



## GENERAL LEGAL ACTIVITIES Civil Division (CIV)

FY 2020 Budget Request At A Glance	
FY 2019 Continuing Resolution:	\$292.2 million (1,140 positions; 833 attorneys)
Current Services Adjustments:	+ \$6.7 million
Program Changes:	+ \$611,000
FY 2020 Budget Request:	\$299.5 million (1,146 positions; 838 attorneys)
Change From FY 2019 Continuing Resolution:	+ \$7.3 million (+2.5%) (+6 positions; +5 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. 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 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. In FY 2018, the Civil Division secured over \$5.5 billion in settlements and judgements in affirmative cases. 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.

**Organization:**

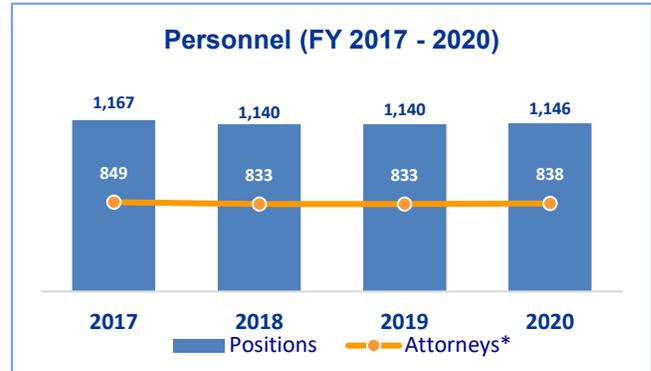
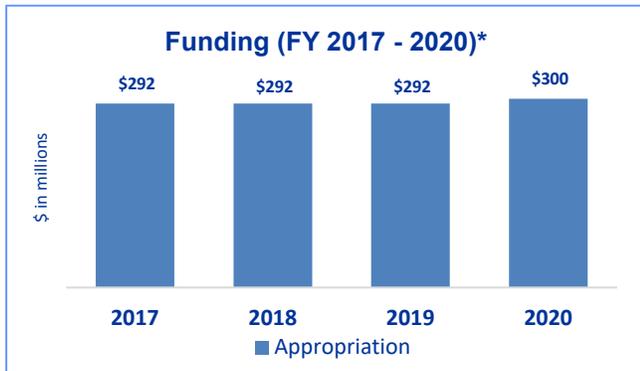
The CIV Assistant Attorney General is appointed by the President and confirmed by the Senate. CIV is comprised of six litigating branches and an administrative office. The six litigating branches include: the Commercial Litigation Branch, the Federal Programs Branch, the Office of Immigration Litigation, 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:**

CIV’s direct positions for FY 2020 total 1,146 positions. CIV’s FY 2020 request includes an increase of 6 positions over the FY 2019 Continuing Resolution of 1,140 direct positions.

**Resources:**

The FY 2020 budget request for CIV totals \$299.5 million, which is a 2.5% increase over the FY 2019 Continuing Resolution.



\* FY 2019 annualized CR

\* Includes only direct attorneys. CIV’s FY 2020 request from all funding sources totals 1,416 positions, 1,050 attorneys.

## **FY 2020 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 2018 alone, CIV recovered \$5.5 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 April 2018, the Department filed suit alleging that drug manufacturer Insys Therapeutics paid kickbacks to healthcare providers for prescribing Subsys, an opioid 100 times more powerful than morphine. The Civil Division recently reached a proposed global resolution under which Insys will pay more than \$150 million. Additionally, in August 2018, the Department intervened in FCA actions alleging that drug manufacturer Indivior, Inc. used false and misleading claims to promote Suboxone— a powerful opioid approved to treat withdrawal symptoms of recovering addicts. Indivior also allegedly promoted Suboxone to physicians known to support diversion of the drug. Moreover, the Fraud Section has 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, with 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 aids in administering three compensation programs: the Radiation Exposure Compensation Program, the September 11th Victim Compensation Program, and the Vaccine Injury Compensation Program.

## **FY 2020 Program Changes:**

**Consumer Protection Branch:** \$611,000 and 6 positions (5 attorneys)

The Consumer Protection Branch (CPB) program increase is requested to handle the growing caseload, which focuses on protecting the health, safety, and economic security of American consumers through criminal prosecutions and civil enforcement actions. CPB hours related to opioid enforcement matters have increased more than 3,300% between FY 2017 and FY 2018, with a jump from 131 hours in FY 2017 to 4,463 hours reported in FY 2018. This includes 14 active opioid investigations in FY 2018 compared to four active matters in FY 2017, a 250% increase. The Branch's elder fraud work has also increased massively. In FY 2016, CPB conducted an elder fraud sweep focused on mass mailing fraud schemes that targeted or disproportionately affected the elderly. CPB and one U.S. Attorney's Office brought civil and criminal cases against 26 defendants. By comparison, the elder fraud sweep of 2018 encompassed all elder fraud cases brought by the Department across the country from February 2017 to February 2018. Led by the Consumer Protection Branch, the Department brought cases against over 250 defendants, 200 of whom were charged criminally. Mass mailing fraud cases were brought against 43 individuals and entities. Current services for this initiative are 26 positions (20 attorneys) and \$6.7 million.

**Civil Division**  
(Dollars in Thousands)

	Civil Division		
	Pos	FTE	Amount
<b>2018 Appropriation</b>	<b>1,140</b>	<b>1,184</b>	<b>\$292,214</b>
<b>2019 Continuing Resolution</b>	<b>1,140</b>	<b>1,184</b>	<b>\$292,214</b>
<b>2020 Request</b>	<b>1,146</b>	<b>1,193</b>	<b>\$299,538</b>
<b>Change 2020 from 2019 Continuing Resolution</b>	<b>6</b>	<b>9</b>	<b>\$7,324</b>
<b>Technical Adjustments</b>			
Expected Change from FY2019 CR	0	6	1,169
<b>Total Technical Adjustments</b>	<b>0</b>	<b>6</b>	<b>\$1,169</b>
<b>Base Adjustments</b>			
Pay & Benefits	0	0	4,019
Domestic Rent & Facilities	0	0	1,512
Foreign Expenses	0	0	13
<b>Total Base Adjustments</b>	<b>0</b>	<b>0</b>	<b>\$5,544</b>
<b>2020 Current Services</b>	<b>1,140</b>	<b>1,190</b>	<b>\$298,927</b>
<b>Program Changes</b>			
<b>Increases:</b>			
Consumer Protection Branch	6	3	611
<b>Subtotal, Program Increases</b>	<b>6</b>	<b>3</b>	<b>\$611</b>
<b>Decreases:</b>			
<b>Subtotal, Program Decreases</b>	<b>0</b>	<b>0</b>	<b>\$0</b>
<b>Total Program Changes</b>	<b>6</b>	<b>3</b>	<b>\$611</b>
<b>2020 Request</b>	<b>1,146</b>	<b>1,193</b>	<b>\$299,538</b>

**Civil Division**  
(Dollars in Thousands)

Comparison by activity and program	2019 Continuing Resolution			2020 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Legal Representation	1,140	1,184	\$292,214	1,140	1,190	\$298,927
<b>Total</b>	1,140	1,184	\$292,214	1,140	1,190	\$298,927
Reimbursable FTE	0	61	0	0	61	0
<b>Total Direct and Reimbursable</b>	1,140	1,245	\$292,214	1,140	1,251	\$298,927
<b>Grand Total</b>	1,140	1,245	\$292,214	1,140	1,251	\$298,927

Comparison by activity and program	2020 Total Program Changes			2020 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Legal Representation	6	3	\$611	1,146	1,193	\$299,538
<b>Total</b>	6	3	\$611	1,146	1,193	\$299,538
Reimbursable FTE	0	30	0	0	91	0
<b>Total Direct and Reimbursable</b>	6	33	\$611	1,146	1,284	\$299,538
<b>Grand Total</b>	6	33	\$611	1,146	1,284	\$299,538