



BUDGET The United States Department of the Interior **JUSTIFICATIONS**

and Performance Information
Fiscal Year 2012

**OFFICE OF
THE SOLICITOR**

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

**DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
FISCAL YEAR 2012 BUDGET JUSTIFICATION**

TABLE OF CONTENTS

OVERVIEW

Organizational Chart.....	SOL-1
General Statement.....	SOL-2
Management’s Challenges and Strategies.....	SOL-6
Budget Request Overview	SOL-8
Budget at a Glance	SOL-9
Appropriation Language – Salaries and Expenses.....	SOL-10
Appropriation Language Citation	SOL-11
Summary of Requirements.....	SOL-12
Comparison by Activity	SOL-13
Justification of Fixed and Related Cost Changes.....	SOL-14

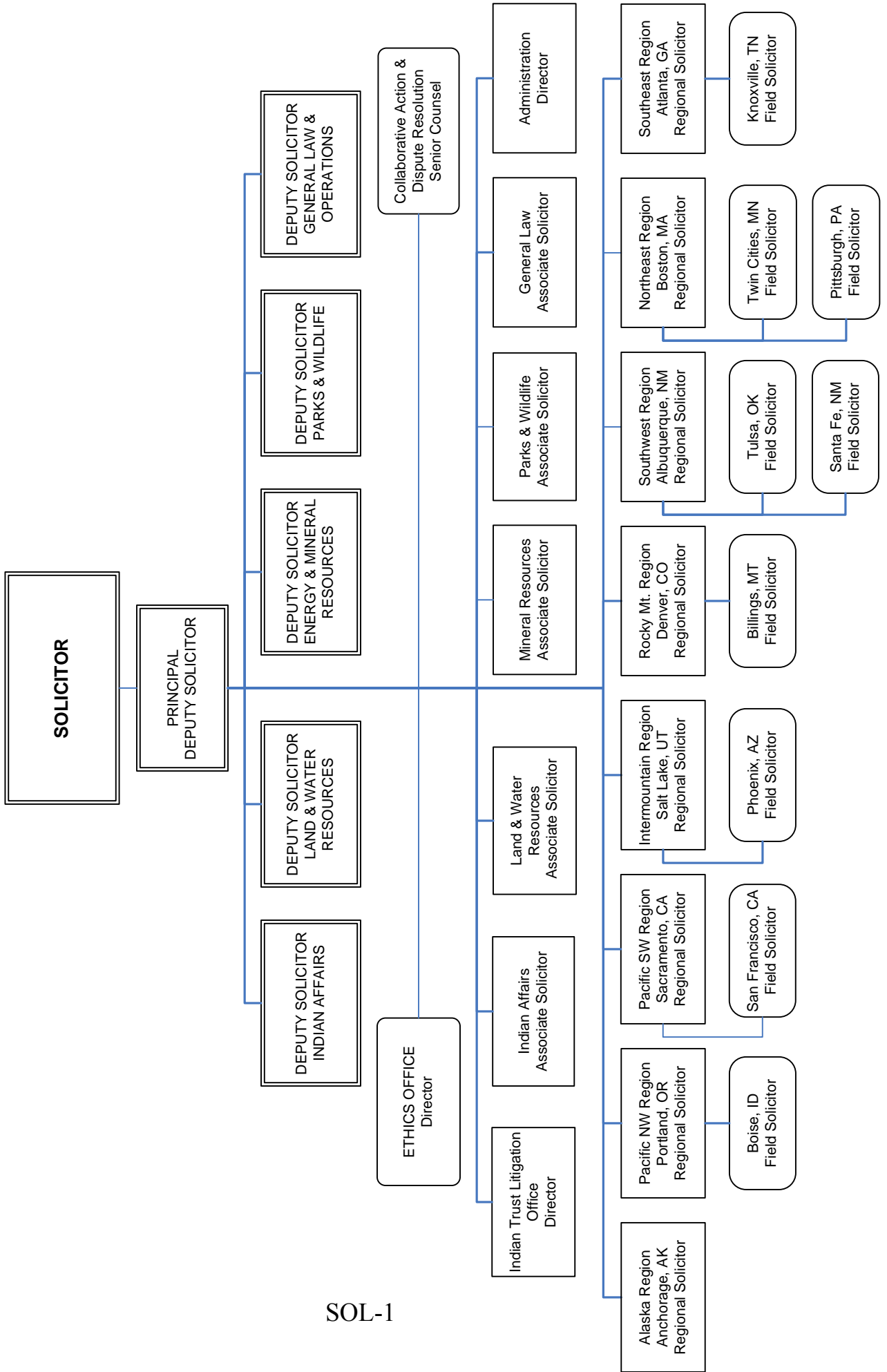
PROGRAM CHANGES

General Administration	SOL-16
Legal Services.....	SOL-18
Ethics Office	SOL-33

APPENDIX

Section 405 Compliance	SOL-39
Program and Financing Schedule	SOL-41
Object Classification Schedule	SOL-42
Personnel Summary Table	SOL-43
Employee Count by Grade Table.....	SOL-44
Reimbursable Positions Funded by Bureaus Table.....	SOL-45

DEPARTMENT OF THE INTERIOR OFFICE OF THE SOLICITOR ORGANIZATIONAL CHART



GENERAL STATEMENT

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

The Office provides advice, counsel and legal representation to the Immediate Office of the Secretary, the Assistant Secretaries, and all other bureaus and offices overseen by the Secretary. The advice provided by the Office impacts nearly every program within the Secretary's jurisdiction. The Office coordinates with the Department of Justice to address issues before Federal courts.

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

The Solicitor is the chief attorney for Interior. The Solicitor is assisted by six Deputy Solicitors, Senior Counselors including one for Collaborative Action and Dispute Resolution, an Ethics Director, six Associate Solicitors, eight Regional Solicitors, and a staff of more than three hundred attorneys and four hundred total employees.

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

The Office of the Solicitor's FY 2012 budget allows the Office to continue to improve management practices, improve employee satisfaction and wellness, and begin to bring the Ethics Office to its optimal effectiveness. The FY 2012 budget increase is directed at improving the recruitment and retention of highly skilled attorneys within the Office by re-establishing the Solicitor's Honors Attorney Program, and by beginning the process to bring journeyman attorney positions in DOI to the GS-15 level, as well as enhancing Interior's ethical culture by restructuring and increasing the staffing of the Ethics Office.

GOVERNMENT-WIDE INITIATIVES:

In response to the requirements issued through OMB Memorandum M-10-19 regarding Government-wide initiatives, the Office of the Solicitor is participating with Departmental offices and the other bureaus of the Department in a coordinated, agency-wide approach to the planning and implementation for each initiative. The Department is coordinating the initiative efforts through organized steering committees or implementation groups that engage each bureau and office. This enables a consistent and structured response across the Department. Descriptions of the Department's strategies and accomplishments for each initiative are provided in the General Statement of the Department-Wide Programs budget justification.

Management Efficiencies (Administrative Cost Savings)

In support of the President's commitment on fiscal discipline and spending restraint, SOL is participating in an aggressive Department-wide effort to curb non-essential administrative spending. The SOL budget assumes \$231,000 in management efficiencies in the areas of IT infrastructure consolidation, travel and relocation, and strategic sourcing. There will be no programmatic impact of implementing these savings initiatives, as functions will be performed in a more efficient and more effective manner. Examples of savings opportunities within SOL include the following.

- Travel Reduction – The Office of the Solicitor is participating in a Department-wide effort to reduce travel and relocation expenditures through adoption of new technologies and efficiency improvements. Bureaus are implementing new teleconferencing, videoconferencing, shared Web sites, and other technologies that will allow real-time communications and shared access to documents enabling more meetings to be conducted remotely and electronically. The proposed reduction also includes a decrease in funding for permanent change-of-station expenses in response to an Office of Inspector General finding that suggests a need for greater control over management of these costs. The overall travel reduction would decrease the Department's spending on travel and relocation to a level commensurate with actual 2008 travel and relocation expenditures. The Office's share of this reduction is \$6,000.
- IT Reduction – The Office's Assistant Director for Information Resources (ADIR) has been working collaboratively with the Department's Chief Information Officer and other Interior ADIRs on an approach to achieve improved effectiveness and efficiencies in information technology. The Department anticipates savings from the Department-wide implementation of a common e-mail system and the consolidation of servers, data centers, and help desks. The Office's share of this reduction is \$118,000.

Secretary Salazar is committed to information technology reforms that will improve the effectiveness and efficiency of operations within the Department including a common email system. Detailed planning information exists from earlier efforts to deploy a common email system that provide a foundation for an accelerated effort, beginning in the current fiscal year. The Department has conducted inventories and evaluations of

servers, data centers, and help desks. All of the information indicates significant potential savings from the consolidation and reduction of this infrastructure.

- Acquisition Reduction – The Office of the Solicitor has been working collaboratively with other acquisition offices across the Department to prepare an Acquisition Improvement Plan. Although OMB’s proposed acquisition savings program allows agencies to redirect savings to other mission objectives, Interior is proposing a reduction of \$30 million in real savings to help offset other program priorities in the budget request, of which, the Office’s share is \$107,000. One option for achieving this savings is the expanded use of strategic sourcing.

Currently, strategic sourcing is used for enterprise acquisitions for software and hardware. Expansion of strategic sourcing to other types of acquisitions has the potential to achieve additional savings for the bureaus and offices in Interior. The Office of Acquisition and Property Management, working with a team of bureau representatives, has developed a set of options for strategic sourcing, including: telecommunications, relocations, copiers/printers, heavy equipment, recycled paper, shuttle services, furniture, wireless communications, and training. Currently, participation by the bureaus is optional. The Department has a track record with successful strategic sourcing and plans to expand its use based on the advice and guidance from the Strategic Sourcing Executive Council. In FY 2011, DOI began utilizing strategic sourcing for supplies. During 2011, DOI will develop its plans and begin to implement expanded strategic sourcing to realize the targeted savings in 2012. To achieve this level of savings, all of the bureaus would be required to participate. The leadership in the Department is committed to participation in this initiative. The savings realized from this initiative would be included in the Department’s Acquisition Improvement Plan.

DOI Strategic Plan

In accordance with the Government Performance and Results Act of 1993, the DOI Strategic Plan has been reviewed and updated in compliance with the three-year update requirement. The Department, in consultation with the bureaus, reviewed the organization and construct of the Strategic Plan in light of the Administration’s priorities, goals, and objectives; recent innovations and efficiencies in delivering mission objectives; and the goal to provide a more integrated and focused approach to track performance across a wide range of DOI programs. Although many of the outcome goals and performance measures remain consistent from the previous Strategic Plan, the organizing principles for those goals and measures reflect the new approach to meeting the Department’s mission responsibilities. The DOI Strategic Plan for FY 2011 – FY 2016 is the foundational structure for the description of program performance measurement and planning for the FY 2012 President’s Budget. Budget and program plans for FY 2012 are fully consistent with the goals, outcomes, and measures described in the new version of the DOI Strategic Plan.

Real Property Cost Savings and Innovation Plan

The Office has performed an extensive review of space utilization in the Stewart Lee Udall Department of the Interior Building to seek ways to reduce space costs. The Office analyzed space saving options such as doubling up non-supervisory staff, increasing utilization of telework opportunities, and consolidating space currently used for records storage. These combined space reduction efforts will enable the Office to reduce space costs by \$100,000. To meet the President's goal of reducing the Federal government's asset footprint, the Office will redirect an additional \$25,000 in space costs savings to high priority activities.

Tribal Consultations

The Office of the Solicitor has no direct programs with tribal implications and no consultation is required.

MANAGEMENT'S CHALLENGES:

The Office of the Solicitor's FY 2012 budget request was formulated to allow the Office to continue to promote an ethical culture throughout the Department, enhance management practices, and improve employee satisfaction. The Office has undergone continual and significant management reform over the past several years. Management reforms have been primarily driven by: (1) the need to provide early and continuous legal counsel on the development of new programs in priority areas such as energy, water infrastructure, America's Great Outdoors, restoring relationships with and improving services to Indian Tribes, and open government while maintaining the Office's established level of service to the rest of the Department; (2) the Office's low ranking on the 2010 Federal Employee Viewpoint Survey, including in the area of professional training; (3) multiple ethical lapses at all levels of the Department in recent years; and (4) the need to manage and capture information and knowledge.

- The Office must provide early and continuous guidance in new priority areas to ensure that developing programs are grounded in established legal principles and precedents. The Office must be able to focus on priority areas such as the new energy economy, a renewable clean energy future, energy independence, enforcement of civil pollution-control laws, modernization of mining law and programs, refocused implementation of the Endangered Species Act, rebuilding America's water infrastructure, protecting America's Great Outdoors, restoring relationships with and improving services to Indian Tribes, and implementing the Open Government Directive, all without diminishing the level of service provided to existing and established Departmental programs.
- The 2010 Federal Employee Viewpoint Survey revealed that employees ranked this Office 203 out of 224 as an organizational subcomponent and 212 out of 223 in the training and development category.
- Published episodes of lax ethical behaviors, by both former political and career Departmental staff, have amplified the need for a robust "compliance-plus" Ethics organization to perform more preventive counsel Department-wide, and assist employees in understanding and complying with Government-wide ethics standards.

MANAGEMENT'S STRATEGIES:

The Solicitor's Office has made significant strides to systematically address its challenges. Funding beginning in 2006 has facilitated the Office in meeting these challenges and the 2012 budget will continue this effort.

Placing a Premium on Ethical Conduct

Although the Department of the Interior has faced a few ethical conduct issues in the past, the Secretary and Solicitor have provided strong leadership in addressing the commitment to ethics demanded of all Interior employees. The Department's Designated Agency Ethics Official

(DAEO) conducted an assessment of Interior bureau ethics programs and the structure of the Department-wide program; implemented best ethics practices focused on Executive Order 13490 (the Ethics Pledge); enhanced ethics communications with employees; updated the Agency Annual Ethics Training plan; implemented a new Financial Disclosure System; conducted Ethics Town Hall forums in conjunction with the Inspector General; held an Agency Ethics Counselor Summit; updated the Ethics Counselor Handbook; conducted a review of supplemental ethics regulations; and the Solicitor has clarified that only ethics personnel and attorneys in the Ethics Office may provide ethics legal advice to Interior employees. The Secretary's Order, "Enhancing and Promoting an Ethical Culture within the Department of the Interior" further underscores the importance placed on improving the Department's ethics posture. To develop a robust Ethics Office that is "compliance-plus", and provides adequate systemic oversight to the Department's bureaus and offices, the Ethics Office will, with additional funding, increase staffing levels beyond the existing seven FTEs. New staff will allow the Ethics Office to realign and augment capabilities, providing more extensive advice and counsel, as well as expanding education and training.

Recruiting and Retaining High Performing Attorneys

The primary asset of the Office of the Solicitor is the dedicated and talented attorneys who perform the Office's core legal functions. For the Office to continue to succeed in its mission, it must retain its best employees, along with the institutional knowledge, seasoning, and dexterity those individuals have acquired in SOL. The Solicitor has increased the emphasis utilizing all available tools to retain the Office's best and brightest. In addition to retaining quality employees, the Office must also recruit recent law school graduates and judicial clerks that are highly skilled and exhibit potential to lead the Office's next generation. This recruitment goal can best be addressed through the reinstatement of the Solicitor's Honors Attorney Program. The highly competitive nationwide attorney recruitment program has proven very successful in the past.

Addressing Emerging Priorities

The Office of the Solicitor will face many new, complex, and wide-ranging demands for legal services for at least the next 3-5 years as a direct result of the Deepwater Horizon Oil Spill. During the eight months following the spill, eighty-nine of our staff worked 15,889 hours and traveled on seventy-three separate occasions on Deepwater related matters. The Solicitor's Office will play a critical role for several years, as the Department of the Interior responds to pending investigations, multiple filed cases, criminal and civil enforcement litigation, major wide-ranging rulemaking, public interest, Gulf restoration activities, and the impact of the spill on the future of offshore exploration, leasing, and drilling.

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

FISCAL YEAR 2012 BUDGET REQUEST OVERVIEW

The FY 2012 President's Budget request for the Office of the Solicitor is \$68,476,000, representing an increase of \$3,400,000 above the Office's FY 2010 Enacted/ 2011 Continuing Resolution (CR). The request includes increases of: 1) \$1,793,000 for fixed cost changes; 2) \$400,000 to re-establish the Solicitor's Honors Attorney Program; 3) \$250,000 for strategic workforce planning to retain and promote high performing attorneys; and, 4) \$1,350,000 for reorganization and enhancement of the Ethics Office. The budget also includes decreases of: 1) \$100,000 for space costs; 2) \$62,000 for a training program reduction; and, 3) \$231,000 for management efficiencies in the areas of travel and relocation, information technology, and acquisitions.

The Office's 2012 budget request was developed to support Interior's focus on a strong ethical culture, support and development of human capital, energy, and water issues, and support the Secretary's goal of restoring relationships with and improving delivery of services to Indian communities. The budget request will allow the Office to provide legal counsel and support to all areas of the Department by ensuring that programs are carried out in a manner consistent with laws and regulations.

The following table illustrates the 2010 Actual, the 2010 Enacted / 2011 CR, the 2012 Budget Request, and changes from the 2011 CR.

TOTAL 2012 BUDGET REQUEST
(Dollars in thousands)

Budget Authority	2010 Actual	2010 Enacted / 2011 CR	2012 President's Budget	Change from 2011 CR (+/-)
Appropriation Total	65,076	65,076	68,476	+3,400
FTE direct	358	358	366	+8
FTE reimbursable	60	56	56	0
FTE Total	418	414	422	+8

Budget at a Glance
(Dollars in Thousands)

	2010 Actual	2010 Enacted / 2011 CR	Fixed Cost Changes	Administrative Cost Savings	Program Changes	2012 Request
Appropriation: Salaries and Expenses						
Legal Services						
Travel Reduction Initiative	47,255	47,255	1,582	-6	650	49,481
Establish Solicitor's Honors Attorney Program				[-6]	[400]	
Retain High Performing Attorneys					[250]	
General Administration						
IT Reduction Initiative	16,635	16,635	137	-225	-162	16,385
Strategic Sourcing Reduction				[-118]		
Space Cost Reduction				[-107]		
Training Program Reduction					[-100]	
					[-62]	
Ethics Office						
Restructure and Enhance Ethics Office	1,186	1,186	74	0	1,350	2,610
Total	65,076	65,076	1,793	-231	1,838	68,476

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

APPROPRIATION LANGUAGE

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$68,476,000. Note. – A full year 2011 appropriation for this account was not enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 111-242, as amended). The amounts included for 2011 reflect the annualized level provided by the continuing resolution.

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

APPROPRIATION LANGUAGE CITATION

Appropriation: Salaries and Expenses

For necessary expenses of the Office of the Solicitor.

43 U.S.C. § 1455

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

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

Appropriation: Salaries and Expenses	<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>
FY 2010 Enacted / 2011 CR	358		358	65,076
Fixed Costs and related changes:				
Additional Cost in 2010 for January 2010 pay raise	0	+ 232		
One less pay day	0	- 200		
Non-Foreign Area COLA/Locality Pay Adjustment	0	+ 32		
Federal Employee Health Insurance	0	+ 324		
Working Capital Fund	0	- 18		
Worker's Compensation Payments	0	+ 4		
Unemployment Compensation	0	- 2		
GSA / Non-GSA Space Rental	0	+ 1,421		
Administrative cost savings:				
IT Reduction Initiative	0	- 118		
Strategic Sourcing Reduction	0	- 107		
Travel Reduction Initiative	0	- 6		
Program changes:				
Restructure and Enhance Ethics Office	+ 8	+ 1,350		
Establish Solicitor's Honors Attorney Program	0	+ 400		
Retain High Performing Attorneys	0	+ 250		
Space Cost Reduction	0	- 100		
Training Program Reduction	0	- 62		
Total program changes	+ 8		+ 8	+ 3,400
Total requirements FY 2012 request	366		366	68,476

Comparison by Activity/Program Element
(dollar in thousands)

	2010		2011		2012					Inc. (+) Dec. (-) from 2011 CR FTE Amount				
	Actual		CR		Fixed Costs & Related Changes (+/-) FTE Amount	Administrative Cost Savings (+/-) FTE Amount	Program Changes (+/-) FTE Amount	Budget Request FTE Amount						
	FTE	Amount	FTE	Amount										
Legal Services	323	47,255	323	47,255	0	+ 1,582	0	- 6	0	+ 650	323	49,481	0	+ 2,226
General Administration	28	16,635	28	16,635	0	+ 137	0	- 225	0	- 162	28	16,385	0	- 250
Ethics Office	7	1,186	7	1,186	0	+ 74	0	0	+ 8	+ 1,350	15	2,610	+ 8	+ 1,424
Total	358	65,076	358	65,076	0	+ 1,793	0	- 231	+ 8	+ 1,838	366	68,476	+ 8	+ 3,400

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

	2010 Budget	2010 Enacted / 2011 CR	2012 Fixed Costs Change
<u>Additional Operational Costs from 2011 and 2012 January Pay Raises</u>			
1. 2010 Pay Raise, 3 Quarters in 2010 Budget (2.0%) <i>Amount of pay raise absorbed</i>	+\$561 [0]	N/A	N/A
2. 2009 Pay Raise, 1 Quarter (3.9%) <i>Amount of pay raise absorbed</i>	+\$365 [0]	N/A	N/A
3. 2010 Pay Raise, 1 Quarter (2.0%) <i>Amount of pay raise absorbed</i>	N/A	N/A [232]	+\$232 [0]
4. 2011 Pay Raise, 3 Quarters in 2011 Budget (0%)	N/A	\$0	N/A
5. 2011 Pay Raise, 1 Quarter (0%)	N/A	N/A	\$0
6. 2012 Pay Raise (0%)	N/A	N/A	\$0
7. Non-Foreign Area COLA Adjustment to Locality Pay	N/A	N/A	+\$32
<p>These adjustments are for an additional amount needed to fund estimated pay raises for Federal employees.</p> <p>Lines 1 and 2, 2010 pay raise estimates provided as a point of reference.</p> <p>Line 3 is the amount needed in 2012 to fund the enacted 2.0% January 2010 pay raise from October through December 2010.</p> <p>Lines 4 and 5, 2011 pay raise is shown as "0" to reflect the first year of the Administration-directed 2-year pay freeze at the 2010 level.</p> <p>Line 6 is shown as "0" to reflect the second year of the Administration-directed 2-year pay freeze at the 2010 level.</p>			
<u>Other Fixed Cost Changes</u>			
One Less Pay Day	N/A	N/A	-\$200
This adjustment reflects the decreased costs resulting from the fact that there is one less pay day in 2012 than in 2011.			
Employer Share of Federal Health Benefit Plans <i>Amount of health benefits absorbed</i>	+\$530 [0]	N/A [156]	+\$324 [0]
The adjustment is for changes in the Federal Government's share of the cost of health insurance coverage for Federal employees. For 2012, the increase is estimated at 6.8%.			

	2010 Budget	2010 Enacted / 2011 CR	2012 Fixed Costs Change
Workers Compensation Payments	\$129	N/A	+\$4
<i>Amount of workers compensation absorbed</i>	<i>[0]</i>	<i>[7]</i>	<i>[0]</i>
The adjustment is for actual charges through June 2010 in the costs of compensating injured employees and dependents of employees who suffer accidental deaths while on duty. Costs for 2012 will reimburse the Department of Labor, Federal Employees Compensation Fund, pursuant to 5 U.S.C. 8147(b) as amended by Public Law 94-273.			
Unemployment Compensation Payments	\$12	N/A	-\$2
<i>Amount of unemployment compensation absorbed</i>	<i>[0]</i>	<i>[-2]</i>	<i>[0]</i>
The adjustment is for estimated changes in the costs of unemployment compensation claims to be paid to the Department of Labor, Federal Employees Compensation Account, in the Unemployment Trust Fund, pursuant to Public Law 96-499.			
Rental Payments	\$7,090	N/A	+\$1,421
<i>Amount of rental payments absorbed</i>	<i>[0]</i>	<i>[165]</i>	<i>[0]</i>
The adjustment is for changes in the costs payable to General Services Administration and others resulting from changes in rates for office and non-office space as estimated by GSA, as well as the rental costs of other currently occupied space. These costs include building security; in the case of GSA space, these are paid to DHS. Costs of mandatory office relocations, i.e., relocations in cases where due to external events there is no alternative but to vacate the currently occupied space, are also included.			
Departmental Working Capital Fund	\$3,693	\$3,700	-\$18
<i>Amount of WCF payments absorbed</i>	<i>[0]</i>	<i>[3]</i>	<i>[0]</i>
The change reflects expected changes in the charges for centrally billed Department services and other services through the Working Capital Fund. These charges are displayed in the Budget Justification for Department Management.			

GENERAL ADMINISTRATION ACTIVITY

Activity: General Administration

(dollars in thousands)

	2010 Actual	2010 Enacted / 2011 CR	2012			Change from 2011 (+/-)
			Fixed Costs & Related Changes (+/-)	Program Changes (+/-)	Budget Request	
General Administration	16,635	16,635	- 88	- 162	16,385	- 250
<i>FTE</i>	28	28	0	0	28	0

Summary of 2012 Program Changes for General Administration

<u>Request Component</u>	<u>(\$000)</u>	<u>FTE</u>
<u>Program Changes:</u>		
• Space Cost Reduction	-100	0
• Training Program Reduction	-62	0
TOTAL Program Changes	- 162	0

The 2012 budget request for General Administration is \$16,385,000 and 28 FTE, a net program decrease of \$162,000 from the 2010 Enacted / annualized 2011 Continuing Resolution. The program decrease reflects a \$100,000 reduction in space costs and \$62,000 reduction in the SOL Training Program.

Space Cost Reduction (\$100,000 / 0 FTE)

The Office of the Solicitor requests a reduction of \$100,000 for decreased space. Reductions in space will be realized through “doubling-up” non-supervisory attorneys in offices where currently only one resides and by returning the vacated space back to the Department for reallocation to other tenants. Savings will also be realized through increased utilization of telework by eligible employees.

Training Program Reduction (\$62,000 / 0 FTE)

The Office of the Solicitor requests a reduction of \$62,000 to the Office Training Program. This reduction will be realized by reducing training costs and travel associated with training through utilization of online training and conference services as well as using training sources closer to employees' duty stations.

GENERAL ADMINISTRATION PROGRAM OVERVIEW:

Executive Direction: Executive direction includes the Immediate Office of the Solicitor and the Associate Solicitors for Parks and Wildlife, General Law, Indian Affairs, Land and Water Resources, Mineral Resources, and Administration; as well as eight Regional Solicitors. The Immediate Office of the Solicitor includes the Solicitor, six Deputy Solicitors, Special Assistant, Senior Counselors, and supporting secretarial staff.

Division of Administration: Under the direction of a Director, the Division of Administration is responsible for providing and coordinating all management and administrative support services needed by the Office. Responsibilities in the Division of Administration include: organizational, strategic, and performance planning; program evaluation; budget and accounting; human resources management; employee development and training; space and property management; procurement services; IT planning and services; and records management.

LEGAL SERVICES ACTIVITY

Activity: Legal Services

(dollars in thousands)

	2010 Actual	2010 Enacted / 2011 CR	2012			Change from 2011 (+/-)
			Fixed Costs & Related Changes (+/-)	Program Changes (+/-)	Budget Request	
Legal Services	47,255	47,255	+ 1,576	+ 650	49,481	+ 2,226
FTE	323	323	0	0	323	0

Summary of 2012 Program Changes for Legal Services

<u>Request Component</u>	<u>(\$000)</u>	<u>FTE</u>
<u>Program Changes:</u>		
• Re-establish Solicitor's Honors Attorney Program	+ 400	0
• Retain High Performing Attorneys	+ 250	0
<u>TOTAL Program Changes</u>	<u>+ 650</u>	<u>0</u>

The 2012 budget request for Legal Services is \$49,481,000 and 323 FTE, a net program increase of \$650,000 and from the 2010 Enacted / annualized 2011 Continuing Resolution. The program increase includes \$400,000 to re-establish the Solicitor's Honors Attorney Program and an increase of \$250,000 to retain high performing attorneys.

Establish Solicitor's Honors Attorney Program (+\$400,000)

To attract highly qualified junior attorneys, the Office of the Solicitor is requesting funds to establish the Solicitor's Honors Attorney Program. Re-establishing the Honors Attorney Program would enable the Office to compete with both the private sector and other Federal agencies with similar programs for extremely talented attorney candidates who are completing law school or judicial clerkships. It is instrumental to sound succession planning and workforce management to attract new and highly motivated candidates to the Office, and provide them exposure to and experience in the broad range of legal areas practiced within the Office. By providing honors attorneys this wide view of the Department's legal landscape, the Office will grow a successful workforce versed in the interplay of diverse legal areas and programs.

The requested funds will enable the Office of the Solicitor to recruit for and conduct the Honors Attorney Program with a class of three attorneys. These funds will also enable the Office to utilize approved recruitment programs and strategies to attract highly qualified and motivated

law school graduates and judicial clerks. The annual program will allow rotations amongst the legal divisions in Washington and a rotation to a regional or field office. This will provide honors attorneys exposure to the unique legal landscape and challenges outside Washington.

Retain High Performing Attorneys (+\$250,000 / 0 FTE)

To enhance the Office's capability to retain high performing attorneys with institutional knowledge of the Department's legal environment, the Office of the Solicitor requests funds to promote highly qualified attorneys to appropriate levels. The Office historically recognized the full performance level of non-supervisory attorneys as a general schedule (GS) 14. While some attorneys are promoted to the nonsupervisory GS-15 level, this is a result of accretion of duties, and not through strategic workforce planning. We expect to promote anywhere between 15 and 20 attorneys from GS-14 to GS-15 with increased funding based on the result of the workforce planning exercise.

A thorough analysis of the nature of cases and legal problems in the Office, as well as the level of responsibility of individual attorneys indicates that a greater proportion of the Office's attorney population performs at a GS-15 level. The majority of the Office's legal work is appropriately recognized as being Type III, according to Office of Personnel Management (OPM) standards. These cases and legal issues involve extremely complex legal and factual issues leading to intricate resolutions, and often have extensive economic, political, social, or precedential impact and reach. Issues and cases handled by the Office are frequently delicate, of enhanced public interest, unprecedented, or are opposed by highly experienced and skilled counsel. In addition to the nature of the underlying legal matter being indicative of the need for GS-15 attention, the functions performed by much of the Office's attorney workforce are classified as level "E" by OPM, further supporting the need for a greater proportion of GS-15 attorneys. Functions performed by Office attorneys with sophistication and autonomy at a level "E" include preparation of legal opinions or legal or administrative advice regarding the Department's operations with industry, associations, state, local, and tribal governments, and the general public. Other level "E" functions include the development of material to identify and implement litigation strategy on behalf of the agency, interaction with high level work contacts within or outside the Department, provision of recommendations and decisions that are authoritative, important, and provided to heads of programs, and sitting as quasi-judicial officers hearing claims involving the government. An increase in the number of GS-15 positions will enable the Office to strategically promote and retain its best attorneys, and keep them focused on core legal activity.

LEGAL SERVICES PROGRAM OVERVIEW

The responsibility of the Legal Services division is to effectively manage the legal work to support the top priorities of the Secretary and the bureaus. Among these legal services are representation in litigation, both administrative and judicial; preparation of legal opinions; legal review of legislation, regulations, contracts, and other documents; and informal legal counsel to clients on a continual basis in a wide variety of circumstances.

Legal Workload Drivers: In performing its mission, the Department of the Interior constantly faces new challenges and changing legal needs. The Office has seen an increase in the workload over the last decade. Significant examples of workload drivers include enforcement of civil pollution-control laws, the *Energy Policy Act of 2005*, enhanced authority over offshore leasing, *Oil Pollution Act of 1990* related assessments and oil spill remediation efforts, the *Surface Mining Control and Reclamation Act Amendments of 2006*, various regional water crises, and the National Park Service concessions contracting activity.

- ***Deepwater Horizon Oil Spill:*** The explosion of the Deepwater Horizon oil well in the Gulf of Mexico has led to a sharp increase in demand for advice on complex and unique oil spill related issues. In the eight months following the oil spill, eighty-nine SOL employees have worked 15,889 hours and traveled on seventy-three separate occasions to assist with the relief efforts and provide legal guidance to Departmental and bureau leadership. Additionally, special working groups composed of attorneys with expertise in assessing natural resource damage claims have been formed to address the environmental damage. Addressing the impact of the oil spill requires the expertise of our attorneys in a wide range of areas including contracting, analyzing emergency authorities, and document preservation. The Department's offshore leasing decisions will be affected by the oil spill for years. The Office's counsel and legal advice will be needed in this area in 2012 and beyond.

- ***Energy Policy Act of 2005 and Energy-Related Initiatives:*** The Office has seen an increase in both litigation and requests for advice by DOI bureaus related to the *Energy Policy Act of 2005* (EPAAct) and other recent energy-policy initiatives. The EPAAct requires the development of 10,000 megawatts of non-hydropower renewable energy on public lands by 2015 (Sec. 211 of Public Law 109-58). The EPAAct also authorizes the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) to issue leases for renewable resource processes on the Outer Continental Shelf. The President's "New Energy for America Plan" calls for 10 percent of electricity to come from renewable energy by 2012 and 25% by 2025. This will require DOI to amend the leasing authorities for geothermal and coal resources and create leasing authority for ocean renewable resources, engage in many new rulemakings, conduct studies, enter into memoranda of understanding with other agencies, start pilot projects, amend resource management plans, and develop new policies. These activities have and will continue to require the Office to provide intensive legal support in the development and implementation stages, and in defending DOI actions against possible legal challenges. Much of the legal advice involves interpreting complex provisions of law, including National Environmental Policy Act (NEPA), Endangered Species Act (ESA), National Historic Preservation Act (NHPA), Migratory Bird Treaty Act (MBTA), and Federal Land Policy and Management Act (FLPMA); advising Interior bureaus on the range of policy options; and assisting the bureaus with drafting regulations, leases and rights of way, and conducting extensive environmental review by the dates prescribed in the Act.

The EPO provides regulatory authority to the Bureau of Ocean Energy Management, Regulation and Enforcement to manage development and implementation of alternative energy projects on the Outer Continental Shelf (OCS), including wind, wave and solar projects; to regulate transportation of oil and gas; and authorize alternative uses of oil and gas platforms. The Office has devoted and will continue to devote considerable effort in assisting with development of these regulatory programs, including legal interpretation of the scope of the authority, rulemaking, and defense of litigation.

Increased workload will also result from Section 241 of the EPO. Disputed issues of material fact will require a trial-type hearing process that is expedited, so all processes, including motions to dismiss, discovery, the actual hearing, post-hearing briefing and final decisions, must be completed in 90 days. Workload will increase with the filing for FERC approval of tidal and wave energy projects. FERC is expecting to process numerous permit and license applications in the next year, which will expand Interior and the Office's responsibilities, particularly with the requirements for trial-type hearings.

- ***Return of Authority for Offshore Leasing Decisions:*** Another source of workload is the 2008 lifting of congressional and executive moratoria on offshore leasing. The development of the next 5-year leasing program will involve far more decisions than confronted in the last decade when Congress and the President had removed the entire Atlantic and Pacific coasts from consideration for leasing. In the aftermath of the Gulf oil spill, all leasing projects will be subject to intensive review of NEPA analysis and ESA and Marine Mammal Protection Act (MMPA) consultations, and litigation is virtually guaranteed for individual sales scheduled in areas without a prior history of development, all requiring additional legal support.
- ***Surface Mining Control and Reclamation Act (SMCRA) Amendments of 2006:*** This legislation substantially changed the part of SMCRA that governs the Abandoned Mine Land Fund, a trust fund that is used for the reclamation and restoration of land and water resources adversely affected by past coal mining. The amendments also authorize the Office of Surface Mining Reclamation and Enforcement (OSM) to adopt re-mining incentives and to allow Indian tribes to operate SMCRA regulatory programs. Work in response to this legislation requires extensive, resource-intensive legal support by the Office in both the development and implementation stages as well as defending the Department's actions. The Department has also seen a large increase in the number of new proposals for alternative energy development and for energy corridor rights of way. As new proposals for wind and geothermal energy developments on Federal lands are submitted, the Office is providing advice to the Department's land management agencies and defending administrative and judicial appeals of those agencies' decisions. A number of new energy corridors for electrical, liquefied natural gas, natural gas, and other energy transmission are being proposed to cross Federal lands. The requirements to streamline and coordinate Federal agencies'

review of these proposals is requiring significant effort to sort out the procedures and the various agencies' roles, responsibilities, and opportunities for substantive input.

- ***Water: Preventing Crisis and Conflict:*** The Department is working to address emerging water conflicts before they become a crisis, and to respond to crises and serious conditions involving water allocations as they arise. A priority is finding solutions to conflicts that arise from the interplay of water shortages, explosive population growth, aging water supply facilities, and conflicting demands among users. The Office is involved in legal review of various agreements with States, local entities, and other stakeholders.

- ***Revised NPS Concessions Regulations:*** The passage of the National Park Service Concessions Management Act of 1998 and revised NPS concessions regulations thereafter led to a substantial backlog in concession contract reauthorizations which is still being completed. Increased competition for such contracts has increased the demand for legal services to the NPS.

Program and Organizational Overview – Legal Services

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

The Washington, D.C. office is organized into the Immediate Office of the Solicitor (which includes six Deputy Solicitors with subject matter oversight), the Ethics Office, five major legal divisions, and an administrative division as detailed below. Each legal division is headed by an Associate Solicitor who is directly responsible to the Solicitor and Deputy Solicitor. Attorneys under the supervision of Associate Solicitors render legal services for Interior's programs. The field organization of the Solicitor's Office is divided into eight regions, as detailed below. Each region is headed by a Regional Solicitor who is directly responsible to the Solicitor and Principal Deputy Solicitor.

HEADQUARTERS

Immediate Office of the Solicitor

Office of Ethics

Division of Parks and Wildlife

Division of General Law

Division of Indian Affairs

Division of Land and Water Resources

Division of Mineral Resources

Division of Administration

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

PROGRAM AND ORGANIZATION DESCRIPTIONS

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

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

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

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

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

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

ORGANIZATIONAL DESCRIPTIONS

The **Division of General Law** is responsible for legal matters related to procurement, patents, and tort claims; Insular areas; equal employment opportunity, labor law, and other personnel matters; and administrative and other general legal issues, including legislative and appropriations issues not assigned to another division. In addition, the Division provides legal assistance and counsel to the Assistant Secretary - Policy, Management and Budget and to the Endangered Species Committee. The Division also manages the Department's Freedom of Information Act (FOIA) and Privacy Act (PA) appeals program. The Division has an Associate Solicitor, three branches, each headed by an Assistant Solicitor, and one office headed by a branch chief.

- (1) The Branch of Acquisitions and Intellectual Property has responsibility for legal matters related to Interior contract and procurement functions including related litigation, use of revolving and franchise funds, interagency agreements, grants and cooperative agreements, legal support of fast-track contracting and assistance

under the American Recovery and Reinvestment Act, the Federal Tort Claims Act, the Military Personnel and Civilian Employees Claims Act, claims relating to agreements and contracts under the Indian Self-Governance and Self-Determination Acts, patents, copyrights, trademarks, rights in data, and other forms of intellectual property.

- (2) The Branch of General Legal Services has responsibility for legal matters related to budget, financial management, legal ethics, FOIA, records management, electronic data management, partnerships, the Federal Advisory Committee Act, the Privacy Act, rulemaking and other administrative law matters, internal delegations of authority, departmental law enforcement policies, Insular areas, all other related and general matters not specifically the responsibility of any other branch or division.
- (3) The Branch of Personnel Litigation and Civil Rights has responsibility for legal matters related to the areas administered by the Departmental Office of Civil Rights, including internal complaints, Title VI matters, and minority business enterprise matters; personnel management and equal employment opportunity litigation; and labor relations.
- (4) The Freedom of Information Act (FOIA) and Privacy Act (PA) Appeals Office has responsibility for FOIA and PA appeals and coordinates and manages the Department's FOIA and PA appeals program. The Office is headed by the Departmental FOIA/PA Appeals Officer who has authority to directly issue appeal decisions for matters involving procedural issues not requiring legal review. An example of the type of such an appeal would be one alleging that a bureau did not conduct an adequate search of its files.

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

- (1) The Branch of Water and Power has responsibility for legal matters related to BIA programs and activities with respect to water rights held in trust by the United States for Indian Tribes and allottees, including adjudications and Congressional settlements of Indian water rights; license applications before the FERC and hydroelectric power projects that affect Indian reservations and resources; and the operation and maintenance of BIA irrigation projects.
- (2) The Branch of Trust Responsibility has responsibility for advising the Secretary in the Secretary's capacity as trustee over lands and minerals owned by Indian Tribes and individual Indians. The Branch is responsible for legal matters related to the acquisition and management of lands held in trust for the benefit of Indian Tribes and individual Indians; the management of the trust assets, including

probate, and the use, leasing, sale, and conservation of trust assets such as forest and range lands; breach of trust and land claim litigation; environmental issues arising in connection with trust lands, and the protection and preservation of tribal cultural resources.

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

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

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

compliance that arise under numerous state and Federal laws at Interior's facilities, as well as environmental liabilities that arise during real property transactions. The Branch also works closely with The Environmental Protection Agency and other agencies in promoting the redevelopment of Brownfield sites; encouraging the cleanup of mixed ownership sites (private and public lands); and facilitating the remediation of formerly used defense sites. The Branch also coordinates its response activities with Interior's Natural Resources Damage Assessment and Restoration Program.

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

- (1) The Branch of Petroleum Resources has responsibility for legal matters related to BOEMRE programs and activities, those of the BLM fluid minerals program (with the exception of geothermal resources), and BLM matters associated with oil shale and tar sands. The Branch is also responsible for legal matters related to international marine minerals, international and national boundaries, international pollution matters, and other Law of the Sea, Outer Continental Shelf, and international matters. While the principal focus is on Federal mineral lease obligations of a nonfinancial nature, and operations on Indian mineral leases, it also provides advice on royalty matters related to those minerals upon request.
- (2) The Branch of Onshore Mining and Reclamation has responsibility for legal matters related to the minerals programs (including geothermal resources) of BLM and USGS, including development and extraction, environmental regulation and protection, reclamation, remediation, and issues arising from both active and abandoned mining activities, but excepting matters pertaining to oil, gas, helium, oil shale, and tar sands.
- (3) The Branch of Surface Mining has responsibility for legal matters related to OSM programs and activities, including regulatory programs, enforcement and collections, and abandoned mine land reclamation.

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

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

The **Division of Administration**¹

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

The **Office of Indian Trust Litigation**, which is part of the Immediate Office of the Solicitor, is responsible for defending litigation brought by Indian Tribes and individual Indians against Interior for breach of trust relating to the accounting for, and management of, trust funds held by Interior for tribes and individual Indians and for breach of trust relating to the management of tribal lands and natural resources. There are nearly 100 pending tribal trust cases.

The settlement announced in *Cobell v. Salazar* illustrates the possibility of successfully resolving complex Indian trust litigation and reaffirms the United States' long-standing policy and intention of achieving settlement through alternative dispute resolution (ADR) efforts, wherever possible. The Office is committed to resolving the claims asserted by Plaintiffs in the tribal Trust cases through cooperative efforts and the United States – through its DOJ counsel, the Department, and the United States Department of the Treasury – has engaged in informal settlement discussions or formal ADR processes with various plaintiff Tribes and their counsel regarding the plaintiff Tribes' trust claims. Of the nearly 100 Tribal Trust cases pending in the United States Court of Federal Claims, various United States District Courts, and the United

¹ In-depth description of the Division of Administration is on pages SOL-16 – SOL-17.

² More in-depth description of the Ethics Office is on pages SOL-33 – SOL-38.

States Court of Appeals for the Federal Circuit, approximately 70 cases have been temporarily stayed so the parties can pursue informal settlement discussions or formal ADR processes.

The United States and Tribes have successfully resolved Tribal Trust cases in the past several years. These successful Tribal Trust case settlements have involved trust accounting, trust fund management, and trust resource (or non-monetary trust asset) management issues. These settlements reflect diverse ADR approaches, from the use of a settlement judge or a third-party neutral evaluator to direct discussions between the plaintiff Tribes and the United States. All of these cases have required extensive document and data discovery at significant cost to the government defendants.

Although many plaintiff tribes have attempted to adopt a cooperative and efficient approach to the very necessary document and data discovery, several others have adopted a litigation strategy reminiscent of the early years of Cobell which saw more extensive discovery tactics which require a disproportionate share of resources.

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

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

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

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

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

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

F. The **Rocky Mountain Region** is responsible for legal matters involving the BLM National Operations Center (NOC) nationwide and all legal matters involving the BLM in Colorado, Montana, Nebraska, North Dakota, South Dakota, and Wyoming; all legal matters involving the BOR Denver Office and the BOR Great Plains Region (located east of the Continental Divide in Colorado, Wyoming, and Montana, and in Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, Texas); all legal matters involving FWS Region IX in Colorado and FWS Region VI (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming); legal matters involving the Office of Natural Resources Revenue (ONRR) and legal matters involving BOEMRE in Colorado; legal matters involving the National Business Center (NBC) in Colorado; legal matters involving the NPS Denver Service Center, NPS WASO in Colorado, the NPS Midwest Region in Arkansas, Iowa, Indiana, Illinois, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, NPS concessions contract matters for the Midwest and Intermountain Regions; and all other legal matters involving the NPS Intermountain Region in Colorado, Montana (with the exception of Big Hole Battlefield—Nez Perce), and Wyoming; all legal matters involving the BIA in Montana (with the exception of the Flathead Indian Reservation) and Wyoming; all legal matters involving the Central Region of the USGS; and all legal matters coordinated through OSM Western Region. The Regional Office is located in Lakewood, Colorado and a Field Office is located in Billings, Montana.

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

H. The **Southwest Region** is responsible for legal matters involving all bureaus in New Mexico, Oklahoma, Texas, and on the Navajo Reservation; and legal matters involving specific bureaus in Arizona (FWS, and OSM), Colorado (BIA), Illinois (OSM), Kansas (BIA, BLM, and BOEMRE), Louisiana (BOEMRE), and Missouri (BIA). The Southwest Region also is responsible for legal matters involving the BIA's Office of Law Enforcement and the Office of Facilities Management and Construction, the BIE, and the Office of the Principal Deputy Special Trustee. The Regional Office is located in Albuquerque, New Mexico, with a unit in Santa Fe, New Mexico, and a Field Office located in Tulsa, Oklahoma.

ETHICS OFFICE ACTIVITY

Activity: Ethics Office
(dollars in thousands)

	2010 Actual	2010 Enacted / 2011 CR	2012			Change from 2011 (+/-)
			Fixed Costs & Related Changes (+/-)	Program Changes (+/-)	Budget Request	
Ethics Office	1,186	1,186	+ 74	+ 1,350	2,610	+ 1,424
<i>FTE</i>	7	7	0	+ 8	15	+ 8

Summary of 2012 Program Changes for Ethics Office

Request Component	(\$000)	FTE
<u>Program Changes:</u>		
• Restructure and Enhance Ethics Office	+ 1,350	+ 8
TOTAL Program Changes	+ 1,350	+ 8

The 2012 budget request for the Ethics Office is \$2,610,000 and 15 FTE, a net program increase of \$1,350,000 and 8 FTE from the 2010 Enacted / annualized 2011 Continuing Resolution.

Restructure and Enhance Ethics Office (+\$1,350,000 / 8 FTE)

In response to prior lapses of ethical behavior in the Department of the Interior, the Secretary has made it a priority to promote and enhance an ethical culture within the Department. In support of this effort, and to develop a robust “compliance-plus” Ethics Office, the Office of the Solicitor requests funding to restructure the Ethics Office and increase staffing by 8 FTE to augment capabilities.

The Office of the Solicitor proposes the creation of two branches within the Ethics Office: Advice and Counsel; and Education and Program Review. The Advice and Counsel Branch would provide advice and counsel, from attorneys and desk officers/ethics specialists, regarding the complex ethics laws, statutes, and regulations affecting the Bureaus and Offices. The Education and Program Review Branch would provide systemic oversight of bureau ethics programs and develop ethics training materials to reach the entire diverse and immense range of Department of the Interior employees.

Initial staffing of the Advice and Counsel Branch can be accomplished with existing resources. To establish the Education and Program Review Branch, the Office requests funding for 6 FTE. An Education and Training Counsel, Training Specialist, and Information Technology Specialist are required to meet the diverse training needs of the Department. With these positions, the

Ethics Office can develop relevant training material utilizing emerging information dissemination media such as podcasts, webinars, and social network sites so that it is readily accessible to a wide range of Departmental staff. With new IT and training staff, the Ethics Office will be able to establish and require annual ethics training and augment the current new entrant ethics training requirement. Staff would also be able to generate training on individual Bureau specific issues, hot topics in ethics, Inspector General identified trends, and leadership and ethics issues. The IT position will also be able to develop enhanced technology to track compliance. The Education and Program Review Branch also requests a Program Review Counsel and two Program Review Management Analysts to augment program review capacity. These new positions would enable the Ethics Office to institute systemic oversight of ethics programs within the various bureaus through regular compliance auditing and program review. Enhanced review would increase Bureau accountability for ethics program implementation.

The Ethics Office also requests funding for two administrative FTE, a Secretary and an Administrative Officer. These personnel would enable the ethics and training specialists to dedicate their time and attention on their primary missions of providing sound advice and quality training, thereby expanding the Ethics Office's ability to train all Interior staff, perform preventive service, and provide timely, consistent, and sophisticated legal advice.

PROGRAM OVERVIEW

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

The DEO is headed by a Director, who is also the Designated Agency Ethics Official (DAEO). The DAEO is delegated the responsibility to manage and coordinate Interior's Ethics program (5 C.F.R. § 2638.202-203). The DEO also ensures the implementation of and compliance with the Ethics in Government Act of 1989, other statutes with ethics provisions, E.O. 12674, government-wide ethics regulations, and Interior's supplemental ethics regulations and policies governing employee conduct.

The DEO develops departmental ethics policy and strives to provide every Interior employee the proper counseling and technical assistance to help them with the ethics and conduct issues they may face as entrusted public servants. The ethics office seeks to integrate leadership and ethical concepts into everyday decision making in order to foster and maintain high ethical standards for Interior employees and to ensure that employees incorporate an awareness of the ethics rules and regulations into their day-to-day management practices.

The DEO provides direct services to all employees: within the Immediate Office of the Secretary, under the Assistant Secretary for Policy, Management and Budget, employees within

the SOL as well as all political employees. Along with this program requirement, the DEO is responsible for providing oversight and technical assistance to Interior's eight bureaus to ensure that each of the bureaus' ethics programs are in compliance with all applicable ethics laws, executive orders, and regulations (5 C.F.R. § 2638.202).

The DEO performs a number of tasks required by law or regulation. Additionally, the DEO provides other, broader assistance in a variety of Interior initiatives to ensure that attention is paid to whether a particular course of action is prudent and in concert with ethics laws and regulations at large. Comprehensive attention to both types of responsibilities is critical to maintaining a robust ethics program throughout Interior.

At the request of the Secretary of the Interior and with the support and direction of the Solicitor, the Director of DEO reviewed the Office of Government Ethics (OGE) Ethics Program Model Practices to determine what practices Interior already utilized and to determine which additional model practices Interior could or should implement. Of the eighty Ethics Program Model Practices, Interior was already utilizing sixty, although some enhancements and improvements are needed.

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

The DEO has increased its liaison efforts with the OGE and has served as a member of the OGE Leadership initiative focus group. Additionally, the DEO is a member of the Ethics Resource Center and the Ethics Compliance Officers Association.

The DEO, as part of its efforts to increase training initiatives, is a member of the Interagency Ethics Council task force on training. The DAEO and Alternate Agency Ethics Official (AAEO) and other ethics officials from the DEO presented ethics sessions at the Solicitor's Management Conference, at political's meetings, and several other conferences. The DEO will focus on several training initiatives based on the Departmental Ethics Training Plan including:

- Personal appearances by Senior Leaders at training.
- Preparing effective decision making modules for training to enhance the ethics culture.
- Asking managers to discuss ethics related issues with their staff at staff meetings and other work settings.
- Identifying trends of ethics violations and publicizing consequences from ethical lapses.

- Use media accounts to showcase what happens to those who violate the laws.
- Focusing on training the 14 guiding principles of ethics.
- Soliciting feedback on training from employees.
- Training ethics officials, branching out their training into effective decision making and an ethical culture.

The DEO was trained in program reviews and conducted an assessment of the BIA ethics program, similar to an OGE program review. The results of this assessment assisted in determining additional processes and systems to be implemented and incorporated into the BIA ethics program. There will continue to be assessments of the bureau ethics programs by the DEO. Bureaus Ethics Counselors will also receive program review training to properly execute their oversight role.

To improve the financial disclosure process, the DEO procured and is in the process of implementing an electronic system of employee filing and DEO review. The DEO is participating in multi-agency initiatives overseen by the Office of Government Ethics, such as the Ethics Counselor Certification Program and the Benchmarking Project to develop ethics program assessment tools. The DEO is reviewing DOI supplemental ethics regulations to determine appropriate revisions to further assure the highest level of ethical culture at DOI.

REQUIRED FUNCTIONS

- Oversight and Technical Assistance to Bureaus: Not only is the DEO responsible for performing ethics functions for a broad spectrum of employees, it is also responsible for ensuring that Interior's bureaus are properly administering their ethics programs. The regulations require that the DAEO administer a program for periodic evaluation of the ethics program and its components. Currently, the DEO meets this responsibility by convening monthly meetings with the bureaus' headquarters ethics contacts to ensure consistency in the management of the program. Additionally, the DEO has utilized contract services to perform program reviews of the bureaus. The DEO provides live workshop training on topics important to the consistent management of the bureaus' ethics programs. The DEO will conduct a program review as part of the oversight responsibility of the office.
- Presidential Appointments: The DEO plays a critical role in the clearance process of nominees to Presidentially Appointed-Senate Confirmed (PAS) positions. The DEO reviews financial documents, consults with the nominees, and recommends and drafts appropriate recusals or authorizations to allow the nominees to perform their duties without actual or apparent conflicts of interest. Key in this process is the coordination with the White House Counsel's Office, and the OGE. Additionally, the DEO works with Interior's Office of Congressional and Legislative Affairs to prepare nominees for their committee hearings and assists in the drafting of responses to any questions committee members may have. In a Presidential transition year, additional time is spent

coordinating and ensuring compliance with the financial disclosure requirements for all political appointees, training these employees, and providing individual counseling on a range of ethics topics essential to the appropriate performance of their official duties.

- Financial Disclosure: The DEO is responsible for ensuring that the public and confidential financial disclosure reporting requirements are met. Both levels of financial disclosure require the administration of tracking systems for the collection, review, and certification of the forms in accordance with the time frames set out by regulation (5 C.F.R. § 2634.601-607; § 2634.901-909). Additionally, any remedial action required as a result of review and certification of these forms must be administered by the DEO or respective bureau ethics program. Such remedial actions include divestiture, recusals, or authorization, all of which require a determination in accordance with criminal statutes and administrative regulations. Department-wide, there are approximately 13,000 filers of financial disclosure forms. All forms require technical as well as more stringent financial conflict of interest review and certification. The DEO is responsible for certifying all financial disclosure forms of employees in the Immediate Office of the Secretary, under the Assistant Secretary for Policy, Management and Budget, employees in the Office of the Solicitor and all Interior political employees. PAS employees' financial disclosure forms are certified by the DAEO and forwarded to OGE for final certification.
- Training: The DEO is responsible for providing new employee ethics training as well as annual training for all filers of the confidential and public financial disclosures. All report filers are required to receive annual training. The administration of the ethics training program is in accordance with 5 C.F.R. § 2638.701-708. The DEO is responsible for providing guidance and training for all bureau ethics counselors to ensure consistency in the advice and counseling provided to employees.
- Counseling: As required by 5 C.F.R. § 2638.203, the DEO is responsible for maintaining a system for counseling employees on all ethics matters, including interpretations of the criminal financial conflict of interest statutes, the post-employment statute, as well as all standards of conduct regulations (both government-wide and agency-specific). Such systems must include adequate documentation of questions raised and advice rendered to provide employees with advice, but also for purposes of audit and evaluation by the OGE, or in support of an investigation of alleged violations by the Office of Inspector General. The DEO is responsible for providing guidance and counseling to ethics counselors and general employees on any changes to the ethics rules and regulations.
- Liaison Role: The DAEO is required to be Interior's liaison with the OGE for all matters relating to the management of the ethics program

(5 C.F.R. § 2638.203(b)). The DAEO and ethics staff performs this role with the White House Counsel's Office, as well as with the Office of Special Counsel.

NECESSARY FUNCTIONS

As stated earlier, there are a number of necessary functions performed by the DEO to meet its responsibilities and to ensure a robust and proactive ethics program, which includes prevention, education, identification of violations, and coordination of enforcement actions. Among these necessary functions are:

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

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

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

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

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

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

External Administrative Costs (in thousands of dollars)			
	FY 2010 Actual	FY 2010 Enacted / FY 2011 CR	FY 2012 Estimate
Interior's Working Capital Fund			
Centralized Billings	3,693.0	3,699.5	3,687.7
Direct Billings	1,351.9	1,365.6	1,434.0
Total	5,044.9	5,065.1	5,121.7

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

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

Bureau Billing for Client Support			
(in thousands of dollars)			
	FY 2010 Actual	FY 2010 Enacted / FY 2011 CR	FY 2012 Estimate
Attorney salaries and benefits	6,675.2	8,527.8	8,783.6
Reimbursable attorney overhead	1,383.8	2,439.7	2,512.9
Total	8,059.0	10,967.5	11,296.5

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

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

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

Identification Code 14-0107-0	2010 Actual	2011 Estimate	2012 Estimate
Obligations by program activity:			
0001 Direct program	65	65	68
0801 Reimbursable program activity	8	10	10
0900 Total new obligations	73	75	78
Budgetary resources:			
Budget authority:			
Appropriations, discretionary:			
1100 Appropriation	65	65	68
1160 Appropriation, discretionary (total)	65	65	68
Spending authority from offsetting collections, discretionary:			
1700 Collected	8	10	10
1750 Spending auth from offsetting collections, disc (total)	8	10	10
1900 Budget Authority (total)	73	75	78
1930 Total budgetary resources available	73	75	78
Change in obligated balances:			
Obligated balance, start of year (net):			
3000 Unpaid obligations, brought forward, Oct 1 (gross)	5	6	6
3010 Uncollected pymts, Fed sources, brought forward, Oct 1	-1	-1	-1
3011 Adjustments to uncollected pymts, Fed sources, brought forward, Oct 1	-1
3020 Obligated balance, start of year (net)	3	5	5
3030 Obligations incurred, unexpired accounts	73	75	78
3031 Obligations incurred, expired accounts	1
3040 Outlays (gross)	-73	-75	-78
3051 Change in uncollected pymts, Fed sources, expired	1
Obligated balance, end of year (net):			
3090 Unpaid obligations, end of year (gross)	6	6	6
3091 Uncollected pymts, Fed sources, end of year	-1	-1	-1
3100 Obligated balance, end of year (net)	5	5	5
Budget authority and outlays, net:			
Discretionary:			
4000 Budget authority, gross	73	75	78
Outlays, gross:			
4010 Outlays from new discretionary authority	68	71	74
4011 Outlays from discretionary balances	5	4	4
4030 Outlays, gross (total)	73	75	78
Offsets against gross budget authority and outlays:			
Offsetting collections (collected) from:			
4030 Federal sources	-8	-10	-10
4070 Budget authority, net (discretionary)	65	65	68
4080 Outlays, net (discretionary)	65	65	68
4180 Budget authority, net (total)	65	65	68
4190 Outlays net (total)	65	65	68

**DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
OBJECT CLASSIFICATION
(in million of dollars)**

Identification Code 14-0107-0	2010 Actual	2011 Estimate	2012 Estimate
Direct Obligations			
1111 Personnel compensation: Full-time permanent	41	41	43
1121 Civilian personnel benefits	10	10	11
1231 Rental payments to GSA	7	7	7
1252 Other services	<u>7</u>	<u>7</u>	<u>7</u>
1990 Subtotal, obligations, Direct obligations	65	65	68
Reimbursable Obligations			
2111 Personnel compensation: Full-time permanent	5	7	7
2121 Civilian personnel benefits	1	1	1
2210 Travel and transportation of persons	1	1	1
2252 Other Services	1	1	1
2990 Subtotal, obligations, Reimbursable obligations	<u>8</u>	<u>10</u>	<u>10</u>
9995 Below reporting threshold
9999 Total new obligations	<u>73</u>	<u>75</u>	<u>78</u>

**DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
PERSONNEL SUMMARY**

Identification Code 14-0107-0	2010 Actual	2011 Estimate	2012 Estimate
<hr/>			
Direct:			
1001 Civilian full-time equivalent employment	358	358	366
Reimbursable:			
2001 Civilian full-time equivalent employment	<u>60</u>	<u>56</u>	<u>56</u>
	418	414	422

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

	FY 2010	FY 2011	FY 2012
	<u>Actual</u>	<u>Estimate</u>	<u>Estimate</u>
Executive Level IV	<u>1</u>	<u>1</u>	<u>1</u>
Subtotal	1	1	1
SES/SL	21	21	21
GS-15	91	92	107
GS-14	195	203	192
GS-13	31	31	34
GS-12	15	19	19
GS-11	13	16	16
GS-10	1	1	1
GS-9	10	12	13
GS-8	7	7	7
GS-7	33	31	31
GS-6	8	8	8
GS-5	0	0	0
GS-4	3	5	5
GS-3	<u>2</u>	<u>2</u>	<u>2</u>
Subtotal	409	427	435
Total employment (actual/projected) at end of fiscal year	431	449	457

**DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
REIMBURSABLE POSITIONS
(in thousands of dollars)**

	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>
Bureau of Indian Affairs			
Legal support, licensing of FERC projects	186	192	199
Legal support, restoration of land	49	33	65
Legal support, land and water resources issues	349	387	401
Legal support, Indian Affairs	0	0	140
Subtotal	<u>584</u>	<u>612</u>	<u>804</u>
Bureau of Land Management			
Legal support, water rights issues	87	87	93
Legal support, processing tort claims	73	70	75
Legal support, Southern Nevada Public Land Management Act	157	180	195
Legal support, public land, environmental oil & gas, and energy law	0	135	164
Legal support, National Environmental Policy Act functions relating to the Energy Policy Act of 2005	628	674	841
Legal support, special assignments on behalf of BLM	153	218	184
Legal support, natural resources in Idaho	80	314	325
Legal support, legal counsel services on behalf of BLM	157	132	181
Legal support, employment law	0	0	140
Legal support, acquisitions and contract review work	0	0	143
Legal support, renewable energy	0	0	765
Subtotal	<u>1,335</u>	<u>1,810</u>	<u>3,106</u>
Bureau of Ocean Energy Management, Regulation and Enforcement			
Legal support, relating to Energy Policy Act of 2005, with attention on the Coastal Impact Assistance Program	159	108	185
Legal support, relating to offshore minerals and offshore alternative energy issues	0	124	190
Legal support, with attention on the Royalty In Kind Program	183	319	408
Subtotal	<u>342</u>	<u>551</u>	<u>783</u>

**DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
REIMBURSABLE POSITIONS
(in thousands of dollars)**

	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>
Bureau of Reclamation			
Legal support, stream adjudications, contracts, and water rights issues	137	140	145
Legal support, including water contracts and water right issues	121	106	143
Legal support, Central Valley Project water service contracts, Central Valley Improvement Act implementation, and water quality standards for the Sacramento-San Joaquin Delta Estuary and CalFed process	188	198	220
Legal support, Reclamation law, NEPA, and ESA	103	0	0
Legal support, Gila River Indian Community distribution system for the Central Arizona Project and development of Colorado River management criteria and compliance activity	175	181	187
Legal support, Boulder Canyon Project Act	149	164	182
Legal support, water right contracts	187	203	204
Legal support, land management, contract reviews and approvals, water issues, and ESA & NEPA	167	199	211
Legal support, Bay Delta Conservation Plan	180	203	208
Legal support, special assignments or other BOR related projects	87	207	216
Legal support, stream adjudications and water rights issues	44	142	142
Legal support, water and Klamath project issues	0	78	79
Legal support, acquisitions and contract review work	0	0	143
Legal support, employment law	0	0	145
Subtotal	<u>1,538</u>	<u>1,821</u>	<u>2,225</u>
Fish and Wildlife Service			
Legal support, FWS environmental law issues	83	90	96
Legal support, Alaska subsistence	55	0	0
Legal support, refuge management and land acquisition matters	91	96	107
Subtotal	<u>228</u>	<u>186</u>	<u>203</u>
National Business Center			
Legal support, NBC contractual & acquisition services	552	554	839
Subtotal	<u>552</u>	<u>554</u>	<u>839</u>

**DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
REIMBURSABLE POSITIONS
(in thousands of dollars)**

	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>
National Park Service			
Legal support, water rights issues	165	172	193
Legal support, issues related to use of water from Cape Cod National Seashore and Assateague Island	83	90	96
Legal support, Yosemite National Park issues	91	96	107
Legal support, NPS intermountain region	139	184	188
Legal support, Everglades restoration	156	161	204
Legal support, contract review work	0	0	141
Legal support, for acquisition related transactions	0	76	177
Legal support, net metering agreement	0	30	168
Subtotal	<u>633</u>	<u>809</u>	<u>1,274</u>
Office of the Special Trustee for American Indians			
Legal support, Office of Special Trustee for American Indians	0	0	126
Legal support, Office of Special Trustee for American Indians *	2,907	[3,198]	[3,215]
Subtotal	<u>2,907</u>	<u>0</u>	<u>126</u>
Office of Surface Mining			
Legal support, Office of Surface Mining	0	0	205
Subtotal	<u>0</u>	<u>0</u>	<u>205</u>
Other Offices and Programs			
Legal support, NIGC, Indian land determination	169	118	0
Legal support, NRDAR	204	152	166
Legal support, trust policy and procedure projects	341	359	358
Legal support, HAZMAT compliance	650	938	793
Legal support, EPA federal facility compliance	0	39	0
Legal support, DOJ assignment	0	110	86
Subtotal	<u>1,364</u>	<u>1,716</u>	<u>1,403</u>
TOTAL REIMBURSEMENTS	9,484	8,059	10,968

* The SOL receives allocation funding from OST through the Office of the Secretary for Indian Trust litigation issues. The SOL will receive an allocation from the Office of the Secretary for 14 FTEs in FY 2011 for these issues.