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ONE HUNDRED SIXTH CONGRESS

Congress of the United States
House of Representatives

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September 19, 2000

The Honorable Harold Rogers
Chairman
House Committee on Appropriations
Subcommittee on Commerce, Justice,
State and Judiciary
H 309 The Capitol
Washington, D.C. 20515

Re: Performance Awards

Dear Chairman Rogers:

The House Committee on the Judiciary is reviewing the system used to award bonus pay within the U.S. Department of Justice ("DOJ"). Although this oversight project is not yet complete, I thought you should have the benefit of our review to date which may inform your decisions about appropriating funds for DOJ. The Committee has requested further information from DOJ about how it awards bonuses and will continue to review this program to ensure that DOJ's cash award program is administered fairly and provides incentives and rewards for exceptional performance.

In November and December of 1999, the Committee requested information about the amount of bonuses awarded by DOJ for the years 1990 through 1999 (The Department was only able to retrieve data as far back as 1993.). The data provided by DOJ, which is summarized in the attached charts, raises several concerns.¹ These charts summarize the amount of bonus pay awarded in 1993 through 1999 for each DOJ component and the Department as a whole. Also, included is a chart which summarizes the average bonus amount awarded broken out by DOJ component and a copy of the raw data provided by DOJ. Regarding this data, I would like to direct your attention to several interesting trends.

¹ Data relating to the Executive Office of Immigration Review was not included because of an unexplained discrepancy in the data. Also, as DOJ noted in its transmittal letter to the Committee, the information is "only as good as the data which was input - there are several 'error' entries on the report Additionally, there are several places in which there appear to be two entries for the same award."

Total Bonus Pay Increases

Between 1993 and 1999, the Department of Justice awarded about \$180 million in bonuses. The total amount of bonus pay awarded within the DOJ for the years 1993, 1994, 1995, and 1996, remained fairly constant (\$19,721,259, \$16,325,449, \$19,482,080, \$22,778,951, respectively). However, for the years 1997, 1998, and 1999, total bonus pay rose to \$28,588,397, \$37,042,819, and \$35,708,775, respectively. This is a substantial increase in a relatively short period of time, and is not explained by a similarly proportional increase in employees. Comparing only the 1993 and 1999 figures, the DOJ's employee ranks (on boards) grew by 29 percent, while total bonus pay increased 81 percent.

There is no simple explanation for this increase. Several components have decreased the number and/or the amount of bonuses awarded while others have increased both the numbers and amount. For several components, the number of bonuses has remained relatively constant; however, the average amount of the bonuses has increased. For example, in the Civil Division, the average employee award increased from \$1,144 in 1993 to \$2,104 in 1999. In 1993, 560 employees of the Civil Division split bonuses totaling \$640,891; however, in 1999, 392 employees split a total of \$824,753 in bonuses. The DEA's bonuses have remained relatively constant over the 1993 through 1999 period; however, there was a spike in the number and amount of bonuses awarded in 1997 and 1998. The numbers in 1999 have returned to be more in line with those from 1993 through 1996.

Office of the United States Attorneys

The Office of the United States Attorneys ("OUSA") has seen a remarkable increase in both the number of employees awarded bonuses and the total amount of bonus pay awarded. In 1993, 3,461 employees of the OUSA received a total of \$1,532,035 in bonus pay. In 1999, 7,469 employees received \$8,992,356 in bonus pay. In other words, between 1993 and 1999, the number of employees receiving bonuses in the Office of the United States Attorneys more than doubled, while the amount of bonus pay awarded within the OUSA increased almost sixfold. Furthermore, according to DOJ figures, roughly 75 percent of the OUSA received bonus pay in 1999, compared to roughly 38 percent in 1993.

Office of the Inspector General

The Office of the Inspector General, on the other hand, has all but eliminated its performance award program in FY 1999. In 1993, 436 employees of the Office of Inspector General received \$337,686 in bonus pay. In 1999, only one employee received a bonus.

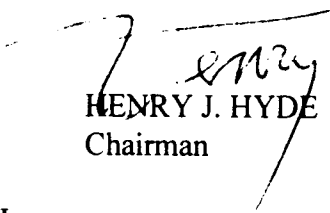
The Honorable Hal Rogers
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Distribution of Bonuses

The distribution of bonus awards among certain individuals concerns the Committee as well. Many of the same individuals receive large bonuses year after year, and quite a few of these individuals work within the Justice Management Division. For example, Stephen R. Colgate, Assistant Attorney General for Administration, has received \$110,900 over the last seven years; Janis Sposato, Deputy Assistant Attorney General for Law and Policy has received \$82,700 over the last seven years; and John Conner Vail, Deputy Assistant Attorney General for Human Resources and Management has received \$74,680 in bonuses over the last seven years. At this time we have no reason to believe that these individuals are not deserving of these bonuses; however, it is of interest that some of the largest DOJ bonuses are awarded to the leadership of the Justice Management Division--the division in charge of personnel and pay matters.

I hope this information is useful to you and the other Members of the Subcommittee.

Sincerely,



HENRY J. HYDE
Chairman

cc: The Honorable John Conyers, Jr.
The Honorable José E. Serrano