complied with, in our judgment could have a material effect on the results of our audit. Compliance with laws and regulations is the responsibility of component management. An audit includes examining, on a test basis, evidence about compliance with laws and regulations. At the time of this audit, the pertinent legislation could be found in:

- Pub. L. No. 109-108, Science, State, Justice, Commerce, And Related Agencies Appropriations Act, 2006;
- Pub. L. No. 109-289, Division B – Continuing Appropriations Resolution, 2007;
- Pub. L. No. 109-369 (second continuing resolution);
- Pub. L. No. 109-383 (third continuing resolution); and
- Pub. L. No. 110-5, Revised Continuing Appropriations Resolution, 2007.

Except for the issue related to OLA exceeding its FTE ceiling mandated by the FY 2007 appropriations law, nothing came to our attention that caused us to believe that management at the 40 DOJ components and 94 USAOs were not in compliance with federal laws and regulations.

## **OBJECTIVES, SCOPE, AND METHODOLOGY**

As mandated by Congress, the DOJ OIG conducted an audit of all legislative and public affairs expenses of each DOJ component. Specifically, Pub. L. No. 110-161 (2007), Consolidated Appropriations Act, 2008, required that:

Within 200 days of enactment of this Act, the Inspector General shall conduct an audit and issue a report to the Committees on Appropriations of all expenses of the legislative and public affairs offices at each location of the Justice Department, its bureaus and agencies, including but not limited to every field office and headquarters component; the audit shall include any and all expenses related to these activities.

### **Objectives**

To accomplish this congressionally mandated audit, we: (1) identified DOJ agencies, offices, and divisions that perform legislative or public affairs functions; (2) obtained data for all FY 2007 legislative and public affairs expenses within DOJ; and (3) analyzed the legislative and public affairs expense data provided by the components.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. The audit generally covered, but is not limited to, legislative and public affairs expenses and staffing during FY 2007. Our audit did not assess the adequacy of component information systems or internal controls, nor did we assess the accuracy of estimation methodologies provided by component staff. Nonetheless, we ensured that our audit methodology met the intent of Congress through discussions with CJS Appropriations staff.

### **Scope**

Our audit covered FY 2007 legislative and public affairs expenses and staffing among all 40 DOJ components and the 94 USAOs. Additionally, we

conducted limited fieldwork at OLA and PAO to obtain background information on legislative and public affairs functions as well as at JMD to obtain information on a similar request performed during FY 2007.

In conducting the audit, we administered a survey to all DOJ components and USAOs. We followed up on the survey with a legislative and public affairs expense and staffing data request administered to the DOJ components and USAOs that performed significant legislative and public affairs functions. See Appendix IV and V, respectively, for a list of DOJ components and USAOs included in our survey and our expenses and staffing data request.

As mandated by Congress, our audit included legislative and public affairs expenses and staffing for all DOJ components, including the OIG. As a result, the OIG was included in the survey to identify components that performed significant legislative or public affairs functions. However, our analysis of OIG legislative and public affairs determined that the OIG did not meet the threshold of performing significant legislative and public affairs functions, according to the methodology established for this audit. The OIG was therefore excluded from the detailed expenses and staffing data request for this audit. Our determination of those components that did not perform significant legislative or public affairs functions was not affected by the OIG's inclusion as part of the audit universe, and we consider ourselves to be independent for the purposes of this audit, as defined by generally accepted government auditing standards.

### **OIG Legislative and Public Affairs Survey**

To identify DOJ agencies, offices, and divisions that perform legislative or public affairs functions, we administered an OIG survey to all 40 DOJ components and 94 USAOs, requesting information on legislative and public affairs functions performed in FY 2007. The purpose of the survey was to obtain:

- information on components performing legislative or public affairs functions;
- information on the types of legislative and public affairs functions performed;
- the number of staff performing legislative or public affairs functions on either an exclusive basis or as a collateral duty; and

- the number of staff detailed to or from components for the purpose of performing legislative or public affairs functions.

Using the component's responses to our survey, we identified the components with offices dedicated to legislative or public affairs that had staff performing a significant amount of legislative or public affairs functions in FY 2007. We defined "significant" as staff performing legislative or public affairs functions for an average of 25 percent or more of their time per week in FY 2007 (or at least 10 hours per week based on a 40-hour per week work schedule), during the period in which they were assigned to perform these functions.<sup>33</sup>

### **OIG Legislative and Public Affairs Expense and Staffing Data Request**

To obtain data for all FY 2007 legislative and public affairs expenses within DOJ, we distributed data requests to the 25 components and 58 USAOs identified in our survey that had offices dedicated to legislative or public affairs or staff performing a significant amount of legislative or public affairs functions in FY 2007. We requested that the components identified use spreadsheet templates to provide:

- summary and detailed FY 2007 legislative or public affairs personnel and non-personnel expenses for all component offices of legislative and public affairs, headquarters offices, field offices, and USAOs;
- detailed staffing information for all full-time staff and staff performing legislative or public affairs as a significant collateral duty; and
- estimated percentage of time spent on legislative or public affairs functions for all staff performing these functions as a significant collateral duty.

Depending on the components' methodology for capturing expenses, we distributed four different data requests. Although the format of these data requests and instructions varied, the overall purpose was to obtain legislative and public affairs personnel and non-personnel expenses.

Obtaining consistent non-personnel expense data across the entire DOJ for this audit was difficult because: (1) different accounting systems

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<sup>33</sup> The 10-hour threshold is on the basis of a full-time work schedule, as defined by the Office of Personnel Management as "requiring most employees to work 40 hours during the work week."

are used; (2) components with legislative or public affairs offices used office codes, program codes, or organization codes to collect expenses; and (3) components without legislative or public affairs offices did not have office, program, or organization codes to capture expense data and were required to estimate the non-personnel expenses of individual staff performing these functions on a full-time basis or as a collateral duty.

To obtain consistent types of expense data, we followed the format of JMD's prior data request by using OMB object classes. Object classes are "categories in a classification system that presents obligations by the items or services purchased by the federal government. . . . You record obligations when the federal government places an order for an item or service, awards a contract, receives a service, or enters into similar transactions that will require payments in the same or a future period." Object classes are first categorized by Major Object Class and then are divided into smaller object classes. We requested expenses from the following:

**Major Object Class: 10 – Personnel Compensation and Benefits**

- **11.1 – Full-Time Permanent** - includes personnel compensation for full-time civilian employees with permanent appointments, and includes full-time permanent employees in the Competitive Service with career and career-conditional appointments, Excepted Service whose appointments carry no restriction or condition, and Senior Executive Service with career appointments.
- **11.3 – Other Than Full-Time Permanent** - includes personnel compensation paid to civilian employees for part-time, temporary, or intermittent employment.
- **11.5 – Overtime, Awards, and Bonuses** - includes overtime or pay for services in excess of the established work period, and bonuses or cash incentive awards, which are payments for cash awards that do not become part of the federal civilian employee's basic rate of pay.
- **12.0 – Personnel Benefits** - includes benefits for currently employed federal civilian personnel.

## **Major Object Class: 20 – Contractual Services and Supplies**

- **21.0 – Travel and Transportation of Persons** - includes expenses of government employees and other persons, while in an authorized travel status, that are to be paid by the government either directly or by reimbursing the traveler.
- **22.0 – Transportation of Things** - includes freight and express charges by common carrier and contract carrier; trucking and other local transportation charges for hauling, handling, and other services incident to local transportation; and mail transportation charges.
- **23.1 – Rental Payments to the General Services Administration (GSA)** – includes rental of space and rent-related services.
- **23.3 - Communications, Utilities, and Miscellaneous Charges** - includes obligations for the rental or lease of information technology equipment; data, voice, and wireless communication services; postal services and rentals; and utility services.
- **24.0 – Printing and Reproduction** - includes expenses for printing and reproduction obtained from the private sector or from other federal entities.
- **25.0 – Other Contractual Services** - includes obligations for contractual services for advisory and assistance services, purchases of goods and services from government accounts, operation and maintenance of facilities and equipment, payments for medical care, research and development contracts, subsistence and support of persons, and other services not otherwise classified.
- **26.0 – Supplies and Materials** - includes obligations for commodities that are: ordinarily consumed or expended within 1 year after they are put into use; converted in the process of construction or manufacture; or used to form a minor part of equipment or fixed property. This object class also includes office supplies, publications, information technology supplies, materials and parts, etc.

## **Major Object Class: 30 – Acquisition of Assets**

- **31.0 – Equipment** - includes obligations for furniture purchases and other personal property of a durable nature that normally may be expected to have a period of service of 1 year or more after being put into use without material impairment of its physical conditional or functional capacity.

We also placed an "Other Expenses" column into our spreadsheet as a catch-all for expenses not captured within the above object classes.

Our audit requested staffing information and expense data for individuals performing legislative or public affairs full-time. As previously stated, our audit also intended to capture staffing information and expenses for individuals other than those exclusively performing these functions. In order to capture staffing information and expenses for these individuals, we established a threshold that staff averaging 10 or more hours (or 25 percent of work performed) per week in FY 2007 during the period they were assigned to performed legislative or public affairs were considered as performing legislative and public affairs functions as a "significant" collateral duty in addition to their primary responsibilities. We selected this threshold because we did not want to capture incidental, non-recurring activities such as those associated with component staff completing an occasional press-release or providing an intermittent response to OLA.

Our data request spreadsheets contained sections for components to list staff that exclusively performed legislative or public affairs functions and for staff that performed legislative or public affairs functions as a significant collateral duty. For staff that performed legislative or public affairs functions as a significant collateral duty, components were asked to provide an estimated percentage of time collateral staff performed these functions. The components were also asked to pro-rate the personnel and non-personnel expenses for staff that performed legislative or public affairs functions as a significant collateral duty using the estimated percentage of time collateral staff performed these functions. We did not audit this estimate. For the purposes of this audit, we defined "significant" as at least one staff performing legislative or public affairs functions for an average of 25 percent or more of their time per week in FY 2007, during the period in which they were assigned to perform these functions.

As part of our legislative and public affairs expense and staffing data request, we asked components to provide information on the number of staff detailed to or from other components. Specifically, we asked for the origin

and destination of the detailed staff, the length of detail, the type of legislative or public affairs functions performed, and the type of detail arrangement, whether non-reimbursable or reimbursable.

### **Legislative and Public Affairs Data Analysis**

We analyzed the expense information and supporting documentation provided by the components to identify miscalculations and inconsistencies, and compiled the expense data. Additionally, we:

- compared the actual OLA and PAO permanent positions and FTEs to the ceilings mandated in the appropriations law,
- obtained and analyzed information on the number of staff detailed to or from other components,
- obtained a list of all General Schedule (GS) series 1035 Public Affairs Specialist staff within DOJ drawn from the National Finance Center personnel database, and
- reconciled the list of GS-1035 Public Affairs Specialists to the public affairs expense and staffing data provided by the DOJ components and USAOs to ensure that we had received expense and staffing data for all public affairs specialists.

There is no OPM classification series for legislative affairs staff, and therefore we could not obtain a list of staff performing legislative affairs functions from the National Finance Center. As a result, we could not perform a similar analysis of the legislative affairs expense and staffing information provided by the components and USAOs in response to our data request.



## APPENDIX II

# DETAILED COMPONENT EXPENSE AND STAFFING DATA

## ANTITRUST DIVISION<sup>34</sup>

**Background Information:** The Antitrust Division's (ATR) mission is to promote and protect the competitive process, and the American economy, through the enforcement of antitrust laws.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**

ATR Legal Policy Section

**Types of Legislative Affairs Performed**

Coordinating with OLA on matters associated with antitrust enforcement, such as responding to incoming congressional inquiries, testifying before congressional committees, and proposing new legislation or changes to antitrust law.

**Additional Information**

ATR estimated that the one staff performing legislative affairs functions did so on a collateral basis, spending 40 percent of their time on legislative affairs in FY 2007.

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 50,731
Non-Personnel Expenses	\$ 0
<b>TOTAL EXPENSES</b>	<b>\$50,731</b>
Number of Headquarters Staff: Full-Time	0
Number of Headquarters Staff: Collateral	1
<b>Total Number of Headquarters Staff</b>	<b>1</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>1</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**

PAO and one ATR staff detailed to PAO

**Types of Public Affairs Performed**

Providing assistance to PAO on antitrust public affairs matters.

**Additional Information**

For FY 2007, ATR had one position detailed to PAO on a non-reimbursable basis for the entire fiscal year. This position was included in ATR's expenses. Additionally, ATR entered into a reimbursable agreement for the services of one PAO staff. ATR reimbursed the salary and benefits of this individual for the entire fiscal year. This position and related expenses were not included in ATR's data because it was included in PAO's.

PUBLIC AFFAIRS	
Personnel Expenses	\$ 58,080
Non-Personnel Expenses	\$ 0
<b>TOTAL EXPENSES</b>	<b>\$58,080</b>
Number of Headquarters Staff: Full-Time	1
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>1</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>1</b>

<sup>34</sup> Throughout this report differences in total amounts are due to rounding. Additionally, differences in total percentages as compared to the sum of individual component percentages are due to rounding.

## BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

**Background Information:** The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is a principal law enforcement agency within the DOJ dedicated to preventing terrorism, reducing violent crime, and protecting the nation.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**

ATF's Office of Public and Governmental Affairs

**Types of Legislative Affairs Performed**

Coordinating legislative activity, acting as a liaison for communications between Congress and ATF, preparing and managing testimony for hearings, reviewing proposed legislation and advising ATF executives on legislative affairs.

**Additional Information**

During FY 2007, 2 of the 13 legislative affairs staff were detailed to the House Judiciary Committee and the House Committee on Appropriations on a non-reimbursable basis to provide technical support to the committees.

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 1,389,305
Non-Personnel Expenses	\$ 26,592
<b>TOTAL EXPENSES</b>	<b>\$1,415,897</b>
Number of Headquarters Staff: Full-Time	13
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>13</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>13</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**

ATF's Office of Public and Governmental Affairs and ATF's field divisions

**Types of Public Affairs Performed**

Providing information on ATF's activities, priorities and policies to the media and to the public.

**Additional Information**

During FY 2007, 15 public affairs staff were within the ATF's Office of Public and Governmental Affairs and 23 public affairs staff were located at ATF field divisions.

PUBLIC AFFAIRS	
Personnel Expenses	\$ 5,355,929
Non-Personnel Expenses	\$ 125,656
<b>TOTAL EXPENSES</b>	<b>\$5,481,585</b>
Number of Headquarters Staff: Full-Time	15
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>15</b>
Number of Field Office Staff: Full-Time	23
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>23</b>
<b>TOTAL STAFF</b>	<b>38</b>

## CIVIL DIVISION

**Background Information:** The Civil Division (CIV) represents the United States, its agencies, and its employees in general civil litigation that is not within the specialized fields of other divisions of the Department.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**

One CIV staff detailed to OLA

**Types of Legislative Affairs Performed**

None

**Additional Information**

During FY 2007 the Civil Division detailed 1 staff member to OLA on a non-reimbursable basis for a 12-month period that included the last month of FY 2007 and continued into FY 2008.

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 10,202
Non-Personnel Expenses	\$ 0
<b>TOTAL EXPENSES</b>	<b>\$10,202</b>
Number of Headquarters Staff: Full-Time	1
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>1</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>1</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**

None

**Types of Public Affairs Performed**

None

**Additional Information**

None

PUBLIC AFFAIRS	
Personnel Expenses	\$ 0
Non-Personnel Expenses	\$ 0
<b>TOTAL EXPENSES</b>	<b>\$ 0</b>
Number of Headquarters Staff: Full-Time	0
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>0</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>0</b>

## CIVIL RIGHTS DIVISION

**Background Information:** The Civil Rights Division (CRT) is the program institution within the federal government responsible for enforcing federal statutes prohibiting discrimination on the basis of race, sex, disability, religion and national origin.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**  
CRT Office of the Assistant Attorney General

**Types of Legislative Affairs Performed**

Reviewing proposed legislation, views letters, and statements of administrative policy; preparing personnel to testify before Congress; drafting and reviewing witness testimony; and responding to congressional inquiries, including questions for the record and official correspondence.

**Additional Information**

CRT estimated that in FY 2007 two staff performed legislative affairs functions as a significant collateral duty, estimated at an average of 45 percent of the individuals' workload.

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 85,461
Non-Personnel Expenses	\$ 11,497
<b>TOTAL EXPENSES</b>	<b>\$96,958</b>
Number of Headquarters Staff: Full-Time	0
Number of Headquarters Staff: Collateral	2
<b>Total Number of Headquarters Staff</b>	<b>2</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>2</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**  
CRT Office of the Assistant Attorney General

**Types of Public Affairs Performed**

Drafting and editing press releases regarding CRT cases, accomplishments and events; drafting and editing responses to media inquiries; providing advice on responding to media; and preparing DOJ personnel for media interviews.

**Additional Information**

CRT estimated that in FY 2007 one staff performed public affairs functions as a significant collateral duty, estimated at 25 percent of the individual's workload.

PUBLIC AFFAIRS	
Personnel Expenses	\$ 13,101
Non-Personnel Expenses	\$ 4,268
<b>TOTAL EXPENSES</b>	<b>\$17,369</b>
Number of Headquarters Staff: Full-Time	0
Number of Headquarters Staff: Collateral	1
<b>Total Number of Headquarters Staff</b>	<b>1</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>1</b>



## COMMUNITY RELATIONS SERVICE

**Background Information:** The Community Relations Service (CRS) is dedicated to assist State and local units of government, private and public organizations, and community groups with preventing and resolving racial and ethnic tensions, incidents, and civil disorders, and in restoring racial stability and harmony.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**

None

**Types of Legislative Affairs Performed**

None

**Additional Information**

None

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 0
Non-Personnel Expenses	\$ 0
<b>TOTAL EXPENSES</b>	<b>\$0</b>
Number of Headquarters Staff: Full-Time	0
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>0</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>0</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**

CRS Headquarters

**Types of Public Affairs Performed**

Performing media relations and other functions of CRS spokesperson.

**Additional Information**

CRS stated that its Media Affairs Position was vacant for the majority of FY 2007.

PUBLIC AFFAIRS	
Personnel Expenses	\$ 172,490
Non-Personnel Expenses	\$ 12,505
<b>TOTAL EXPENSES</b>	<b>\$184,995</b>
Number of Headquarters Staff: Full-Time	1
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>1</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>1</b>

## CRIMINAL DIVISION

**Background Information:** The Criminal Division (CRM) develops, enforces, and supervises the application of all federal criminal laws except those specifically assigned to other divisions. CRM has the responsibility of overseeing criminal matters under the more than 900 statutes as well as certain civil litigation.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**

CRM Office of Policy and Legislation

**Types of Legislative Affairs Performed**

Responding to requests - primarily from OLA and the Office of Management and Budget - for substantive drafting, review and comment on matters relating to congressional oversight of the DOJ, such as questions for the record, briefing papers, and testimony.

**Additional Information**

CRM estimated that in FY 2007 two staff performed legislative affairs functions as a significant collateral duty, estimated at 25 percent of the individuals' workload. Additionally, CRM had one program analyst detailed to OLA on a non-reimbursable basis for 4 months.

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 158,258
Non-Personnel Expenses	\$ 3,718
<b>TOTAL EXPENSES</b>	<b>\$161,976</b>
Number of Headquarters Staff: Full-Time	1
Number of Headquarters Staff: Collateral	2
<b>Total Number of Headquarters Staff</b>	<b>3</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>3</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**

PAO

**Types of Public Affairs Performed**

None

**Additional Information**

In FY 2007, CRM entered into a reimbursable agreement for the services of one PAO staff. CRM reimbursed the salary and benefits of this individual for the entire fiscal year. This position and related expenses were not included in CRM's data because it was included in PAO's.

PUBLIC AFFAIRS	
Personnel Expenses	\$ 0
Non-Personnel Expenses	\$ 0
<b>TOTAL EXPENSES</b>	<b>\$ 0</b>
Number of Headquarters Staff: Full-Time	0
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>0</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>0</b>

## DRUG ENFORCEMENT ADMINISTRATION

**Background Information:** The Drug Enforcement Administration's (DEA) mission is to enforce the controlled substances laws and regulations of the United States and bring to the criminal and civil justice system of the United States, or any other competent jurisdiction, those organizations and principal members of organizations, involved in the growing, manufacture, or distribution of controlled substances appearing in or destined for illicit traffic in the United States.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**

DEA Office of Congressional and Public Affairs

**Types of Legislative Affairs Performed**

Responding to congressional requests, ranging from member information requests, constituent information requests, topic-specific briefing requests, and documented conversations with congressional staff. The Office of Congressional Affairs is also DEA's liaison with OLA.

**Additional Information**

DEA estimated that in addition to the full-time staff, in FY 2007 one staff performed legislative affairs functions as a significant collateral duty, estimated at 25 percent of the individual's workload.

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 1,321,621
Non-Personnel Expenses	\$ 170,660
<b>TOTAL EXPENSES</b>	<b>\$1,492,281</b>
Number of Headquarters Staff: Full-Time	10
Number of Headquarters Staff: Collateral	1
<b>Total Number of Headquarters Staff</b>	<b>11</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>11</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**

DEA Office of Congressional and Public Affairs and DEA's field divisions and offices

**Types of Public Affairs Performed**

Liaison with media and the public.

**Additional Information**

DEA estimated that in addition to the full-time staff, in FY 2007 19 staff performed public affairs functions as a significant collateral duty, estimated at an average of 29 percent of the individuals' workload.

PUBLIC AFFAIRS	
Personnel Expenses	\$ 3,353,697
Non-Personnel Expenses	\$ 449,268
<b>TOTAL EXPENSES</b>	<b>\$3,802,965</b>
Number of Headquarters Staff: Full-Time	8
Number of Headquarters Staff: Collateral	7
<b>Total Number of Headquarters Staff</b>	<b>15</b>
Number of Field Office Staff: Full-Time	9
Number of Field Office Staff: Collateral	12
<b>Total Number of Field Office Staff</b>	<b>21</b>
<b>TOTAL STAFF</b>	<b>36</b>

## ENVIRONMENT AND NATURAL RESOURCES DIVISION

**Background Information:** The Environmental and Natural Resources Division's (ENRD) mission is, through litigation in the federal and state courts, to safeguard and enhance the American environment; acquire and manage public lands and natural resources; and protect and manage Indian rights and property.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**

One ENRD Law and Policy Section staff detailed to OLA

**Types of Legislative Affairs Performed**

None

**Additional Information**

For FY 2007, ENRD had one staff detailed to OLA on a non-reimbursable basis for 4 months.

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 34,074
Non-Personnel Expenses	\$ 11,214
<b>TOTAL EXPENSES</b>	<b>\$45,288</b>
Number of Headquarters Staff: Full-Time	1
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>1</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>1</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**

None

**Types of Public Affairs Performed**

None

**Additional Information**

None

PUBLIC AFFAIRS	
Personnel Expenses	\$ 0
Non-Personnel Expenses	\$ 0
<b>TOTAL EXPENSES</b>	<b>\$ 0</b>
Number of Headquarters Staff: Full-Time	0
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>0</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>0</b>



## EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

**Background Information:** The Executive Office for Immigration Review's (EOIR) primary mission is to adjudicate immigration cases in a careful and timely manner, including cases involving detained aliens, and aliens seeking asylum as a form of relief from removal, while ensuring the standards of due process and fair treatment for all parties involved.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**

EOIR Office of Management Programs

**Types of Legislative Affairs Performed**

Responding to congressional correspondence and requests for case status information; and responding to DOJ in preparing and reviewing testimony, legislation, etc.

**Additional Information**

For FY 2007, EOIR had two attorney advisors detailed to OLA on a non-reimbursable basis for the entire fiscal year. Additionally, five EOIR Office of Legislative and Public Affairs staff performed both legislative and public affairs functions. Therefore, EOIR split the expenses of the five staff evenly between public and legislative affairs.

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 582,529
Non-Personnel Expenses	\$ 65,552
<b>TOTAL EXPENSES</b>	<b>\$648,081</b>
Number of Headquarters Staff: Full-Time	5
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>5</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>5</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**

EOIR Office of Legislative and Public Affairs (within the Office of Management Programs)

**Types of Public Affairs Performed**

Responding to the media and general public regarding EOIR programs, policy, case status, etc.

**Additional Information**

The five EOIR Office of Legislative and Public Affairs staff performed both legislative and public affairs functions. Therefore, EOIR split the expenses of the five staff evenly between public and legislative affairs.

PUBLIC AFFAIRS	
Personnel Expenses	\$ 255,222
Non-Personnel Expenses	\$ 65,552
<b>TOTAL EXPENSES</b>	<b>\$320,774</b>
Number of Headquarters Staff: Full-Time	2
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>2</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>2</b>

## EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS AND 58 UNITED STATES ATTORNEYS OFFICES

**Background Information:** The Executive Office for U.S. Attorneys (EOUSA) provides the 93 U.S. Attorneys with general executive assistance and direction; policy development; administrative management direction and oversight; operational support; and coordination with other components of the Department and other federal agencies.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**

OLA and EOUSA

**Types of Legislative Affairs Performed**

EOUSA had one staff that worked with OLA on responding to legislative inquiries from Congress and helping prepare witness testimony. Additionally, one D.C. USAO staff worked on legislative affairs functions.

**Additional Information**

For FY 2007, one D.C. USAO staff was detailed to the House Judiciary Committee on a non-reimbursable basis for 6 months. Additionally, EOUSA estimated that in FY 2007 one staff performed legislative affairs duties as a significant collateral duty, estimated at 35 percent of the individual's workload.

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 151,566
Non-Personnel Expenses	\$ 30,763
<b>TOTAL EXPENSES</b>	<b>\$182,329</b>
Number of Headquarters Staff: Full-Time	0
Number of Headquarters Staff: Collateral	1
<b>Total Number of Headquarters Staff</b>	<b>1</b>
Number of Field Office Staff: Full-Time	1
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>1</b>
<b>TOTAL STAFF</b>	<b>2</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**

USAOs (58 of 94 USAOs performed significant public affairs functions)

**Types of Public Affairs Performed**

Informing the public and media of each district's activities.

**Additional Information**

The 58 USAOs estimated that in addition to the full-time staff, in FY 2007 51 staff performed public affairs functions as a significant collateral duty, estimated at 48 percent of the individuals' workload.

PUBLIC AFFAIRS	
Personnel Expenses	\$ 5,008,627
Non-Personnel Expenses	\$ 1,347,376
<b>TOTAL EXPENSES</b>	<b>\$6,356,003</b>
Number of Headquarters Staff: Full-Time	0
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>0</b>
Number of Field Office Staff: Full-Time	29
Number of Field Office Staff: Collateral	51
<b>Total Number of Field Office Staff</b>	<b>80</b>
<b>TOTAL STAFF</b>	<b>80</b>

## EXECUTIVE OFFICE FOR UNITED STATES TRUSTEES

**Background Information:** The Executive Office for U.S. Trustees (EOUST) provides general policy and legal guidance, oversees the U.S. Trustee Program's substantive operations, and handles administrative functions. EOUST also provides administrative and management support to the individual U.S. Trustee Offices in their implementation of federal bankruptcy laws.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**

One EOUST staff detailed to OLA

**Types of Legislative Affairs Performed**

Responding to inquiries received and coordinated by OLA, or in the case of Appropriations Committees, by Justice Management Division; and involvement in briefing congressional committees and testifying at hearings.

**Additional Information**

For FY 2007, EOUST had one trial attorney detailed to OLA on a non-reimbursable basis for 4 months.

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 62,644
Non-Personnel Expenses	\$ 0
<b>TOTAL EXPENSES</b>	<b>\$62,644</b>
Number of Headquarters Staff: Full-Time	1
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>1</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>1</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**

EOUST Office of Research and Planning

**Types of Public Affairs Performed**

Responding to media inquiries and occasionally issuing press releases.

**Additional Information**

None

PUBLIC AFFAIRS	
Personnel Expenses	\$ 163,169
Non-Personnel Expenses	\$ 14,204
<b>TOTAL EXPENSES</b>	<b>\$177,373</b>
Number of Headquarters Staff: Full-Time	1
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>1</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>1</b>



## FEDERAL BUREAU OF INVESTIGATION

**Background Information:** The Federal Bureau of Investigation's (FBI) mission is to protect and defend the United States against terrorist and foreign intelligence threats, to uphold and enforce the criminal laws of the United States, and to provide leadership and criminal justice services to the federal, state, municipal, and international agencies and partners.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**

FBI Office of Congressional Affairs

**Types of Legislative Affairs Performed**

Acting as the FBI's primary liaison to Congress, particularly the nine primary Senate and House committees that oversee FBI funding and operations; vetting congressional materials such as proposed legislation, testimony, letters, reports and other materials; and preparing consolidated responses for transmittal to Congress.

**Additional Information**

For FY 2007, the FBI had one staff detailed to the Office of the Director of National Intelligence, and one staff detailed to the Senate Committee on Homeland Security and Government Affairs. Both details were for the entire fiscal year.

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 3,763,292
Non-Personnel Expenses	\$ 50,934
<b>TOTAL EXPENSES</b>	<b>\$3,814,226</b>
Number of Headquarters Staff: Full-Time	32
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>32</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>32</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**

FBI Office of Public Affairs and FBI's field divisions

**Types of Public Affairs Performed**

Responding to media inquiries; providing regular briefings to the media; and educating the public about crime, terrorism, and FBI activities.

**Additional Information**

The FBI estimated that in addition to the full-time staff, in FY 2007, 59 staff performed public affairs functions as a significant collateral duty, estimated at an average of 40 percent of the individuals' workload.

PUBLIC AFFAIRS	
Personnel Expenses	\$11,570,450
Non-Personnel Expenses	\$ 383,180
<b>TOTAL EXPENSES</b>	<b>\$11,953,630</b>
Number of Headquarters Staff: Full-Time	42
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>42</b>
Number of Field Office Staff: Full-Time	23
Number of Field Office Staff: Collateral	59
<b>Total Number of Field Office Staff</b>	<b>82</b>
<b>TOTAL STAFF</b>	<b>124</b>

## FEDERAL BUREAU OF PRISONS

**Background Information:** The Federal Bureau of Prisons' (BOP) mission is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**

BOP Office of Legislative Affairs (within the BOP Information, Policy and Public Affairs Division)

**Types of Legislative Affairs Performed**

Monitoring the activities of the U.S. Congress and D.C. Council; tracking and analyzing legislation; gathering and maintaining information about the interests of members of Congress; composing testimony and preparing BOP officials to testify at congressional hearings; coordinating meetings between DOJ and/or BOP officials and the members of their staff, etc.

**Additional Information**

None

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 469,029
Non-Personnel Expenses	\$ 15,403
<b>TOTAL EXPENSES</b>	<b>\$484,432</b>
Number of Headquarters Staff: Full-Time	4
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>4</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>4</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**

BOP Office of Public Affairs (within the BOP Information, Policy and Public Affairs Division)

**Types of Public Affairs Performed**

Coordinating responses to national media contacts; responding to numerous inquiries from local and national news organizations; preparing informational videotape programs; developing projects, publications and communications that enhance the public knowledge of the BOP and its programs.

**Additional Information**

None

PUBLIC AFFAIRS	
Personnel Expenses	\$ 606,880
Non-Personnel Expenses	\$ 41,508
<b>TOTAL EXPENSES</b>	<b>\$648,388</b>
Number of Headquarters Staff: Full-Time	6
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>6</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>6</b>

## JUSTICE MANAGEMENT DIVISION

**Background Information:** The Justice Management Division (JMD) serves as the management arm of the Department of Justice, advising the Attorney General and Deputy Attorney General of various issues related to the operation of the Department.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**

OLA, JMD Office of the Deputy Assistant Attorney General, Controller's Office

**Types of Legislative Affairs Performed**

Communicating with the Office of Management and Budget, Congress, and other federal agencies on budget matters.

**Additional Information**

Throughout FY 2007, JMD had three staff detailed to OLA on a non-reimbursable basis from the Executive Secretariat (administratively within JMD). Additionally, JMD had one attorney advisor detailed to OLP on a non-reimbursable basis for 8 months.

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 531,246
Non-Personnel Expenses	\$ 157,674
<b>TOTAL EXPENSES</b>	<b>\$688,920</b>
Number of Headquarters Staff: Full-Time	7
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>7</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>7</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**

None

**Types of Public Affairs Performed**

None

**Additional Information**

None

PUBLIC AFFAIRS	
Personnel Expenses	\$ 0
Non-Personnel Expenses	\$ 0
<b>TOTAL EXPENSES</b>	<b>\$ 0</b>
Number of Headquarters Staff: Full-Time	0
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>0</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>0</b>

## NATIONAL SECURITY DIVISION

**Background Information:** The National Security Division's (NSD) mission is to carry out the DOJ's highest priority: to combat terrorism and other threats to national security. The NSD, which consolidates the DOJ's primary national security elements within a single Division, currently consists of the Office of Intelligence Policy and Review; the Counterterrorism and Counterespionage Sections, formerly part of the Criminal Division; and a new Law and Policy Office.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**

NSD Office of Law and Policy

**Types of Legislative Affairs Performed**

Coordinating legislative activity; developing legislative proposals; responding to OMB and OLA requests for information and questions for the record following congressional hearings; and preparing briefing papers in anticipation of congressional testimony, witness statements, congressional reports, views letters, and other legislative products.

**Additional Information**

NSD estimated that in FY 2007 two staff performed legislative affairs functions as a significant collateral duty, estimated at an average of 25 percent of the individuals' workload.

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 59,890
Non-Personnel Expenses	\$ 0
<b>TOTAL EXPENSES</b>	<b>\$59,890</b>
Number of Headquarters Staff: Full-Time	0
Number of Headquarters Staff: Collateral	2
<b>Total Number of Headquarters Staff</b>	<b>2</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>2</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**

None

**Types of Public Affairs Performed**

None

**Additional Information**

None

PUBLIC AFFAIRS	
Personnel Expenses	\$ 0
Non-Personnel Expenses	\$ 0
<b>TOTAL EXPENSES</b>	<b>\$ 0</b>
Number of Headquarters Staff: Full-Time	0
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>0</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>0</b>



## OFFICE OF COMMUNITY ORIENTED POLICING SERVICES

**Background Information:** The Office of Community Oriented Policing Services' (COPS) mission is to advance the practice of community policing as an effective strategy in communities' efforts to improve public safety.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**  
COPS External Affairs Division

**Types of Legislative Affairs Performed**

Responding to congressional inquiries, providing briefings on COPS activities, reviewing and commenting on legislation impacting COPS, preparing for COPS interactions with Congress, which includes hearings and testimony.

**Additional Information**

For FY 2007, COPS had one legislative specialist detailed to OLA on a non-reimbursable basis for the entire fiscal year. Additionally, COPS estimated that in addition to the full-time staff, in FY 2007 three staff performed public affairs functions as a significant collateral duty, estimated at an average of 53 percent of the individuals' workload.

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 272,713
Non-Personnel Expenses	\$ 4,138
<b>TOTAL EXPENSES</b>	<b>\$276,850</b>
Number of Headquarters Staff: Full-Time	1
Number of Headquarters Staff: Collateral	3
<b>Total Number of Headquarters Staff</b>	<b>4</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>4</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**  
COPS External Affairs Division

**Types of Public Affairs Performed**

Responding to national, regional, and local media inquiries; writing press releases; and providing media kits about component activities.

**Additional Information**

One staff performed both legislative and public affairs functions and therefore his expenses were pro-rated equally between legislative and public affairs, but the position was included under legislative affairs.

PUBLIC AFFAIRS	
Personnel Expenses	\$ 188,617
Non-Personnel Expenses	\$ 3,933
<b>TOTAL EXPENSES</b>	<b>\$192,550</b>
Number of Headquarters Staff: Full-Time	1
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>1</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>1</b>



## OFFICE OF INFORMATION AND PRIVACY

**Background Information:** The Office of Information and Privacy (OIP) is responsible for encouraging agency compliance with the Freedom of Information Act (FOIA).

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**

OIP and OLA

**Types of Legislative Affairs Performed**

Coordinating legislation matters pertaining to the FOIA.

**Additional Information**

OIP estimated that in FY 2007 two staff performed legislative affairs functions as a significant collateral duty, estimated at 25 percent of the individuals' workload. Generally, OIP does not conduct significant legislative affairs activities. However, in FY 2007 OIP devoted significant time addressing FOIA legislation.

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 67,831
Non-Personnel Expenses	\$ 14,961
<b>TOTAL EXPENSES</b>	<b>\$82,793</b>
Number of Headquarters Staff: Full-Time	0
Number of Headquarters Staff: Collateral	2
<b>Total Number of Headquarters Staff</b>	<b>2</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>2</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**

None

**Types of Public Affairs Performed**

None

**Additional Information**

None

PUBLIC AFFAIRS	
Personnel Expenses	\$ 0
Non-Personnel Expenses	\$ 0
<b>TOTAL EXPENSES</b>	<b>\$ 0</b>
Number of Headquarters Staff: Full-Time	0
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>0</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>0</b>

## OFFICE OF JUSTICE PROGRAMS

**Background Information:** The Office of Justice Program's (OJP) mission is to increase public safety and improve the fair administration of justice across America through innovative leadership and programs.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**

OJP Office of Communications

**Types of Legislative Affairs Performed**

Coordinating congressional staff briefings, preparing witnesses for congressional hearings, coordinating post-hearing materials, assisting congressional staff with legislation, responding to congressional inquiries, and providing information to the Congressional Research Service.

**Additional Information**

None

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 309,571
Non-Personnel Expenses	\$ 18,713
<b>TOTAL EXPENSES</b>	<b>\$328,284</b>
Number of Headquarters Staff: Full-Time	3
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>3</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>3</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**

OJP Office of Communications

**Types of Public Affairs Performed**

Drafting press releases and fact sheets, responding to press inquiries, performing outreach to the press on events and other news worthy issues to educate the public.

**Additional Information**

For FY 2007, one OJP staff was detailed to OVW on a reimbursable basis for 49 days. This staff member is included in OJP's staff count, but the reimbursable portion of the expense is reported in OVW's expenses.

PUBLIC AFFAIRS	
Personnel Expenses	\$ 630,940
Non-Personnel Expenses	\$ 21,853
<b>TOTAL EXPENSES</b>	<b>\$652,794</b>
Number of Headquarters Staff: Full-Time	5
Number of Headquarters Staff: Collateral	1
<b>Total Number of Headquarters Staff</b>	<b>6</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>6</b>

## OFFICE OF LEGAL POLICY

**Background Information:** The Office of Legal Policy (OLP) is responsible for developing and implementing the DOJ's significant policy initiatives. OLP also works closely with the Office of Legislative Affairs to promote the DOJ's policies in Congress and reviews all regulations promulgated by DOJ. Finally, OLP works with the Attorney General in advising the President on nominations for Article III judgeships.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**

OLA and OLP

**Types of Legislative Affairs Performed**

Developing and coordinating DOJ legislative proposals for transmission to Congress, testifying before Congress, assisting in preparing DOJ witnesses to testify before Congress, drafting responses to congressional requests, and briefing congressional staff.

**Additional Information**

For FY 2007, OLP had the following detail arrangements: (1) one staff detailed from CIV and four staff from USAOs on a reimbursable basis, (2) one staff detailed from JMD on a non-reimbursable basis, and (3) one staff detailed to OLA on an non-reimbursable basis. OLP estimated that in addition to one full-time staff, in FY 2007 24 staff performed legislative affairs as a significant collateral duty, estimated at an average of 58 percent of the individuals' workload. Additionally, for one OLP staff transferred from CRM in June 2007, personnel expenses were mistakenly paid by CRM for the remainder of the fiscal year.

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 1,372,362
Non-Personnel Expenses	\$ 705,984
<b>TOTAL EXPENSES</b>	<b>\$2,078,346</b>
Number of Headquarters Staff: Full-Time	1
Number of Headquarters Staff: Collateral	24
<b>Total Number of Headquarters Staff</b>	<b>25</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>25</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**

None

**Types of Public Affairs Performed**

None

**Additional Information**

None

PUBLIC AFFAIRS	
Personnel Expenses	\$ 0
Non-Personnel Expenses	\$ 0
<b>TOTAL EXPENSES</b>	<b>\$ 0</b>
Number of Headquarters Staff: Full-Time	0
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>0</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>0</b>

## OFFICE OF LEGISLATIVE AFFAIRS

**Background Information:** The Office of Legislative Affairs (OLA) has responsibility for the development and implementation of strategies to advance DOJ's legislative initiatives and other interests relating to Congress. OLA also articulates DOJ's position on legislation proposed by Congress, facilitates the appearance of DOJ witnesses at congressional hearings, and manages the interagency clearance process led by the Office of Management and Budget.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**  
OLA

**Types of Legislative Affairs Performed**

Developing and implementing strategies to advance DOJ legislative initiatives, articulating the DOJ's position on legislation proposed by Congress, facilitating the appearance of DOJ witnesses at congressional hearings, managing the interagency clearance process led by the Office of Management and Budget, coordinating DOJ responses to congressional committee oversight requests, and participating in the Senate confirmation process for federal judges and DOJ nominees.

**Additional Information**

In addition to the 22 full-time staff, OLA had 11 staff detailed to it on a non-reimbursable basis. These positions and expenses are included in the providing agency's data.

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 2,045,555
Non-Personnel Expenses	\$ 1,215,005
<b>TOTAL EXPENSES</b>	<b>\$3,260,559</b>
Number of Headquarters Staff: Full-Time	22
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>22</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>22</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**  
None

**Types of Public Affairs Performed**  
None

**Additional Information**  
None

PUBLIC AFFAIRS	
Personnel Expenses	\$ 0
Non-Personnel Expenses	\$ 0
<b>TOTAL EXPENSES</b>	<b>\$ 0</b>
Number of Headquarters Staff: Full-Time	0
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>0</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>0</b>



## OFFICE OF PUBLIC AFFAIRS

**Background Information:** The Office of Public Affairs (PAO) is responsible for ensuring that the public and press are informed about DOJ's activities and about the priorities and policies of the Attorney General and the President with regard to law enforcement and legal affairs.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**

None

**Types of Legislative Affairs Performed**

None

**Additional Information**

None

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 0
Non-Personnel Expenses	\$ 0
<b>TOTAL EXPENSES</b>	<b>\$ 0</b>
Number of Headquarters Staff: Full-Time	0
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>0</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>0</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**

PAO

**Types of Public Affairs Performed**

Press conferences, press releases, briefings, interviews, speeches, acting as content manager for the DOJ's publicly accessible website and posting much of the information released by the DOJ.

**Additional Information**

For part of FY 2007, PAO had two staff that were detailed to other agencies on a non-reimbursable basis, during which time they were not performing public affairs functions. In addition to the 21 full-time staff, PAO had 1 staff detailed to it on a non-reimbursable basis from ATR. This position and related expenses are included in ATR's data.

PUBLIC AFFAIRS	
Personnel Expenses	\$ 1,933,899
Non-Personnel Expenses	\$ 799,334
<b>TOTAL EXPENSES</b>	<b>\$2,733,233</b>
Number of Headquarters Staff: Full-Time	21
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>21</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>21</b>

## OFFICE ON VIOLENCE AGAINST WOMEN

**Background Information:** The Office on Violence Against Women's (OVW) mission is to provide federal leadership to reduce violence against women, and to administer justice for and strengthen services to all victims of domestic violence, dating violence, sexual assault, and stalking. This is accomplished by developing and supporting the capacity of state, local, tribal, and non-profit entities involved in responding to violence against women.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**

OVW and OLA

**Types of Legislative Affairs Performed**

Preparing, reviewing, and/or commenting on legislation and testimony, coordinating responses to congressional inquiries.

**Additional Information**

OVW estimated that in FY 2007 two staff performed legislative affairs functions as a significant collateral duty, estimated at an average of 55 percent of the individuals' workload.

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 63,275
Non-Personnel Expenses	\$ 8,840
<b>TOTAL EXPENSES</b>	<b>\$72,116</b>
Number of Headquarters Staff: Full-Time	0
Number of Headquarters Staff: Collateral	2
<b>Total Number of Headquarters Staff</b>	<b>2</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>2</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**

One OJP staff detailed to OVW

**Types of Public Affairs Performed**

Handling press inquiries, setting up media interviews for the OVW Director, developing press statements, and developing a communications strategy for OVW.

**Additional Information**

One OJP staff was detailed to OVW on a reimbursable basis for 49 days. This staff member is counted in OJP's staff count, but the reimbursable portion of the expense is reported in OVW's expenses.

PUBLIC AFFAIRS	
Personnel Expenses	\$ 11,857
Non-Personnel Expenses	\$ 0
<b>TOTAL EXPENSES</b>	<b>\$11,857</b>
Number of Headquarters Staff: Full-Time	0
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>0</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>0</b>

## TAX DIVISION

**Background Information:** The Tax Division's (TAX) mission is to enforce the nation's tax laws fully, fairly, and consistently, through both criminal and civil litigation, in order to promote compliance with the tax laws and maintain confidence in the integrity of the tax system.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**  
TAX Office of the Assistant Attorney General

**Types of Legislative Affairs Performed**  
Advising the Assistant Attorney General on legislative matters and legal issues, collecting legislative materials and preparing legislative histories for inclusion in TAX libraries.

**Additional Information**  
TAX estimated that in FY 2007 one staff performed legislative affairs functions as a significant collateral duty, estimated at 30 percent of the individual's workload.

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 54,869
Non-Personnel Expenses	\$ 12,747
<b>TOTAL EXPENSES</b>	<b>\$67,616</b>
Number of Headquarters Staff: Full-Time	0
Number of Headquarters Staff: Collateral	1
<b>Total Number of Headquarters Staff</b>	<b>1</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>1</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**  
None

**Types of Public Affairs Performed**  
None

**Additional Information**  
None

PUBLIC AFFAIRS	
Personnel Expenses	\$ 0
Non-Personnel Expenses	\$ 0
<b>TOTAL EXPENSES</b>	<b>\$ 0</b>
Number of Headquarters Staff: Full-Time	0
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>0</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>0</b>

## UNITED STATES MARSHALS SERVICE

**Background Information:** The mission of the U.S. Marshals Service (USMS) is to enforce federal laws and provide support to virtually all elements of the federal justice system by providing for the security of federal court facilities and the safety of judges and other court personnel; apprehending criminals; exercising custody of federal prisoners and providing for their security and transportation to correctional facilities; executing federal court orders; seizing assets gained by illegal means and providing for the custody, management, and disposal of forfeited assets; assuring the safety of endangered government witnesses and their families; and collecting and disbursing funds.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**

USMS Office of Congressional Affairs (within USMS Office of Communications)

**Types of Legislative Affairs Performed**

Supporting and advising USMS Headquarters and districts on congressional issues; developing and executing the USMS' legislative agenda; educating and informing Congress on USMS missions and responsibilities; serving as the liaison between the USMS and other DOJ components, Executive Branch congressional affairs offices, and national law enforcement organizations and associations; researching and monitoring the status of legislation relevant to both the law enforcement mission and employees of the USMS; and formally responding to both written and telephonic inquiries from members of Congress and their staff regarding their constituents' concerns.

**Additional Information**

None

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 767,597
Non-Personnel Expenses	\$ 43,334
<b>TOTAL EXPENSES</b>	<b>\$810,931</b>
Number of Headquarters Staff: Full-Time	7
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>7</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>7</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**

USMS Office of Public Affairs (within USMS Office of Communications)

**Types of Public Affairs Performed**

Providing information, training, and media interface relating to the USMS for the general public, headquarters and district employees, government and civilian business and law enforcement agencies, and national and international media entities.

**Additional Information**

The USMS estimated that in addition to the full-time staff, in FY 2007 one staff performed public affairs functions as a significant collateral duty, estimated at 20 percent of the individual's workload.

PUBLIC AFFAIRS	
Personnel Expenses	\$ 354,037
Non-Personnel Expenses	\$ 55,333
<b>TOTAL EXPENSES</b>	<b>\$409,370</b>
Number of Headquarters Staff: Full-Time	5
Number of Headquarters Staff: Collateral	1
<b>Total Number of Headquarters Staff</b>	<b>6</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>6</b>



## UNITED STATES NATIONAL CENTRAL BUREAU OF INTERPOL

**Background Information:** The U.S. National Central Bureau's (USNCB) mission is to facilitate international law enforcement cooperation as the United States' representative to the International Criminal Police Organization (INTERPOL), on behalf of the Attorney General.

### LEGISLATIVE AFFAIRS FUNCTIONS

**Entity Performing Legislative Affairs**

None

**Types of Legislative Affairs Performed**

None

**Additional Information**

None

LEGISLATIVE AFFAIRS	
Personnel Expenses	\$ 0
Non-Personnel Expenses	\$ 0
<b>TOTAL EXPENSES</b>	<b>\$ 0</b>
Number of Headquarters Staff: Full-Time	0
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>0</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>0</b>

### PUBLIC AFFAIRS FUNCTIONS

**Entity Performing Public Affairs**

One employee within the USNCB

**Types of Public Affairs Performed**

Handling inquiries from the public and press, issuing press releases, coordinating press interviews, maintaining representational materials, and arranging meetings and visits.

**Additional Information**

None

PUBLIC AFFAIRS	
Personnel Expenses	\$ 110,132
Non-Personnel Expenses	\$ 50,125
<b>TOTAL EXPENSES</b>	<b>\$160,257</b>
Number of Headquarters Staff: Full-Time	1
Number of Headquarters Staff: Collateral	0
<b>Total Number of Headquarters Staff</b>	<b>1</b>
Number of Field Office Staff: Full-Time	0
Number of Field Office Staff: Collateral	0
<b>Total Number of Field Office Staff</b>	<b>0</b>
<b>TOTAL STAFF</b>	<b>1</b>

**DEPARTMENT OF JUSTICE  
COMPONENTS INCLUDED IN JMD REQUEST**

COMPONENT <sup>35</sup>
<b>Antitrust Division</b>
<b>Bureau of Alcohol, Tobacco, Firearms and Explosives</b>
<b>Federal Bureau of Prisons</b>
Civil Division
Civil Rights Division
Community Relations Service
<b>Criminal Division</b>
<b>Drug Enforcement Administration</b>
<b>Environment and Natural Resources Division</b>
Executive Office for Immigration Review
Executive Office for United States Attorneys
<b>Executive Office for United States Trustees</b>
<b>Federal Bureau of Investigation</b>
Foreign Claims Settlement Commission
<b>Interpol-United States National Central Bureau</b>
National Security Division
<b>Office of Community Oriented Policing Services</b>
Office of Dispute Resolution
Office of the Federal Detention Trustee
Office of the Inspector General
<b>Office of Justice Programs</b>
Office of Legal Counsel
Office of the Pardon Attorney
Office of Professional Responsibility
Office of the Solicitor General
Office on Violence Against Women
<b>Tax Division</b>
<b>United States Marshals Service</b>
United States Parole Commission

<sup>35</sup> The bolded components responded to JMD's data request with expense data. The remaining components, with the exception of EOIR, provided null or no responses. JMD's report to Congress was based on responses received by July 31, 2007. EOIR provided its response on August 1, 2007, and therefore was not included in the JMD report to Congress.

## APPENDIX IV

### DEPARTMENT OF JUSTICE COMPONENTS INCLUDED IN OIG SURVEY AND DATA REQUEST<sup>36</sup>

<p><b>Antitrust Division</b> <b>Bureau of Alcohol, Tobacco, Firearms and Explosives</b> <b>Civil Division</b></p> <p><b>Civil Rights Division</b> <b>Community Relations Service</b> <b>Criminal Division</b></p> <p><b>Drug Enforcement Administration</b> <b>Environment and Natural Resources Division</b> <b>Executive Office for Immigration Review</b> <b>Executive Office for U.S. Attorneys</b> <b>Executive Office for U.S. Trustees</b> <b>Federal Bureau of Investigation</b> <b>Federal Bureau of Prisons</b> Foreign Claims Settlement Commission <b>Interpol- U.S. National Central Bureau</b> <b>Justice Management Division</b></p> <p>National Drug Intelligence Center <b>National Security Division</b> Office of the Associate Attorney General Office of the Attorney General</p>	<p><b>Office of Community Oriented Policing Services</b></p> <p>Office of the Deputy Attorney General Office of Dispute Resolution Office of the Federal Detention Trustee <b>Office of Information and Privacy</b> Office of the Inspector General Office of Intergovernmental and Public Liaison</p> <p><b>Office of Justice Programs</b></p> <p>Office of Legal Counsel <b>Office of Legal Policy</b> <b>Office of Legislative Affairs</b> Office of the Pardon Attorney Office of Professional Responsibility</p> <p><b>Office of Public Affairs</b></p> <p>Office of the Solicitor General <b>Office on Violence Against Women</b> Professional Responsibility Advisory Office <b>Tax Division</b></p> <p><b>U.S. Marshals Service</b> U.S. Parole Commission</p>
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<sup>36</sup> The bolded components are those with significant legislative or public affairs functions that were included in the OIG data request.

USAOS INCLUDED IN OIG SURVEY AND DATA REQUEST<sup>37</sup>

DISTRICT NAME	DISTRICT NAME
Alabama Middle District	Louisiana Middle District
<b>Alabama Northern District</b>	Louisiana Western District
<b>Alabama Southern District</b>	Maine District
<b>Alaska District</b>	<b>Maryland District</b>
<b>Arizona District</b>	<b>Massachusetts District</b>
Arkansas Eastern District	<b>Michigan Eastern District</b>
Arkansas Western District	<b>Michigan Western District</b>
<b>California Central District</b>	<b>Minnesota District</b>
<b>California Eastern District</b>	Mississippi Northern District
<b>California Northern District</b>	Mississippi Southern District
<b>California Southern District</b>	<b>Missouri Eastern District</b>
<b>Colorado District</b>	<b>Missouri Western District</b>
<b>Connecticut District</b>	<b>Montana District</b>
Delaware District	Nebraska District
<b>District of Columbia</b>	<b>Nevada District</b>
<b>Florida Middle District</b>	New Hampshire District
Florida Northern District	<b>New Jersey District</b>
<b>Florida Southern District</b>	New Mexico District
<b>Georgia Middle District</b>	<b>New York Eastern District</b>
<b>Georgia Northern District</b>	New York Northern District
Georgia Southern District	<b>New York Southern District</b>
Guam/N. Marianas Districts	<b>New York Western District</b>
Hawaii District	<b>North Carolina Eastern District</b>
<b>Idaho District</b>	North Carolina Middle District
<b>Illinois Central District</b>	<b>North Carolina Western District</b>
<b>Illinois Northern District</b>	North Dakota District
Illinois Southern District	Ohio Northern District
Indiana Northern District	<b>Ohio Southern District</b>
<b>Indiana Southern District</b>	<b>Oklahoma Eastern District</b>
Iowa Northern District	Oklahoma Northern District
Iowa Southern District	Oklahoma Western District
<b>Kansas District</b>	<b>Oregon District</b>
<b>Kentucky Eastern District</b>	<b>Pennsylvania Eastern District</b>
<b>Kentucky Western District</b>	Pennsylvania Middle District
<b>Louisiana Eastern District</b>	<b>Pennsylvania Western District</b>

<sup>37</sup> The USAOs shown in bold are those districts with significant legislative or public affairs functions that were included in the OIG data request.

DISTRICT NAME	DISTRICT NAME
<b>Puerto Rico District</b>	Vermont District
<b>Rhode Island District</b>	Virgin Islands District
<b>South Carolina District</b>	<b>Virginia Eastern District</b>
South Dakota District	<b>Virginia Western District</b>
<b>Tennessee Eastern District</b>	Washington Eastern District
<b>Tennessee Middle District</b>	<b>Washington Western District</b>
Tennessee Western District	<b>West Virginia Northern District</b>
<b>Texas Eastern District</b>	West Virginia Southern District
<b>Texas Northern District</b>	Wisconsin Eastern District
<b>Texas Southern District</b>	<b>Wisconsin Western District</b>
<b>Texas Western District</b>	Wyoming District
<b>Utah District</b>	

**APPENDIX VI**

**FISCAL YEAR 2007 LEGISLATIVE AND PUBLIC AFFAIRS  
NON-PERSONNEL EXPENSES BY COMPONENT**

<b>COMPONENT</b>	<b>LEGISLATIVE AFFAIRS NON-PERSONNEL EXPENSES</b>	<b>PUBLIC AFFAIRS NON-PERSONNEL EXPENSES</b>	<b>COMBINED NON-PERSONNEL EXPENSES</b>
USAOs	\$ 30,763	\$ 1,347,376	\$ 1,378,139
OLA	1,215,005	0	1,215,005
PAO	0	799,334	799,334
OLP	705,984	0	705,984
DEA	170,660	449,268	619,928
FBI	50,934	383,180	434,114
JMD	157,674	0	157,674
ATF	26,592	125,656	152,248
EOIR	65,552	65,552	131,104
USMS	43,334	55,333	98,667
BOP	15,403	41,508	56,911
USNCB	0	50,125	50,125
OJP	18,713	21,853	40,566
CRT	11,497	4,268	15,765
OIP	14,961	0	14,961
EOUST	0	14,204	14,204
CRS	0	12,505	12,505
TAX	12,747	0	12,747
ENRD	11,214	0	11,214
OVW	8,840	0	8,840
COPS	4,138	3,933	8,071
CRM	3,718	0	3,718
ATR	0	0	0
CIV	0	0	0
NSD	0	0	0
<b>TOTAL</b>	<b>\$2,567,729</b>	<b>\$3,374,095</b>	<b>\$5,941,824</b>

**APPENDIX VII**

**SERIES 1035 PUBLIC AFFAIRS SPECIALIST STAFF INCLUDED IN  
NATIONAL FINANCE CENTER DATABASE THAT WERE EXCLUDED  
FROM PUBLIC AFFAIRS EXPENSE TOTALS**

<b>COMPONENT</b>	<b>TYPES OF FUNCTIONS PERFORMED</b>	<b>NO. OF STAFF</b>	<b>TOTAL EXPENSES</b>
<b>CRT</b>	Community Outreach	1	\$141,000
<b>DEA</b>	Community Outreach and Museum	1	\$104,585
<b>DEA</b>	Community Outreach	4	\$535,765
<b>DEA</b>	Museum	2	\$238,343
<b>DEA</b>	Audiovisual, Graphics, and Photography	1	\$152,215
<b>DEA</b>	Demand Reduction and Recruiting	1	\$132,047
<b>DEA</b>	Writing Team for DEA internal newsletter	1	\$131,916
<b>FBI</b>	Internal Employee Communications	2	\$185,217
<b>FBI</b>	Community Outreach	2	\$208,989
<b>FBI</b>	Special Events/Protocol for Director's Office	4	\$490,032
<b>FBI</b>	Outreach, VIP tours of Academy, occasional coordination of movie requests	1	\$112,592
<b>FBI</b>	Project management – Tour Route	1	\$160,910
<b>USAO (IA-N)</b>	Community Outreach	1	\$123,030
<b>OJP</b>	Intergovernmental Affairs	1	\$112,693
<b>OJP</b>	OJP's Internet site work	1	\$126,596
<b>USMS</b>	Internal Communications	1	\$99,794
<b>TOTALS</b>		<b>25</b>	<b>\$3,055,724</b>

**APPENDIX VIII****ACRONYMS**

<b>ACRONYM</b>	<b>NAME</b>
ATR	Antitrust Division
ATF	Bureau of Alcohol, Tobacco, Firearms and Explosives
BOP	Federal Bureau of Prisons
CIV	Civil Division
COPS	Office of Community Oriented Policing Services
CRM	Criminal Division
CRS	Community Relations Service
CRT	Civil Rights Division
DEA	Drug Enforcement Administration
DOJ	Department of Justice
ENRD	Environment and Natural Resources Division
EOIR	Executive Office for Immigration Review
EOUSA	Executive Office for U.S. Attorneys
EOUST	Executive Office for U.S. Trustees
FBI	Federal Bureau of Investigation
FCSC	Foreign Claims Settlement Commission
JMD	Justice Management Division
NDIC	National Drug Intelligence Center
NSD	National Security Division
OAAG	Office of the Associate Attorney General
OAG	Office of the Attorney General
ODAG	Office of the Deputy Attorney General
ODR	Office of Dispute Resolution
OFDT	Office of the Federal Detention Trustee
OIP	Office of Information and Privacy
OIG	Office of the Inspector General
OIPL	Office of Intergovernmental and Public Liaison
OJP	Office of Justice Programs
OLC	Office of Legal Counsel
OLP	Office of Legal Policy
OLA	Office of Legislative Affairs
OMB	Office of Management and Budget
OPA	Office of the Pardon Attorney
OPR	Office of Professional Responsibility
OSG	Office of the Solicitor General
OVW	Office on Violence Against Women
PAO	Office of Public Affairs
PRAO	Professional Responsibility Advisory Office
TAX	Tax Division
USAO	U.S. Attorneys Office
USMS	U.S. Marshals Service
USNCB	U.S. National Central Bureau of INTERPOL
USPC	U.S. Parole Commission





## U.S. Department of Justice

JUL - 3 2008

Washington, D.C.-20530

Glenn Fine  
Inspector General  
U.S. Department of Justice  
Washington, DC 20530

Re: Response to the Office of the Inspector General's Report on Audit of  
Legislative and Public Affairs Expenses at the Department of Justice

Dear Mr. Fine:

We appreciate the opportunity to review and comment upon your draft audit report entitled "Audit of Legislative and Public Affairs Expenses in the Department of Justice." This response is a consolidation of comments from all components providing them.

**Comments on OIG Findings**

As your report indicates, JMD differs in some respects with OIG's calculations of the staffing levels for the Department's Office of Legislative Affairs (OLA) and the Office of Public Affairs (PAO). Despite these differences, the audit concludes that PAO operated within its position and FTE (full-time equivalent workyear) ceilings, and that OLA operated within its position ceiling. However, the report also concludes that OLA exceeded its FTE ceiling by 2.8. JMD respectfully disagrees with OIG's conclusion as it is based on an interpretation of an appropriations limitation that is inconsistent with long-established budget principles.

As your report indicates, the appropriations language for the account "General Administration, Salaries and Expenses" in fiscal year 2006 stated, in relevant part, as follows:

*Provided further, That not to exceed 26 permanent positions, 21 full-time equivalent workyears and \$3,480,000 shall be expended for the Office of Legislative Affairs: Provided further, That not to exceed 17 permanent positions, 22 full-time equivalent workyears and \$2,764,000 shall be expended for the Office of Public Affairs: **Provided further, That the Offices of Legislative Affairs and Public Affairs may utilize, on a non-reimbursable basis details of career employees within the ceilings provided for the Office of Legislative Affairs and the Office of Public Affairs: . . . .***

## Response to Legislative and Public Affairs Audit Report

Department of Justice Appropriations Act, 2006, Public Law 109-108, Title I (emphasis added). These personnel and monetary caps on OLA and PAO were continued into fiscal year 2007 by Public Law 110-5.

The OIG report notes that the OLA and OPA ceiling allocations “were unusual,” indicating that OLA had an allocation of 26 positions but only 21 FTE. Nonetheless, OIG reads the ceiling proviso to require that non-reimbursable detailees assigned to OLA during the year should count against both OLA’s position and FTE caps in a manner that essentially equates “FTE” with “positions,” effectively limiting OLA to 21 positions for the year. While we recognize the OIG’s reading of the ceiling proviso to be one possible interpretation, it is not the interpretation JMD employed as it managed the caps during the year. In interpreting appropriations language, JMD applies a well-defined body of law, regulation and budget principles. We understand that OIG believes that ordinary budget concepts were not intended to be applied in the case of the OLA and OPA budget ceilings. From the JMD standpoint, such an approach is quite unorthodox; our rationale is explained below.

When applying the proviso’s permanent position and FTE ceilings, JMD, OLA and PAO adhered to standard budget principles and the dictates of the Office of Management and Budget Circular A-11, consistent with the limitations of the statute. For example, consistent with OMB Circular A-11 (§ 85) and standard budget principles, JMD considers the office that hired an individual to be the office that reports that individual’s “FTE.” Further, consistent with budget practices, to the extent that the hiring office hires an employee in a “permanent duty” status, that office will count that position as one of its “permanent positions” (assuming the hiring office is not being reimbursed for the position); typically, this rule would apply even if that person goes on detail to another office. It is here, however, where JMD adjusted the application of standard budgeting principles in light of the language of the last proviso above. The proviso states that OLA and PAO “may utilize, on a non-reimbursable basis details of career employees within the ceilings provided,” which we understand was an effort to place limits on the number of employees, or positions, that could be in these offices at any given time. Therefore, to give effect to the proviso’s limitations, JMD considered non-reimbursable details to add to the number of positions within these offices, and counted them against the permanent position ceilings. With minor differences, JMD and OIG were in essential agreement on calculating OLA positions and each determined OLA was within the proviso’s position cap.

In calculating whether OLA’s FTE stayed “within the ceilings provided” per the proviso, JMD, differing from OIG, counted detailed FTE consistent with how non-reimbursed detailed FTE are always counted. Since standard budget principles and the dictates of the OMB Circular A-11 require FTEs to be counted against the hiring component, JMD did not apply non-reimbursable detailees against OLA’s FTE ceiling. JMD gave effect to the appropriations proviso (that we reasonably understood to relate to limiting the number of people utilized by OLA) by counting the detailees against OLA’s permanent position ceiling, but we counted OLA’s FTEs as we



normally would under A-11. We did not view this as contrary to the appropriation language, and, in fact, believed it was the only manner in which both the 26 position and 21 FTE caps could be given meaning (unless OLA was expected to employ a host of part-time employees during the year). When the non-reimbursable detailees are counted in this way (as positions but *not* FTEs), we note that OLA stayed under its permanent position *and* FTE ceilings.

We understand OIG's interpretation of the FTE ceiling differs from ours. However, we believe it would be appropriate to have the conclusion of the final report make clearer reference to the fact that JMD and OIG have differing interpretations of the appropriations language, and JMD applied standard budget principles to a proviso for which there is more than one possible interpretation.

Thank you for the opportunity to clarify JMD's perspective on these aforementioned issues. Our response to the report's recommendations follows.

#### **Recommendations**

**OIG Recommendation:** Ensure that OLA complies with any future staffing restrictions mandated by appropriations law.

**Response:** While JMD respectfully differs with the conclusion surrounding OLA's FTE consumption, we are taking steps to respond to this recommendation. Beginning in July, JMD's Consolidated Executive Office (CEO) will track OLA and PAO staffing and FTE, including all details as appropriate, and ensure such levels are within approved operating plans and any appropriations restrictions. We will provide the OIG with the data compiled for that tracking, through September 2008.

**OIG Recommendation:** Update the OPM series classifications for a staff member [at ATF] who no longer performs public affairs functions.

**Response:** The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) concurs with the intent of the recommendation insofar as recognizing that the staff member in question has not been working within the parameters of the position description of a Public Affairs Specialist (series 1035).

During the period covered by this audit, fiscal year 2007, ATF's Liaison Division had just been established, with skeleton staff. Although the staff member in question was assigned to a position in the 1035 series, understaffing in the Liaison Division resulted in this individual performing work properly classified in the 0343 series. ATF has subsequently hired an additional staff

Glenn Fine  
Response to Legislative and Public Affairs Audit Report

Page 4

member for the liaison work. Accordingly, the identified staff member will return to public affairs responsibilities, consistent with the 1035 series classification, by the end of this fiscal year.

Thank you for the opportunity to provide comments to the Report.

If you would like more information, contact Richard Theis, Audit Liaison Group, at (202) 514-0469.

Sincerely,



Lee J. Lofthus  
Assistant Attorney General  
for Administration

cc: Mr. David M. Sheeren  
Regional Audit Manager  
Denver Regional Audit Office

**ANALYSIS AND SUMMARY OF ACTIONS  
NECESSARY TO CLOSE THE REPORT**

In response to our audit report, JMD and ATF concurred with our recommendations and discussed the actions they plan to take to address our findings. While JMD agreed with our recommendation that the Department's Office of Legislative Affairs (OLA) should comply with any future staffing restrictions mandated by appropriations law, it disagreed with our calculation of OLA's FTE usage in 2007. As a result, we are providing the following comments on JMD's response to the draft report.

In Appendix IX, JMD provided the following general statements in response to the report:

. . . the report also concludes that OLA exceeded its FTE ceiling by 2.8. JMD respectfully disagrees with OIG's conclusion as it is based on an interpretation of an appropriations limitation that is inconsistent with long-established budget principles.

. . . OIG reads the ceiling proviso to require that non-reimbursable detailees assigned to OLA during the year should count against both OLA's position and FTE caps in a manner that essentially equates "FTE" with "positions," effectively limiting OLA to 21 positions for the year. While we recognize the OIG's reading of the ceiling proviso to be one possible interpretation, it is not the interpretation JMD employed as it managed the caps during the year. In interpreting appropriations language, JMD applies a well-defined body of law, regulation and budget principles. We understand that OIG believes that ordinary budget concepts were not intended to be applied in the case of the OLA and PAO budget ceilings. From the JMD standpoint, such an approach is quite unorthodox; our rationale is explained below.

In calculating whether OLA's FTE stayed "within the ceilings provided" per the proviso, JMD, differing from OIG, counted detailed FTE consistent with how non-reimbursed detailed FTE are always counted. Since standard budget principles and the dictates of the OMB Circular A-11 require FTEs to be counted

against the hiring component, JMD did not apply non-reimbursable detailees against OLA's FTE ceiling. JMD gave effect to the appropriations proviso (that we reasonably understood to relate to limiting the number of people utilized by OLA) by counting the detailees against OLA's permanent position ceiling, but we counted OLA's FTEs as we normally would under A-11. We did not view this as contrary to the appropriation language, and, in fact, believed it was the only manner in which both the 26 position and 21 FTE caps could be given meaning (unless OLA was expected to employ a host of part-time employees during the year). When the non-reimbursable detailees are counted in this way (as positions but *not* FTEs), we note that OLA stayed under its permanent position *and* FTE ceilings.

The OIG agrees with JMD that under OMB Circular A-11 non-reimbursable detailed staff would not be included in calculating the receiving component's FTE ceiling. We noted in the report that, "In calculating OLA's FY 2007 FTEs, JMD followed OMB Circular A-11 and did not include the 11 non-reimbursable detailed staff." However, we disagree with JMD's interpretation of the appropriations language. As we noted in the report, "We believe the appropriations language stating that OLA may utilize, on a non-reimbursable basis, detailed staff 'within the ceilings provided,' requires that non-reimbursable detailed staff be included in both the permanent positions and FTE ceilings, not just the permanent positions ceiling." Congress provided distinct ceilings for both FTEs and permanent positions in the 2007 appropriations language. Contrary to JMD's interpretation, there is no reason to believe that the language applies to one ceiling but not the other. As a result, we included all staff performing legislative affairs functions for OLA in our calculations of both permanent positions and FTEs.

JMD acknowledges that it altered standard federal budgeting practices to count non-reimbursable detailed staff toward OLA's permanent positions ceiling, as we note in our report, "in a good faith effort to meet the intent of the appropriations language and contrary to standard budgeting practices, JMD included 9 of the 11 non-reimbursable staff detailed to OLA throughout FY 2007 in its calculations of OLA's permanent positions." However, we believe the appropriations language required JMD to do the same with regard to the FTE ceiling. As JMD concedes, although the FTE ceiling was lower than the permanent positions ceiling, it would have been possible for OLA to operate within both ceilings by hiring part-time staff.

In Appendix IX, JMD provided a consolidated response to the OIG recommendations, which we analyze in turn:

- 1. Resolved (JMD).** This recommendation can be closed when we receive documentation supporting that JMD has implemented a tracking system to ensure that OLA complies with any future staffing restrictions.
- 2. Resolved (ATF).** This recommendation can be closed when we receive documentation supporting that ATF reassigned the staff member to responsibilities consistent with the GS-1035 series classification.