

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
SALARIES AND EXPENSES, HOUSING AND URBAN DEVELOPMENT  
BUDGET ACTIVITY 10: GENERAL COUNSEL

SCOPE OF ACTIVITY

The General Counsel, as the chief legal officer of the Department, is the legal adviser to the Secretary and other principal staff of the Department. It is the responsibility of the General Counsel to provide legal opinions, advice and services with respect to all programs and activities, and to provide counsel and assistance in the development of the Department's programs and policies.

Through the Departmental Enforcement Center (DEC), the General Counsel focuses on and resolves the Department's most difficult housing cases by taking aggressive action against those that are in serious non-compliance with regulatory and business agreement requirements. Suspension and debarment authority is consolidated in the DEC.

The attached charts display detailed staffing and workload estimates based on the Resource Estimation and Allocation Process (REAP) baseline data.

KEY PRIORITIES

1. RESPA Reform. The Office of General Counsel (OGC) is continuing to provide support to the Departmental goal of making the home buying process less complicated, the associated paperwork less demanding and the mortgage process less expensive. OGC is assisting the Department with further development of RESPA Reform, which includes rulemaking, developing legislative proposals that complement the RESPA regulatory reform effort, developing and implementing other RESPA initiatives, such as finalizing the RESPA transfer of servicing proposed rule, implementing RESPA internet lending rules, developing guidance on captive title reinsurance, and other possible RESPA initiatives. OGC is also continuing to provide assistance to the Department in proceeding with the RESPA Reform rulemaking that commenced with the proposed rule published on July 29, 2002, and legal advice on the appropriateness of any communications concerning next RESPA steps.
2. Predatory Lending. OGC is continuing to provide legal support to FHA to prevent predatory lending activities. While an anti-property flipping rule has been published, FHA and OGC have determined further regulatory provisions associated with property flipping should be promulgated. OGC will assist the Department in implementing anti-predatory lending initiatives including HUD program initiatives and guidance. OGC will continue to work with the Office of Housing in developing regulations that strengthen accountability in several areas of the FHA mortgage insurance process (for example, accountability by appraisers, inspectors, etc.) and to provide legal advice on civil rights implications of predatory lending practices.
3. Expand Homeownership Opportunities. OGC will provide legal advice to CPD in carrying out the American Dream Downpayment Initiative (ADDI) legislation (now promulgated through regulations), and related formula and requirements, and to PIH in implementing Section 8(y) homeownership opportunities. OGC is also involved in the development and review of legislation to restructure the regulation and oversight of the Government Sponsored Enterprises (GSE), including drafting and reviewing legislative provisions related to HUD's GSE housing goal and other regulatory authorities. OGC is supporting Government National Mortgage Association (Ginnie Mae) in connection with its Mortgage-Backed Securities Program, its Multi-class Program, and in connection with the Targeted Lending Initiative. OGC is assisting the Department in establishing new housing goals for the GSEs and other regulatory revisions necessary to carry out the Department's GSE regulatory responsibilities and in monitoring and enforcing GSE compliance with HUD established low- and moderate-income housing, central cities, and special affordable housing goals, and other HUD requirements under HUD's GSE regulatory authority. OGC is continuing to assist the Office of Housing with developing and implementing Congressionally mandated national programs for the manufactured housing dispute resolution program and the manufactured housing installation program; with analyzing and implementing regulatory recommendations of the Consensus Committee; as well as with the

Salaries and Expenses, Housing and Urban Development  
Budget Activity 10: General Counsel

administration and enforcement of the Interstate Land Sales Full Disclosure Act. OGC is providing legal support to FHA on issues related to endorsing loans for FHA single family mortgage insurance, including implementation of a statutory proposal (Zero Downpayment), for insuring mortgages with 100 percent loan-to-value ratios, and for insuring mortgages made by higher risk borrowers; for continued assistance with implementation of its TOTAL Scorecard by mortgagees, including loans to first-time and minority homebuyers as well as homebuyers in underserved areas; on issues relating to loss mitigation, including a new treble damages rule; to increase the number of homebuyers who receive purchase counseling and homeowners who receive default counseling to avoid foreclosure; and for REO sales to owner-occupants. OGC will provide legal assistance to FHA to complete regulatory revisions to its Officer Next Door and Teacher Next Door programs. OGC will continue to provide legislative and regulatory assistance to the Office of Housing and the Manufactured Housing Consensus Committee to revise regulations to update construction and safety standards for manufactured housing. OGC will continue to provide legal assistance to remove burdensome and unnecessary regulatory barriers to affordable housing in connection with HUD's Affordable Communities Initiative.

4. Expand homeownership opportunities for minorities and persons with disabilities. OGC will provide advice in establishing legally appropriate mechanisms for asset management, including foreclosures, in the section 184 guarantee program for Native Americans; in ensuring that barriers to housing opportunities for minorities and persons with disabilities are addressed; in increasing insurance endorsements for first-time and minority homebuyers as well as homebuyers in underserved areas; in ensuring grantee compliance with affirmatively furthering fair housing requirements of assistance programs; and in carrying out the Department's authority to ensure compliance by the GSEs, in their operations, with Fair Housing/Fair Lending requirements. OGC will provide advice to the HUD programs to ensure appropriate incorporation of civil rights standards in program rules, regulations and procedures.
5. Increase the availability of affordable rental housing. OGC will provide legal support to Ginnie Mae in connection with the securitization of multifamily mortgages in the Ginnie Mae Mortgage-Backed Securities Program and Multi-class Program and in connection with the proposed eligibility to back Ginnie Mae guaranteed securities of multifamily mortgages guaranteed by the Rural Housing Service under Section 538 of title V of the Housing Act of 1949. OGC will provide legal support to FHA with issues related to endorsing loans for FHA multifamily mortgage insurance; with legal issues associated with ensuring that HUD-held loans 90 or more days delinquent are brought under control; and in connection with sales and closings of multifamily projects to third parties. OGC will work with the Office of Healthy Homes and Lead Hazard Control, to develop a comprehensive plan for ensuring compliance with recent revisions to lead-based paint regulations for HUD-assisted and HUD-owned housing. OGC's legal assistance to America's Affordable Communities Initiative will also assist in increasing the availability of affordable rental housing. The focus of this Initiative is increasing affordable homeownership and affordable rental housing.
6. Ensure compliance with HUD program requirements. OGC will provide support to all program offices, as needed, to ensure compliance by their participants with HUD requirements. Support will be provided through administrative enforcement proceedings or assisting the Department of Justice in Federal court litigation. OGC is continuing to assist the Office of Housing with investigating and bringing appropriate enforcement actions under the Manufactured Housing Construction and Safety Standards Act. OGC will also provide assistance in developing regulations or other requirements, such as mortgagee letters designed to promote greater integrity in HUD programs, or in assisting with other Departmental enforcement priorities. OGC will increase the percentage of residents living in acceptable insured and/or assisted multifamily housing from 95 percent to 96 percent, by taking aggressive civil or administrative enforcement actions. OGC will defend HUD initiatives, statutes, rules and regulations that are challenged in the Federal courts.
7. Improve management accountability for public and assisted housing. OGC will provide legal advice to Housing and PIH regarding enhanced vouchers, statutory limitations, and other legal matters bearing on expiring section 8 contracts, including debt restructuring under MAHRA. OGC will provide legal advice to PIH for all Section 8 voucher tenant based assistance, and for "Freedom to House" and "Freedom to Manage" public and assisted housing reform proposals. OGC will continue to assist Housing in its approval and monitoring of Section 8 Project-Based Contract Administrators. OGC will also provide legal support to program offices on income verification, including participation in RHIIP and continued work on legislation that would authorize the HUD Data Match with the National Directory of New Hires.

Salaries and Expenses, Housing and Urban Development  
Budget Activity 10: General Counsel

8. Improve physical and related conditions in public and assisted housing. OGC will continue to provide legal advice and drafting assistance to PIH in the development of regulations that will establish the full regulatory framework for the Capital Fund program and as PIH implements changes to the Operating Fund Formula as a result of recommendations made by the Harvard University Graduate School of Design's Cost Study on Public Housing (the study of the cost of operating public housing), and the recommendations of the negotiated rulemaking committee on the Operating Fund Formula which reviewed the Harvard Cost Study and concluded its negotiations in June 2004, with consensus recommendations. OGC will provide legal clearance for Public Housing demolition/disposition actions in the Field and at Headquarters; advice to PIH on HOPE VI demolitions and relocations; legal guidance for program guidance and case applications of use of Capital Funds as security for bonds for accelerated modernization of public housing; legal counsel to PIH in implementing PHAs' ability to mortgage and grant other security interests in public housing property under section 30 of USH Act of 1937; and training of HUD Field Counsel in uses of both the Capital Fund for accelerated modernization and the granting of PHA security interests under section 30. In support of HOPE VI/Mixed Finance, OGC will maximize model documentation and accomplish timely closings in accordance with PIH schedules pursuant to streamlined procedures OGC will develop with PIH. OGC will also provide legal guidance to PIH for implementation of new formula allocation for the Indian Housing Block Grant program. OGC will provide legal assistance to Housing in implementing statutory mixed finance opportunities for Section 202 elderly housing and in ensuring that improved physical conditions comply with accessibility requirements in HUD regulations. By the end of fiscal year 2006, OGC will increase the percentage of residents living in acceptable insured and/or assisted multifamily housing from 95 percent to 96 percent, by taking aggressive civil or administrative enforcement actions.
9. Strengthen and expand Faith-Based and community partnerships. OGC will continue to provide legal advice to program offices and to the Center for Faith-Based and Community Initiatives on constitutional and other legal support issues for HUD initiatives to equalize participation by faith-based organizations in HUD programs. This includes providing legal guidance in the implementation of CPD and HUDwide programs regulations equalizing faith-based entities' participation in programs. OGC will continue to work with the Department's Center for Faith-Based and Community Initiatives and program offices in fashioning legal guidance on these regulations and other guidance materials that support the Administration's Faith-Based Initiative and further implement the President's Executive Order 13279, which provides the faith-based and community organizations should be able to compete on an equal footing for HUD funding. OGC will also provide legal advice to the Center for Faith-Based and Community Initiatives and to administering program offices on case problems that are presented in this arena.
10. Address homelessness. OGC will continue to provide legal advice to CPD in the development of its annual Continuum of Care SuperNOFA, and with respect to case problems that may arise under competition; will provide counsel to optimize opportunities for flow of base closure property to homeless purposes in collaborative exercise with DOD mission and practice; and will continue to provide any additional legislative drafting support for the Samaritan Initiative that was introduced in Congress and continue with legislative drafting on the Consolidated Homeless proposal, both of which proposals are designed to effectively address the problem of chronic homelessness. OGC will also provide legal advice to CPD on any interagency funding competitions to address chronic homelessness with the Departments of Veterans Affairs, Labor, and Health and Human Services.
11. Improve HUD's management and internal controls, including FHA's financial management, and resolve audit issues. OGC will provide legal support to FHA to help maintain the 2 percent capital ratio for MMIF, to help achieve its goal of averaging a set dollar amount as a net recovery per single family REO property sale, and to help achieve its goal of exceeding the rate of recovery received through the Accelerated Claims Demonstration Program compared to REO property sales. OGC will review proposed Limited Denials of Participation (LDPs) and settlements of LDPs and provide counsel to field offices regarding the issuance and settlement of LDPs under 24 CFR Part 24. OGC will prepare legal representations letters in support of FHA's and Ginnie Mae's goals to complete their annual financial audits in accordance with the CFO Act of 1990. In support of improved debt management, OGC will continue with work on regulatory revisions to 24 CFR Part 17, subpart C, HUD's rule that governs collection, compromise and write-off of debt owed to the Department and assist the Albany Financial Operations Center and selected Field Counsel in overseeing the Department's Administrative Wage Garnishment program. OGC will continue to assist the Office of Chief Financial Officer and relevant program offices to finalize action on longstanding, outstanding audits, especially those with Justice Department involvement. OGC will continue to work with the Office of Administration to bring the Department into full compliance with the Paperwork Reduction Act. OGC will continue to work with the program offices to maintain up-to-date delegations and to ensure

Salaries and Expenses, Housing and Urban Development  
Budget Activity 10: General Counsel

timely quarterly publication of regulatory waivers granted by the Department, as required by the HUD Reform Act. OGC will continue to provide assistance to the program offices to ensure compliance with the requirements for competition under the HUD Reform Act, as well as under appropriations acts as may be the case, and to ensure publication of all funding awards made by the program offices (competitive and noncompetitive) in accordance with the HUD Reform Act. OGC will work to enhance the requirements imposed on HUD program partners to conduct business in accordance with the Department's core values and ethical standards. OGC will also continue to work on obtaining all of the necessary approvals to use new and revised MAP closing documents, and to implement the corresponding regulatory revisions to closing documents and closing procedures.

12. Improve accountability, service delivery and customer service of HUD and our partners. OGC will assist CPD in developing legally appropriate sanctions and other actions flowing from grantee monitoring. In support of the Department's Fair Housing initiatives, OGC will continue assisting FHEO in reviewing and revising handbook guidance to enhance credibility of enforcement efforts and conduct national training for HUD Fair Housing attorneys. OGC will assist FHEO in achieving its goal to continue to reduce its aged inventory of Fair Housing Act complaints. OGC will provide legal support and guidance to OMHAR in connection with a transition to its September 30, 2004 sunset date and with legal issues related to reducing rents and preserving housing for properties, and where appropriate, providing legal support for debt restructurings. OGC will provide legal support to FHA for ensuring that appraisals of properties that are to be security for FHA mortgages meet FHA standards, for monitoring mortgagee compliance with FHA loan origination and loan servicing requirements, and in its implementation of the FHA TOTAL Scorecard. OGC will provide legal advice to all program officials and staff on regulatory, statutory interpretation, and operational matters as requested. Because HUD programs, along with those of the Department of Transportation (DOT), account for so much of the application of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, OGC will participate actively with DOT in the implementation of their governmentwide orchestration of an overall revision of the underlying regulatory requirements for this law, and with subsequent consideration of legislative modifications.
13. Ensure equal opportunity and access to housing. To help reduce housing discrimination, OGC will continue to issue Fair Housing Act charges of discrimination; litigate those Fair Housing Act charges before the Office of Administrative Law Judges; provide substantial legal assistance to FHEO during its investigation of Fair Housing Act complaints; work with the Department of Justice's Housing and Civil Enforcement Section on Fair Housing Act election cases and appellate activity involving Fair Housing Act cases; provide legal assistance to FHEO in its efforts to increase the public's knowledge of the design and construction requirements of the Fair Housing Act; review the First Amendment implications of certain fair housing claims; and resolve impasse cases between Regional Counsel and FHEO Hub Directors; assist FHEO in increasing the number of certified state and local fair housing enforcement agencies; and increase the number of compliance reviews under Section 504, Title VI and Section 109. To improve the accessibility of housing to persons with disabilities, OGC will provide legal assistance to FHEO as it increases its enforcement activity on behalf of persons with disabilities and as it increases its activities evaluating HUD fund recipient's compliance with Section 504, and determination of any necessary corrective action. OGC will provide legal guidance to CPD in adapting new OMB area definitions to existing, different statutory terminology so as to preserve intent of HOPWA formula funding. To improve housing options for the elderly, OGC will provide legal advice to Housing on conversion of section 202 projects to assisted living.
14. Support community and economic development efforts. To provide capital to create and retain jobs and improve economic conditions in distressed communities, OGC will provide legal advice to CPD on monitoring of EZs/ECs; in implementing new OMB area definitions to existing, different statutory terminology so as to preserve intent of formula funding; in its provision and oversight of over \$3 billion of special disaster relief appropriations for New York City's post-9/11 recovery. In support of this effort, OGC will also provide legal assistance to FHEO in enforcing Section 3. To help communities more readily access revitalization resources, OGC will provide legal review of variable rate interim financing and fixed-rate financing of section 108 loan guarantees; provide legal advice on development of SuperNOFA and on case problems in the competition and thereafter; review and provide counsel regarding the expected clearance and publication of a revision of HUD's floodplain regulations in 24 CFR Part 55 to cover review procedures for projects proposed to be located in wetlands; and continue to work with CPD to implement regulations that will clarify the use of CDBG assistance for the cleanup, development or redevelopment of brownfields.

Salaries and Expenses, Housing and Urban Development  
Budget Activity 10: General Counsel

Headquarters staff performs the following principal functions in support of the accomplishment of these goals:

- Drafting the Department's legislation, regulations, and other regulatory and legislative policy documents and managing and overseeing the Department's legislative and regulatory agendas.
- Assisting in the development and initial implementation of statutory, regulatory, and other administrative policy; this includes providing written opinions, oral advice, and drafting of regulations.
- Interpreting statutes, regulations, administrative guidance, and case law that govern the operation of Departmental programs; including providing oral and written legal guidance, preparation of correspondence on program legal matters, and drafting contracts and other legal documentation.
- Providing legal services to the Department's program offices including assisting program staff in their preparation of the administrative record; researching relevant case law; drafting affidavits, briefs and other filings; attending depositions, hearings and trials; coordinating with the Department of Justice, contracted counsel, and opposing counsel; and initiating and responding to settlement offers.
- Working with the program offices on regulatory enforcement including drafting subpoenas; conducting subpoena hearings; interviewing witnesses, preparing pleadings; and negotiating settlements.
- Performing legal work with respect to affirmative Federal Court litigation, administrative hearings, and sanctions initiated by the Department to enforce statutory, regulatory and contractual requirements applicable to participants in HUD programs and to other persons subject to HUD's programs.
- Taking enforcement action against property owners or contract administrators in cases where distressed multifamily properties are referred from the Real Estate Assessment Center, the Office of Housing, and other Program offices.
- Using administrative sanctions (suspension and debarment) to remove irresponsible participants who violate or abuse HUD's requirements.
- Advising the Chief Financial Officer and other Headquarters organizations on debt collection policies and strategies and enforcing collection in administrative and Federal Court forums.
- Reviewing and soliciting requests for new programs from the Department's program offices.
- Providing legal services for the Secretary's regulation of the Government Sponsored Enterprises (Federal National Mortgage Association and Federal Home Loan Mortgage Corporation).
- Providing environmental review of Departmental regulations, funding notices, and directives and draft provisions respective to environmental requirements.
- Providing legal services to the programs and functions of the Assistant Secretary for Administration, the Chief Financial Officer, the Inspector General, the Assistant Secretary for Public Affairs, and Assistant Secretary for Policy Development and Research.

Salaries and Expenses, Housing and Urban Development  
Budget Activity 10: General Counsel

- Recommending and implementing Departmental policy to ensure compliance with the Ethics in Government Act, the HUD Reform Act of 1989, the Federal criminal conflict of interests statutes under 18 U.S.C., and the Standards of Ethical Conduct regulation for employees of the Executive Branch.
- Serving as Agency Representatives in administrative hearings before the Merit Systems Protection Board, the Office of Special Counsel, the Equal Employment Opportunity Commission, and the Federal Labor Relations Authority and assisting Assistant U.S. Attorneys in litigation actions filed in the Federal Courts.
- Performing all legal work in connection with compliance and enforcement activities under Department civil rights authorities, including Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Age Discrimination Act, the Fair Housing Act, and Section 3 of the Housing and Urban Development Act of 1968, as amended.
- Processing and disposing of Freedom of Information Act (FOIA) requests and appeals and providing legal and technical guidance on FOIA issues to Headquarters program offices and to HUD field offices.
- Performing a central, coordinating role with respect to all litigation brought against the Department.

Legal support to the Department's field components is provided by 10 Legal Service Centers (each headed by a Regional Counsel) and 40 subordinate field offices. The staff in these offices performs the following principal functions in support of the accomplishment of OGC's goals:

- Working with the U.S. Attorneys in handling cases to which HUD is a party and participating with local government or private attorneys in handling cases involving HUD-assisted local governmental activities.
- Providing legal services with respect to the enforcement of civil rights laws and equal opportunity requirements applicable to HUD programs.
- Providing legal advice on a variety of administrative law issues including procurement, contract administration, Freedom of Information Act, Privacy Act, and delegations of authority.
- Providing legal advice and services on personnel issues, including misconduct, unsatisfactory performance, labor relations, equal employment opportunity, and other employment-related matters.
- Through the Federal Tort Claims Center, providing centralized handling of tort claims filed against HUD from throughout the country.
- Providing legal support and assistance to all Program offices' field staffs.

Salaries and Expenses, Housing and Urban Development  
 Budget Activity 10: General Counsel

TRAVEL

The table below identifies travel requirements unique to this activity.

	ACTUAL 2004	ENACTED 2005	ESTIMATE 2006	INCREASE + DECREASE - 2006 vs 2005
	(Dollars in Thousands)			
Travel (HQ).....	\$783	\$638	\$638	...
Travel (Field).....	157	131	131	...
Total .....	940	769	769	...

The proposed travel budget of \$769 thousand for the Office of General Counsel in fiscal year 2006 will support travel for both the Headquarters and field offices and will be used for travel supporting the Secretary's priorities associated with litigation activities, fair housing enforcement, program enforcement, ethics, maintaining and expanding the Office of General Counsel's role as the enforcement arm of the Department and to facilitate interaction between Headquarters and all field legal and satellite offices. Travel will be required for multiple site visits; detailed evaluations; to meet with owners; management agents; Assistant U.S. Attorneys; and Department of Justice attorneys. The requested amount will also provide for witness travel. Witnesses may be called to appear in enforcement proceedings in U.S. Courts throughout the country.

Salaries and Expenses, Housing and Urban Development  
 Budget Activity 10: General Counsel

CONTRACTS

The table below identifies contract requirements unique to this activity.

	ACTUAL 2004	ENACTED 2005	ESTIMATE 2006	INCREASE + DECREASE - 2006 vs 2005
	(Dollars in Thousands)			
Technical Services.....	\$690	\$740	\$740	...
General Support.....	1,434	742	742	...
Training.....	166	112	112	...
Total .....	2,290	1,594	1,594	...

The proposed funding level for fiscal year 2006 is \$1,594 thousand. The following are descriptions of the type of workload that will be outsourced:

Technical Services

- Legal Services contracts provide legal support services that will assist attorneys in pursuing affirmative litigation against project owners receiving the benefit of FHA-insured financing and/or Section 8 assistance.
- FEDLINK contract will be used to provide access to Westlaw and Lexis-Nexis legal research services.
- Technical assistance contracts for Assessment and Analysis Services will also be used to provide histories of the ownership of projects; descriptions of the projects' physical condition; analysis of current financial status; and recommendations for resolving the problems identified by the contractor.
- Contracts for court reporting services and transcripts are essential in deposing witnesses and taking affidavits in preparation for evidentiary proceedings.
- Financial analysis at various levels of expertise, including the analysis of financial statements, financial forecasting, and forensic accounting.
- Training in the proper procedures for closing multifamily loans.
- Personnel Law training, Fair Housing training, paralegal and legal technician training.
- Trial Advocacy and Administrative Proceedings and other legal specific courses. Also included in this category are courses in legal research, paralegal training, and legal skills for secretaries.
- Fraud Detection/Prevention generally offered through the Mortgage Bankers and USDA Graduate School.
- Executive/Managerial/Supervisory training including Personnel Practices for Supervisors and a good introduction to supervision for a number of new supervisors.

Salaries and Expenses, Housing and Urban Development  
Budget Activity 10: General Counsel

- Training on various automated systems including Real Estate Management System (REMS) and our new reporting systems (such as the Enforcement Center Program Compliance Integration System (ECPCIS)).
- A series of courses offered by NCHM and Nan McKay Associates, such as Uniform Physical Standards training and Certified Housing Managers training.

General Support

This funding principally provides for contract temporary services for clerical, administrative and legal support in areas where a short-term critical need is identified.

Salaries and Expenses, Housing and Urban Development  
 Budget Activity 10: General Counsel

OFFICE OF GENERAL COUNSEL  
 Personal Services  
 Summary of Change  
 (Dollars in Thousands)

<u>Personal Services</u>	<u>FTE</u>	<u>S&amp;E Cost</u>
2004 Actual.....	662	\$70,832
2005 Appropriation.....	668	74,764
<u>Changes Due To</u>		
2006 January Pay Raise.....	0	1,340
2005 January Pay Raise.....	0	680
Staffing increase/decrease.....	26	2,899
Other benefit changes.....	0	411
2006 Request.....	694	\$80,094

Salaries and Expenses, Housing and Urban Development  
 Budget Activity 10: General Counsel

OFFICE OF GENERAL COUNSEL  
 Summary of Requirements by Grade  
 Salaries and Expenses  
 (Dollars in Thousands)

	<u>2004</u> <u>Actual</u>	<u>2005</u> <u>Appropriation</u>	<u>2006</u> <u>Request</u>	<u>Increase/</u> <u>Decrease</u>
<u>Grade:</u>				
Executive Level	1	1	1	0
Executive Service	13	13	14	+1
GS-15	111	108	112	+4
GS-14	203	201	209	+8
GS-13	157	129	135	+6
GS-12	30	60	62	+2
GS-11	70	51	53	+2
GS-10	8	10	10	0
GS-9	22	21	22	+1
GS-8	26	29	30	+ 1
GS-7	23	22	23	+1
GS-6	11	11	11	0
GS-5	4	3	3	0
GS-4	7	8	8	0
GS-3	1	1	1	0
GS-2	0	0	0	0
GS-1	0	0	0	0
Total Positions	687	668	694	+26
Average ES Salary	\$142,937	\$145,795	\$148,711	+\$2,916
Average GS Salary	\$84,145	\$85,828	\$87,545	+\$1,717
Average GS Grade	12.5	12.5	12.5	0.0

Salaries and Expenses, Housing and Urban Development  
 Budget Activity 10: General Counsel

OFFICE OF GENERAL COUNSEL  
 Summary of Requirements by Object Class  
 Salaries and Expenses  
 (Dollars in Thousands)

<u>Object Class</u>	<u>2004 Actual</u>	<u>2005 Appropriation</u>	<u>2006 Request</u>	<u>Increase/Decrease</u>
Personal Services.....	\$70,832	\$74,764	\$80,094	+\$5,330
Travel and Transportation of Persons.....	940	769	769	0
Transportation of Things.....	0	0	0	0
Rent, Communication & Utilities.....	0	0	0	0
Printing and Reproduction.....	124	105	105	0
Other Services.....	2,290	1,594	1,594	0
Supplies and Materials.....	111	97	97	0
Furniture & Equipment.....	379	0	0	0
Insurance Claims & Indemnities.....	248	187	187	0
Total Obligations.....	\$74,924	\$77,516	\$82,846	+\$5,330

**OFFICE OF GENERAL COUNSEL  
 Performance Measurement Table**

Program Mission: The Enforcement Center promotes program integrity, management accountability and the physical and financial viability of HUD insured and assisted housing by taking effective and aggressive civil or administrative enforcement action against those who violate or abuse HUD's requirements.					
Performance Indicators	Data Sources	Performance Report		Performance Plan	
		2004 Plan	2004 Actual	2005 Plan	2006 Plan
Reduce the number of multifamily physical cases in the DEC as of the end of the previous fiscal year.	REMS	85 percent	91 percent	N/A	N/A
Issue sanction notices for suspension and/or proposed debarment for cases referred for indictment, civil judgment or conviction and for fact-based cases.	Compliance Tracking System	80 percent	87 percent	82 percent	82 percent
Close 75 percent of all Mortgagee Review Board cases that have reached the "dispatch of 30-day letter" stage that are pending in DEC on October 1, 2002.	MRB System	Moving to Housing	Moving to Housing	Moved to Housing	Moved to Housing
By the end of the fiscal year, the DEC will increase the percentage of residents living in acceptable insured and/or assisted housing, by reducing the number of multifamily physical cases in the DEC as of the end of the previous fiscal year.	REMS	N/A	N/A	Acceptable Housing: 95 percent Cases: 85 percent	Acceptable Housing: 95 percent Cases: 87 percent

N/A=Not Available

**Explanation of Indicators**

The first indicator for fiscal years 2003 and 2004 above reflects the DEC's focus on Multifamily Housing physical referrals to assure that HUD insured and subsidized properties are in good condition and repair. By addressing the carryover inventory from the previous fiscal year, the DEC's actions prompt owners to correct their projects' poor physical conditions, or face enforcement actions. For fiscal years 2005 and 2006, the indicator has been changed to be more outcome focused.

**Overall Summary of General Counsel Staff Requirements**

	FTE			Increase + Decrease - 2006 vs 2005
	Estimate 2004	Estimate 2005	Estimate 2006	
Headquarters.....	378.5	376.0	390.9	+14.9
Field .....	283.2	292.0	303.0	+11.0
<b>Total .....</b>	<b>661.7</b>	<b>668.0</b>	<b>693.9</b>	<b>+25.9</b>

**Summary of General Counsel Staff Requirements**

	Estimate 2004	Estimate 2005	Estimate 2006	Increase + Decrease - 2006 vs 2005
<b><u>Headquarters Employment</u></b>				
<b>General Counsel</b>				
Office of General Counsel, Offices of Deputy General Counsel, and Office of Appeals	30.0	0.0	0.0	0.0
Office of General Counsel Immediate Office	0.0	7.0	7.0	0.0
Office of General Deputy General Counsel	0.0	29.0	29.9	+0.9
Office of Litigation	34.0	35.0	36.0	+1.0
Office of Assisted Housing and Community Development	24.6	25.0	26.0	+1.0
Office of Program Compliance	33.0	34.0	36.0	+2.0
Office of Insured Housing	29.2	29.0	30.0	+1.0
Office of Legislation and Regulations	17.3	17.0	18.0	+1.0
Office of Human Resources Law	30.2	32.0	33.0	+1.0
Office of Fair Housing	19.4	19.0	20.0	+1.0
Office of Program Enforcement	32.1	29.0	30.0	+1.0
<b>Enforcement Center</b>				
Immediate Office	4.4	3.0	3.0	0.0
Information Technology Division	0.0	0.0	0.0	0.0
Administrative & Management Services Division	0.0	0.0	0.0	0.0
Office of Operations	6.8	9.0	9.0	0.0
Office of Special Programs - Compliance Division	5.9	8.0	8.0	0.0
Office of Special Programs - Mortgagee Review Board Division	0.0	0.0	0.0	0.0
<u>Satellite Offices (Atlanta, Chicago, Fort Worth, Los Angeles, New York)</u>	111.6	100.0	105.0	+5.0
<b>Total</b>	<b>378.5</b>	<b>376.0</b>	<b>390.9</b>	<b>+14.9</b>
<b><u>Field Employment</u></b>				
<b>General Counsel</b>				
Field Legal Service	283.2	292.0	303.0	+11.0
<b>Total</b>	<b>283.2</b>	<b>292.0</b>	<b>303.0</b>	<b>+11.0</b>

**Detail of General Counsel Staff Requirements**

Workload Guideline	Workload Indicator	----- Fiscal Year 2004 -----			----- Fiscal Year 2005 -----			----- Fiscal Year 2006 -----				
		Projected Accomplish- ment	Projected Unit Cost (Hrs)	FTE	Underfunded Workload/ Allocation	Projected Accomplish- ment	Projected Unit Cost (Hrs)	FTE	Underfunded Workload/ Allocation	Projected Accomplish- ment	Projected Unit Cost (Hrs)	FTE
<b>Headquarters Employment (General Counsel)</b>												
<b>Offices of General Counsel and Deputy General Counsels</b>												
Providing program and policy support	NA	...	...	9.7		...	...			...	...	
Providing oversight of Field legal services	NA	...	...	7.8		...	...			...	...	
Providing operational guidance to Headquarters staff	NA	...	...	12.5		...	...			...	...	
<b>Subtotal</b>				<b>30.0</b>				<b>0.0</b>				<b>0.0</b>
<b>Office of General Counsel Immediate Office</b>												
Provide Program and Policy Support NA						...	...	7.0		...	...	7.0
<b>Subtotal</b>				<b>0.0</b>				<b>7.0</b>				<b>7.0</b>
<b>Office of General Deputy General Counsel</b>												
Provide Program and Policy Support NA						...	...	2.7		...	...	2.7
Manage Controlled Correspondence	Number of pieces of controlled correspondence					2,400	2.00	2.3		2,400	2.00	2.3
Provide Operation Guidance to Field NA					1	...	...	2.7	1	...	...	2.7
Provide IT Support to OGC Offices	Number of IT seats supported					668	19.70	6.3		694	20.15	6.7
Provide Admin/HR support to HQ	Number of personnel supported					376	33.30	6.0		391	34.70	6.5
Provide budget/Financial/Procurement Support	NA				1	...	...	6.0	1	...	...	6.0
Provide Training Support to OGC	NA					...	...	3.0		...	...	3.0
<b>Subtotal</b>				<b>0.0</b>				<b>29.0</b>				<b>29.9</b>
<b>Office of Litigation</b>												

		----- Fiscal Year 2004 -----			----- Fiscal Year 2005 -----			----- Fiscal Year 2006 -----				
Workload Guideline	Workload Indicator	Projected Accomplish- ment	Projected Unit Cost (Hrs)	FTE	Underfunded Workload/ Allocation	Projected Accomplish- ment	Projected Unit Cost (Hrs)	FTE	Underfunded Workload/ Allocation	Projected Accomplish- ment	Projected Unit Cost (Hrs)	FTE
Provide Program and Policy Guidance		...	...			...	...	2.0		...	...	2.0
Provide litigation legal and administrative support	NA	...	...	5.8	1	...	...	3.0	1	...	...	3.0
Provide Ass't Hsg/Fair Housing litigation services	NA	...	...	7.4	1	...	...	6.0	1	...	...	6.0
Provide Insured Hsg & Comm. Dev. litigation services	NA	...	...	5.2	1	...	...	8.0	1	...	...	8.0
Process HUD HQ FOIA Requests	NA	...	...	15.6	1	...	...	16.0		...	...	17.0
<b>Subtotal</b>				<b>34.0</b>				<b>35.0</b>				<b>36.0</b>
<b>Office of Assisted Housing and Community Development</b>												
Providing program and policy support		...	...	1.2		...	...	2.0		...	...	2.0
Providing Assisted Housing legal advice & services	NA	...	...	13.0	2	...	...	14.0	2	...	...	14.0
Providing community development legal advice & services	NA	...	...	10.4	2	...	...	9.0	1	...	...	10.0
<b>Subtotal</b>				<b>24.6</b>				<b>25.0</b>				<b>26.0</b>
<b>Office of Program Compliance</b>												
Providing Program and Policy Support	NA	...	...	2.8		...	...	2.0		...	...	2.0
Providing legal services regarding GSEs and RESPA	NA	...	...	13.2	2	...	...	14.0	1	...	...	15.0
Providing program compliance related legal services	NA	...	...	10.0	2	...	...	10.0	1	...	...	11.0
Acting as GNMA corporate counsel	NA	...	...	7.0	1	...	...	8.0	1	...	...	8.0
<b>Subtotal</b>				<b>33.0</b>				<b>34.0</b>				<b>36.0</b>
<b>Office of Insured Housing</b>												
Providing program and policy support	NA	...	...	0.0		...	...	3.0		...	...	3.0
Providing SF insurance-related legal advice and counsel	NA	...	...	14.4	2	...	...	12.0	1	...	...	13.0
Providing MF insurance-related legal advice and counsel	NA	...	...	14.8	2	...	...	14.0	2	...	...	14.0
<b>Subtotal</b>				<b>29.2</b>				<b>29.0</b>				<b>30.0</b>
<b>Office of Legislation and Regulations</b>												
Providing program and policy support	NA	...	...	0.0	1	...	...	2.0	1	...	...	2.0
Providing legal counsel regarding legislation	NA	...	...	7.6	1	...	...	6.0		...	...	7.0

		----- Fiscal Year 2004 -----			----- Fiscal Year 2005 -----			----- Fiscal Year 2006 -----				
Workload Guideline	Workload Indicator	Projected Accomplish- ment	Projected Unit Cost (Hrs)	FTE	Underfunded Workload/ Allocation	Projected Accomplish- ment	Projected Unit Cost (Hrs)	FTE	Underfunded Workload/ Allocation	Projected Accomplish- ment	Projected Unit Cost (Hrs)	FTE
Providing legal counsel regarding regulations	NA	...	...	9.7	1	...	...	9.0	1	...	...	9.0
<b>Subtotal</b>				<b>17.3</b>				<b>17.0</b>				<b>18.0</b>
<b>Office of Human Resources Law</b>												
Providing program and policy support	NA	...	...	2.0		...	...	3.0		...	...	3.0
Providing personnel law-related legal advice	NA	...	...	8.8	1	...	...	8.0	1	...	...	8.0
Providing ethics-related legal advice	NA	...	...	8.2	1	...	...	9.0	1	...	...	9.0
Providing administrative/procurement-related legal advice	NA	...	...	11.2	2	...	...	12.0	1	...	...	13.0
<b>Subtotal</b>				<b>30.2</b>				<b>32.0</b>				<b>33.0</b>
<b>Office of Fair Housing</b>												
Immediate Office - Providing Program and Policy Support	NA	...	...	0.0		...	...	2.0		...	...	2.0
Providing legal enforcement services to FHEO	NA	...	...	10.4	2	...	...	9.0	1	...	...	10.0
Providing legal compliance services to FHEO	NA	...	...	9.0	1	...	...	8.0	1	...	...	8.0
<b>Subtotal</b>				<b>19.4</b>				<b>19.0</b>				<b>20.0</b>
<b>Office of Program Enforcement</b>												
Provide Management and Support to the Office of the Chief Counsel	NA	...	...	3.6								
Provide Program Policy and Guidance						...	...	3.0		...	...	3.0
<b>Subtotal</b>				<b>3.6</b>				<b>3.0</b>				<b>3.0</b>
<b>Office of Program Enforcement - Program Enforcement Division</b>												
Provide Management and Support to the Program Enforcement Division	# of MF/PIH/Lit/ Bkruptcy cases	160	149.00	11.4								
Provide legal representation and support involving enforcement					1.0	...	...	7.0		...	...	8.0
<b>Subtotal</b>				<b>11.4</b>				<b>7.0</b>				<b>8.0</b>
<b>Office of Program Enforcement - Administrative Proceedings Division</b>												
Perform Review for Legal Sufficiency	# of RLS cases	0	0.00	3.2								
Process Suspension Debarment Appeals	# of appeals processed	28	464.00	6.2								
Process Credit Watch, Mortgage Termination, and Mortgagee Review Board Cases	# of cases	30	203.00	2.9								

		----- Fiscal Year 2004 -----			----- Fiscal Year 2005 -----			----- Fiscal Year 2006 -----				
Workload Guideline	Workload Indicator	Projected Accomplishment	Projected Unit Cost (Hrs)	FTE	Underfunded Workload/ Allocation	Projected Accomplishment	Projected Unit Cost (Hrs)	FTE	Underfunded Workload/ Allocation	Projected Accomplishment	Projected Unit Cost (Hrs)	FTE
Process Civil Money Penalty Cases	# of CMP cases	0	0.00	3.4								
Perform Case Administration and Related Requests	NA	NA	NA	1.4								
Conduct Administrative Proceedings	# of RLS cases received				19.0	121	328.00	19.0	119.0	121	328.00	19.0
<b>Subtotal</b>				<b>17.1</b>				<b>19.0</b>				<b>19.0</b>
				<b>32.1</b>				<b>29.0</b>				<b>30.0</b>
<b>Headquarters Employment (Enforcement Center)</b>												
<b>Immediate Office</b>												
Managing the Departmental Enforcement Center	NA	...	...	4.4	1.0	...	...	3.0	1.0	...	...	3.0
<b>Subtotal</b>		...	...	<b>4.4</b>		...	...	<b>3.0</b>		...	...	<b>3.0</b>
<b>Information Technology Division</b>												
Provide Information Technology Support and Maintenance	Number of Systems/Sub-systems Supported	0	2,235.00	0.0								
<b>Subtotal</b>				<b>0.0</b>				<b>0.0</b>				<b>0.0</b>
<b>Administrative &amp; Management Services Division</b>												
Perform Administrative and Management Support Services for DEC HQ and Satellite Offices	Number of personnel supported	0	97.00	0.0								
<b>Subtotal</b>				<b>0.0</b>				<b>0.0</b>				<b>0.0</b>
<b>Office of Operations</b>												
Providing operations support to the DEC & Satellite Offices	NA	...	...	6.8	1.0	...	...	9.0	1.0	...	...	9.0
<b>Subtotal</b>		...	...	<b>6.8</b>		...	...	<b>9.0</b>		...	...	<b>9.0</b>
<b>Compliance Division</b>												
Providing Program and Policy Support		...	...	1.6								
Process Suspensions and Debarments	Number of suspensions and debarments	174	71.00	5.9								
Process notices and fact-based cases	NA				1.0	...	...	8.0	1.0	...	...	8.0
<b>Subtotal</b>				<b>5.9</b>		...	...	<b>8.0</b>		...	...	<b>8.0</b>
<b>Mortgagee Review Board Division</b>												
Process MRB Referrals	Number of mortgagee review board referrals	0	37.00	0.0								
<b>Subtotal</b>				<b>0.0</b>				<b>0.0</b>				<b>0.0</b>

		----- Fiscal Year 2004 -----			----- Fiscal Year 2005 -----			----- Fiscal Year 2006 -----				
Workload Guideline	Workload Indicator	Projected Accomplish- ment	Projected Unit Cost (Hrs)	FTE	Underfunded Workload/ Allocation	Projected Accomplish- ment	Projected Unit Cost (Hrs)	FTE	Underfunded Workload/ Allocation	Projected Accomplish- ment	Projected Unit Cost (Hrs)	FTE
<b>Satellite Offices (Atlanta, Chicago, Fort Worth, Los Angeles, New York)</b>												
Perform Special Projects and General Administrative Functions	NA	...	...	21.0	2.7	...	...	10.0	2.7	...	...	10.0
	Number of FASS Cases	5052	17.00	41.0								
Handle FASS/EF Cases	Number of PASS Cases	250	195.00	23.3								
Handle PASS Cases	Number of EF Cases	54	114.00	2.9								
Handle EF Cases	Number of EP Cases	1116	13.50	7.2								
Handle EP Cases	Number of CMP Cases	4626	7.34	16.2								
Process Civil Money Penalties (Non- submission of financial statements)	Number of CMP Cases	4626	7.34	16.2								
Provide Program Policy and Guidance	NA					...	...	5.0		...	...	5.0
Review and Process Physical Case Referrals (FASS/EF)	Number of FASS/EF cases closed				2628.0	6872	16.40	54.0	2374.0	7126	16.40	56.0
Review and Process Financial Case Referrals (FASS/EF)	Number of PASS/EP cases closed				69.0	173	181.00	15.0	58.0	184	181.00	16.0
Review and Process Annual Financial Statement Cases	Number of AFS cases closed				1422.0	4549	7.34	16.0	853.0	5118	7.34	18.0
<b>Subtotal Satellite Offices</b>				<b>111.6</b>				<b>100.0</b>				<b>105.0</b>
<b>Subtotal OGC HEADQUARTERS</b>				<b>378.5</b>				<b>376.0</b>				<b>390.9</b>
<b>Field Employment (General Counsel)</b>												
<b>Regional Field Legal Services Centers</b>												
Providing legal services on administrative law issues	# of administrative law issues	492	41.00	9.6		490	41.00	9.6		490	41.00	9.6
Providing legal services on CPD issues	# of CPD issues	972	11.00	5.1		1044	11.00	5.5		1044	11.00	5.5
Providing legal services on enforcement issues	# of enforcement issues	400	29.30	5.6		356	29.30	5.0		356	29.30	5.0
Providing legal services on civil rights issues	# of Title VIII/ADA/Sec. 504 cases	1106	72.20	38.1	105	1060	72.20	36.7	47	1118	72.20	38.7
Providing legal services on MF insurance issues	# of multifamily issues	6804	18.60	60.4	707	9335	18.60	83.2	247	9795	18.60	87.3
Providing litigation support	# of items of litigation	3788	16.00	28.9	444	2191	16.00	16.8	170	2465	16.00	18.9
Assisting TEAM HUD Activities	NA	NA	NA	7.0								

Workload Guideline	Workload Indicator	----- Fiscal Year 2004 -----			----- Fiscal Year 2005 -----			----- Fiscal Year 2006 -----				
		Projected Accomplish- ment	Projected Unit Cost (Hrs)	FTE	Underfunded Workload/ Allocation	Projected Accomplish- ment	Projected Unit Cost (Hrs)	FTE	Underfunded Workload/ Allocation	Projected Accomplish- ment	Projected Unit Cost (Hrs)	FTE
Providing legal advice on Native American programs	# of Native American issues	328	20.00	3.1		803	20.00	7.7		803	20.00	7.7
Provide legal advice on personnel/ethic law issues	# of opinions and items	1528	21.00	15.3	80	2186	21.00	22.0		2266	21.00	22.8
Providing legal advice on procurement/contracting issues	# of procurement/contracting issues	380	12.00	2.2		278	12.00	1.6		278	12.00	1.6
Providing legal services on public housing issues	# of public housing issues	2530	16.60	20.0		1295	16.60	10.3		1295	16.60	10.3
Providing legal services on Section 8 issues	# of Section 8 items	636	15.80	4.8		264	15.80	2.0		264	15.80	2.0
Providing legal services on 202/811 issues	# of 202/811 program issues	2222	20.00	21.2	292	2598	20.00	24.9	83	2807	20.00	26.9
Providing legal services on SF Housing issues	# of SF Housing issues	2924	7.50	10.5		2922	7.50	10.5		2922	7.50	10.5
Providing supervisory, mgmt. and admin. support to Office of Ass't Gen Counsel	NA	NA	NA	34.7		NA	NA	56.2		NA	NA	56.2
Providing legal services to MF Prop. Disposition	# of MF property disposition issues	0	0.00	6.3								
Providing legal service to major cases specific to office	# of issues associated with major cases	10266	0.80	3.9								
Field Legal support of DEC		...	...	6.5								
<b>Subtotal</b>				<b>283.2</b>				<b>292.0</b>				<b>303.0</b>
<b>Total</b>				<b>661.7</b>				<b>668.0</b>				<b>693.9</b>

Salaries and Expenses, Housing and Urban Development  
Budget Activity 10: Office Of General Counsel

EMPLOYMENT

EXPLANATION OF CHANGES FROM 2004 BUDGET ESTIMATE TO 2005 ESTIMATE

The Office of General Counsel's (OGC) FTE level of 668 FTE for fiscal year 2005 is an increase of 8 FTE from fiscal year 2004 but is 89.8 FTE less than the requirements identified by the recently completed Resources Estimation and Allocation Program (REAP) study. The FTE numbers requested for each office represent an effort to staff each component of OGC as close to their identified REAP requirement as is possible. The specific numbers for each office showing an increase over fiscal year 2004 are identified below.

The Office of the General Deputy General Counsel is a new office that was created from part of the Offices of the General Counsel and Deputy General Counsels, the Administrative & Management Services Division of the Departmental Enforcement Center (DEC) and the Information Technology (IT) Division of the DEC. The requested staffing of 29 FTE provide operational guidance to OGC's field offices, as well as administrative, human resources, and budget/procurement support to all OGC components. Human resources and information technology support services will be provided to all required staff.

The 35 FTE requested for the Office of Litigation is 1 FTE more than the 34 FTE used by this office in fiscal year 2004. This increase will result in an improved ability to provide support in the areas of providing litigation legal and administrative support, Assisted Housing, Fair Housing, Insured Housing, and Community Development litigation services, and in processing Freedom of Information Act requests. However, the 35 FTE requested represent less than 89 percent of the identified REAP requirement of 39.5 FTE.

The 34 FTE requested for the Office of Program Compliance is 1 FTE more than the fiscal year 2004 level. This additional FTE will provide increased capacity for program compliance related legal services. However, the 34 FTE are approximately 87 percent of the identified REAP requirement of 39 FTE.

The 32 FTE requested for the Office of Human Resources Law is 1.8 FTE more than the 30.2 FTE used by this office in fiscal year 2004. This increase will improve the ability to provide advice in the areas of personnel-related law, ethics, and administrative/procurement law. However, the 32 FTE requested are less than 89 percent of the REAP identified requirement of 36 FTE.

The 292 FTE requested for the Regional Field Legal Services Centers is 8.8 FTE more than the fiscal year 2004 levels. These additional FTE will increase the offices' capacities to provide legal services on civil rights issues, on multifamily insurance issues, on personnel/ethic law issues, on 202/811 issues, and litigation support. This staffing level of 292 FTE is approximately 88 percent of the identified REAP requirement.

EXPLANATION OF CHANGES FROM 2005 BUDGET ESTIMATE TO 2006 ESTIMATE

OGC's FTE level of 694 FTE for fiscal year 2006 is an increase of 26 FTE from fiscal year 2005 but is still 63.8 FTE less than the requirements identified by the recently completed Resources Estimation and Allocation Program (REAP) study.

The FTE numbers requested for each office represent an effort to staff each component of OGC as close to their identified REAP requirement as is possible. The specific numbers for each office showing an increase over fiscal year 2005 are identified below.

Salaries and Expenses, Housing and Urban Development  
Budget Activity 10: Office Of General Counsel

The 29.9 FTE requested for the Office of the General Deputy General Counsel is 0.9 more than the fiscal year 2005 level. This additional FTE will provide increased capacity in the areas of human resources and information technology support. The 29.9 FTE requested are less than 91 percent of the identified REAP requirement.

The 36 FTE requested for the Office of Litigation is 1 more than the fiscal year 2005 level. This additional FTE will provide increased capacity for insured housing, assisted housing, fair housing and community development litigation services. The 36 FTE requested are approximately 91 percent of the identified REAP requirement of 39.5 FTE.

The 26 FTE requested for the Office of Assisted Housing and Community Development is 1 FTE more than the fiscal year 2005 level. This additional FTE will provide increased capacity for providing legal advice and services in the area of Community Development. These 26 FTE will staff this Office at approximately 91 percent of the identified REAP requirement.

The 36 FTE requested for the Office of Program Compliance is 2 FTE more than the fiscal year 2005 level. These additional FTE will provide increased capacity for GSE, RESPA, and program compliance related legal services. However, the 36 FTE are approximately 92 percent of the identified REAP requirement of 39 FTE.

The 30 FTE requested for the Office of Insured Housing is 1 FTE more than the fiscal year 2005 level. This additional FTE will provide increased capacity for providing Single Family insurance-related legal advice and counsel. However, these 30 FTE are less than 91 percent of the identified REAP requirement.

The 18 FTE requested for the Office of Legislation and Regulations is 1 FTE more than the 2005 level. This additional FTE will increase the Office's capacity to provide legal counsel regarding legislation. However, the 18 FTE requested are less than 91 percent of the identified REAP requirement and there are projected to be continuing deficiencies in the ability to provide legal counsel regarding regulations and to provide program and policy support.

The 33 FTE requested for the Office of Human Resources Law is 1 FTE more than the fiscal year 2005 level. This additional FTE will provide increased capacity in the areas of providing administrative/procurement-related legal advice. These 33 FTE will staff this Office at less than 92 percent of the identified REAP requirement.

The 20 FTE requested for the Office of Fair Housing is 1 FTE more than the fiscal year 2005 level. This increase will improve the ability to provide enforcement and compliance services to the Department's Office of Fair Housing and Equal Opportunity. The 20 FTE requested represent less than 91 percent of the identified REAP requirement for this Office.

The 30 FTE requested for the Office of Program Enforcement is 1 FTE more than the fiscal year 2005 level. This additional FTE will increase the Office's ability to provide legal representation and support involving enforcement. However, the 30 FTE will staff the Office at less than 91 percent of the identified REAP requirement.

The 125 FTE requested for the Departmental Enforcement Center is 5 FTE more than the fiscal year 2005 level. These additional FTE will increase the Office's abilities to process physical case referrals, financial case referrals, and annual financial statement cases. This staffing level is less than 92 percent of the identified REAP requirement.

The 303 FTE requested for the Regional Field Legal Services Centers is 11 FTE more than the fiscal year 2005 levels. These additional FTE will increase the Offices' capacities to provide legal services on civil rights issues, on multifamily insurance issues, on personnel/ethic law issues, on 202/811 issues, and litigation support. This staffing level of 303 FTE is less than 92 percent of the identified REAP requirement.