



# GENERAL LEGAL ACTIVITIES Civil Division (CIV)

FY 2023 Budget Request At A Glance	
FY 2022 President's Budget:	\$328.5 million (1,171 positions; 896 attorneys)
Current Services Adjustments:	+\$18.3 million
Program Changes:	+\$9.3 million
FY 2023 Budget Request:	\$356.1 million (1,248 positions; 959 attorneys)
Change From FY 2022 President's Budget:	+\$27.5 million (+8.4%) (+77 positions; +63 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 and includes challenges to critical public-health measures, cases relating to cyber and national security prerogatives and decisions; challenges to immigration policies and decisions; challenges to Congressional enactments; contract disputes; efforts to combat fraud and the abuse of Federal funds and benefits programs; multi-million dollar tort claims; consumer protection matters; alleged takings of property; and intellectual property disputes. Most of these cases are suits against the United States in which CIV defends the Government's statutes, policies, and vital national interests, while saving 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 efforts under the False Claims Act, including cases targeting health care and elder fraud, financial fraud, and cybersecurity fraud. CIV also protects the health, safety, and economic security 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:**

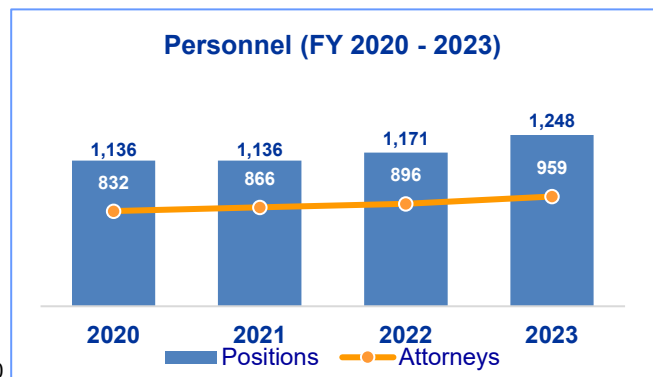
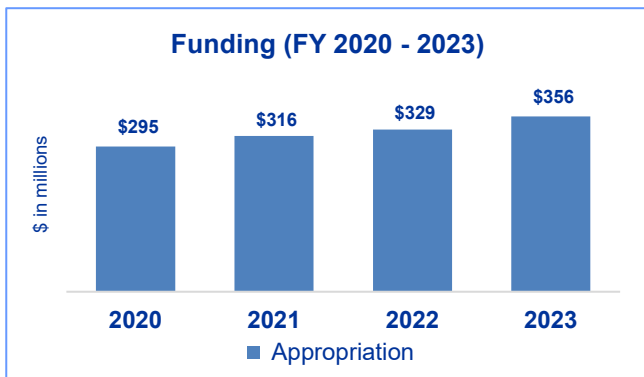
The FY 2023 budget request for CIV totals \$356.1 million, which is an 8.4 percent increase over the FY 2022 President's Budget and a 10.0 percent increase over the FY 2022 Enacted.

**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 requested direct authorized positions for FY 2023 total 1,248 positions, including an increase of 77 positions over the FY 2022 President's Budget of 1,171 direct authorized positions.



## FY 2023 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 majority of CIV's work (approximately 79 percent) is defensive litigation: legal challenges to Federal activities, including the Coronavirus (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, unpredictable, or even unknowable, and Civil 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 2021 alone, CIV secured over \$5.6 billion in settlements, judgments, fines, and restitution for the Federal Government in cyber, health care fraud, financial fraud, and other affirmative civil and criminal cases. 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 (PPE); counterfeit, unapproved, and misrepresented COVID-19 test kits; and pursuing fraud associated with pandemic financial relief programs.

CIV continues its ongoing overall 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 2023 Program Changes:

**Prescription Opioid Litigation:** \$1.1 million and 7 positions (5 attorneys)

The request will provide the resources needed to continue to pursue national chain pharmacy cases that are highly complex, require coordination across multiple agencies and U.S. Attorney's Offices, and require burdensome discovery against well-financed defendants. Using a wide range of enforcement tools, CIV is uniquely positioned to pursue bad actors throughout the entire opioid distribution chain. CIV also plays a key role in stopping those who are recklessly overprescribing and over-dispensing opioids. FY 2023 current services for this program are \$2.2 million and 10 positions (10 attorneys).

**Civil Fraud:** \$967,000 and 8 positions (7 attorneys)

This request will provide CIV's Fraud Section with resources to pursue those who exploit Federal health care programs and hold them accountable, protecting taxpayer dollars and the health of the American public. This increase will significantly enhance the Fraud Section's efforts and provide for the necessary data analytic tools needed to investigate and litigate the potentially unlawful conduct identified through investigations and ongoing data analytics, related to health care fraud. This includes Medicare Managed Care Fraud; Elder Justice; the High Risk and Data Outliers; and Telehealth Fraud. FY 2023 current services for this program are \$8.9 million and 48 positions (39 attorneys).

**Immigration Litigation:** \$6.2 million and 56 positions (45 attorneys)

This request will strengthen CIV's ability to further the Department's efforts in navigating complex immigration court proceedings and promoting an efficient immigration system, including reducing backlogs in asylum and other types of immigration benefits adjudications. CIV has experienced a surge in the number and complexity of immigration cases. Immigration litigation activities, as defined in this program increase, include petitions for review, and individual plaintiff(s) and class action civil challenges to numerous aspects of the national immigration system, including foreign worker programs. These additional resources are critical to improving the immigration system and providing timely judicial proceedings for immigrants. FY 2023 current services for this program are \$77.0 million and 372 positions (304 attorneys).

**Data Privacy:** \$990,000 and 6 positions (6 attorneys)

The request will enable the Consumer Protection Branch (CPB) to scale up and more vigorously pursue enforcement action efforts to combat rising data-privacy and identity-integrity violations. Americans generate nearly three quintillion bytes of data every day, with more than 95 percent of all data in the history of the world having been generated in just the last two years. Responding to growing concerns regarding the extraordinary increase in, and frequent misuse of, information stored about consumers, CPB has focused efforts on ensuring consumers' data privacy and identity integrity. Through collaboration with agency partners and the use of both civil and criminal tools, these efforts have resulted in landmark successes over the last year, securing billions of dollars in penalties and novel compliance measures from corporate offenders. These cases are time and resource intensive to develop, require the review of enormous amounts of data, and involves novel issues contested by sophisticated defense counsel. There are no current services for this initiative.

**Civil Division**  
(Dollars in Thousands)

	Civil Division		
	Pos	FTE	Amount
<b>2021 Appropriation</b>	<b>1,136</b>	<b>1,136</b>	<b>316,438</b>
<b>2022 Continuing Resolution</b>	<b>1,136</b>	<b>1,136</b>	<b>316,438</b>
Expected Change from FY 2022 CR	35	18	12,099
<b>2022 President's Budget</b>	<b>1,171</b>	<b>1,154</b>	<b>328,537</b>
<b>2023 Request</b>	<b>1,248</b>	<b>1,210</b>	<b>356,083</b>
<b>Change 2023 from 2022 President's Budget</b>	<b>77</b>	<b>56</b>	<b>27,546</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	17	12,411
Domestic Rent & Facilities	0	0	6,405
Other Adjustments	0	0	75
Foreign Expenses	0	0	33
Non-Personnel Related Annualizations	0	0	-638
<b>Total Base Adjustments</b>	<b>0</b>	<b>17</b>	<b>18,286</b>
<b>2023 Current Services</b>	<b>1,171</b>	<b>1,171</b>	<b>346,823</b>
<b>Program Changes</b>			
<b>Increases:</b>			
Prescription Opioid Litigation	7	4	1,125
Civil Fraud	8	4	967
Immigration Litigation	56	28	6,178
Data Privacy	6	3	990
<b>Subtotal, Program Increases</b>	<b>77</b>	<b>39</b>	<b>9,260</b>
<b>Decreases:</b>			
<b>Subtotal, Program Decreases</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Program Changes</b>	<b>77</b>	<b>39</b>	<b>9,260</b>
<b>2023 Request</b>	<b>1,248</b>	<b>1,210</b>	<b>356,083</b>

**Civil Division**  
(Dollars in Thousands)

Comparison by activity and program	2022 President's Budget			2023 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Legal Representation	1,171	1,154	328,537	1,171	1,171	346,823
<b>Total</b>	1,171	1,154	328,537	1,171	1,171	346,823
Reimbursable FTE		81			94	
<b>Total Direct and Reimbursable</b>	1,171	1,235	328,537	1,171	1,265	346,823
<i>Sub-Allotments and Direct Collections (FYI)</i>		234			249	
<b>FTE Grand Total</b>		1,469			1,514	

Comparison by activity and program	2023 Total Program Changes			2023 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Legal Representation	77	39	9,260	1,248	1,210	356,083
<b>Total</b>	77	39	9,260	1,248	1,210	356,083
Reimbursable FTE	0	29	0	0	123	0
<b>Total Direct and Reimbursable</b>	77	68	9,260	1,248	1,333	356,083
<i>Sub-Allotments and Direct Collections (FYI)</i>		0			249	
<b>FTE Grand Total</b>		68			1,582	