



# GENERAL LEGAL ACTIVITIES Civil Division (CIV)

## FY 2021 Budget Request At A Glance

FY 2020 Enacted:	\$295.1 million (1,136 positions; 832 attorneys)
Current Services Adjustments:	+\$21.9 million
Program Changes:	+\$10.3 million
FY 2021 Budget Request:	\$327.2 million (1,205 positions; 889 attorneys)
Change From FY 2020 Enacted:	+\$32.1 million (+10.9%) (+69 positions; +57 attorneys)

### Mission:

The 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. In total, CIV litigates matters on behalf of over 100 different federal agencies. This litigation encompasses an array of the Federal Government's legal interests ranging from challenges to immigration policies and decisions, the Constitution, Congressional enactments, and national security prerogatives and decisions; contract disputes; efforts to combat fraud and the abuse of federal funds and benefits programs; multi-million dollar tort claims; alleged takings of property; and intellectual property disputes. 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 trillions 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. In FY 2019, the Civil Division secured over \$6.5 billion in settlements and judgements. 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:

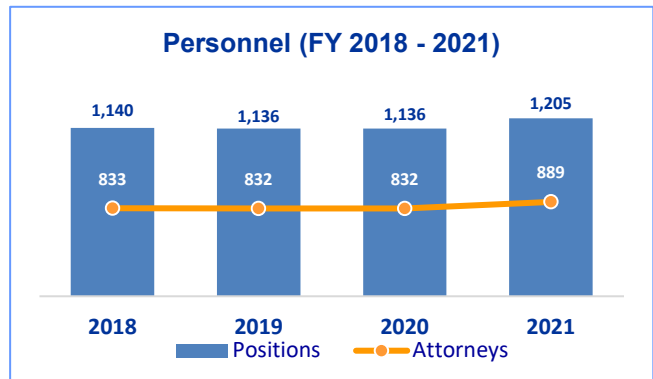
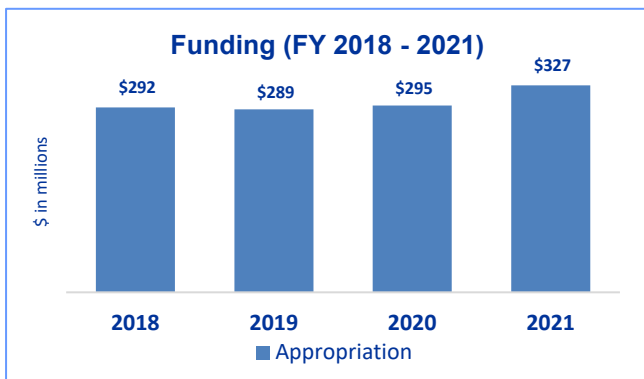
The FY 2021 budget request for CIV totals \$327.2 million, which is a 10.9 percent increase over the FY 2020 Enacted.

### 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 protecting the United States Treasury, ensuring the Federal Government speaks with one voice in its view of the law, preserving the intent of Congress, and advancing the credibility of the Federal Government before the courts.

### Personnel:

The CIV's direct authorized positions for FY 2021 total 1,205 positions, including an increase of 69 positions over the FY 2020 Enacted of 1,136 direct authorized positions.



## **FY 2021 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 88%) 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 the government face default judgments or sanctions.

In its affirmative litigation, CIV recovers billions of dollars for the United States. In FY 2019 alone, CIV recovered \$6.5 billion 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, in July 2019, Reckitt Benckiser Group paid \$1.4 billion – the largest recovery in the United States in a case concerning an opioid drug – to resolve its potential criminal and civil liability for its conduct relating to the drug Suboxone. Of this amount, the civil recovery was \$700 million, including \$500 million to the federal government and \$200 million to the states for their Medicaid programs. In June 2019, Insys Therapeutics, the manufacturer of Subsys – an opioid 100 times more powerful than morphine – agreed to pay \$225 million to resolve its liability for, among other things, kickbacks it paid to doctors to induce them to prescribe the drug. The Fraud Section has also been actively supporting the opioid-related efforts of other components throughout the Department, including the Criminal Division, the U.S. Attorneys' Offices, and the Drug Enforcement Administration, by identifying potential targets and undertaking medical reviews.

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.

Finally, outside of traditional litigation, CIV administers three compensation programs: the Radiation Exposure Compensation Program, the Victim Compensation Program, and the Vaccine Injury Compensation Program.

## **FY 2021 Program Changes:**

**Elder Justice Initiative:** \$4.2 million and 17 positions (14 attorneys)

The Civil Division's Consumer Protection Branch and Commercial Litigation Branch are leading efforts in the Department of Justice's (DOJ) Elder Fraud Initiative to support and coordinate the Department's enforcement and programmatic agendas in combatting elder abuse, neglect, and financial fraud and scams that target our nation's seniors. According to statistics released by the U.S. Census Bureau in 2017, residents age 65 and over grew from 35 million in 2000, to 49.2 million in 2016, accounting for 12.4 percent and 15.2 percent of the total population, respectively. This trend is expected to increase, as the U.S. Census Bureau projects that more than 62 million Americans will be age 65 or older in 2025. The aging population has rendered opportunities to predators who exploit the elderly through elder abuse, neglect, and financial fraud and scams. The Civil Division is aware of the growing challenges of combatting Elder Fraud, and is requesting additional, permanent resources to continue and expand efforts to protect the Nation's elderly population.

In support of the Department's and Administration's heightened priorities in the Elder Justice Initiative, the Civil Division requests a total of 17 positions (14 attorneys and 3 paralegals), 9 FTE and \$4.235 million to pursue civil and criminal penalties against predatory actions targeted towards the nation's elderly, and to provide training and resources to partners in the federal, state, and local government. Current services for this initiative are 11 positions (10 attorneys) and \$3.0 million.

**Immigration Enforcement:** \$6.0 million and 52 positions (43 attorneys)

The Civil Division is the last line of defense in immigration enforcement. Any attempt to strengthen the nation's borders and to protect citizens from terrorists and violent criminals must include adequate resources for the Civil Division. Contributing to this growth, first and foremost, are the heightened immigration enforcement activities pursued by the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) – activities that will continue to rise for the foreseeable future; Civil has seen a surging caseload and increasing complexity in regards to these matters. Immigration enforcement, as defined in this program increase document, implicates federal court appellate challenges to administratively final removal orders from the immigration court system [petition for reviews (PFRs)]; related individual plaintiff(s) and class action civil detention challenges that flow from aliens who are detained in relation to immigration enforcement; a sharply growing plethora of other immigration and constitutional challenges to nearly all aspects of the national immigration system; and affirmative litigation that the Civil Division leads in the immigration enforcement efforts.

To avoid a breakdown in immigration enforcement functions, the Civil Division requires an additional 52 positions (43 attorneys and 9 paralegals), 26 FTE, and \$6.034 million. Current services for this initiative are 445 positions (348 attorneys) and \$84.942 million.

**Civil Division**  
(Dollars in Thousands)

	Civil Division		
	Pos	FTE	Amount
<b>2019 Appropriation</b>	<b>1,136</b>	<b>1,055</b>	<b>289,334</b>
<b>2020 Enacted</b>	<b>1,136</b>	<b>1,155</b>	<b>295,084</b>
<b>2021 Request</b>	<b>1,205</b>	<b>1,193</b>	<b>327,207</b>
<b>Change 2021 from 2020 Enacted</b>	<b>69</b>	<b>38</b>	<b>32,123</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	3	6,486
Domestic Rent & Facilities	0	0	10,809
Other Adjustments	0	0	4,454
Foreign Expenses	0	0	105
<b>Total Base Adjustments</b>	<b>0</b>	<b>3</b>	<b>21,854</b>
<b>2021 Current Services</b>	<b>1,136</b>	<b>1,158</b>	<b>316,938</b>
<b>Program Changes</b>			
<b>Increases:</b>			
Elder Justice Initiative	17	9	4,235
Immigration Enforcement	52	26	6,034
<b>Subtotal, Program Increases</b>	<b>69</b>	<b>35</b>	<b>10,269</b>
<b>Decreases:</b>			
<b>Subtotal, Program Decreases</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Program Changes</b>	<b>69</b>	<b>35</b>	<b>10,269</b>
<b>2021 Request</b>	<b>1,205</b>	<b>1,193</b>	<b>327,207</b>

**Civil Division**  
(Dollars in Thousands)

Comparison by activity and program	2020 Enacted			2021 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Legal Representation	1,136	1,155	295,084	1,136	1,158	316,938
<b>Total</b>	1,136	1,155	295,084	1,136	1,158	316,938
Reimbursable FTE		65			65	
<b>Total Direct and Reimbursable</b>	1,136	1,220	295,084	1,136	1,223	316,938
<i>Sub-Allotments and Direct Collections (FYI)</i>		213			205	
<b>FTE Grand Total</b>		1,433			1,428	

Comparison by activity and program	2021 Total Program Changes			2021 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Legal Representation	69	35	10,269	1,205	1,193	327,207
<b>Total</b>	69	35	10,269	1,205	1,193	327,207
Reimbursable FTE		29			94	
<b>Total Direct and Reimbursable</b>	69	64	10,269	1,205	1,287	327,207
<i>Sub-Allotments and Direct Collections (FYI)</i>					205	
<b>FTE Grand Total</b>		64			1,492	