

U.S. Department of Justice

FY 2020 PERFORMANCE BUDGET Congressional Submission

General Administration



**GENERAL ADMINISTRATION
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I. Overview of General Administration

The FY 2020 General Administration (GA) request totals \$114,740,000 and includes 428 authorized positions (147 attorneys) and 343 direct FTE (77 reimbursable). This budget request represents an increase of \$740,000 from the FY 2019 Continuing Resolution and includes funds for current services adjustments. There are no program changes requested.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.

For GA, the primary mission is to support the Attorney General and the Department of Justice (DOJ) senior policy level officials in managing Department resources and developing policies for legal, law enforcement, and criminal justice activities. GA also provides administrative support services to the legal divisions and policy guidance to all Department organizations. GA's mission supports every aspect of the DOJ strategic plan. Most GA offices have significant oversight responsibilities that shape DOJ policy and influence the way the Department works toward meeting each of its strategic goals.

GA consists of four decision units:

- Department Leadership
 - Attorney General, Deputy Attorney General, Associate Attorney General
 - Professional Misconduct Review
 - Privacy and Civil Liberties, and
 - Rule of Law
- Intergovernmental Relations and External Affairs
 - Public Affairs
 - Legislative Affairs, and
 - Tribal Justice
- Executive Support and Professional Responsibility
 - Legal Policy
 - Information Policy
 - Professional Responsibility, and
 - Professional Responsibility Advisory Office
- Justice Management Division

Department Leadership

These offices develop policies regarding the administration of justice in the United States, and direct and oversee the administration and operation of the Department's bureaus, offices, and divisions to ensure DOJ's success in meeting its strategic goals. These offices also provide advice and opinions on legal issues to the President, members of Congress, and the heads of Executive Departments and Agencies.

Intergovernmental Relations and External Affairs

These offices conduct legal and policy analysis of the initiatives necessary for DOJ to meet its strategic goals, and in the many areas in which the Department has jurisdiction or responsibilities. They also act as liaisons with federal, state, local and tribal governments, law enforcement officials, the media, and the Congress on Department activities.

Executive Support and Professional Responsibility

These offices plan, develop, and coordinate the implementation of major policy initiatives of high priority to the Department and to the Administration, as well as represent the Department in the Administration's judicial process for Article III judges. These offices also oversee the investigation of criminal and ethical misconduct allegations by DOJ's attorneys, criminal investigators, or other law enforcement personnel and encourage compliance with the Freedom of Information Act.

Justice Management Division (JMD)

JMD provides advice to senior DOJ officials and develops departmental policies in the areas of management and administration, ensures compliance with departmental and other federal policies and regulations by DOJ components, and provides a full range of management and administration support services.

Environmental and Sustainability Services (ESS) is a program responsibility that falls under the Justice Management Division.

The duties of this program are:

- To provide guidance for Department compliance on legislation, executive orders, and other regulations;
- To provide leadership and support to DOJ components;
- To develop and implement DOJ environmental and energy policies and management plans;
- To ensure the Department complies with DOJ occupational safety and health order;
- To represent DOJ at interagency workgroups to meet regulatory mandates; and
- To ensure DOJ participation in the facility resilience and planning effort.

There are two primary Executive Orders (EOs) that govern the activities under ESS areas:

- EO 13783 – “Promoting Energy Independence and Economic Growth”
- EO 13834 – “Efficient Federal Operations”

There are also three key pieces of legislation that guide ESS activities:

- Energy Independence and Security Act of 2007
- Energy Policy Act (EPAAct) of 2005
- Environmental Regulations, Title 40 Code of Federal Regulations (C.F.R.), *Protection of Environment, July 1, 2002*

EO 13834 requires federal agencies to submit the Sustainability Report and Implementation Plan (SRIP) annually to the White House Council on Environmental Quality (CEQ) Chair and the Director of the Office of Management and Budget (OMB). The SRIP integrates previous EOs, statutes, and requirements into a single framework that details the agency strategy for achieving goals and targets required. The SRIP explains how the agency will progress from today toward achieving each goal. The Department is planning to submit the SRIP in September 2018.

There are ten goals under the Department's SRIP:

- GOAL 1: Facility Energy Efficiency
- GOAL 2: Efficiency Measures, Investment, and Performance Contracting
- GOAL 3: Renewable Energy Use
- GOAL 4: Water Efficiency
- GOAL 5: High Performance Sustainable Buildings
- GOAL 6: Transportation/Fleet Management
- GOAL 7: Sustainable Acquisition
- GOAL 8: Waste Management and Diversion
- GOAL 9: Electronic Stewardship
- GOAL 10: Greenhouse Gas Emission

In addition to having the lead on coordinating efforts to meet the SRIP goals for the Department, ESS also has responsibility for the following:

- Coordinating and submitting the SRIP to CEQ/OMB annually in September;
- Implementing an Electronic Stewardship Program to include acquisition, operations, and maintenance and disposal of electronic products;
- Submitting Department energy and greenhouse gas inventory report to CEQ/OMB annually in January;
- Use the annual Department OMB scorecard distributed by OMB in January to work with bureaus and components for performance improvement;
- Implementing and updating the status of the Energy Savings Performance Contracts (ESPC) in the OMB scorecard;
- Responding to internal and external customer concerns regarding environmental, health, and safety program areas;
- Working closely with the Procurement Policy and Review Group in the sustainable acquisitions program area;
- Monitoring procurement guidance document requirement to incorporate bio-based terms and conditions in solicitations, purchase Electronic Product Environmental Assessment Tool (EPEAT) registered products and Energy Star products, and establish Green Acquisition Plan.
- Implementing a department-level higher-tier Environmental Management System (EMS) as the primary management approach for addressing environmental aspects of internal agency operations and activities, including environmental aspects of energy and transportation functions to achieve the sustainability goals; and
- Implementing Sustainable Buildings Implementation Plan, Metering Plan, Recycling and Solid Waste Management Plan, and Electronics Stewardship Plan.

II. Summary of Program Changes

No program changes requested.

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

Salaries and Expenses, General Administration

For expenses necessary for the administration of the Department of Justice, *[114,000,000]* \$114,740,000, of which not to exceed \$4,000,000 for security and construction of Department of Justice facilities shall remain available until expended.

Analysis of Appropriations Language

No substantive changes proposed.

IV. Program Activity Justification

A. Department Leadership

<i>Department Leadership</i>	Direct Pos.	Estimate FTE	Amount
2018 Enacted	54	52	16,079
2019 Continuing Resolution	54	52	16,079
Adjustments to Base and Technical Adjustments		-5	1,614
2020 Current Services	54	47	17,693
2020 Request	54	47	17,693
Total Change 2019-2020		-5	1,614

1. Program Description

The Department Leadership decision unit includes:

- Office of the Attorney General,
- Office of the Deputy Attorney General,
- Office of the Associate Attorney General,
- Professional Misconduct Review Unit,
- Office of Privacy and Civil Liberties, and
- Office of the Rule of Law.

The general goals and objectives of the Department Leadership decision unit are to:

- Advise the President on Constitutional matters and legal issues involving the execution of the laws of the United States;
- Formulate and implement policies and programs that advise the administration of justice in the United States;
- Provide executive-level leadership in:
 - countering the threat of terrorism,
 - fighting the war on drugs,
 - combating violent crimes,
 - investigating and prosecuting fraud and other white collar crimes,
 - diminishing prison overcrowding, and
 - enforcing environmental and civil rights laws;
- Provide executive-level oversight and management of:
 - international law enforcement training and assistance,
 - financial institutions reform, recovery, and enforcement programs, and
 - investigative policy;
- Coordinate criminal justice matters with federal, state, and local law enforcement and criminal justice agencies;
- Prepare and disseminate an *Annual Report* to the Congress and the public regarding the programs and accomplishments of the Department of Justice; and
- Develop, review, and oversee the Department's privacy policies and operations to ensure privacy compliance.

The Attorney General (AG), as head of the DOJ, is the nation's chief law enforcement officer and is appointed by the President and confirmed by the Senate. The AG furnishes advice and opinions on legal matters to the President, the Cabinet, and to the heads of the executive departments and agencies of the government, as provided by law, and makes recommendations to the President concerning appointments within the Department, including U.S. Attorneys and U.S. Marshals. The AG appears in person to represent the U.S. Government before the U.S. Supreme Court in cases of exceptional gravity or importance and supervises the representation of the government in the Supreme Court and all other courts, foreign and domestic, in which the United States is a party or has an interest as may be deemed appropriate. The AG supervises and directs the administration and operation of the DOJ, including the Federal Bureau of Investigation; Drug Enforcement Administration; Bureau of Alcohol, Tobacco, Firearms and Explosives; Federal Bureau of Prisons; Office of Justice Programs; U.S. Attorneys; and U.S. Marshals Service.

The Deputy Attorney General (DAG) advises and assists the AG in formulating and implementing Department policies and programs and in providing overall supervision and direction to all organizational units of the Department. The DAG is appointed by the President and confirmed by the Senate. In the absence of the AG, the DAG acts as the AG. The DAG is authorized to exercise all the power and authority of the AG, except where such power or authority is prohibited by law from delegation or has been delegated to another Department official.

The DAG exercises the power and authority vested in the AG to take final action in matters specifically pertaining to:

- Employment, separation, and general administration of personnel in the Senior Executive Service (SES) and of attorneys and law students regardless of grade or pay;
- Appointment of special attorneys and special assistants to the AG;
- Appointment of Assistant U.S. Trustees and fixing of their compensation; and
- Approval of the appointment by U.S. Trustees of standing trustees and fixing of their maximum annual compensation and percentage fees. as provided in 28 U.S.C. 586 (e).

The DAG also coordinates departmental liaison with the White House staff and the Executive Office of the President, as well as coordinates and controls the Department's response to terrorism and civil disturbances.

The Associate Attorney General (AAG) is appointed by the President and is subject to confirmation by the Senate. As the third-ranking official of the Department, the AAG is a principal member of the AG's senior management team who advises and assists the AG and the DAG on the formulation and implementation of DOJ policies and programs. In addition to these duties, the AAG oversees the work of the following divisions:

- Antitrust,
- Civil,
- Civil Rights,
- Environment and Natural Resources, and
- Tax.

This office also has oversight responsibility for:

- Office of Justice Programs,
- Office on Violence Against Women,
- Office of Information Policy,
- Executive Office for U.S. Trustees, and
- Foreign Claims Settlement Commission of the U.S.

The Professional Misconduct Review Unit (PMRU) handles disciplinary and state bar referral actions in those instances when Department attorneys fall short on their professional obligations. The PMRU is dedicated to the fair, but expeditious resolution of disciplinary matters arising out of findings of professional misconduct. This singular focus has allowed the PMRU to increase the timeliness of resolutions and to ensure the consistent and equitable treatment of similarly-situated employees. The PMRU provides Department attorneys with a fair opportunity to contest findings of professional misconduct and any disciplinary actions arising from such findings and serves as a mechanism for parties to supply essential information regarding the factors that must be weighed to determine the appropriate sanction once a misconduct finding is sustained.

The Office of Privacy and Civil Liberties (OPCL) supports the Department's Chief Privacy and Civil Liberties Officer (CPCLO), who serves in the Office of the Deputy Attorney General (ODAG) and is the principal advisor to DOJ leadership and components on privacy and civil liberties matters affecting the Department's missions and operations. The CPCLO determines the Department's privacy policy and standards, consistent with applicable law, regulation, and administration policy. OPCL works with the CPCLO and supports the fulfillment of the CPCLO's statutory duties set forth in Section 1174 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 and Section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007. OPCL's primary mission is to implement the Department's privacy policies relating to the protection of individual privacy and civil liberties, including in the context of the Department's counterterrorism, cybersecurity, and law enforcement efforts, and to ensure Department compliance with federal information privacy laws and requirements. OPCL works with the Administration, the Congress, the Privacy and Civil Liberties Oversight Board, and other executive branch agencies on high priority privacy and civil liberties issues affecting the U.S. Government.

The Rule of Law (ROL) Offices for Afghanistan and Iraq were established in 2004 and initially managed out of the ODAG. In 2007, the U.S. Ambassador in Iraq reorganized all rule of law efforts under a single authority and named a senior DOJ official as the ROL Coordinator, establishing the Office of the Rule of Law Coordinator (OROLC). The ROL Coordinator provided oversight for more than 80 personnel under Chief of Mission authority, coordinated with U.S. forces to ensure a unified effort, and served as an advisor to the Ambassador on justice-related issues. In 2011, with the withdrawal of all U.S. forces from Iraq and the normalization of the U.S. Embassy in Baghdad, DOJ made the transition to a smaller and more focused mission, supervised by the Office of the Justice Attaché (OJA). OJA gradually reduced its staff through attrition, and by 2014, only the Justice Attaché position remained. Due to security concerns, the Justice Attaché departed from post in June 2014, and the post has since been vacant. In the fall of 2017, the Department of State approved DOJ's return to the ROL Office in Baghdad, and ROL anticipates placing a Justice Attaché at post in 2018.

B. Intergovernmental Relations & External Affairs

<i>Intergovernmental Relations & External Affairs</i>	Direct Pos.	Estimate FTE	Amount
2018 Enacted	47	41	10,347
2019 Continuing Resolution	47	41	10,347
Adjustments to Base and Technical Adjustments	0	6	67
2020 Current Services	47	47	10,414
2020 Request	47	47	10,414
Total Change 2019-2020	0	6	67

1. Program Description

The Intergovernmental Relations & External Affairs decision unit includes:

- Office of Public Affairs,
- Office of Legislative Affairs, and
- Office of Tribal Justice.

The general goals and objectives of the Intergovernmental Relations & External Affairs decision unit are to:

- Improve the Department's review and clearance process of legislative proposals initiated by other agencies within the Administration;
- Maintain an efficient and responsive legislative liaison service operation;
- Provide support in advancing the Administration's overall legislative agenda;
- Assure policy consistency and coordination of departmental initiatives, briefing materials, and policy statements;
- Disseminate timely, accurate information about the Department, the AG, and the Administration's priorities, policies, and activities to the media and public;
- Enhance and promote the enforcement goals of the Department by distributing news releases and coordinating press, telephone, and video conferences to announce indictments, settlements, and statements on civil rights, environmental, criminal, antitrust, and other Department enforcement efforts;
- Ensure compliance with all applicable laws, regulations, and policies involving the release of information to the public, such that material is not made public that might jeopardize investigations and prosecutions, violate rights of defendants or potential defendants, or compromise interests of national security;
- Promote internal uniformity of Department policies and litigating positions relating to Indian country; and
- Advise Department components in litigating, protecting or otherwise addressing Native American rights and related issues.

The Office of Public Affairs (PAO) is the principal point of contact for DOJ with the media. PAO is responsible for keeping the public informed about the Department's activities and the priorities and policies of the AG with regard to law enforcement and legal affairs. Its staff advises Department officials and coordinates with public affairs units of Department components

on all aspects of media relations and general communications. PAO ensures that information provided to the media is current, complete, and accurate, and that the Department complies with all applicable laws, regulations, and policies involving the release of information. PAO also serves reporters by responding to queries, issuing news releases and statements, arranging interviews, and conducting news conferences.

The Office of Legislative Affairs (OLA) is responsible for devising and implementing legislative strategies to carry out Department initiatives that require congressional action. OLA articulates the views of the Department and its components on proposed legislation and handles the interagency clearance process for the Department with respect to views letters, congressional testimony, and other expressions of Administration policy. OLA responds on behalf of the Department to requests and inquiries from congressional committees, individual Members of Congress, and their staffs. It has coordination responsibility on congressional oversight activities involving the Department and the appearance of Department witnesses before congressional committees. OLA also participates in the Senate confirmation process for Federal judges and Department nominees, including Assistant Attorneys General and U.S. Attorneys.

The Office of Tribal Justice (OTJ) serves as the primary point of contact between the 566 federally recognized tribes and the Department on matters arising from over 54 million acres of Indian country, the majority of which is under federal jurisdiction. Hundreds of federal cases, in addition to other conflicts needing resolution, are generated in this area each year. OTJ coordinates these complex matters, the underlying policy, and emerging legislation among Department components active in Indian country. External coordination with the Congress and numerous federal agencies, including the Departments of Interior, Health and Human Services, and Homeland Security, is another OTJ duty. OTJ also provides legal expertise in Indian law to the Department in matters that progress to the Appellate level and on issues being considered for legislation.

C. Executive Support & Professional Responsibility

<i>Executive Support & Professional Responsibility</i>	Direct Pos.	Estimate FTE	Amount
2018 Enacted	58	58	15,488
2019 Continuing Resolution	58	58	15,488
Adjustments to Base and Technical Adjustments	0	0	-151
2020 Current Services	58	58	15,337
2020 Request	58	58	15,337
Total Change 2019-2020	0	0	0

1. Program Description

The Executive Support & Professional Responsibility decision unit consists of:

- Office of Legal Policy,
- Office of Information Policy,
- Office of Professional Responsibility, and
- the Professional Responsibility Advisory Office.

The general goals and objectives of this decision unit are to:

- Improve the Department's efficacy in providing substantive and timely input on the Administration's law enforcement initiatives and other legislative proposals affecting Department responsibilities;
- Handle the processing of judicial and other nominations efficiently and responsively;
- Oversee the investigation of allegations of criminal and ethical misconduct by the Department's attorneys, criminal investigators, or other law enforcement personnel; and
- Assist Department components in processing Freedom of Information Act (FOIA) requests from the public, as well as promote effective FOIA operations across the Executive Branch.

The Office of Legal Policy (OLP) develops and coordinates the implementation of policy initiatives of high priority to the Department and the Administration. It represents the Department in the Administration's judicial process for Article III judges and reviews and coordinates all regulations promulgated by the Department and its components. OLP is headed by an Assistant Attorney General who is appointed by the President and confirmed by the Senate. OLP also absorbed the functions of the Office of Dispute Resolution (ODR) in FY 2012 from the General Legal Activities appropriation and the functions of the Office for Access to Justice in FY 2018 from the Department Leadership decision unit of the GA appropriation. The mission of ODR is to promote and facilitate the broad and effective use of alternative dispute resolution processes in settling litigation handled by DOJ and in resolving administrative disputes throughout the Executive Branch. ATJ's mission is to help the justice system efficiently deliver outcomes that are fair and accessible to all. ATJ works with federal agencies and state, local, and tribal justice system stakeholders to increase access to legal assistance and to improve the justice delivery systems that serve people who are unable to afford lawyers.

The Office of Information Policy (OIP) was established to provide guidance and assistance to all government agencies in administering the Freedom of Information Act (FOIA). Originally part of the Office of Legal Counsel and later the Office of Legal Policy, OIP became an independent office in 1993. OIP is responsible for encouraging agency compliance with the FOIA and for overseeing agency implementation of that law. To carry out those responsibilities, OIP develops legal and policy guidance for agencies, publishes the *Department of Justice Guide to the FOIA*, conducts training sessions, and provides counseling services to help agencies properly implement the law. OIP also establishes reporting requirements for all agencies and conducts assessments of their progress in FOIA implementation. In addition to these government-wide responsibilities, OIP adjudicates, on behalf of the Department, administrative appeals from denials of access to information made by the Department's components, processes initial requests made for the records of senior leadership offices, and handles the defense of certain FOIA litigation cases.

The Office of Professional Responsibility (OPR), which reports directly to the AG, is responsible for investigating allegations of misconduct by Department attorneys in their duties to investigate, represent the government in litigation, or provide legal advice. In addition, OPR has jurisdiction to investigate allegations of misconduct by law enforcement personnel when they are related to allegations of attorney misconduct within the jurisdiction of OPR. OPR's primary objective is to ensure that DOJ attorneys continue to perform their duties in accordance with the high professional standards expected of the nation's principal law enforcement agency. OPR is headed by the Counsel for Professional Responsibility, who is a career government official. Under the Counsel's direction, OPR reviews allegations of attorney misconduct involving violation of any standard imposed by law, applicable rules of professional conduct, or departmental policy. When warranted, OPR conducts full investigations of such allegations and reports its findings and conclusions to the AG and other appropriate Department officials. OPR also serves as the Department's contact with state bar disciplinary organizations. The objectives of OPR are different from the Office of the Inspector General (OIG) in that OPR focuses on allegations of misconduct that affect the ability of the Department to investigate, litigate, or prosecute, while the OIG focuses on allegations of waste and abuse and other matters that do not implicate the ability of the Department to investigate, litigate or prosecute.

The Professional Responsibility Advisory Office (PRAO) is responsible for providing professional responsibility advice and training to all Department attorneys on how they may carry out their duties in compliance with the applicable rules of professional conduct. PRAO serves as a liaison with state and federal bar associations for the implementation and interpretation of the rules of professional conduct. PRAO coordinates with the litigating components of the Department to defend all Department attorneys in any disciplinary or other hearings concerning allegations of professional misconduct. PRAO assembles and maintains the professional responsibility rules, interpretative decisions, and bar opinions of every state, territory, and the District of Columbia.

2. Performance Tables

PERFORMANCE AND RESOURCES TABLE															
Decision Unit: Exec Support/ Professional Responsibility (ESPR)															
RESOURCES		Target			Actual		Projected		Changes		Requested (Total)				
		FY 2018			FY 2018		FY 2019		Current Services Adjustments and FY 2020 Program Changes		FY 2020 Request				
Total Costs and FTE [reimb]		FTE	\$000		FTE	\$000		FTE	\$000		FTE	\$000			
		58	14,520	[\$141]	61	14,720	[\$141]	61	14,720	[\$141]	0	0	61	14,720	[\$141]
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2018			FY 2018		FY 2019		Current Services Adjustments and FY 2020 Program Changes		FY 2020 Request				
<u>Program Activity: Office of Legal Policy (OLP)</u>		FTE	\$000		FTE	\$000		FTE	\$000		FTE	\$000			
		29	6,817	[\$141]	31	6,895	[\$141]	31	6,895	[\$141]	0	0	31	6,895	[\$141]
Cost of regulations per fiscal year is below OMB cost cap		(\$2.0M)			(\$4.8M)		0		0		TBD				
Ratio of deregulatory actions to regulatory actions		2:1			5:0		2:1		0		2:1				
									0						
<u>Program Activity: Office of Professional Responsibility (OPR)</u>		FTE	\$000		FTE	\$000		FTE	\$000		FTE	\$000			
		29	7,703		30	7,825		30	7,825		0	0	30	7,825	
Percentage of OPR inquiries resolved within one year, and investigations within two years.		50%/50%			89%/100%		50%/50%		0		50%/50%				

Data Definition, Validation, Verification, and Limitations:

OLP - A regulatory action is an action that prohibits or requires certain conduct by an individual or entity subject to the action. A deregulatory action is an action that removes or repeals certain prohibitions or requirements placed on an individual or entity. The Dept. of Justice will track regulatory actions and the proposed costs of those regulatory actions. The proposed cost of any regulatory action is just that – a proposal. It is possible that the proposed cost of a regulatory action will not be equal to the actual cost of that regulatory action.

OPR - OPR maintains data in its case management system on the opening, conversion, and closure of the matters that are received. OPR's analysts routinely update the system and review the accuracy of the information that is stored. OPR compiles its inquiries and investigations data to provide the Department leadership with quarterly reports as well as to respond to data inquiries. On an annual basis, OPR releases statistical information about its investigations and inquiries along with a summary of the cases reviewed to the public. The information provided in OPR's annual report reinforces the Department's commitment to ensuring that the attorney and law enforcement workforce are professional, well-managed, and adhere to the highest ethical standards

PERFORMANCE MEASURE TABLE

Decision Unit: ESPR									
Performance Report and Performance Plan Targets		FY 2014	FY 2015	FY 2016	FY 2017	FY 2018		FY 2019	FY 2020
		Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	#1 Cost of Regulations per fiscal year is below OMB cost cap	N/A	N/A	N/A	N/A	(\$2.0M)	(\$4.8M)	0	TBD
Performance Measure	#2 Ratio of deregulatory actions to regulatory actions	N/A	N/A	N/A	N/A	2:1	5:0	2:1	2:1
Performance Measure	#3 Percentage of OPR inquiries resolved within one year, and investigations within two years	N/A	N/A	N/A	N/A	50%/50%	89%/100%	50%/50%	50%/50%
Performance Measure									
Performance Measure									
Performance Measure									
Performance Measure									
Performance Measure									

3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

- 1) *Performance Measure 1 for OLP*: In FY 2018, the Department of Justice achieved annualized cost reductions of \$4.798 million, which exceeded OMB's *negative* cost cap of \$2 million for FY 2018, with the net cost reductions in excess of the cap (i.e., \$2.798 million) being carried forward into FY 2019.
- 2) *Performance Measure 2 for OLP*: The Department of Justice achieved five deregulatory actions in FY 2018 and did not promulgate any regulatory actions that were subject to EO 13771.
- 3) *Performance Measure 3 for OPR*: In FY 2018, OPR exceeded its performance targets by making significant progress in the timely processing of its investigations and inquiries. By the end of Fiscal Year 2018, OPR had resolved 89% of its inquiries within one year and 100% of its investigations within two years. These results were achieved through regular reviews of the statuses of OPR's cases, as well as ongoing management oversight of the reports of investigation and inquiry-closing memoranda. The managers and staff worked to ensure that OPR's inquiries and investigations were thorough and that the results were fair and consistent. The Department's Professional Misconduct Review Unit (PMRU) upheld OPR's findings in 90% of the cases where professional misconduct was identified as well as recommended appropriate disciplinary actions for the subject attorney. As a result of OPR's efforts, Department attorneys and agents were exonerated in appropriate cases and held accountable in instances where their conduct fell below the high professional standards expected of them.

b. Strategies to Accomplish Outcomes

- 1) *Performance Measure 1 for OLP*: The Department of Justice will take action to ensure that the cost of its regulatory actions in each Fiscal Year are less than the OMB cost cap allocated to the Department for that Fiscal Year. The Department anticipates satisfying this metric for regulatory and deregulatory actions to be taken during FY 2019.
- 2) *Performance Measure 2 for OLP*: Unless prohibited by law, the Department of Justice will issue two deregulatory actions for every regulatory action. The Department anticipates satisfying this metric for regulatory and deregulatory actions to be taken during FY 2019.
- 3) *Performance Measure 3 for OPR*: OPR supports Strategic Objective 4.1 by continuing to review professional misconduct allegations against Department attorneys, immigration judges, and law enforcement personnel that relate to allegations of attorney misconduct within the jurisdiction of OPR. OPR will carefully analyze the allegations, accurately identify the factual and legal issues to be resolved, and appropriately resolve the allegations in a timely manner. Once OPR has completed its review, OPR will timely notify the

subject attorney, the United States attorney or component head, as well as the Department leadership of the results. OPR will prepare and make publically available an annual report that will include statistical information on OPR's activities and summaries of investigations completed during the fiscal year. OPR will work collaboratively with PRAO and the Department Ethics Office to identify appropriate training for Department attorneys, provide training through the Office of Legal Education, as well as recommend policy changes and other corrective actions to Department leadership.

D. Justice Management Division

Justice Management Division	Direct Pos.	Estimate FTE	Amount
2018 Enacted	274	265	72,086
2019 Continuing Resolution	274	265	72,086
Adjustments to Base and Technical Adjustments	-5	-74	-790
2020 Current Services	269	218	71,296
2020 Request	269	218	71,296
Total Change 2019-2020	-5	-74	-790

1. Program Description

The Justice Management Division (JMD), under the direction of the Assistant Attorney General for Administration, provides advice and assistance to senior management officials relating to basic Department policy for budget and financial management, personnel management and training, facilities, procurement, equal employment opportunity, information processing, records management, security, and all other matters pertaining to organization, management and administration. JMD provides direct administrative support services such as personnel, accounting, procurement, library, budget, facilities and property management to offices, boards and divisions of the Department and operates several central services, such as automated data processing and payroll, on a reimbursable basis through the Working Capital Fund. The Division collects, organizes, and disseminates records information that is necessary for the Department to carry out its statutory mandate and provides general research and reference assistance regarding information to Department staff, other government attorneys, and members of the public.

The major functions of JMD are to:

- Review and oversee management functions, programs, operating procedures, supporting systems and management practices.
- Supervise, direct, and review the preparation, justification, and execution of the Department’s budget, including the coordination and control of the programming and reprogramming of funds.
- Review, analyze, and coordinate the Department’s programs and activities to ensure that the Department’s use of resources and estimates of future requirements are consistent with the policies, plans, and mission priorities of the Attorney General.
- Plan, direct, and coordinate department-wide personnel management programs and develop and issue department-wide policy in all personnel program areas.
- Direct department-wide financial management policies, internal controls, programs, procedures, and systems including financial accounting, planning, analysis, and reporting.
- Formulate and administer the GA appropriation of the Department’s budget.
- Plan, direct, administer, and monitor compliance with department-wide policies, procedures, and regulations concerning:
 - records

- reports
 - procurement
 - printing
 - graphics
 - audiovisual activities
 - forms management
 - supply management
 - motor vehicles
 - real and personal property
 - space assignment and utilization
 - employee health and safety programs, and
 - other administrative services functions
- Direct all Department security programs including:
 - personnel
 - physical
 - document
 - information processing
 - telecommunications, and
 - special intelligence
- Formulate and implement Department defense mobilization and contingency planning.
 - Review legislation for potential impact on the Department's resources.
 - Establish policy and procedures related to debt collection and asset forfeiture.
 - Direct the Department's ethics program by administering the ethics laws and regulations and coordinating the work of the deputy ethics officials throughout the Department, including issuing advice, providing ethics briefings, and reviewing financial disclosure reports

2. Performance Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Justice Management Division (JMD)											
RESOURCES		Target		Actual		Projected		Changes		Requested (Total)	
		FY 2018		FY 2018		FY 2019		Current Services Adjustments and FY 2020 Program Changes		FY 2020 Request	
Total Costs and FTE [reimb]		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		34	9,135	33	8,772	34	9,135	0	0	34	9,135
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2018		FY 2018		FY 2019		Current Services Adjustments and FY 2020 Program Changes		FY 2020 Request	
<u>Program Activity: Department Ethics Office (DEO)</u>		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		6	1,305	5	1,125	6	1,305			6	1,305
Provision of all ethics training for DOJ employees conducted by the DEO and the timely review of financial disclosures		100%		95%		100%		0		100%	
<u>Program Activity: Finance Staff</u>		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
								0	0		
Percentage of unmodified audit opinions achieved		100%		100%		100%		0		100%	
<u>Program Activity: Human Resources</u>		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		28	7,830 [824]	28	7,647 [824]	28	7,830 [824]	0	0	28	7,830 [824]
Time-To-Hire (measured in calendar days) for Mission Critical occupations		167 days		152 days		164 days		0		161 days	

Data Definition, Validation, Verification, and Limitations:

DEO - DEO maintains records of employees' completion of training requirements via sign-in sheets at in-person training and employee certifications of on-line training, and of the dates of employees' submission and DEO review of assigned financial disclosure reports.

JMD Finance Staff - The DOJ Office of the Inspector General (OIG) audits The Department's financial statements on an annual basis. As part of the annual Agency Financial Report, the OIG publishes the Department's audit opinion.

JMD Human Resources - JMD HR sends out, on a quarterly basis, a data call to DOJ components requesting Time-To-Hire data for their MCO. There is currently no automated tool to compile this data, so the Department is dependent on its components to provide the data. Additional limitations include the fact that not all components respond in a timely manner, creating a data reporting lag, as well as the fact that the data submitted by components cannot be validated by JMD HR.

PERFORMANCE MEASURE TABLE

Decision Unit: JMD									
Performance Report and Performance Plan Targets		FY 2014	FY 2015	FY 2016	FY 2017	FY 2018		FY 2019	FY 2020
		Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	#4 Provision of all ethics training for DOJ employees conducted by the DEO and the timely review of financial disclosures.	N/A	N/A	N/A	N/A	100%	95%	100%	100%
Performance Measure	#5 Percentage of unmodified audit opinions achieved	N/A	N/A	N/A	N/A	100%	100%	100%	100%
Performance Measure	#6 Time-To-Hire (measured in calendar days) for Mission Critical occupations	N/A	N/A	N/A	N/A	167 days	152 days	164 days	161 days
Performance Measure									
Performance Measure									
Performance Measure									
Performance Measure									
Performance Measure									

3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

- 1) *Performance Measure 4 for DEO*: We were able to offer ethics training to every employee who must take it under the Office of Government Ethics's (OGE) regulations. On financial disclosure review, however, due to administrative oversight error, some reports were not given timely initial review, or there was no documentation that the reports were given timely initial review.
- 2) *Performance Measure 5 for JMD FS*: JMD Finance Staff had the audit closeout 2018, and OIG/KPMG discussed the Department's unmodified opinion for FY 2018.
- 3) *Performance Measure 6 for JMD HR*: As of December 21, 2018, JMD Human Resources Office had been able to obtain the data for 38 of the 40 components. Two of the largest components, EOUSA and FBI, have yet to report their data. Accordingly, the number currently reflected in the FY 2018 "Actual" column is to be considered tentative. Historically, EOUSA's average Time-To-Hire has been approximately 150 days, which we anticipate will be borne out in their FY 2018 data as well. Since the hiring time in FBI for certain Mission Critical Occupations (MCO) can often average up to one year, JMD HR expects that once they report their data, the "Actual" Time-To-Hire number for FY 2018 will need to be revised significantly upward. However, it should be noted that unlike the rest of the DOJ components, whose positions are primarily in the "competitive service", all FBI positions are in the "excepted service", which means that though they primarily operate on a merit basis similar to the competitive service, they have their own hiring systems, evaluation criteria, and employment requirements. As a result, including their data in the Time-To-Hire calculations might unfairly skew upward the overall Departmental hiring profile. As the data above reflects, excluding the FBI, the Department was successful in meeting its FY 2018 Time-To-Hire target.

b. Strategies to Accomplish Outcomes

- 1) *Performance Measure 4 for DEO*: DEO will continue to provide all training required by Office of Government Ethics and ensure all financial disclosure reports are reviewed timely.
- 2) *Performance Measure 5 for JMD FS*: JMD Finance Staff will continue its operational and oversight activities to ensure the accuracy and completeness of the Department's financial statements and underlying financial data, and therefore, expects to meet FY 2019 and FY 2020 targets of an unmodified audit opinion at the consolidated Department level.
- 3) *Performance Measure 6 for JMD HR*: Currently, approximately 30 of the 40 DOJ components have migrated to EmpowHR, a Human Capital Management System that supports all critical HR components in a single enterprise system. Migration to EmpowHR will streamline and automate the manual, paper SF-

52 process with Manager Self-Service and workflow automation. This may help to reduce the Time-To-Hire process and allow the Department to meet its FY 2019 and FY 2020 Targets.