



## GENERAL LEGAL ACTIVITIES Civil Division (CIV)

FY 2019 Budget Request At A Glance	
FY 2018 Continuing Resolution:	\$290.2 million (1,120 positions; 818 attorneys)
Current Services Adjustments:	-\$8.7 million
Program Changes:	+\$3.0 million
FY 2019 Budget Request:	\$284.6 million (1,127 positions; 825 attorneys)
Change From FY 2018 Continuing Resolution:	-\$5.7 million (-2.0%) (+7 positions; +7 attorneys)

**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. In total, CIV litigates matters on behalf of over 100 different federal agencies and averages over 16,000 cases per year. 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, working with U.S. Attorneys, has recovered over \$49 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:**

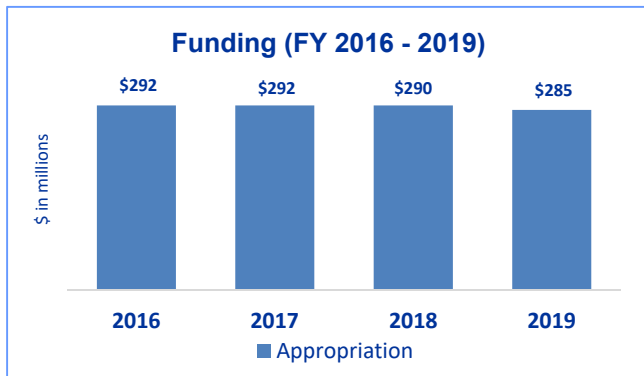
The FY 2019 budget request for CIV totals \$284.6 million, which is a 2.0% decrease from the FY 2018 Continuing Resolution.

**Organization:**

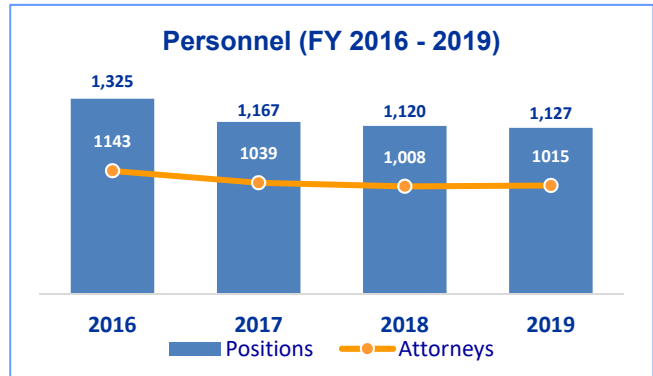
The CIV Assistant Attorney General is appointed by the President and confirmed by the Senate. CIV is comprised of six litigating branches and an administrative office. The six litigating branches include: the Commercial Litigation Branch, the Federal Programs Branch, the Office of Immigration Litigation, 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 2019 total 1,127 positions. CIV's FY 2019 request includes an increase of 7 positions over the FY 2018 Continuing Resolution level of 1,120 direct positions.



\* FY 2018 annualized CR



\* Includes Reimbursable Attorneys.

## **FY 2019 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 attorneys face default judgments or sanctions.

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, in October 2016, Tenet Healthcare Corporation paid over \$513 million to resolve claims and criminal charges relating to a scheme to pay kickbacks in exchange for patient referrals. And in August 2017, Pharmaceutical companies Mylan Inc. and Mylan Specialty L.P. agreed to pay \$465 million to resolve claims related to misclassifying EpiPen as a generic drug to avoid paying rebates owed primarily to Medicaid.

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 aids in administering three compensation programs: the Radiation Exposure Compensation Program, the September 11th Victim Compensation Program, and the Vaccine Injury Compensation Program.

## **2019 Program Changes:**

CIV's FY 2019 budget proposal provides for current services, which includes the FY 2018 President's Budget request of \$1.9 million and 20 additional positions (15 attorneys) for the Office of Immigration Litigation. The FY 2018 program increase will allow CIV to handle a growing caseload and more complex challenges to immigration-related laws, regulations, and policies. In addition, there is an increase in litigation due to more robust enforcement activities by the U.S. Department of Homeland Security against serious criminal offenders and other immigration law violators.

**Federal Programs (Attorneys and Support Staff):** \$3.02 million and 26 positions (22 attorneys)

This program increase in the Federal Programs Branch is being requested to address a greater number of and more complicated challenges to the Administration's laws, regulations and policies. The greater caseload is specifically tied to an increase in FOIA, National Security, and other National Programs. Current services for this initiative are 129 positions (111 attorneys) and \$24.5 million.

**Civil Division**  
(Dollars in Thousands)

	Civil Division		
	Pos	FTE	Amount
<b>2017 Appropriation</b>	<b>1,167</b>	<b>1,169</b>	<b>292,214</b>
<b>2018 Continuing Resolution</b>	<b>1,120</b>	<b>1,120</b>	<b>290,230</b>
<b>2019 Request</b>	<b>1,127</b>	<b>1,121</b>	<b>284,558</b>
<b>Change 2019 from 2018 Continuing Resolution</b>	<b>7</b>	<b>1</b>	<b>-5,672</b>
<b>Technical Adjustments</b>			
CR Base Adjustment	20	10	1,520
<b>Total Technical Adjustments</b>	<b>20</b>	<b>10</b>	<b>1,520</b>
<b>Base Adjustments</b>			
Pay & Benefits	0	10	3,142
Domestic Rent & Facilities	0	0	-6,866
Other Adjustments including Administrative Savings	-39	-33	-6,625
Foreign Expenses	0	0	137
<b>Total Base Adjustments</b>	<b>-39</b>	<b>-23</b>	<b>-10,212</b>
<b>2019 Current Services</b>	<b>1,101</b>	<b>1,107</b>	<b>281,538</b>
<b>Program Changes</b>			
<b>Increases:</b>			
Federal Programs	13	7	1,510
Federal Programs Base Redistribution	13	7	1,510
<b>Subtotal, Program Increases</b>	<b>26</b>	<b>14</b>	<b>3,020</b>
<b>Decreases:</b>			
<b>Subtotal, Program Decreases</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Program Changes</b>	<b>26</b>	<b>14</b>	<b>3,020</b>
<b>2019 Request</b>	<b>1,127</b>	<b>1,121</b>	<b>284,558</b>

**Civil Division**  
(Dollars in Thousands)

Comparison by activity and program	2018 Continuing Resolution			2019 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Legal Representation	1,120	1,120	290,230	1,101	1,107	281,538
<b>Total</b>	1,120	1,120	290,230	1,101	1,107	281,538
Reimbursable FTE	0	237	0	0	237	0
<b>Grand Total</b>	1,120	1,357	290,230	1,101	1,344	281,538

Comparison by activity and program	2019 Total Program Changes			2019 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Legal Representation	26	14	3,020	1,127	1,121	284,558
<b>Total</b>	26	14	3,020	1,127	1,121	284,558
Reimbursable FTE	0	0	0	0	237	0
<b>Grand Total</b>	26	14	3,020	1,127	1,358	284,558