



General Legal Activities Civil Division (CIV)

FY 2010 Budget Request At A Glance

FY 2009 Enacted:	\$270.4 million (1,338 positions; 957 attorneys)
Current Services Adjustments:	+\$5.6 million (2% above FY 2009 Enacted)
Program Changes:	+\$11.8 million
FY 2010 Budget Request:	\$287.8 million (1,475 positions; 1,059 attorneys)
Change from FY 2009 Enacted:	+\$17.3 million (+6%) (+137 pos; +102 attorneys)

Mission:

CIV represents the United States, its Departments and Agencies, members of Congress, Cabinet officers, and other federal employees in all civil matters. Its litigation reflects the diversity of government activities involving, for example, the defense of challenges to Presidential actions, national security issues, benefit programs, energy policies, commercial issues such as contract disputes, banking, insurance, patents, fraud and debt collection, all manners of accident and liability claims, and criminal violations of the immigration and consumer protection laws. Each year, Division attorneys handle thousands of cases that collectively involve billions of dollars in claims and recoveries. The Division confronts significant policy issues, which often rise to constitutional dimensions, in defending and enforcing various federal programs and actions.

Resources:

The budget request for FY 2010 totals \$287.8 million, which is a 6 percent increase from the FY 2009 enacted level.

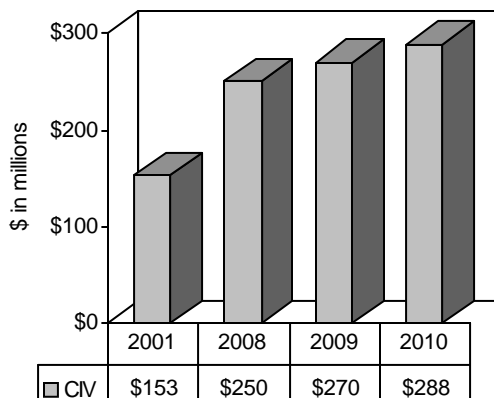
Organization:

CIV is headed by an Assistant Attorney General, who is appointed by the President and confirmed by the Senate. The Division's role is two-fold in that it must represent approximately 200 Federal agencies and Congress while maintaining uniformity in government policy. For every case, the Civil Division must provide the best possible representation to its client Agencies. This responsibility must be balanced with the need to represent the government as a whole and to ensure precedents favorable to the United States.

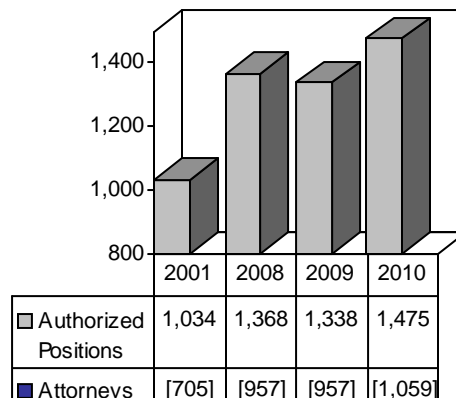
Personnel:

CIV's authorized positions for FY 2010 total 1,475 positions, including 1,059 attorneys. Of the total authorized positions, 18 are assigned to domestic field offices and one is assigned to London, England. The FY 2010 request includes an increase of 137 positions, including 102 attorneys, over the FY 2009 level of 1,338 direct authorized positions.

Funding (FY 2001 - 2010)



Personnel (FY 2001 - 2010)



* Includes Reimbursable Attorneys

FY 2010 Strategy:

CIV is tasked with protecting the public fisc, defending U.S. policies, and enforcing civil statutes. In 2010, CIV expects to play a crucial role in the Federal Financial Rescue effort, specifically in litigation that arises from the Emergency Economic Stabilization Act of 2008 and the American Recovery and Reinvestment Act of 2009. The government must be able to strongly assert itself in any potential litigation if it is to avoid losses in addition to the direct costs of the programs themselves. CIV expects to serve in a variety of roles relating to the various types of litigation anticipated from these new programs: fraud, *qui tam* filings, contract claims, bankruptcy, statutory challenges and appeals.

While the extent of this potential litigation is unknown and the workload impact difficult to predict, CIV has two past experiences from which to draw guidance regarding the potential impact of the Federal Financial Rescue effort on Civil Division's caseload: the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), and the enactment of the Health Insurance Portability and Accountability Act. CIV has based its estimates of baseline resource requirements on these prior programs, particularly its estimated requirement for Automated Litigation Support services. The FIRREA cases in particular demonstrated that the government could not compete with well-funded private law firms in such document-intensive cases without access to ALS. This request includes both additional attorneys and funding for adequate ALS support.

Between 2002 and 2008, CIV's immigration litigation workload more than tripled in size, due primarily to enforcement efforts by the Department of Homeland Security (DHS). The impact on the workload Civil Division's Office of Immigration Litigation (OIL) is now so great that immigration cases comprise approximately one-third of the total cases handled annually by the Division.

In 2008, DHS implemented its Secure Communities initiative. Secure Communities calls for more efficient removal efforts, through the use of on-site hearings and video-conferencing. This streamlining process will have an undeniable workload impact on CIV. Based on the historical correlation of DHS resource enhancements to the CIV's immigration caseload, OIL expects its workload to grow from 23,000 cases in FY 2008 to 29,000 cases in 2010, and has projected that this workload requirement can be addressed with an additional 15 attorneys.

FY 2010 Program Changes:

Combating Financial Fraud and Protecting the Federal Fisc: 118 positions (87 attorneys) and \$10 million (including \$5 million for automated litigation support services) to support this initiative through litigation involving fraud, contract claims, bankruptcy, and statutory challenges resulting from the Emergency Economic Stabilization Act of 2008 and the American Recovery and Reinvestment Act of 2009. The requested program enhancement will establish a baseline for this initiative.

Immigration Litigation: 19 positions (15 attorneys) and \$1.8 million are requested for the OIL. For the impact of DHS' increased enforcement efforts to be fully realized, CIV must be adequately staffed to handle the expected increase of 6,000 immigration-related cases in 2010. These resources are necessary to ensure OIL's ability to continue its successful and unified defense of government immigration policy and enforcement in court. FY 2010 current services resources for this program are 448 positions (including 361 attorneys) and \$85.2 million.

Financial Snapshot 2008

Clean Opinion on Financial Statements	Yes
Timely Financial Reporting	Yes
Material Weaknesses	None

GENERAL LEGAL ACTIVITIES

CIVIL DIVISION

(Dollars in Thousands)

	SALARIES & EXPENSES		
	Pos.	FTE	Amount
2008 Enacted	1,338	1,253	\$250,114
2009 Enacted	1,338	1,313	270,431
2010 Request	1,475	1,350	287,758
Change 2010 from 2009 Enacted	137	37	17,327
Adjustments to Base			
Increases:			
Pay and Benefits	0	0	4,453
Domestic Rent and Facilities	0	0	974
Other Adjustments	0	0	131
Foreign Expenses	0	0	9
Total Adjustments to Base	0	0	5,567
2010 Current Services	1,338	1,313	275,998
Program Changes			
Increases:			
Federal Financial Rescue	118	28	10,000
Immigration Litigation	19	9	1,760
Total Program Changes	137	37	11,760
2010 Request	1,475	1,350	287,758
Change 2010 from 2009 Enacted	137	37	17,327

**GENERAL LEGAL ACTIVITIES
CIVIL DIVISION
SALARIES AND EXPENSES**

Comparison by activity and program	2009 Enacted			2010 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
1. Legal Representation	1,338	1,313	\$270,431	1,338	1,313	\$275,998
Total	1,338	1,313	270,431	1,338	1,313	275,998
Reimbursable FTE	0	41	0	0	41	0
Grand Total	1,338	1,354	\$270,431	1,338	1,354	\$275,998

Comparison by activity and program	Total Program Changes			2010 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
1. Legal Representation	137	37	\$11,760	1,475	1,350	\$287,758
Total	137	37	11,760	1,475	1,350	287,758
Reimbursable FTE	0	0	0	0	41	0
Grand Total	137	37	\$11,760	1,475	1,391	\$287,758