



## GENERAL LEGAL ACTIVITIES Civil Division (CIV)

FY 2017 Budget Request At A Glance	
FY 2016 Enacted:	\$292.2 million (1,325 positions; 953 attorneys)
Current Services Adjustments:	+\$14.5 million
Program Changes:	+\$2.9 million
FY 2017 Budget Request:	\$309.6 million (1,334 positions; 960 attorneys)
Change From FY 2016 Enacted:	+\$17.4 million (+5.9%) (+9 positions)

**Mission:**

Civil Division (CIV) represents the legal interests of the United States, safeguards taxpayer dollars, and protects the health, safety, and economic security of the American people. Each year, CIV typically represents some 200 client agencies in approximately 50,000 lawsuits. Most of these cases are suits against the United States in which CIV not only defends the Government's statutes, policies, and vital national interests, but also saves billions of taxpayer dollars. In addition, CIV recovers billions of dollars for taxpayers through its affirmative litigation, such as its enforcement of federal consumer protection laws and its record-setting efforts under the False Claims Act, including cases targeting health care fraud, financial fraud, and fraud against the military. Since FY 2009, CIV has recovered over \$30 billion. Finally, CIV protects the health and safety of Americans by defending cases related to national security, representing the government in immigration matters, and enforcing protections for the safety of food and medicines.

**Resources:**

The FY 2017 budget request for CIV totals \$309.6 million, which is a 5.9% increase over the FY 2016 enacted level.

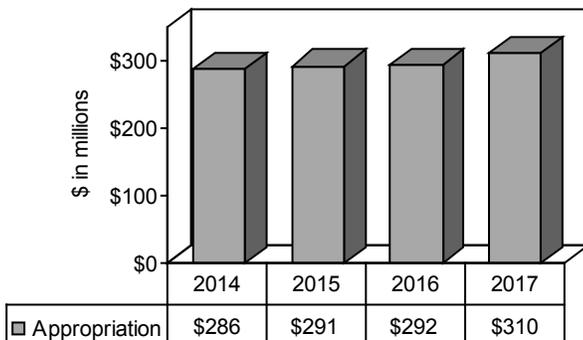
**Organization:**

The CIV Assistant Attorney General is appointed by the President and confirmed by the Senate. CIV is comprised of six litigating branches and an administrative office. The six litigating branches include: the Commercial Litigation Branch, the Federal Programs Branch, the Office of Immigration Litigation, the Torts Branch, the Appellate Staff, and the Consumer Protection Branch. CIV's core functions include ensuring the Federal Government speaks with one voice in its view of the law; preserving the intent of Congress; advancing the credibility of the Federal Government before the courts; and protecting the public fisc.

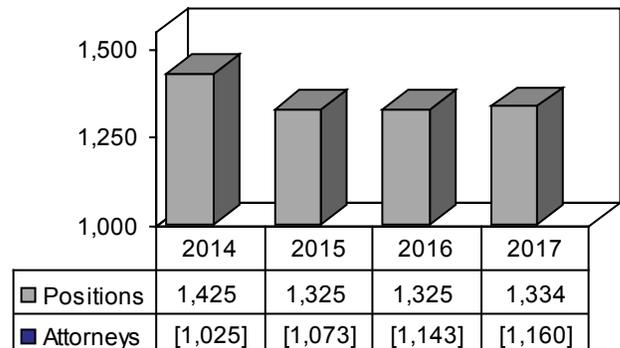
**Personnel:**

CIV's direct positions for FY 2017 total 1,334 positions. CIV's FY 2017 request includes an increase of 9 positions over the FY 2016 enacted level of 1,325 direct positions.

**Funding (FY 2014 - 2017)**



**Personnel (FY 2014 - 2017)**



- Include Reimbursable Attorneys

## **FY 2017 Strategy:**

CIV will continue to represent the legal interests of the United States, safeguard taxpayer dollars, and protect the health, safety and economic security of the American people.

The vast majority of CIV's work (approximately 87%) is defensive litigation: legal challenges to federal activities, as well as tort, contract and other suits against the United States seeking monetary damages or injunctive relief. These suits reflect the diversity of government activities: CIV defends the constitutionality of federal statutes and programs, protects the confidentiality of national security information, defends challenges to immigration removal orders, safeguards government programs when challenged, represents government officials and service members when they are sued, and protects the government's fiscal resources by defending civil lawsuits that allege wrongdoing by the federal government and, in the process, seek to collect billions of dollars. As other parties are filing suit against the Federal Government, they decide the time, nature and location of a claim. Once a complaint is filed, the Federal Government has no choice (regardless of its budget or ability to absorb the additional work) but to respond to the suit, lest attorneys face default judgments or sanctions. As an example of CIV's work in this area, CIV is defending a series of lawsuits related to the Federal Government's bailout of failing financial entities during the 2008 financial crisis; the shareholders of these institutions seek tens of billions of dollars.

In its affirmative litigation, CIV generates billions of dollars for the United States. Since January 2009, CIV, working with the U.S. Attorneys, has recovered billions of dollars for the Federal Government in health care fraud, financial fraud, and other affirmative civil and criminal cases. CIV has played a leading role in these Administration and Department priorities. For example, CIV, working with U.S. Attorneys, led the suit against Standard and Poor's Ratings Services for its role in the ratings given to the financial instruments that were at the center of the 2008 economic crisis. This case was settled in February 2015 for \$1.375 billion. Additionally, CIV continues its pursuit of mortgage fraud; this initiative has already yielded other major settlements, such as \$968 million with SunTrust Mortgage, \$212.5 million with First Tennessee, \$123.5 million with MetLife Home Loans LLC, and \$200 million with U.S. Bank.

CIV continues its ongoing commitment to pursue financial fraud and to combat health care fraud. Fraud cases are complex, require teams of dedicated attorneys and support staff, and necessitate extensive technology resources to assist in the billions of pages of discovery materials. CIV will continue to use innovative and advanced litigating strategies and tools and employ top-notch attorneys to ensure the Department's continued success in litigation.

## **FY 2017 Program Changes:**

**Immigration Enforcement:** \$729,000 and 7 positions (7 attorneys) CIV's Office of Immigration Litigation represents the United States in federal district courts in matters involving the Immigration and Nationality Act. Recently, this office has seen an increase in highly-specialized National Security cases and Labor & Employment cases. National Security cases include denaturalization cases for people who misrepresented their identity or criminal background information to receive naturalization, or are tied to terrorism. Labor & Employment cases include challenges to federal foreign worker programs by worker groups and unions. The Office of Immigration Litigation is currently handling several large, high profile employment-based immigration programmatic challenges. CIV requires additional attorneys to keep pace with these cases. Current services for the Office of Immigration Litigation, which includes the District Court Section, are 414 positions, 315 attorneys and \$69.6 million.

**Elder Justice:** \$558,000 and 2 positions

The Elder Justice Initiative is a significant component of the Department's ongoing efforts to combat health care fraud and is designed to protect America's vulnerable, elder population from abuse and financial exploitation. Funding is requested to prevent and investigate elder fraud and abuse; increase research on elder justice; and expand and update the Elder Justice website to include training programs on elder financial exploitation. There are no current services for this initiative.

**Funding for E-Records:** \$1.6 million and 0 positions

On November 28, 2011, the Administration issued a Presidential Memorandum on Managing Government Records, which mandates that agencies develop a more efficient and cost effective 21st-century framework for the management of Government records. The subsequent M-12-8 Managing Government Records Directive, issued by OMB and the National Archives and Records Administration (NARA), states that federal agencies must manage all permanent records in an electronic format by December 31, 2019. Funding will allow Civil Division to begin developing a modern records management system, to advise other Department components on lessons learned, and to work with the Department's CIO to review this issue across DOJ. An investment in electronic record keeping will help the Department comply with this mandate, shrink its footprint, support a more mobile workforce, provide faster and easier access to information to help attorneys litigate cases more efficiently, and provide greater government accountability. There are no current services for this initiative.

**Civil Division**  
(Dollars in Thousands)

	Civil Division		
	Pos.	FTE	Amount
<b>2015 Appropriation</b>	<b>1,325</b>	<b>1,168</b>	<b>291,454</b>
<b>2016 Enacted</b>	<b>1,325</b>	<b>1,189</b>	<b>292,214</b>
<b>2017 Request</b>	<b>1,334</b>	<b>1,194</b>	<b>309,591</b>
<b>Change 2017 from 2016 Enacted</b>	<b>9</b>	<b>5</b>	<b>17,377</b>
<b>Technical Adjustments</b>			
<b>Total Technical Adjustments</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Base Adjustments</b>			
Pay & Benefits	0	0	1,804
Domestic Rent & Facilities	0	0	12,689
Foreign Expenses	0	0	-3
<b>Total Base Adjustments</b>	<b>0</b>	<b>0</b>	<b>14,490</b>
<b>2017 Current Services</b>	<b>1,325</b>	<b>1,189</b>	<b>306,704</b>
<b>Program Changes</b>			
<b>Increases:</b>			
Immigration Enforcement	7	4	729
Elder Justice	2	1	558
Funding for E-Records	0	0	1,600
<b>Subtotal, Program Increases</b>	<b>9</b>	<b>5</b>	<b>2,887</b>
<b>Decreases:</b>			
<b>Subtotal, Program Decreases</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Program Changes</b>	<b>9</b>	<b>5</b>	<b>2,887</b>
<b>2017 Request</b>	<b>1,334</b>	<b>1,194</b>	<b>309,591</b>

**Civil Division**  
(Dollars in Thousands)

Comparison by activity and program	2016 Enacted			2017 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Legal Representation	1,325	1,189	292,214	1,325	1,189	306,704
<b>Total</b>	1,325	1,189	292,214	1,325	1,189	306,704
Reimbursable FTE	0	237	0	0	237	0
<b>Grand Total</b>	1,325	1,426	292,214	1,325	1,426	306,704

Comparison by activity and program	2017 Total Program Changes			2017 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Legal Representation	9	5	2,887	1,334	1,194	309,591
<b>Total</b>	9	5	2,887	1,334	1,194	309,591
Reimbursable FTE	0	15	0	0	252	0
<b>Grand Total</b>	9	20	2,887	1,334	1,446	309,591