



GENERAL LEGAL ACTIVITIES Civil Division (CIV)

FY 2022 Budget Request At A Glance	
FY 2021 Enacted:	\$316.4 million (1,136 positions; 866 attorneys)
Current Services Adjustments:	+\$7.3 million
Program Changes:	+\$4.8 million
FY 2022 Budget Request:	\$328.5 million (1,171 positions; 896 attorneys)
Change From FY 2021 Enacted:	+\$12.1 million (+3.8%) (+35 positions; +30 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, 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 and protects vulnerable Americans 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. CIV also 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:

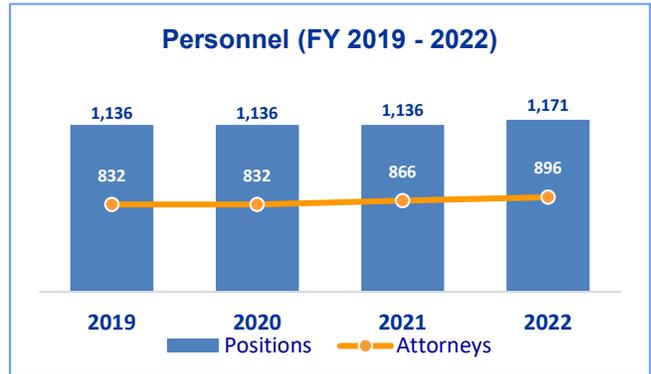
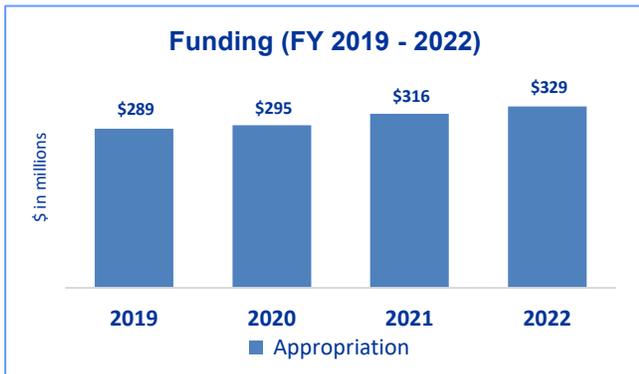
The FY 2022 budget request for CIV totals \$328.5 million, which is a 3.8 percent increase over the FY 2021 Enacted.

Organization:

CIV is headed by an Assistant Attorney General, 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 authorized positions for FY 2022 total 1,171 positions, including an increase of 35 positions over the FY 2021 Enacted of 1,136 direct authorized positions.



FY 2022 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 85 percent) is defensive litigation: legal challenges to Federal activities, including the COVID-19 pandemic response, as well as tort, contract, and other suits against the United States seeking monetary damages or injunctive relief. Opposing parties file constitutional, contractual, and accident liability challenges, and many other lawsuits against the United States in domestic and foreign courts. Opponents decide the time, nature, and location of the claim. Once litigation commences, the Federal Government must respond to the suit, lest it face default judgments or sanctions. The underlying events that give rise to litigation are typically beyond the Civil Division's control, are unpredictable or even unknowable, and CIV must vigorously represent the Federal Government in these increasingly complex matters in fast-moving and consequential cases, often against aggressive and well-litigated challengers.

In its affirmative litigation, CIV recovers billions of dollars for the United States. In FY 2020 alone, CIV secured over \$6.1 billion in settlements, judgments, fines, and restitution for the Federal Government in health care fraud, financial fraud, and other affirmative civil and criminal cases. CIV secured an unprecedented \$5.0 billion civil penalty from Facebook for security fraud against its users. CIV has played a leading role in these Administration and Department priorities and has been at the forefront of pursuing fraud associated with the COVID-19 pandemic. This includes a focus on cases against those who market unsafe or fraudulent products and services such as the sale of false, unapproved, misbranded, and counterfeit treatments, preventions, and vaccines; improper prescribing of medications; counterfeit and misrepresented personal protective equipment; counterfeit, unapproved, and misrepresented COVID-19 test kits; and pursuing fraud associated with pandemic financial relief programs.

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 2022 Program Changes:

COVID-19 Litigation: \$4.8 million and 35 positions (30 attorneys)

This initiative seeks to address the substantial additional workload associated with the COVID-19 pandemic, which is anticipated to result in far-reaching and long-term effects on society and the economy. Funding supports temporary positions to address this workload.

The COVID-19 global pandemic is affecting nearly every area of CIV's practice. As of March 2021, the Division has taken on 1,179 COVID-related cases (including personally and jointly handled cases, monitored cases, and delegated cases). CIV is defending the United States, its agencies, and its officers in 657 open and time-sensitive matters concerning essential elements of its pandemic response, such as drug approvals and restrictions, the temporary eviction moratorium, COVID-19-related immigration and travel limitations, loan programs for pandemic relief, and the disbursement of pandemic relief funds. It is also defending against suits involving ordinary government operations made difficult by the threat of COVID-19, including suits by Federal employees seeking additional risk-related pay. CIV also handles affirmative civil enforcement matters arising from the COVID-19 pandemic, including investigations of alleged fraud in connection with the disbursement of trillions of dollars in relief funds through a wide array of government programs. As of the end of March 2021, 474 defendants have been publicly charged with criminal offenses based on fraud schemes connected to the COVID-19 pandemic, involving attempts to obtain over \$569.0 million from the U.S. Government and unsuspecting individuals. Given the government-wide effort to revise regulatory programs and disburse enormous sums of loans and grants, the number and type of COVID-19-related cases filed against the government is expected to grow exponentially.

These funds will allow for CIV's continued efforts in a myriad of aspects of the Nation's response to the pandemic and its impacts, contributing to the protection of the most vulnerable Americans, the defense of the government's interests and those of the Federal fisc, and the pursuit of those who seek to exploit the national emergency to take advantage of the government or their fellow Americans. There are no current services for this initiative.

Civil Division
(Dollars in Thousands)

	Civil Division		
	Pos	FTE	Amount
2020 Appropriation	1,136	1,037	295,084
2021 Enacted	1,136	1,136	316,438
2022 Request	1,171	1,154	328,537
Change 2022 from 2021 Enacted	35	18	12,099
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	0	0	6,817
Domestic Rent & Facilities	0	0	712
Foreign Expenses	0	0	-185
Total Base Adjustments	0	0	7,344
2022 Current Services	1,136	1,136	323,782
Program Changes			
Increases:			
COVID-19 Litigation	35	18	4,755
Subtotal, Program Increases	35	18	4,755
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	35	18	4,755
2022 Request	1,171	1,154	328,537

Civil Division
(Dollars in Thousands)

Comparison by activity and program	2021 Enacted			2022 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Legal Representation	1,136	1,136	316,438	1,136	1,136	323,782
Total	1,136	1,136	316,438	1,136	1,136	323,782
Reimbursable FTE		81			81	
Total Direct and Reimbursable	1,136	1,217	316,438	1,136	1,217	323,782
<i>Sub-Allotments and Direct Collections (FYI)</i>		216			216	
FTE Grand Total		1,433			1,433	

Comparison by activity and program	2022 Total Program Changes			2022 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Legal Representation	35	18	4,755	1,171	1,154	328,537
Total	35	18	4,755	1,171	1,154	328,537
Reimbursable FTE					81	
Total Direct and Reimbursable	35	18	4,755	1,171	1,235	328,537
<i>Sub-Allotments and Direct Collections (FYI)</i>					216	
FTE Grand Total		18			1,451	