

III

Core function three:

Legal Representation, Enforcement of Federal Laws, and Defense of U.S. Interests

The Department of Justice is the Nation's litigator and is often described as the largest law firm in the world. The Department's attorney staff is administratively organized into the 94 U.S. Attorney Offices, six litigating divisions (the Antitrust Division, the Civil Division, the Civil Rights Division, the Criminal Division¹, the Environment and Natural Resources Division, and the Tax Division), and the Office of the Solicitor General.

The U.S. Attorneys serve as the Attorney General's chief law enforcement officer in each judicial district and represent the United States in most civil and criminal matters. The litigating divisions are centralized repositories of specialized expertise and perform many critical functions, including representing the United States in: cases that present novel and complex legal and factual issues; multi-district cases that require a centralized and coordinated response; cases that require extensive contact with client agencies whose headquarters are in Washington, DC; or, cases in which the U.S. Attorney may be recused.

The Office of the Solicitor General represents the United States before the U.S. Supreme Court and authorizes and monitors the government's activities in the Nation's appellate courts. The U.S. Attorneys, the litigating divisions and the Office of the Solicitor General share responsibility for representing the United States and enforcing the Nation's antitrust, civil, criminal, civil rights, environment, and tax laws. Together they ensure that the Federal Government speaks with one voice with respect to the law.

The Attorney General has identified a number of priorities that DOJ's litigating divisions and the U.S. Attorneys will be focusing on in FY 2001. These include initiatives to protect the public fisc from unmerited claims; to recover moneys owed to the U.S. Treasury; to defend challenges to the Federal Government's laws, regulations, and initiatives to vigorously enforce the Nation's civil rights laws; to continue to focus on enforcing the law even when parties or misdeeds affecting the U.S. are beyond our shores; and to increase efforts to combat specialized white collar crime.

MANAGEMENT ISSUES

There are no FY 2001 management issues identified at this time.

PROGRAM EVALUATION

There are no program evaluations projected for FY 2001.

¹The Criminal Division is primarily involved in criminal law enforcement activity, as discussed in Core Function 1.

Strategic Goal 3.1: Protect the civil rights of all Americans.

Annual Goal 3.1: Prosecute criminal civil rights violations; Prosecute pattern or practice civil rights violations; and Protect voting rights

STRATEGIES

- (Promote compliance with the country's civil rights laws.
- (Emphasize pattern or practice cases and pursue effective remedies within existing law.
- (Defend against challenge to laws and programs that promote opportunity for traditionally excluded individuals.
- (Bring coordinated enforcement actions to address interrelated problems, whenever possible.
- (Actively involve the State attorneys general in appropriate enforcement actions.
- (Strengthen relations with other Federal agencies which are the "first-line" enforcers of many civil rights laws.

DOJ is the chief agency of the Federal Government charged with protecting constitutional and statutory rights guaranteed all Americans. Through the Department's Civil Rights Division, the FBI, and the United States Attorneys, DOJ enforces numerous civil rights laws including the Americans with Disabilities Act, the Fair Housing Act, the Civil Rights of Institutionalized Persons Act, the Civil Rights Acts of 1964, 1968, and 1991, and the Voting Rights Act. In addition, the Department also investigates and prosecutes criminal violations of the Nation's civil rights laws, involving matters such as police misconduct, hate crimes, church arson and desecration, and involuntary servitude.

MEANS - Annual Goal 3.1

Dollars/FTE

FY 1999		FY 2000		FY 2001	
\$118M	988	\$123M	1,014	\$ 142 M	1,110

Skills

Attorneys and support staff experienced in constitutional and franchise law. FBI agents experienced in civil rights violations investigations.

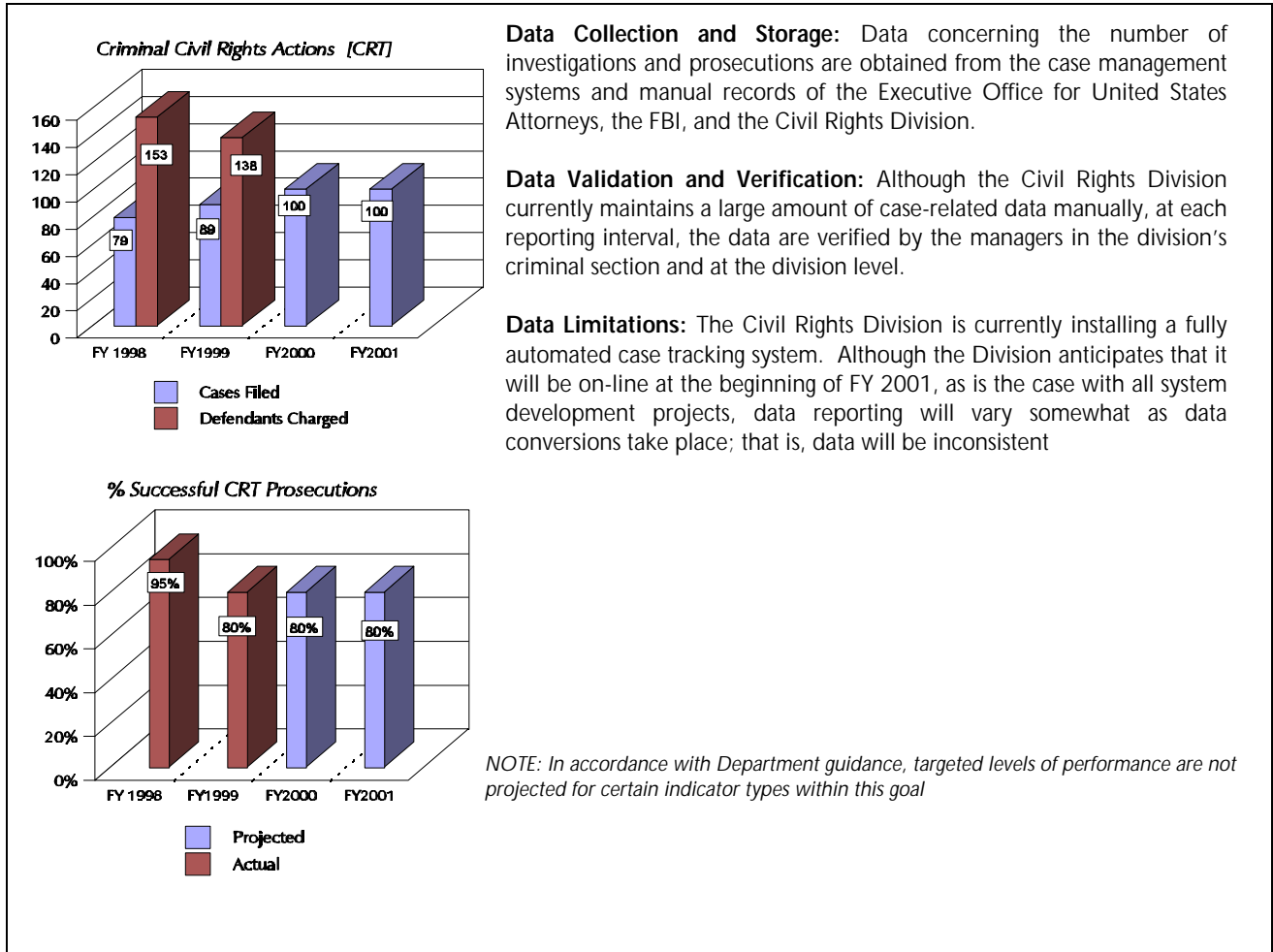
Information Technology

CRT relies on an automated Geographical Information System. The division is currently updating and improving other systems. FBI relies upon: ISRAA, a centralized database that tracks statistical information on cases from inception to closure; and ACS, a database that captures all information pertaining to administration of cases.

PERFORMANCE ASSESSMENT - Annual Goal 3.1 (indicators 3.1A-3.1C)

3.1 A Prosecute Criminal Civil Rights Violations

In FY 2001, DOJ will continue to devote increased attention to criminal civil rights violations with the Civil Rights Division, the FBI and the U.S. Attorneys working to improve the Federal response to hate crimes, criminal police misconduct, involuntary servitude matters including worker exploitation, church arson and desecration, and violence directed toward health care providers.

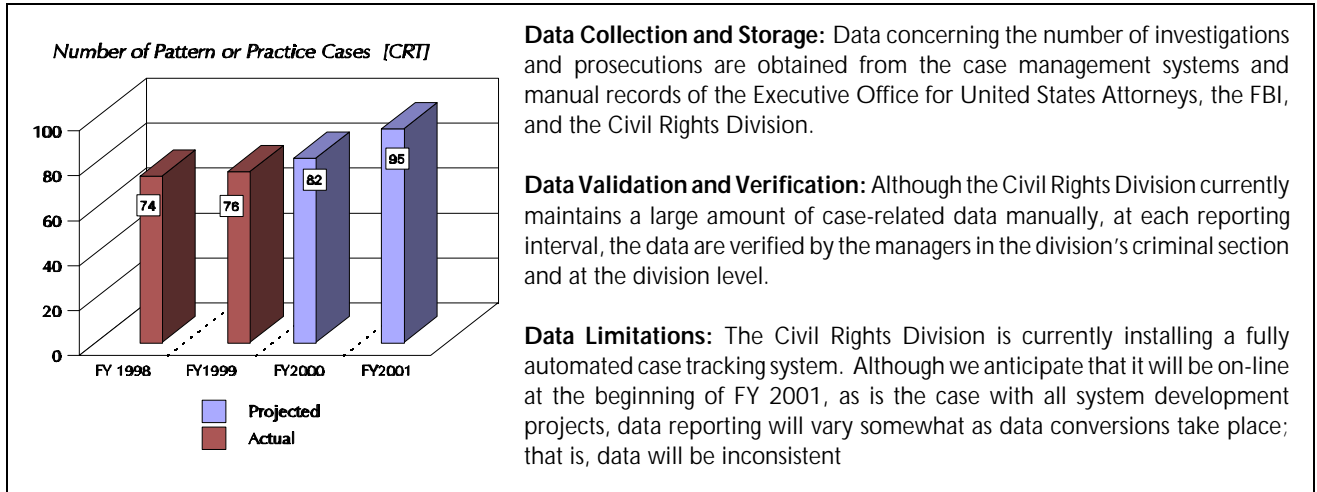


Crosscutting Activities:

The services of DOJ's Community Relations Service are frequently employed to resolve community conflicts that result from incidents such as hate crimes and police misconduct. In order to achieve the Department's goals, the U.S. Attorneys Offices, the Civil Rights Division and the FBI extensively coordinate with each other during each phase of the investigation and prosecution of these matters.

3.1B Prosecute Pattern or Practice Civil Rights

In FY 2001, DOJ will devote increased attention to pattern or practice civil rights cases, including police misconduct, fair housing, fair lending, employment discrimination, and disability status.



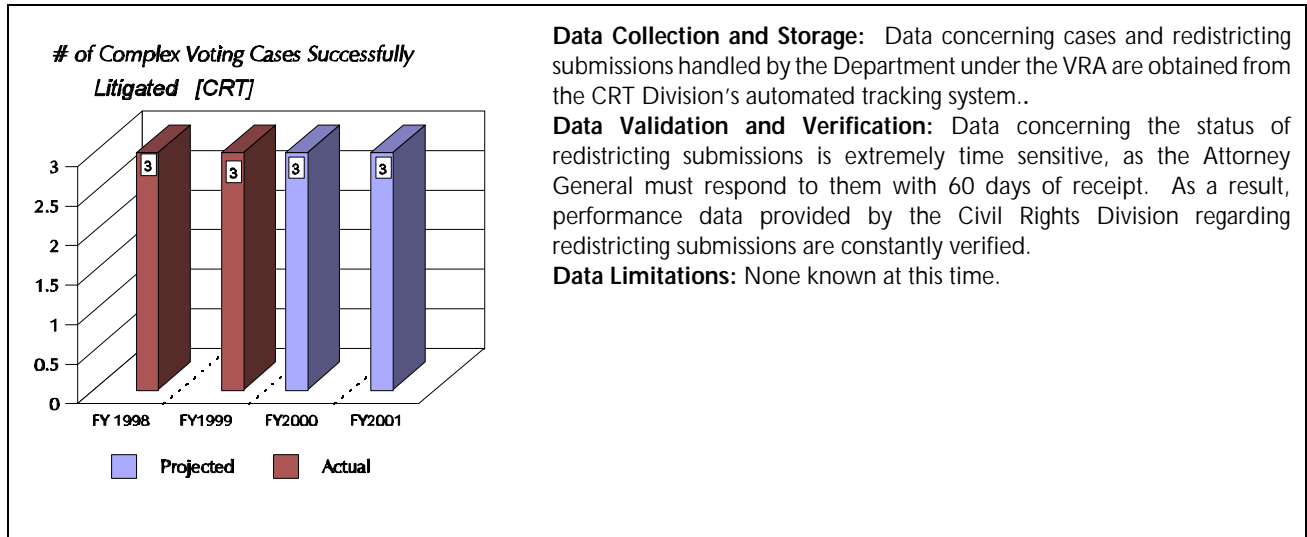
Crosscutting Activities:

"Pattern or Practice" cases provide the opportunity to address egregious and systemic violations of civil rights law. In order to bring these cases, DOJ coordinates its efforts internally, i.e., among the Civil Rights Division, FBI, and U.S. Attorney Offices, and with Federal partners, including the Department of Labor, the Equal Employment Opportunity Commission and the Department of Housing and Urban Development.

Most of the Department's pattern or practice civil rights cases are filed by the Civil Rights Division. However, in some instances, the local U.S. Attorneys have a larger role in prosecuting pattern or practice cases with the assistance and advice of the Civil Rights Division. In addition, in some pattern or practice cases, e.g., police misconduct matters, the initial investigations are handled by the FBI. As is the case in other civil rights matters, the partnership among the U.S. Attorneys, Civil Rights Division and the FBI provides the most effective means of addressing violations of civil rights law.

3.1C Protect Voting Rights

During FY 2001 and continuing through FY 2003, DOJ will devote increased attention to the enforcement of the Voting Rights Act and the review of electoral redistricting plans submitted to the Attorney General by political jurisdictions covered by section 5 of the Voting Rights Act.



Crosscutting Activities:

CRT does not work with other components or Federal agencies on this strategic goal.

Strategic Goal 3.2: Safeguard America's environment and natural resources.

Annual Goal 3.2: Enforce environmental and natural resource laws

STRATEGIES

- (Promote compliance with all applicable laws and regulations to advance the protection of the Nation's environment and natural resources by providing guidance and information to the regulated community about the Department's enforcement goals.
- (Vigorously pursue both civil and criminal cases against those who violate laws that protect public health, the environment, and natural resources.
- (Fulfill U.S. Trust responsibilities to individual Indians and Indian tribes through litigation on behalf of Indian interests.
- (Defend against suits challenging statutes and agency actions that protect public health, the environment, and natural resources.
- (Work cooperatively with other Federal agencies, including Environmental Protection Agency, states, local law enforcement, and community representatives in developing and bringing civil and criminal enforcement actions and encourage more use of ADR where appropriate.

Safeguarding the Nation's environment and natural resources for this and future generations will be a Department of Justice priority in FY 2001. DOJ's Environment and Natural Resources Division (ENRD), the Federal Bureau of Investigation (FBI), and U.S. Attorneys will work together to pursue and prosecute violators of environmental laws; protect our natural resources; defend Federal agency environmental regulations and government pollution abatement laws and programs; and safeguard tribal trusts. The Department works cooperatively with other Federal agencies, including the Departments of Agriculture (USDA) and the Interior (DOI), and the Environmental Protection Agency (EPA) to enforce a variety of environmental and natural resource statutes.

MEANS - Annual Goal 3.2

Dollars/FTE

FY 1999		FY 2000		FY 2001	
\$76M	612	\$80M	611	\$ 87 M	626

Skills

ENRD requires experienced attorneys, particularly litigators, who practice civil, criminal, administrative and appellate law. Experienced support staff (paralegals and litigation support assistants) are also essential. FBI requires experienced skilled investigators, particularly in the area of fraud.

Information Technology

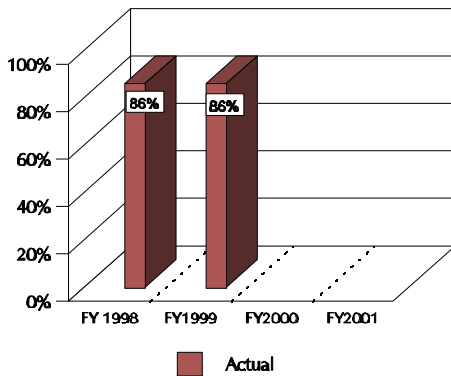
ENRD relies upon its version of the DOJ Justice Consolidated Office Network (JCON). FBI relies upon: ISRAA, a centralized database that tracks statistical information on cases from inception to closure; and ACS, a database that captures all information pertaining to administration of cases.

PERFORMANCE ASSESSMENT - Annual Goal 3.2 (indicator 3.2A)

3.2A Enforce Environment and Natural Resource Laws

In FY 2001, through the cooperative efforts of the Environment and Natural Resources Division (ENRD), FBI, and U.S. Attorneys, DOJ will champion greater protection of the environment and natural resources and vigorously pursue violators of the Nations's environmental laws. The Department will enhance its capability to convict and deter environmental crimes through continued training of agents, officers, and prosecutors; outreach programs; and domestic and international cooperation. DOJ will enforce government pollution abatement laws and programs; defend against suits challenging environmental statutes, regulatory and permit actions, and decisions by Federal agencies; preserve natural resources; and litigate on behalf of Indian tribes and individual Indians. The Department will also work cooperatively to assist in implementing the Administration's Clean Water Action Plan and defend the Federal Government's use, transportation, and storage of hazardous materials. Successful litigation efforts will result in savings to the Government in defensive cases through costs that have been avoided as well as collect penalties, cost recoveries, natural resource damages, and other monies awarded through successful litigation of affirmative civil cases.

% of Defendants Convicted in Criminal Wildlife Cases [ENRD, USAO]



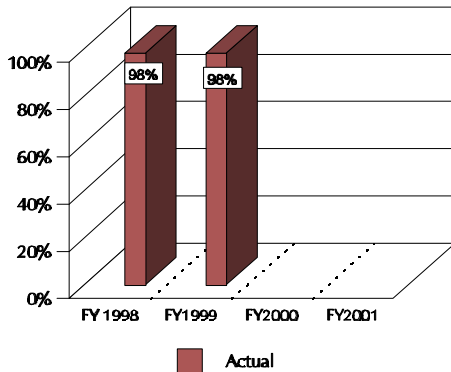
Data Collection and Storage: A majority of the performance data submitted by ENRD is generated from the division's Case Management System (CMS), implemented in March 1998.

Data Validation and Verification: In the past year, ENRD has worked closely with section case managers to identify and correct inaccuracies. The division has instituted a formal data quality assurance program to ensure a quarterly review of the division's docket. The systems data is constantly being monitored by the division to maintain accuracy.

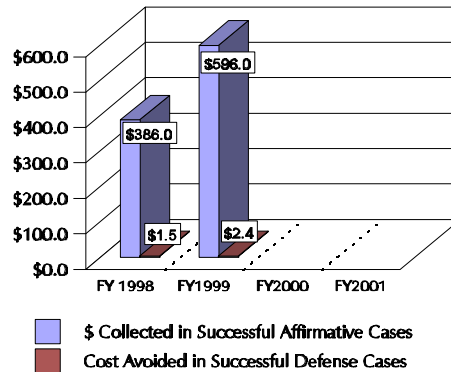
Data Limitations: Timeliness of notification by courts.

NOTE: In accordance with Department guidance, targeted levels of performance are not projected for certain indicator types within this goal

% of Affirmative Environmental Civil Cases Resolved Successfully [ENRD, USAO]



Costs Avoided and \$ Collected by the Gov't in Defensive Environmental Civil Cases [ENRD]



Crosscutting Activities:

The ENRD, USAO and FBI are working collectively with federal agencies, including EPA, DOI, and state and local governments, to strengthen enforcement and to preserve public lands, natural resources, and tribal sovereignty. DOJ is involved in the U.S.-Canadian CFC Enforcement Work Group; eradicating clandestine drug labs; supporting enforcement of the lead-based paint disclosure rule in collaboration with DEA, DOI, state and local prosecutors, HUD and EPA; supporting the President's Task Force on Environmental Health Risks and Safety Risks to Children; and improving the Mississippi River through multi-agency efforts.

Strategic Goal 3.3: Promote competition in the U.S. economy through enforcement of, improvements to, and education about antitrust laws and principles.

Annual Goal 3.3: Promote competition

STRATEGIES

- (Identify and pursue criminal behavior and civil non-merger violations of the law, and review merger transactions; establish and use international enforcement agreements; enhance the analytical framework under which mergers are reviewed; and coordinate with local, state, federal, and international antitrust enforcement authorities.
- (Participate in interagency rulemakings, task forces, and regulatory processes, and in legislative development; develop case law as appropriate; participate in national and international competition and trade organizations; and coordinate with international antitrust authorities to improve antitrust laws and policies as they affect the U.S. economy.
- (Provide information and guidance to the business community, consumers, and local, state, and Federal authorities through the business review procedure, tailored outreach programs, and the development and publication of antitrust guidelines, policy statements, speeches, articles, and press releases.

The Antitrust Division promotes and maintains competitive markets by enforcing Federal civil and criminal antitrust laws. The statutory authority for the Division's mission includes Sections 1 and 2 of the Sherman Act, Section 7 of the Clayton Act, as amended by the Hart-Scott-Rodino Antitrust Improvements Act of 1976, and a variety of other competition laws and regulations. The antitrust laws affect virtually all industries and apply to every phase of business, including manufacturing, transportation, distribution, and marketing. They prohibit a variety of practices that restrain trade, such as price-fixing conspiracies, corporate mergers likely to reduce the competitive vigor of particular markets, and predatory acts designed to achieve or maintain monopoly power.

MEANS - Annual Goal 3.3

Dollars/FTE

FY 1999		FY 2000		FY 2001	
\$109M	870	\$118M	865	\$ 145 M	1,050

Skills

The Antitrust Division requires experienced attorneys, economists, paralegals, and support staff.

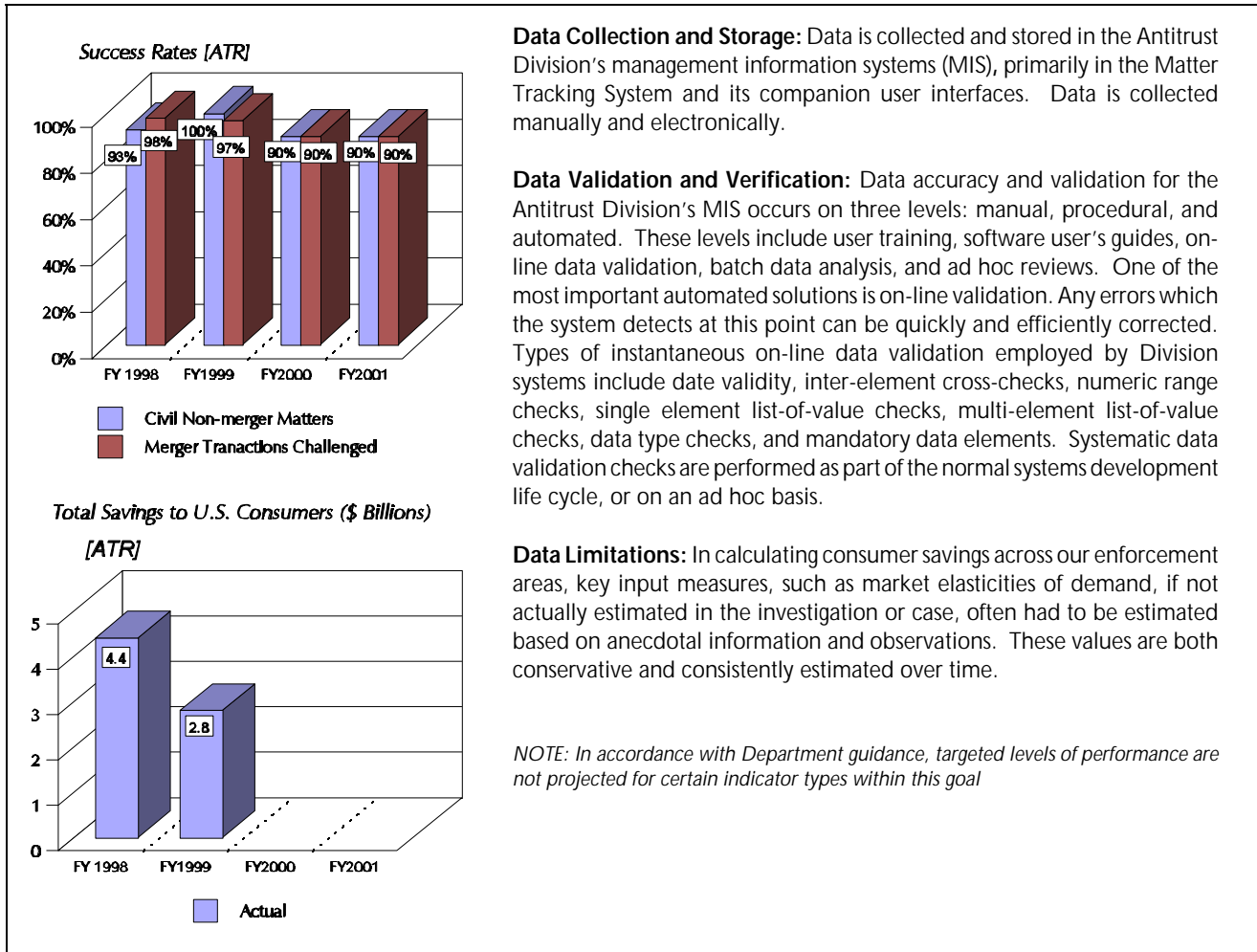
Information Technology

The Antitrust Division relies upon its Division's Matter Tracking System and companion user interfaces; office systems, including networks and infrastructure; litigation support tools and applications, including those for courtroom presentations; and data storage capacity related to all of these technologies. FBI relies upon: ISRAA, a centralized database that tracks statistical information on cases from inception to closure and ACS, a database that captures all information pertaining to administration of cases.

PERFORMANCE ASSESSMENT - Annual Goal 3.3 (indicator 3.3A)

3.3A Promote Competition

In FY 2001, the Antitrust Division will intensify its focus on detecting and successfully prosecuting massive criminal antitrust conspiracies, review the growing number of increasingly complex and international merger transactions for potential competitive issues, successfully challenge anticompetitive practices in the civil non-merger area, and continue to provide substantial savings to the consumer from its enforcement actions.



Crosscutting Activities:

The Antitrust Division and the Federal Trade Commission share responsibility for merger enforcement by law and practice. The Division also maintains relationships with the FBI and the U.S. Attorneys in support of enforcement.

Strategic Goal 3.4: Promote the fair, correct, and uniform enforcement of the Federal tax laws and the collection of tax debts.

Annual Goal 3.4: Enforce tax laws fairly and uniformly; and Promote tax compliance

STRATEGIES

- (Foster voluntary compliance and resolve civil tax litigation in a manner that promotes the fair and uniform treatment of taxpayers.
- (Vigorously and fairly pursue civil and criminal cases against those who violate our tax laws.
- (Enhance financial litigation and debt collection efforts through automation improvements.
- (Continue to assist in the development of Federal tax policy.

Violations of the Internal Revenue Code drain the Federal fisc and undermine public trust in the voluntary tax system. The Department utilizes both civil and criminal prosecution to ensure that the Nation's internal revenue laws are fairly and uniformly applied and that the public complies with the Nation's tax laws. In this way, our accomplishments contribute significantly and directly to efforts by the administration and the Congress to protect the Federal fisc from unmerited claims. For all stages of case investigation, review, litigation and appeals, the Department's attorneys and agents are guided by the principles of fair and uniform treatment for all categories of taxpayers. This also applies to the collection of tax debts.

MEANS - Annual Goal 3.4

Dollars/FTE

FY 1999		FY 2000		FY 2001	
\$69M	583	\$71M	595	\$ 76 M	600

Skills

The Department requires experienced attorneys in criminal and civil tax litigation, and obtaining foreign evidence and information, and MLATS, extradition and tax treaties.

Information Technology

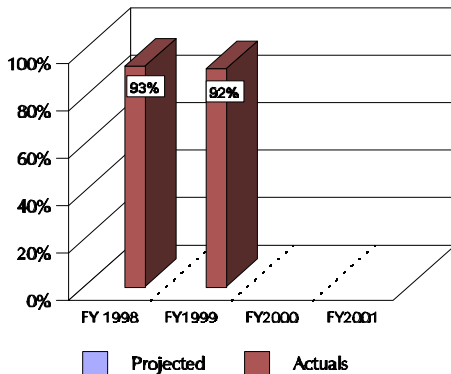
Justice Consolidated Office Network (JCON2) system and (partially) implemented TaxDoc system.

PERFORMANCE ASSESSMENT - Annual Goal 3.4 (indicators 3.4A-3.4B)

3.4A Enforce Tax Laws Fairly and Uniformly

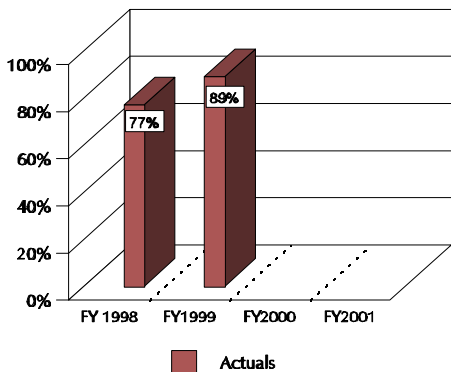
In FY 2001, DOJ will further efforts to fairly pursue civil and criminal violators of our tax laws, to protect the collection of legal tax revenues, and defend against those who seek to undermine compliance with the Internal Revenue Code and evade or avoid Federal income taxes.

Percentage of Tax Appeals Won at least, in part, by the Government [TAX]



NOTE: In accordance with Department guidance, targeted levels of performance are not projected for certain indicator types within this goal

% of Gov't Appeals, in which, at least part of relief sought is awarded

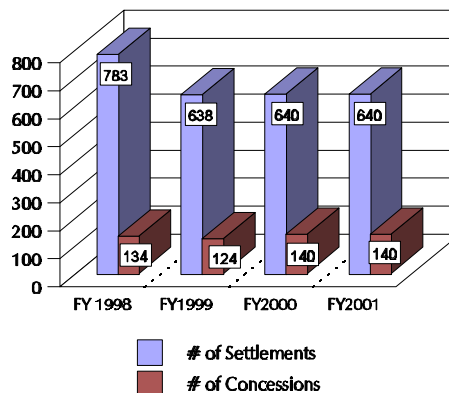


Data Collection and Storage: TAX has relied on manual methods for recording and retrieving performance data. In conjunction with the development of a new case management system (TaxDoc), the division has recently revised the complement of indicators that are tracked.

Data Validation and Verification: There will be new procedures to collect and record pertinent data on activities related to specific issues enabling its Section Chiefs to make projections and set goals based on complete, accurate, and relevant statistics. On a quarterly basis, the Performance Management Committee reviews all the statistics.

Data Limitations: The Division currently lacks historical data on some activities. The new information system may cause variations in the way some statistics are gathered.

Civil Settlements and Concessions (all Courts) [TAX]

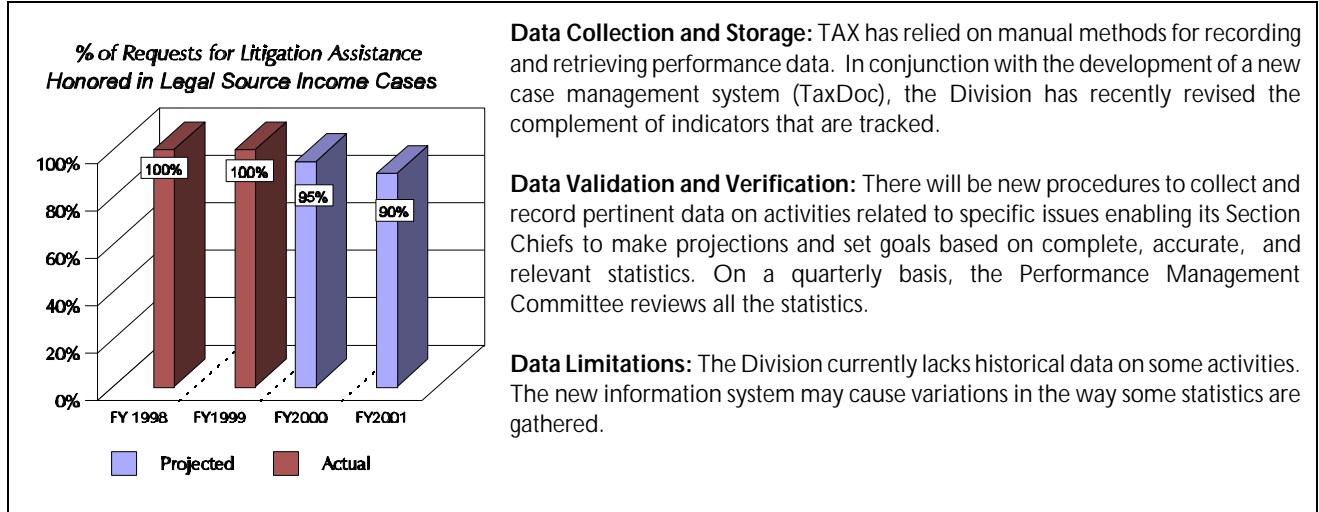


Crosscutting Activities:

TAX, USAO and the IRS work closely to achieve joint goals. Various cross-cutting initiatives (Tax Gap Project, Illegal Tax Protest Initiative, International Compliance Initiative, Abusive trust Initiative, and Workforce Restructuring) focus mutually desired outcomes and results by promoting the deterrence of tax fraud, encouraging voluntary payment of taxes, collecting tax debts, and managing these programs efficiently and effectively.

3.4B Promote Tax Compliance

In FY 2001, DOJ will place special emphasis on promoting compliance with U.S. and foreign tax laws through the appropriate litigation in the Nation's trial and appellate courts.



Crosscutting Activities:

There is extensive coordination and cooperation between the Department of the Treasury and DOJ. The Division's litigation managers (Section Chiefs) have fostered heightened cooperation with the U.S. Attorneys and the Internal Revenue Service (IRS). The Section Chiefs meet regularly with representatives from these offices to develop and coordinate law enforcement initiatives and to discuss other matters of mutual concern. For example, the four chiefs of the Tax Division's Criminal Enforcement Sections participated in a meeting of IRS Criminal Investigation managers to explore workload priorities and trends. A byproduct of this development has been more participation by Tax Division line attorneys in the policy discussions and litigation efforts of cooperative law enforcement efforts, such as joint IRS/FBI investigations of motor fuel excise tax evasion, the Department of Transportation/Federal Highway Administration Joint Federal-State Motors Fuels Compliance Project, the Department of Treasury's Tax Refund Fraud Task Force, various health care fraud task forces, and the Organized Crime Drug Enforcement Task Forces.

Strategic Goal 3.5: Represent the United States in all civil matters for which the Department of Justice has jurisdiction.

Annual Goal 3.5: Protect the public fisc; Continue vigorous civil enforcement; and Increase number of cases using alternative dispute resolution (ADR)

STRATEGIES

- (Protect the U.S. Treasury against unwarranted monetary claims, assure appropriate payments for meritorious claims, maximize monetary recovery for injury and damages to Federal property, and assert the Federal Government's commercial interest in defensive litigation.
- (Resolve disputes prior to and during litigation by using negotiations and ADR to make the most efficient use of our resources.
- (Recover money owed to the Federal Government as the result of fraud, loan and contract defaults, and unsatisfied judgments; combat health care fraud through the vigorous implementation of civil remedies provided by the False Claims Act and the Health Insurance Portability and Accountability Act.
- (Defend against challenges to Federal programs, policy initiatives and statutes, and enforce remedies for violations of statutory-based Federal program requirements.
- (Protect consumers against dangerous products, adulterated or mislabeled food and drugs, and unfair or fraudulent practices through the enforcement of consumer protection statutes and regulations; and defend Federal regulations restricting the sale and distribution of tobacco products to protect children and adolescents.
- (Administer, improve and, where appropriate, expand programs to fairly resolve classes of claims such as the Childhood Vaccine Injury program and the Radiation Exposure Compensation program.
- (Enforce the Nation's immigration laws by defending administrative decisions and INS programs and policies.

In FY 2001, DOJ will continue to represent the United States in civil matters, protecting the public fisc, ensuring that the federal Government speaks with one voice in its view of the law, preserving the intent of Congress and advancing the credibility of the United States before the courts. In addition, DOJ will continue to place emphasis on the expanded and appropriate use of alternative dispute resolution.

MEANS - Annual Goal 3.5

Dollars/FTE

FY 1999		FY 2000		FY 2001	
\$386M	2,841	\$400M	3,077	\$ 446 M	3,091

Skills

This area requires highly qualified teams of attorneys, as well as support staff trained and configured to take full advantage of new technologies.

Information Technology

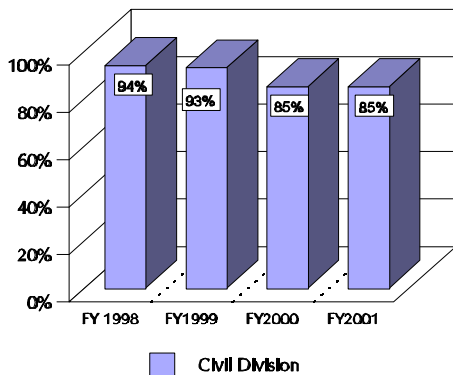
CIV relies on CASES (case management system) to accomplish its goals.

PERFORMANCE ASSESSMENT - Annual Goal 3.5 (indicators 3.5A-3.5C)

3.5A Protect the Public Fisc

In FY 2001, DOJ will work to recover taxpayer moneys lost through fraud, loan default, and damage to Federal property and will defeat unwarranted and exaggerated claims.

% of Favorable Resolutions in Defensive Civil Monetary Cases [CIV]

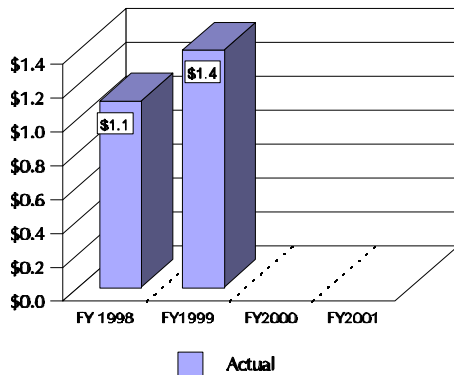


Data Collection and Storage: The primary source of data collection for measurement within the Civil Division is the automated case management system (CASES).

Data Validation and Verification: In order to achieve data base integrity, CIV has taken several steps. Contractor staff regularly review case listings and interview attorneys concerning the status of each case. Exceptions reports, which list data that are questionable or inconsistent, are generated and reviewed. Attorney managers review numerous monthly reports for data completeness and accuracy. The contractor executes a comprehensive quality control plan in which representative samples of data are verified. Another independent contractor is used to verify aspects of the work of the case management contractor.

Data Limitations: Despite these measures, some data limitations do exist. Most significantly, incomplete data on case terminations and attorney time can cause the system to under-report case closures and attorney time. Missing data is most often retrieved as a result of the contractor interviews and the review of monthly reports. To minimize the extent of missing data, the Civil Division has made adherence to the reporting requirements of CASES a performance element in all attorney work plans.

\$ Collected From Affirmative Civil Cases (\$ Billions) [JMD]



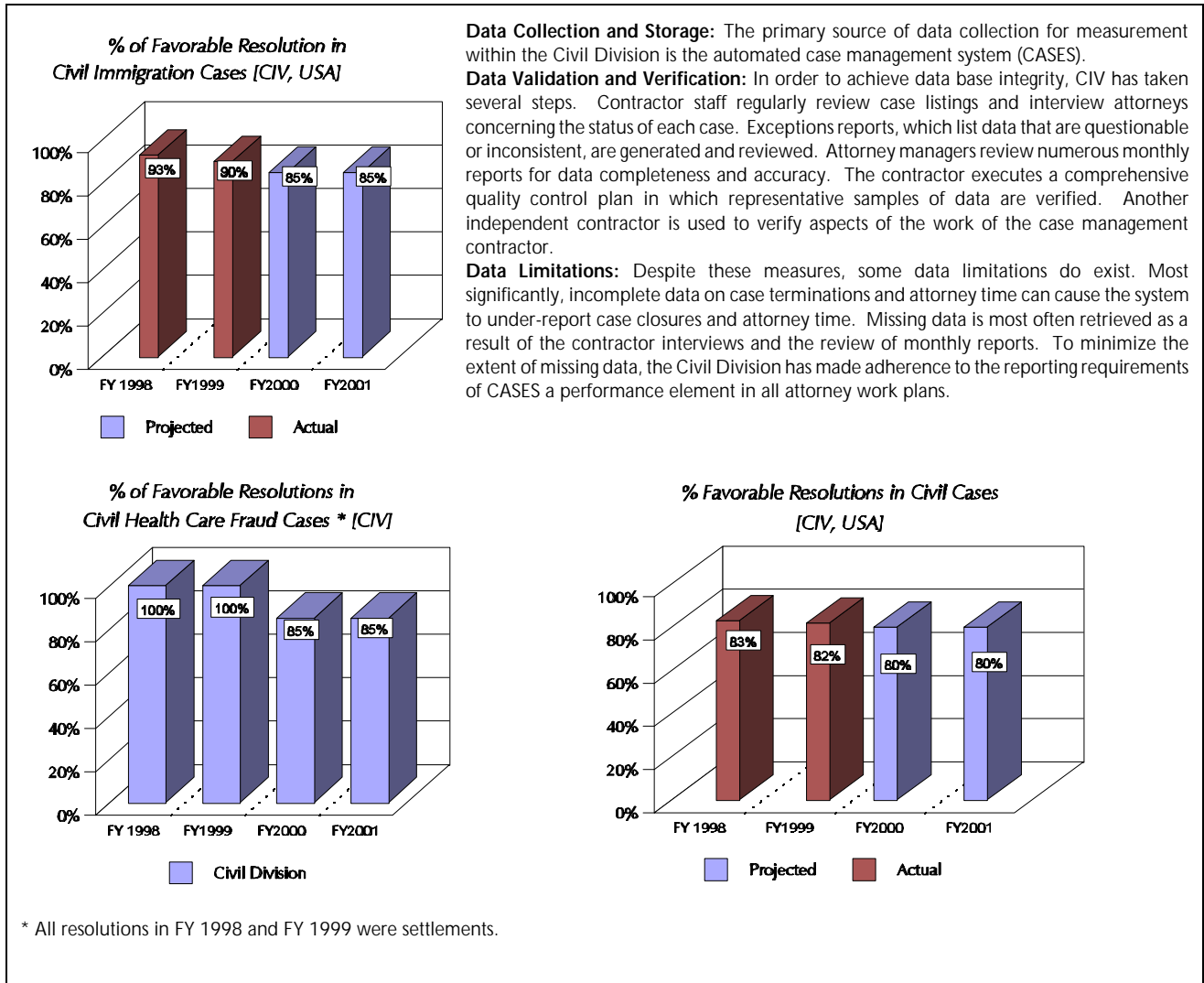
NOTE: In accordance with Department guidance, targeted levels of performance are not projected for certain indicator types within this goal

Crosscutting Activities:

The Civil Division works closely with the Department of Health and Human Services (HHS) and the Office of Special Masters at the U.S. Court of Federal Claims to justly resolve vaccine claims and to coordinate policy.

3.5B Continue Vigorous Civil Enforcement

In FY 2001, efforts will focus on (1) continuing to combat health care fraud against federally funded programs in concert with Federal and state law enforcement programs; (2) aggressively pursuing fraud against financial institutions and pension funds; (3) continuing to combat terrorism, seeking to remove criminal aliens and enforcing the Nation's immigration laws by defending administrative decisions and INS programs and policies; (4) combating consumer fraud on the internet; and (5) successfully resolving challenges to congressional enactments, Federal programs, and policy initiatives.



Crosscutting Activities:

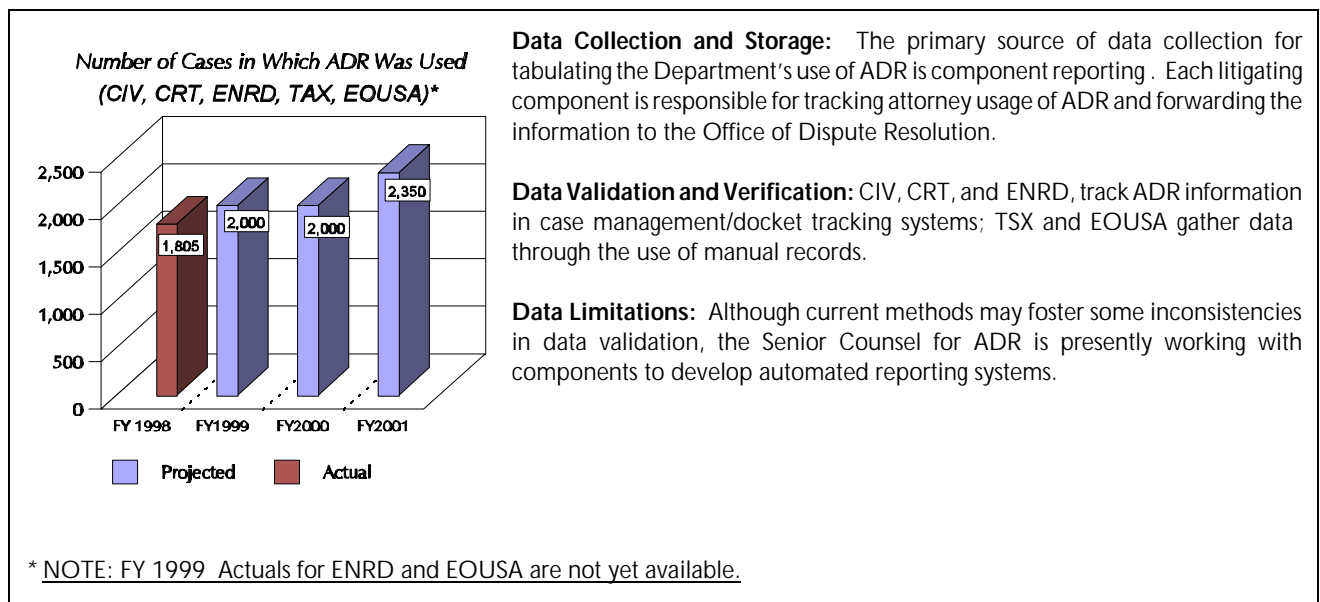
The Civil Division works closely with the FBI, HHS, DOD, Veteran's Administration, and state medical fraud units to recover monies lost by Federal health care programs. It collaborates with the State Department among others in the designation of foreign terrorist organizations. In addition, it participates in the Consumer Protection Initiatives Committee of the Attorney General's Council on White Collar Crime.

3.5C Increase Number of Cases Using Alternative Dispute Resolution (ADR)

It is our job to implement the President's directive consistently with our mission to defend the interests of the United States in civil litigation proceedings. In FY 2001, DOJ attorneys will increase efforts to employ ADR including mediation, negotiation, and other litigation streamlining techniques in appropriate civil cases.

Executive Order 12778 directs:

Litigation counsel [are to] make reasonable attempts to resolve a dispute expeditiously and properly before proceeding to trial. Whenever feasible, claims should be resolved through informal discussions, negotiations, and settlements rather than through utilization of any formal or structured Alternative Dispute Resolution (ADR) process or court proceeding. At the same time, litigation counsel should be trained in dispute resolution techniques and skills that can contribute to the prompt, fair, and efficient resolution of claims. Where such benefits may be derived, and after consultation with the agency referring the matter, litigation counsel should suggest the use of an appropriate ADR technique to the private parties.



Crosscutting Activities:

The Civil Division's Childhood Vaccine Injury Program, together with HHS and the Office of Special Masters at the U.S. Court of Federal Claims, are exploring opportunities to more fully utilize ADR in pending vaccine cases.