

General Legal Activities

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*** Refer to the General Legal Activities Components= Exhibits**

I. Overview for General Legal Activities

The General Legal Activities (GLA) appropriation is requesting a total of 4,673 permanent positions, 4,060 workyears (plus 572 reimbursable workyears) and \$1,037,386,000. This resource level represents program increases of 543 positions, 379 workyears and \$82,958,000. The FY 2016 request also includes technical and base adjustment of 4 positions, \$79,428,000. The FY 2016 program increases are outlined below. Specific details about individual programs are discussed in the General Legal Activities Components' Budgets.

PROGRAM INCREASES:

Criminal Division

Mutual Legal Assistance Treaty (MLAT) Reform: 141 positions, 141 workyears and \$32.111 million

International Law Enforcement and Justice Development: 107 positions, 83 workyears and \$12.434 million

Strategic Initiatives to Address Cyber Threats: 54 positions, 29 workyears and \$6.123 million

Intellectual Property Enforcement: 11 positions, 6 workyears and \$2.205 million

Civil Division

Health Care Fraud Enhancement: 15 positions, 8 workyears and \$1.341 million

Immigration Enforcement: 10 positions, 8 workyears and \$1.356 million

Advanced Litigation Support Services: 10 positions, 5 workyears and \$6.350 million

Environment & Natural Resources Division

Improving Environmental Enforcement in Indian Country: 4 positions, 2 workyears and \$3.000 million

Wildlife Trafficking: 2 positions, 1 workyear and \$2.000 million

Civil Rights Division

Protect Victims of Human Trafficking and Prosecute Traffickers: 30 positions, 15 workyears and \$2.788 million

Ensure Effective and Democratically Accountable Policing: 25 positions, 13 workyears and \$2.519 million

Protect Civil Rights for All: 104 positions, 52 workyears and \$8.726 million

Protect Students from Sexual Assault in Schools: 5 positions, 3 workyears and \$.500 million

Guarantee Voting Rights for all Americans: 12 positions, 6 workyears and \$1.200 million

Ensure Equal Employment Opportunity: 3 positions, 2 workyears and \$.305 million

INTERPOL Washington

Border/Transportation Security and Transnational Crime: 10 positions and 5 workyears

Appropriations Language

New language proposed for FY 2016 is *italicized and underlined*.

Salaries and Expenses, General Legal Activities

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, [\$885,000,000] \$1,037,386,000, of which not to exceed [\$15,000,000] \$20,000,000 for litigation support contracts shall remain available until expended: Provided, That of the amount provided for INTERPOL Washington dues payments, not to exceed \$685,000 shall remain available until expended: Provided further, That of the total amount appropriated, not to exceed \$9,000 shall be available to INTERPOL Washington for official reception and representation expenses: Provided further, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section [505] 504 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That of the amount appropriated, such sums as may be necessary shall be available to the Civil Rights Division for salaries and expenses associated with the election monitoring program under [section 8 of] the Voting Rights Act of 1965 (52 U.S.C. 10305) and to reimburse the Office of Personnel Management for such salaries and expenses: Provided further, That of the amounts provided under this heading for the election monitoring program, \$3,390,000 shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed [\$7,833,000] \$9,358,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

Analysis of Appropriation Language

The FY 2016 request proposes an increase from \$15,000,000 to \$20,000,000 in the amount of GLA funds available to carry forward for litigation support contracts (note that the total amount appropriated to GLA will not change, merely the amount that is available without fiscal year limitation). During these past two decades, as the overall appropriation for GLA has more than doubled, the litigation support needs of the Department's litigating divisions have skyrocketed. Moreover, because of the nature of complex litigation, using no-year appropriations is far more efficient than using annual appropriations for litigation support contracts. Nearly all of the DOJ's largest and most information-intensive cases cross multiple fiscal years. Between document preservation, document collection, document production, depositions, motions practice, pre-trial activities, and trial, cases often last for several years. The availability of no-year money for litigation support contracts allows the Government to proceed without disruptions that could be fatal to the Government's position.

The Civil Rights Division directs and manages federal enforcement of the provisions of the Voting Rights Act, including the election monitoring provisions of the Act. The Division reimburses the Office of Personnel Management (OPM) for salaries and expenses that OPM incurs for federal observers for elections. The Department's election monitoring program operates under numerous sections of the Act, not just Section 8. The change ensures that the appropriations language will cover the expenses of the election monitoring program.

The Vaccine Injury Compensation Program ("VICP") has experienced a steady increase in claims in recent years. In total, claims have risen almost 30% over FY 2009 levels and are projected to steadily increase through FY 2016. These claims are paid by the Vaccine Injury Trust Fund, which also funds the various entities that administer the VICP, the Civil Division included.

At the same time, as claims have increased, funding for the administrative costs necessary for Civil to defend the government against claims filed under VICP has been flat. The appropriated reimbursement from the Vaccine Injury Compensation Trust Fund has remained the same since FY 2009. No adjustments have been included that are afforded to most other appropriations. In FY 2009 VICP funded 41 FTE. However, personnel costs and the workload have increased. Currently, the VICP only funds 36 FTE.

To fully fund the Program in FY 2016 and to add staff to handle the increasing claims, an additional \$1,525,000 reimbursement from the VICP Trust Fund is required, bringing the total appropriated reimbursement from \$7,833,000 to \$9,358,000.