

IV

STRATEGIC GOAL FOUR:

Protect the Rights and Interests of the American People by 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. Attorneys Offices, 6 litigating divisions (the Antitrust Division, the Civil Division, the Civil Rights Division, the Criminal Division, 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 officers in each federal 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 (or specialized expertise) with client agencies whose headquarters are in Washington, D.C.; or cases in which the U.S. Attorney may be recused.

The Office of the Solicitor General represents the interests of 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, environmental, 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 2002. These include initiatives to protect the public fisc from unmerited claims; to recover monies 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, particularly health care fraud and internet-related crime.

MANAGEMENT CHALLENGES

There are no existing material weaknesses that will hinder the achievement of goals in this area in FY 2003, nor did DOJ's OIG, in its December 2001 list of top ten management challenges facing the Department, list any management issues in this area.

PROGRAM EVALUATIONS

There are no program evaluations projected for FY 2003.

STRATEGIC OBJECTIVE 4.1: CIVIL RIGHTS

Uphold the civil rights of all Americans, reduce racial discrimination, and promote reconciliation through vigorous enforcement of civil right laws

Annual Goal 4.1: Uphold the civil rights of all Americans, reduce racial discrimination, and promote reconciliation through vigorous enforcement of civil right laws

STRATEGIES

- ◆ Target specific actions as part of a comprehensive strategy to safeguard the civil rights of all persons residing in the United States.
- ◆ Educate the American business community and state and local governments regarding federal civil rights laws and requirements.

The Department of Justice is the chief agency of the Federal Government charged with protecting constitutional and statutory rights guaranteed to all Americans. Through the Department's Civil Rights Division (CRT), the FBI and the United States Attorneys (USAs), DOJ enforces numerous civil rights laws including the Americans with Disabilities Act; the Fair Housing Act; the Civil Rights Acts of 1964, 1968, and 1991; the Freedom of Access to Clinic Entrances Act; the Equal Education Opportunities Act of 1874; the Immigration Reform and Control 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.

Our objective also requires that we educate the public about the federal civil rights laws, fostering voluntary compliance to the civil right ideals of non-discrimination, equal opportunity and justice, so that all Americans can be treated with dignity and enjoy the full bounty of the American ideals of equality, fairness, and equal opportunity.

The DOJ promotes compliance with basic federal civil rights protections through a multi-faceted enforcement program. These civil rights laws influence a broad spectrum of conduct by individuals and public and private institutions. They prohibit discriminatory conduct in such areas as law enforcement, housing, employment, education, voting, lending, public accommodations, access to services and facilities, and treatment of juvenile and adult detainees and residents of nursing homes. They also provide criminal safeguards against hate crimes and criminal and civil safeguards against official misconduct.

The DOJ is the protector of the rule of law within the Executive Branch of government. Fair and uniform enforcement of federal law to prevent hate crimes, police profiling, and a host of other pernicious discriminatory conduct is crucial to the public's trust of government and law enforcement. In recent years, the role of the Department has expanded to issues that capture national attention, such as church arson, clinic bombings, police-profiling and hate crimes. These unpredictable events require the Department to respond both appropriately and creatively.

Police and other official misconduct; crimes of racial violence such as cross-burning, arson, and vandalism; reproductive health care violence and obstruction; victimization of migrant workers; discrimination in housing, lending, education, employment, and voting; and the basic rights of persons with disabilities will continue to be high priorities for resource allocations.

MEANS – Annual Goal 4.1

Dollars/FTE

Appropriation	FY 2001 Actual		FY 2002 Enacted		FY 2003 Requested	
	FTE	\$ mill	FTE	\$ mill	FTE	\$ mill
Civil Rights Division	678	91	745	99	750	103
Federal Bureau of Investigation	353	43	356	48	356	48
U.S. Attorneys	19	2	21	2	21	3
Subtotal	1050	\$136	1122	\$150	1127	\$154

Skills

Attorneys and support staff experienced in constitutional and statutory civil law. FBI agents experienced in civil rights violation investigations.

Information Technology

The Division has upgraded its Interactive Case Management (ICM) system and desktop office automation system. 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 4.1

4.1A Prosecute Criminal Civil Rights Violations

Background/ Program Objectives:

CRT works with the FBI and the USAs to prosecute cases of national significance involving the deprivations of Constitutional liberties which cannot be, or are not, sufficiently addressed by state or local authorities. These include acts of bias-motivated violence; misconduct by local and federal law enforcement officials; violations of the peonage and involuntary servitude statutes that protect migrant workers and others held in bondage; criminal provisions which prohibit conduct intended to injure, intimidate, or interfere with persons seeking to obtain or to provide reproductive health services; as well as a law which prescribes interference with persons in the exercise of their religious beliefs and the destruction of religious property. The federal criminal civil rights statutes provide for prosecutions of conspiracies to interfere with federally protected rights, deprivation of rights under color of the law, and the use of threat or force to injure or intimidate persons in their enjoyment of specific rights.

Performance:

Performance Measure: % Successful CRT Prosecutions

FY 2001 Target:

87% Successful CRT Prosecutions

FY 2001 Actual:

90% Successful CRT Prosecutions

Discussion: In FY 2001, 93 cases filed resulted in the charging of 189 defendants. Of the 189 defendants charged, 97 law enforcement officers, including police officers, deputy sheriffs and state and federal prison correctional officials were charged with using their positions to deprive individuals of constitutional rights, such as the right to be free from unwarranted assaults and illegal arrests and searches. In addition, the average overall success rate was 100% in non-law enforcement prosecutions and 80% in color of law cases for an average success rate of 90%.

FY 2002 Performance Plan Evaluation: Based on performance in FY 2001, we expect to meet our target of 87% for successful prosecutions. While we anticipate filing at least 93 cases in FY 2002, heavy demands on attorney resources necessary to investigate and prosecute labor intensive, complex, high profile incidents, and an anticipated decline in active participation from USAs, may limit our capacity to attain projected volume goals. Additionally, investigations relating to the terrorist attack of 9/11/01 has limited the availability of FBI agents, which may negatively impact our ability to investigate and prosecute cases.

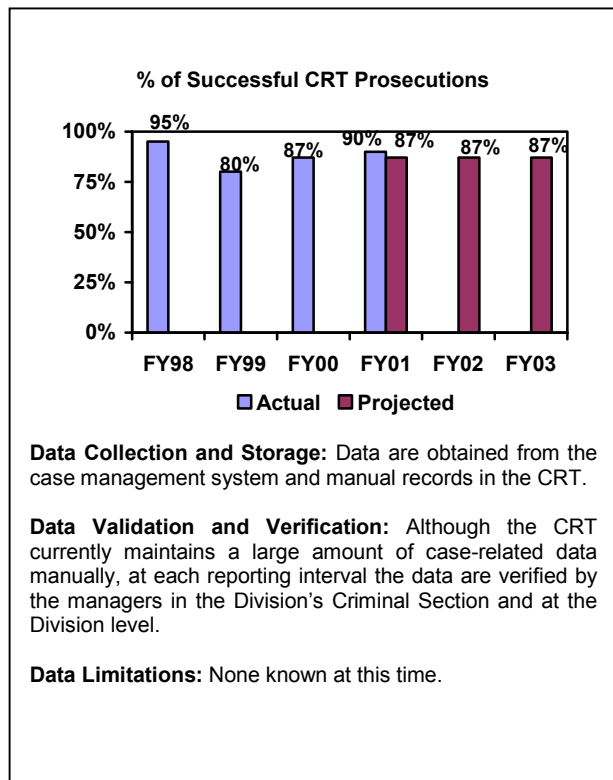
FY 2003 Performance Target:

87% successful prosecutions

Public Benefit: The program convicts individuals (either by conviction or guilty plea); including law enforcement officers and persons espousing racial animus, in an effort to keep our streets and neighborhoods safe for citizens across the country.

Strategies to Achieve the FY 2003 Goal:

Increased community outreach with minority and other disadvantaged groups, and training for law enforcement regarding Color of Law matters will remain critical. DOJ will devote increased attention 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. FBI's Civil



Rights Program will deter civil rights violations through aggressive investigative and proactive measures regarding hate crimes; color of law violations; abortion clinic violence; and involuntary servitude and slavery.

Crosscutting Activities:

The USAs, CRT, and FBI coordinate extensively during the investigation and prosecution of these matters. In addition, DOJ's Community Relations Service is frequently involved in resolving community conflicts arising from hate crimes and police misconduct investigations and prosecutions.

CRT's Criminal Section participates in several cross-cutting programs: the National Church Arson Task Force, which joins the efforts of the Bureau of Alcohol, Tobacco and Firearms (ATF) and the FBI with prosecutors from DOJ; the Worker Exploitation Task Force, which brings together the Department of Labor and DOJ to address involuntary servitude, slavery, trafficking, and other criminal violations involving undocumented workers; and the National Task Force on Violence Against Health Care Providers, which coordinates the investigation and prosecution of violations of the Freedom of Access to Clinic Entrances Act. The Department of Housing and Urban Development (HUD) and the Criminal Section work together to ensure that discriminatory interference with housing rights are effectively addressed. Additionally, OIG, INS, BOP, and USMS routinely telefax complaints to the section relating to official misconduct by federal law enforcement officers.

4.1B Prosecute Pattern or Practice Civil Rights Violations

Background/ Program Objectives:

Civil “pattern or practice” litigation is divided into four main areas: Housing and Civil Enforcement, Employment Litigation, Disability Rights, and Special Litigation. Housing and Civil Enforcement focuses on discriminatory activities by lending and insurance institutions, illegal discrimination in all types of housing transactions including the sale and rental of housing and the failure to design and build multifamily living to be accessible, discriminatory land use by municipalities, discrimination in places of public accommodations, and discrimination against religious institutions by local zoning authorities.

Employment Litigation focuses on employment discrimination on the grounds of race, sex, religion, and national origin. This includes pattern or practice cases against agencies such as: state, county, and local law enforcement organizations; fire departments; state departments of correction; public school districts; and state departments of transportation. These are complex cases that seek to eliminate employment practices that have the effect of denying employment opportunities or otherwise discriminating against one or more protected classes of individuals. Relief reforming discriminatory practice and policies is a primary objective. Employment Litigation also obtains jobs, back pay, and other forms of relief for individual victims.

Disability Rights enforces the Americans with Disabilities Act (ADA) on behalf of people with disabilities. Enforcement responsibilities cover a broad spectrum of potential actions to encourage individuals and entities to comply with ADA requirements, including new construction, removal of physical barriers, provision of auxiliary aids, access to employment, and the elimination of discriminatory policies. These enforcements, combined with mediation and technical assistance programs, provide cost-effective and dynamic approaches for carrying out the ADA’s mandates in conformance with the current administration’s New Freedom Initiatives.

Special Litigation focuses on pattern or practice of misconduct or discrimination by law enforcement officers including the denial of constitutional and statutory rights and discrimination based on race, color, national origin, gender, or religion. National media attention and outreach led to an increased volume of complaints in this area. An additional area of concern focuses on the deprivation of constitutional and federal statutory rights of persons in publicly operated residential facilities that are subjected to patterns of egregious and flagrant conditions of confinement. These facilities include: institutions for the mentally ill and developmentally disabled, nursing homes, juvenile detention facilities, local jails, and prisons. (DOJ does not have authority to pursue an individual claim.)

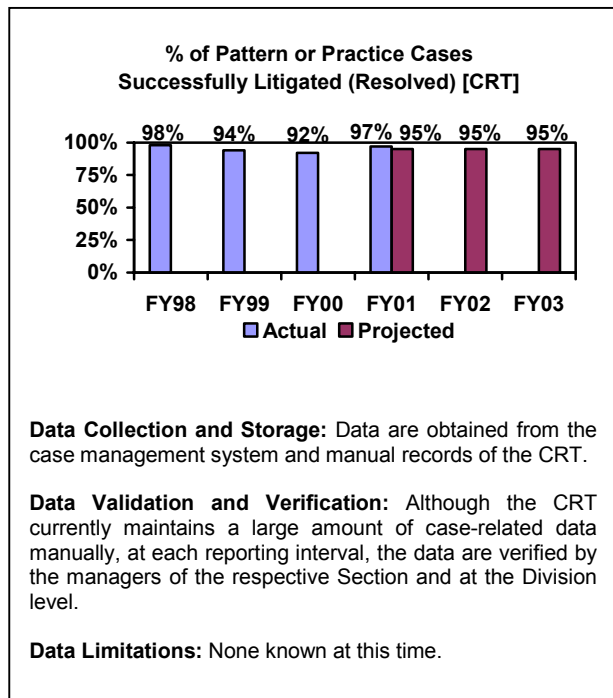
Performance:

Performance Measure: % of Pattern or Practice Cases Successfully Litigated (Resolved)

FY 2001 Target: 95% of Pattern or Practice Cases Successfully Litigated

FY 2001 Actual: 97% of Pattern or Practice Cases Successfully Litigated

Discussion: The Housing and Civil Enforcement Section resolved 20 pattern or practice complaints with consent orders or settlement agreements providing significant relief to aggrieved persons. The Employment Section tried one extremely complex pattern or practice case against Garland, TX. The trial took ten days and post-trial papers will be submitted during FY 2002. The Disability Rights Section continued to focus on equal access in everyday life throughout FY 2001. Litigation was initiated against a national theater chain to correct violations in the design, construction, and operation of stadium style movie theaters; another suit was filed against a cruise line for discrimination against individuals who are blind.



FY 2002 Performance Plan Evaluation: Based on program performance in FY 2001, we expect to meet the corresponding FY 2002 target of 95% of Pattern or Practice Cases Successfully Litigated.

FY 2003 Performance Target: 95% of Pattern or Practice Cases Successfully Litigated.

Public Benefit: The Division tries to ensure that all Americans are treated with dignity and enjoy the full bounty of American ideals, equality, fairness and equal opportunity. Success in these cases, related to police misconduct, the civil rights of institutionalized persons, employment practices and the ADA has improved the lives of tens of thousands of people. Successful prosecution of these civil rights cases has permanently removed both social and physical barriers to dignity and equality.

Strategies to Achieve the FY 2003 Goal:

DOJ will continue to address pattern or practice civil rights cases, including police misconduct, fair housing, fair lending, employment discrimination, and disability status. The discretionary pattern or practice cases in Housing and Civil Enforcement remain the highest priority because of their broader impact. Special Litigation's priority will be given to pattern or practice of law enforcement providing outreach, training, and consultation in the prevention of misconduct. In addition, institutions will be monitored closely to ensure that adequate treatment and living conditions are achieved and maintained, and that appropriate placements of persons with disabilities are made in the most integrated setting. Employment Litigation will prioritize identifying and instituting litigation to eliminate policies or practices including, hiring, promotion, testing or assignment, which discriminate on the basis of race, sex, religion, or national origin. Disability Rights will continue to focus on pattern and practice cases including participation in civil life (such as town halls, municipal buildings, and courts), access to employment, new construction, transportation, effective communication in health care, and access to public accommodations

Crosscutting Activities:

Pattern or practice cases provide the opportunity to address egregious and systemic violations of civil rights laws. In order to bring these cases to court, DOJ coordinates its efforts internally among the CRT, FBI, BOP, USMS, USAs, and externally with federal partners, including the Department of Labor, the Equal Employment Opportunity Commission, the Department of Housing and Urban Development, and the Department of Health and Human Services.

STRATEGIC OBJECTIVE 4.2: ENVIRONMENT

Promote the stewardship of America’s environment and natural resources through the enforcement and defense of environmental laws and programs.

Annual Goal 4.2: Promote the stewardship of America’s environment and natural resources through the enforcement and defense of environmental laws and programs.

STRATEGIES

- ◆ Pursue cases against those who violate laws that protect public health, the environment, and natural resources.
- ◆ Defend U.S. interests against suits challenging statutes and agency actions.
- ◆ Develop constructive partnerships with other federal agencies, state and local governments, and interested parties to maximize environmental compliance and natural resource management.
- ◆ Act in accordance with U.S. trust responsibilities to Indian Tribes and individual Indians in litigation involving the interests of the Indians.

Safeguarding the Nation’s environment and natural resources for this and future generations is a major DOJ priority for FY 2003. DOJ’s Environment and Natural Resources Division (ENRD), FBI, and U.S. Attorneys will work together with other federal agencies to enforce environmental laws; protect our natural resources; defend federal agency environmental regulations and government pollution abatement laws and programs; and assist in fulfillment of U.S. trust responsibilities. As the Nation’s chief environmental litigator, the Department will strive to increase compliance with environmental laws, deter future violations

of those laws, seek redress and civil penalties for past violations that harm the environment, and seek recoupment of federal funds spent to abate environmental contamination, and monies to restore or replace damaged natural resources.

MEANS – Annual Goal 4.2

Dollars/FTE

Appropriation	FY 2001 Actual		FY 2002 Enacted		FY 2003 Requested	
	FTE	\$ mill	FTE	\$ mill	FTE	\$ mill
Environment & Natural Resources Div.	594	66	619	67	611	66
Federal Bureau of Investigation	73	10	76	11	76	11
U.S. Attorneys	80	11	86	12	87	13
Subtotal	747	\$87	781	\$89	774	\$90

Skills

ENRD and the U.S. Attorneys require attorneys, particularly litigators, experienced in civil, administrative and appellate law. Experienced support staff (paralegals and litigation support assistants) and administrative specialists are also essential. The 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) and its Case Management System. 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 4.2

4.2A Enforce and Defend Environmental and Natural Resource Laws

Background/ Program Objectives:

The Department of Justice enforces environmental laws to protect the health and environment of the United States and its citizens, defends environmental challenges to Government programs and activities, and represents the United States in all matters concerning the protection, use, and development of the Nation's natural resources and public lands, wildlife protection, Indian rights and claims, and the acquisition of federal property.

Performance:

Performance Measure: % of Civil Environmental Cases Successfully Resolved

FY 2001 Target:

80% Affirmative; 70% Defensive

FY 2001 Actual:

93% Affirmative; 92% Defensive

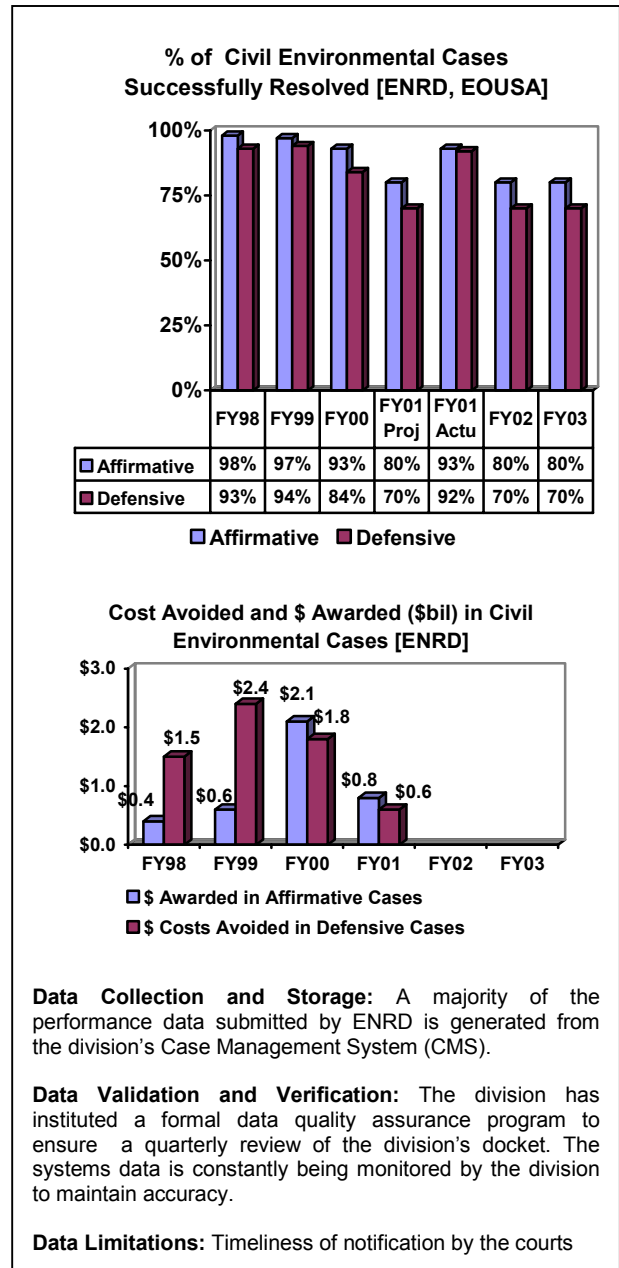
Discussion: The Department had many successes in affirmative and defensive cases during FY 2001. We defended federal regulatory programs and initiatives as well as federal agencies against claims alleging noncompliance with federal, state and local pollution control statutes. We also defended vital Federal programs such as naval preparedness in the Caribbean and the Northern Marianas and the power system in the Columbia River Basin from challenges. In an effort to reduce harmful air pollution released illegally from petroleum refineries, we have taken enforcement action against a number of the nation's largest refineries. We have reached settlements in five cases, addressing 22 oil refineries and nearly 30% of the nation's refining capacity, which will result in civil penalties and a reduction of almost 133,000 tons per year in toxic air emissions.

FY 2002 Performance Plan Evaluation: Based on program performance in FY 2001, we expect to meet the corresponding FY 2002 target of 80% for affirmative cases and 70% for defensive cases.

FY 2003 Performance Target: 80% for affirmative cases and 70% for defensive cases

Public Benefit: The Department's successes ensure correction of pollution control deficiencies, reduction of harmful discharges into the air and water, clean up of leaks and abandoned wastes, and promotion of proper disposal of solid and hazardous wastes. This work improves the quality of the environment of the United States and the health and safety of its citizens.

In FY 2001, the Department achieved the largest recoveries to date for damages to natural resources under the Comprehensive Environmental Response, Compensation and Liability Act. Additionally,



the Department successfully litigated to protect land and other resources the U.S. holds in trust for Indian tribes, entering into settlements resolving hundreds of water claims in Montana and successfully defending the Secretary of the Interior's discretion to take land into trust.

Performance Measure: Costs Avoided and \$ Awarded in Civil Environmental Cases

FY 2001 Target: N/A

FY 2001 Actual: \$.6 million Avoided, \$.8 million Awarded

Discussion: The Department successfully represented a wide range of government agencies in suits that challenged environmental and public land policies, and programs and in cases seeking money from the government. We successfully defended numerous cases in the Court of Federal Claims during FY 2001, avoiding civil monetary liability in the tens of millions of dollars. In a case involving the denial of a Clean Water Act permit, we saved \$25 million through a favorable judgment. A growing part of our docket involves defendants' claims seeking money from the U.S. for costs of cleaning up polluted sites. The results in these defensive Comprehensive Environmental Response, Compensation and Liability Act cases show that with sufficient resources, we can defeat excessive liability claims. In addition to defending millions of dollars in claims against the federal fisc, the Department secured a tribal water rights working with the Indian tribes with whom we have a trust relationship. Aggressive civil enforcement efforts also resulted in the recovery of significant civil penalties to the federal government in a number of pollution control cases including: Morton International, Inc. (\$10 million); Nucor Steel, Inc. (\$6.9 million); and Chevron U.S.A, Inc. (\$6 million).

Public Benefit: The Department's efforts to defend government programs, to obtain compliance with environmental and natural resource statutes, to win civil penalties, and to recoup federal funds spent to abate environmental contamination demonstrate that America's environmental laws are being vigorously enforced. Polluters who violate these laws are not being allowed to gain an unfair economic advantage over law-abiding companies. The deterrent effect of the Department's work encourages voluntary compliance with the environmental and natural resource laws, thereby improving the environment and public health and safety.

FY 2002/2003 Performance Plan Evaluation: In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

Strategies to Achieve the FY 2003 Goal:

The Department will pursue cases against those who violate laws that protect public health, the environment and natural resources; defend U.S. interests against suits challenging statutes and agency actions; develop constructive partnerships with other federal agencies, state and local governments, and interested parties to maximize environmental compliance and natural resource management; and act in accordance with U.S. trust responsibilities to Indian tribes and individual Indians in litigation involving the interests of Indians. The Department will pursue affirmative enforcement of statutes designed to address the cleanup of hazardous waste sites; the management of hazardous wastes and used oil; the pollution of surface waters and the integrity of drinking water; the quality of air; and the regulation of ocean and coastal waters. The Department will take enforcement actions that protect endangered species, sensitive habitats and natural resources in national parks and marine sanctuaries. DOJ will pursue claims for natural resource damages on behalf of federal agencies that act as trustees of those resources, including the Interior, Agriculture and Commerce Departments. We will continue to represent client agencies, including the Environmental Protection Agency, the U.S. Army Corps of Engineers, the Department of the Interior and the U.S. Forest Service, in suits challenging the Government's administration of federal environmental, conservation and land management laws. DOJ will defend claims that federal agencies have violated pollution laws or allegations that they have taken real property without just compensation, violating the Fifth Amendment. Other departmental priorities include litigation arising from the recommendations of the President's National Energy Policy Task Force, forest management, access to public lands, and Administration programmatic goals. The Department will continue to work cooperatively with state attorneys general on joint enforcement actions and where appropriate share in penalties obtained in settlements; focus on pursuing land and water claims on behalf of tribes to resolve centuries old disputes; and litigate to protect tribal regulatory, adjudicatory and tax jurisdiction, including a tribe's sovereignty to exercise jurisdiction in domestic relations cases involving tribal members, and to enforce gaming laws and state compacts.

Crosscutting Activities:

The Environment Division, FBI and USAs are working collectively with federal agencies including the EPA, Departments of Agriculture and the Interior, and state and local governments to strengthen enforcement of environmental laws and statutes and to preserve public lands, natural resources, and tribal sovereignty.

STRATEGIC OBJECTIVE 4.3: ANTITRUST

Promote economic competition through enforcement of and guidance on antitrust laws and principles.

Annual Goal 4.3: Promote economic competition through enforcement of and guidance on antitrust laws and principles.

STRATEGIES

- ◆ Investigate and litigate business arrangements and practices that encourage anticompetitive behavior and reduce competition.
- ◆ Advance procompetitive national and international laws, regulations, and policies.
- ◆ Guide and educate businesses, consumers, and counterpart agencies about antitrust law to increase their awareness and understanding.

The Antitrust Division (ATR) maintains and promotes competitive markets by enforcing, improving, and educating people about antitrust laws and principles. Enforcement of antitrust laws is pursued through the investigation and prosecution of business arrangements and practices that encourage anticompetitive behavior and lessen competition, whether those arrangements and practices involve mergers, international criminal conspiracies, or other potentially anticompetitive business practices. Improvements to antitrust laws and principles are pursued through participation in interagency regulatory processes, interagency task forces, and international bodies (the World Trade Organization, for example). Whether through direct

contact and targeted communication with specific audiences, or via the development, publication, and distribution of policy guidance, ATR seeks to increase the breadth and depth of awareness of antitrust law and the promotion of free and open competition to the benefit of all U.S. consumers and businesses.

MEANS – Annual Goal 4.3

Dollars/FTE

Appropriation	FY 2001 Actual		FY 2002 Enacted		FY 2003 Requested	
	FTE	\$ mill	FTE	\$ mill	FTE	\$ mill
Antitrust Division	537	78	593	92	593	97
Federal Bureau of Investigation	17	2	17	2	17	2
Subtotal	554	\$80	610	\$94	610	\$99

Skills

ATR requires experienced attorneys, economists, paralegals and support staff. Attorneys experienced in conducting complex, international investigations and economists experienced in analyzing multi-million or -billion dollar mergers in newly emerging markets are particularly valued in the current operating environment.

Information Technology

ATR relies upon its 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.

PERFORMANCE ASSESSMENT – Annual Goal 4.3

4.3A Maintain and Promote Competition

Background/Program Objectives:

ATR maintains and promotes competitive markets largely by enforcing federal civil and criminal antitrust laws. The statutory authority for the ATR’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. These 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 mergers likely to reduce the competitive vigor of particular markets, predatory acts designed to maintain or achieve monopoly power, and per se illegal bid rigging. Successful enforcement of these laws – which both decreases and deters anticompetitive behavior – saves U.S. consumers billions of dollars, allows them to receive goods and services of the highest quality at the lowest price, and enables U.S. businesses to compete on a level playing field nationally and internationally.

Performance:

Performance Measure: Success Rates for Civil Antitrust Cases

FY 2001 Target:

Civil Non-Merger Matters Pursued: 90%
 Merger Transactions Challenged: 90%

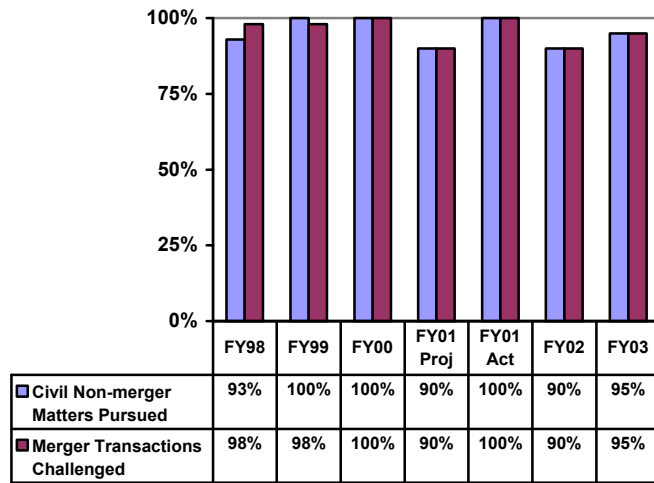
FY 2001 Actual:

Civil Non-Merger Matters Pursued: 100%
 Merger Transactions Challenged: 100%

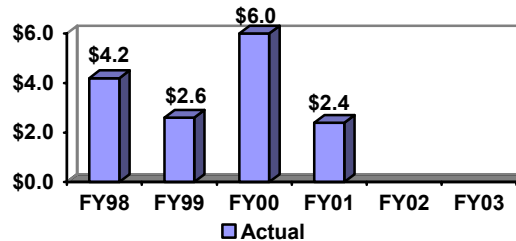
Discussion: It is the Division’s goal to achieve a positive outcome in every case it brings. The success rate for civil non-merger matters includes investigations in which business practices were changed after the investigation was initiated, a case was filed with consent decree, or a case was filed and litigated successfully. The Antitrust Division’s success in thwarting anticompetitive behavior in the civil non-merger arena has been notable. The Division won every case it pursued in FY 2001, achieving a 100% success rate.

The success rate for merger transactions challenged includes mergers that are abandoned, fixed before a complaint is filed, filed as cases with consent decrees, filed as cases but settled prior to litigation, or filed and litigated successfully. The Division has kept abreast of a large number of premerger filings in recent years, as filings more than tripled between FY 1990 and FY 2000. Additionally, the value of completed transactions has risen,

Success Rates for Civil Antitrust Cases [ATR]



Savings to U.S. Consumers (\$Bil) [ATR]



Data Collection and Storage: Data are collected and stored in ATR management information systems, primarily in the Matter Tracking System and its companion user interfaces.

Data Validation and Verification: User training and software guides encourage accurate data entry. Instantaneous online data validations include inter-element cross-checks, numeric range checks, single element list-of-values checks and mandatory data element checks. In addition, batch data analysis and ad hoc reviews are conducted periodically. Finally, programmatic review of data helps assure quality.

Data Limitations: In calculating consumer savings across our enforcement areas, key input measures, if not actually estimated in the investigation or case, were estimated based on anecdotal information and observations. These values are both conservative and consistently estimated over time.

with U.S. merger value increasing nearly ten-fold during the same period, reaching \$1.83 trillion in CY 2000. Although filings in FY 2001 abated, the trend toward consolidation is expected to continue with acquisitions involving market leaders with international reach increasingly predominant. The Division has enjoyed considerable success in preventing anticompetitive mergers, achieving a 100% success rate for merger transactions challenged in FY 2001.

FY 2002 Performance Plan Evaluation: Based on program performance in FY 2001, we expect to meet the FY 2002 90% success rates in both the Civil Non-Merger and Merger Enforcement programs.

FY 2003 Performance Target: 95% success rate for Civil Non-Merger and Merger Enforcement

Public Benefit: The Division's enforcement efforts in its civil program are essential to the overall health of the U.S. economy. By blocking potentially anticompetitive mergers and pursuing other potentially illegal behavior such as group boycotts or exclusive dealing arrangements, the Division safeguards competition and promotes innovation. The ultimate beneficiary of our work is the consumer who is afforded a greater choice of quality products at lower prices.

Performance Measure: Savings to U.S. Consumers (as the result of Antitrust Division's Civil enforcement efforts)

FY 2001 Target: N/A

FY 2001 Actual: \$2.4 billion

Discussion: The Division has made great strides in combating anticompetitive behavior across industries and geographic borders and has saved American consumers billions of dollars annually by ensuring a competitive and innovative marketplace. The estimated value of consumer savings generated by the Division's civil enforcement efforts in any given year depends upon the size and scope of the matters encountered and, thus, varies considerably.

Public Benefit: Success in these areas saves U.S. consumers billions of dollars and ensures there are a sufficient number of competitors to maintain competition, which spurs research and development, innovation, the development of new and better products and service, and the best prices and quality for consumers.

FY 2002/2003 Performance Plan Evaluation: In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

Strategies to Achieve the FY 2003 Goal:

ATR employs two distinct strategies to maintain and promote competition (and to decrease and deter anticompetitive business behavior and practices). First is our merger enforcement strategy. This strategy focuses on the investigation and litigation of instances in which monopoly power is sought, attained, or maintained through anticompetitive conduct and by seeking injunctive relief against mergers and acquisitions that may tend to substantially lessen competition. Second, our civil non-merger enforcement strategy supports the investigation and prosecution of civil non-merger matters to suspend or deter anticompetitive behavior. Other behavior, such as group boycotts or exclusive dealing arrangements, that inappropriately restrain free and open trade or commerce is illegal under Section 1 of the Sherman Act.

Crosscutting Activities:

ATR and the Federal Trade Commission share responsibility for merger enforcement by law and practice. ATR also maintains relationships with the FBI and the Executive Office for U.S. Attorneys in support of its mission.

STRATEGIC OBJECTIVE 4.4: TAX LAWS**Promote the fair, correct, and uniform enforcement of the federal tax laws and the collection of tax debts to protect the public fisc from unjustified claims.****Annual Goal 4.4: Promote the fair, correct, and uniform enforcement of the federal tax laws and the collection of tax debts to protect the public fisc from unjustified claims.****STRATEGIES**

- ◆ Litigate, both defensively and affirmatively, federal civil tax cases filed by and against taxpayers in federal and state courts.
- ◆ Provide expert counsel and litigation support to defend U.S. interests in federal civil tax cases appealed to federal appeals and state appellate courts.

The Tax Division (TAX) utilizes civil litigation 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. TAX contributes significantly and directly to efforts by the Administration and Congress to protect the Federal fisc from unmerited claims involving tax related issues and to promote voluntary compliance with the tax laws. In addition, TAX protects the public fisc by defending the rights of the United States. TAX's attorneys are guided throughout each stage of litigation by the principles of fair and uniform treatment for all categories of litigants.

MEANS – Annual Goal 4.4**Dollars/FTE**

Appropriation	FY 2001 Actual		FY 2002 Enacted		FY 2003 Requested	
	FTE	\$ mill	FTE	\$ mill	FTE	\$ mill
Tax Division	396	52	393	54	390	56
U.S. Attorneys	0	0	0	0	0	0
Subtotal	396	\$52	393	\$54	390	\$56

Skills

The Tax Division requires top-tier attorneys at all experience levels, and managers with significant litigation experience and substantive tax knowledge to litigate the full range of tax cases initiated by the United States and taxpayers. TAX also requires skilled data management specialists, litigation assistants and paralegals to support litigation.

Information Technology

The Tax Division relies upon the Justice Consolidated Office Network (JCONII) system and recently implemented TaxDoc Case Management System.

PERFORMANCE ASSESSMENT – Annual Goal 4.4

4.4A Enforce Tax Laws Fairly and Uniformly

Background/ Program Objectives:

TAX promotes tax compliance and protects the public fisc by ensuring that the tax laws are enforced uniformly, vigorously, efficiently, and fairly in the federal appellate courts, the federal district and bankruptcy courts, the Court of Federal Claims, and the state courts. Voluntary compliance with the tax laws is enhanced when these objectives are achieved. This ensures an adequate flow of revenue to the Government to fund its operations. TAX provides high-quality legal services and exercises good judgment in defending the interests of the United States in litigation initiated against the government with respect to taxes. TAX also litigates actions related to taxes referred by the IRS and other agencies (where TAX deems litigation to be appropriate). It provides expert litigation and substantive tax advice to U.S. Attorneys Offices throughout the country on tax-related matters, and advises the Department of the Treasury and Congress with respect to tax-related legislative matters.

Performance:

Performance Measure: Civil Settlements and Concessions (all Courts)

FY 2001 Target:

640 Settlements; 140 Concessions

FY 2001 Actual:

553 Settlements; 144 Concessions

Discussion: TAX applies a high level of scrutiny to determine if a case should be litigated. In order to ensure that the tax laws are enforced equitably and consistently throughout the nation, TAX may determine that some cases should not go to trial and be settled or conceded instead. The actual number of cases conceded or settled is dependent on the actual cases received by TAX. As such, there may be differences in the projected number of cases versus the actual amounts of cases settled or conceded.

FY 2002 Performance Plan Evaluation: Based on program performance in FY 2001, we expect to meet the FY 2002 targets of 627 settlements and 81 concessions.

FY 2003 Performance Target: 541 settlements and 152 concessions

Public Benefit: See below

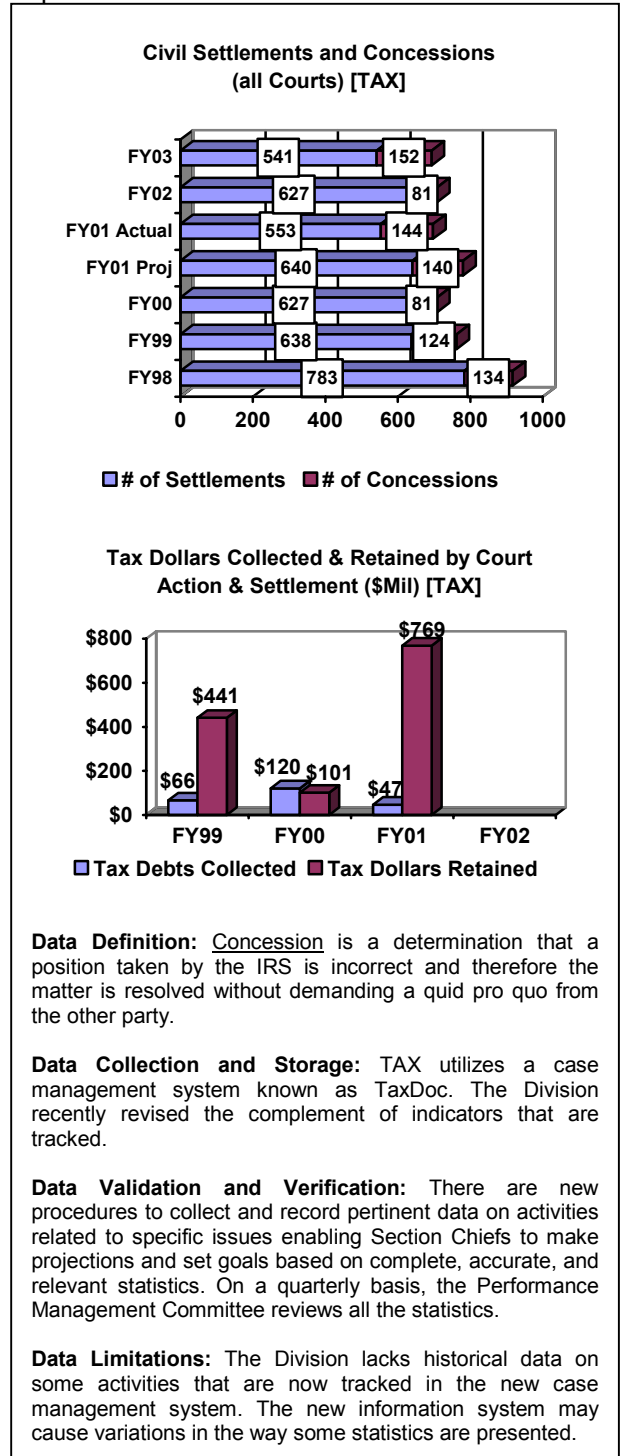
Performance Measure: Tax Dollars Collected and Retained by Court Action and Settlements

FY 2001 Target: N/A

FY 2001 Actual:

\$46.6 million collected; \$768.6 million retained

Discussion: Through TAX's litigation efforts, TAX is able to prevent substantial losses to the federal treasury, thereby increasing funds available for other



government programs or to reduce the deficit. During FY 2001 TAX prevented over \$700 million directly involved in litigation from being drained from the federal treasury. In one corporate tax shelter case in which TAX was successful, over \$25 million was directly involved, the press release issued by the taxpayer indicated that over \$300 million was involved for periods not in suit, and the IRS estimated that over \$5 billion was involved in tax audits involving corporations which engaged in similar shelters.

FY 2002/2003 Performance Plan Evaluation: In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

Public Benefit: Though the deterrent effect cannot be measured, ensuring that tax laws are enforced uniformly, vigorously, efficiently, and fairly in the federal appellate courts, the federal district and bankruptcy courts, the Court of Federal Claims, and the state courts, has a positive impact on income tax compliance. Honest taxpayers see that violators are not able to “beat the system” and that all taxpayers are required to pay their fair share. The Tax Division’s litigation and enforcement efforts achieve our joint goal with the IRS of voluntary compliance with the tax laws. This, in turn, ensures that the federal fisc is protected against a large number of unjustified claims.

Strategies to Achieve the FY 2003 Goal:

TAX will further efforts to clarify the law, defend against unmerited claims, fairly pursue civil violations of our tax laws, protect the collection of tax revenues, and defend against those who seek to undermine compliance with the IRS code and evade or avoid federal taxes. TAX will further its effort to attack abusive tax schemes. It will commence action, as soon as the case is properly referred, to stop the illegal promotions before many taxpayers are harmed. It will continue to cooperate with the IRS in its current efforts to stop the pyramiding of tax withholdings by commencing injunction actions as soon as they are properly referred. TAX will continue to maintain a special counsel for tax protest matters to track and respond to new trends and novel issues arising in tax protest issues. Finally, TAX will continue to provide litigation and substantive tax advice to Assistant U.S. Attorneys and advise the Department of the Treasury and Congress in legislative matters.

Crosscutting Activities:

In addition to its work providing tax advice to other Divisions and agencies, TAX and IRS frequently consult on new and sensitive tax issues and litigation. TAX also works with the U.S. Attorneys Offices to provide advice on tax cases and litigation.

STRATEGIC OBJECTIVE 4.5: CIVIL LAWS

Effectively represent the interests of the United States in all civil matters for which the Department of Justice has jurisdiction.

Annual Goal 4.5: Effectively represent the interests of the United States in all civil matters for which the Department of Justice has jurisdiction.

STRATEGIES

- ◆ Assert the interests of the U.S. Treasury, prevailing against unwarranted monetary claims while resolving fairly those claims with merit.
- ◆ Defend the laws, programs, and policies of the United States when challenged in court, including those which affect how sizeable portions of the federal budget are spent.
- ◆ Implement civil justice reform initiatives to resolve classes of claims for which traditional litigation has been ineffective.
- ◆ Ensure the intent of Congress and the collective efforts of immigration agencies by defending immigration laws and policies, as well as class actions suits or immigration judgments involving individuals.
- ◆ Recover monies owed to the United States and victims as a result of fraud, loan default, and bankruptcy.
- ◆ Enforce consumer protections laws by seeding civil and criminal penalties available under existing statutes.

In FY 2002, 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 (ADR).

MEANS – Annual Goal 4.5**Dollars/FTE**

Appropriation	FY 2001 Actual		FY 2002 Enacted		FY 2003 Requested	
	FTE	\$ mill	FTE	\$ mill	FTE	\$ mill
General Administration	2	0	0	0	0	0
Civil Division	1070	153	1101	170	1099	240
Foreign Claims Settlement Comm	6	1	11	1	11	1
Health Care Fraud	0	34	0	55	0	50
Office of Dispute Resolution	1	0	3	0	3	0
Office of Legal Counsel	32	5	41	5	41	5
Office of Solicitor General	48	7	50	7	50	8
Radiation Exposure Compensation	0	113	0	174	0	145
U.S. Attorneys	2476	280	2587	295	2608	313
Subtotal	3635	\$592	3793	\$709	3812	\$763

Skills

This area requires highly qualified teams of attorneys, as well as support staff trained to take full advantage of new technologies. Experts and consultants are needed to analyze complex issues and present findings in court.

Information Technology

The Civil Division relies on CASES its case management system, as well as on Automated Litigation Support (ALS) to scan documents, create databases and provide ready access to evidentiary information.

PERFORMANCE ASSESSMENT – Annual Goal 4.5

4.5A Protect the Public Fisc

Background/ Program Objectives:

Billions of dollars are saved annually through DOJ's successful defense of the public fisc in lawsuits alleging unwarranted monetary claims. Plaintiffs advancing contract claims, allegations of government misconduct, claims of patent infringement and the like, expose the government to potentially staggering losses. DOJ consistently mounts a strong defense against unwarranted and exaggerated claims to ensure that only those claims with merit under the law are paid.

Performance:

Performance Measure: % of Defensive Civil Monetary Cases Where 85% or More of the Claim is Defeated

FY 2001 Target: 80%

FY 2001 Actual: 84%

Discussion: For the second straight year, the Civil Division exceeded its 80% goal, defeating billions of dollars in unwarranted claims. This accomplishment understates the Division's impact because it does not reflect the consequences of the Division's successful defense of limiting provisions in entitlement programs. Court challenges to such limitations affect billions of dollars of public funds annually.

In FY 2001, the Division secured a key victory in the 10-year dispute over the termination of the A-12 stealth fighter aircraft program. In August 2001, the trial court held that the contract had been properly terminated for default. If the decision is affirmed on appeal, the government will receive \$1.3 billion in unliquidated progress payments plus interest (for a total in excess of \$2 billion).

FY 2002 Performance Plan Evaluation: Based on program performance in FY 2001, we expect to meet the FY 2002 target of 80%.

FY 2003 Performance Target: 80%

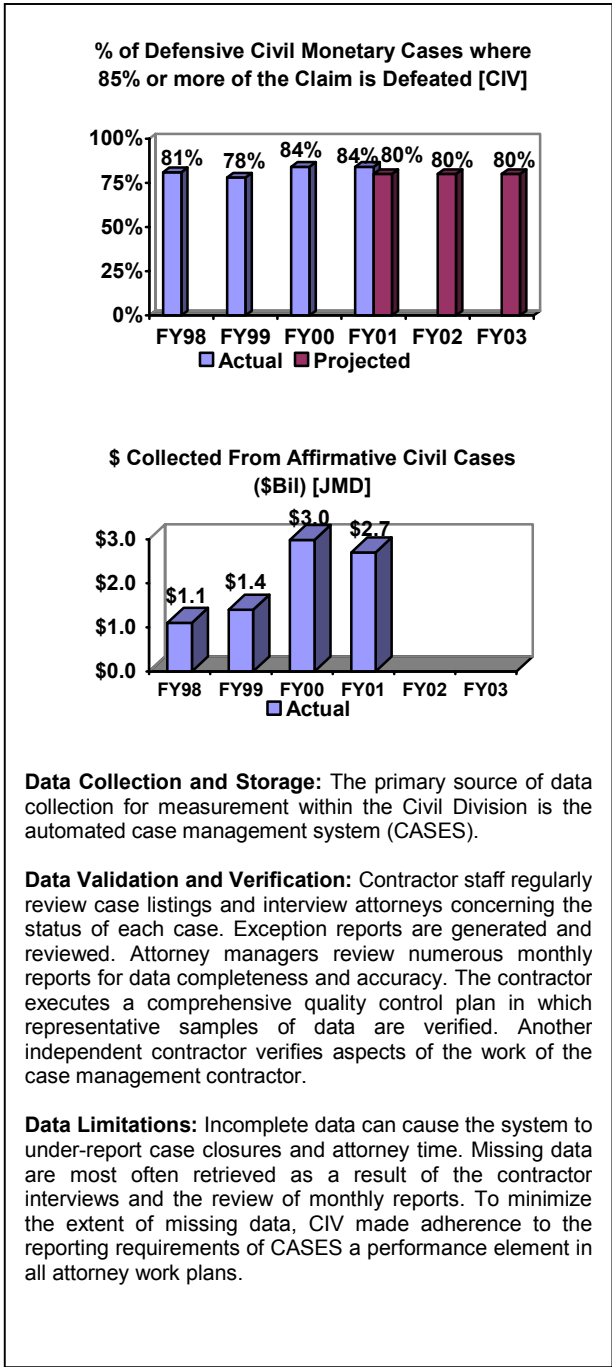
Public Benefit: The United States Treasury would sustain billions of dollars in losses absent successful defense against unwarranted claims. Averting such losses saves the public fisc from being drained of funds that could be used for counterterrorism, military objectives or other initiatives.

Performance Measure: \$ Collected From Affirmative Civil Cases

FY 2001 Target: N/A

FY 2001 Actual: \$2.7 Billion

Discussion: The Department, combines the efforts of law enforcement officers, investigators, and litigators to recover dollars lost to the U.S. Treasury through fraud, loan default, and bankruptcies. In FY 2002 and beyond, we will continue to prosecute fraud and represent the government's interests in affirmative litigation.



FY 2002/2003 Performance Plan Evaluation: In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

Public Benefit: Successful recovery efforts prevent the U.S. Treasury from sustaining significant losses. By recouping money owed to the government, hundreds of millions of dollars are freed up for critical programs, debt relief, or tax reductions.

Strategies to Achieve the FY 2003 Goal:

DOJ legal staff will fight for and guard the financial interests of the United States at trial, at the settlement table, and at the highest levels of judicial review, asserting the taxpayer's stake in financial disputes as they move through appellate stages. Automated Litigation Support will be employed to master voluminous evidence collections and prepare for trial. Experts and consultants will be enlisted to underscore the government's case in complex and technical suits, as well as to refute the assertions of our well-financed opponents.

DOJ will investigate allegations brought forth by "whistle blowers" and where appropriate, seek recoveries and civil penalties. Through collaborative efforts with other federal and state agencies we will pursue health care fraud enforcement, emphasizing massive cases with potential recoveries in the billions of dollars. The taxpayers' interests will be effectively represented in bankruptcies and loan defaults. Finally, alternative dispute resolution will be increasingly used as an alternative to litigation.

Crosscutting Activities:

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

4.5B Continue Vigorous Civil Enforcement

Background/ Program Objectives:

DOJ serves an equally vital role when the laws, programs and policies of the United States are attacked in court. By securing favorable resolutions in such civil cases, DOJ ensures the intent of Congress, as well as represents the government's response to some of the most probing issues of our time. Examples include welfare reform, pornography on cable television and the Internet, gun control, tobacco regulation, privacy of motor vehicle records, and provision of entitlement programs.

To safeguard Medicare and other federally funded health programs, combating health care fraud remains a key focus. Recoveries in health care fraud actions have already topped \$4 billion and are expected to increase, since the current docket includes a number of matters with the potential of significant recoveries. The Internet has emerged as fertile new ground for acts of consumer fraud. The identification, investigation, and prosecution of Internet-related crime is a top priority within DOJ, as well as across the entire federal Government.

DOJ must respond to a variety of immigration-related suits, including those dealing with alien terrorists. Over the past decade, this workload has tripled, coinciding with increased resources and intensified enforcement. The majority of the cases involve individual or class actions opposing the decision of the INS and immigration judges; other key suits pose constitutional challenges to new immigration laws or reformed procedures.

Performance:

Performance Measure: \$ Collected from Civil Health Care Fraud (NOTE: Prior year actuals have been corrected to reflect the most current and accurate data.)

FY 2001 Target: N/A

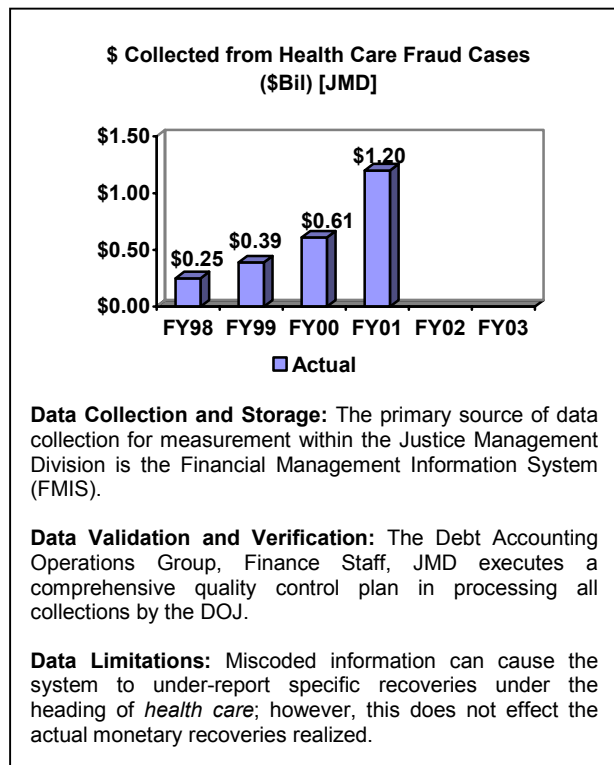
FY 2001 Actual: \$1.2 Billion

Discussion: The Department collaborates with the Department of Health and Human Services, state investigative organizations, and other law enforcement agencies to recover losses from those who defraud Medicare, Medicaid, and other federal health care programs. This strategy is still valid and will be used in FY 2002 and beyond. In the future, the Department will continue its nationwide effort to combat health care fraud through the vigorous enforcement of the False Claims Act and the Health Insurance Portability and Accountability Act.

Public Benefit: The Department's success in health care fraud litigation has returned billions of dollars to the U.S. Treasury, benefiting Medicare and other federally-funded health care programs.

FY 2002/2003 Performance Plan Evaluation:

In accordance with Department guidance, targeted levels of performance are not projected for this indicator.



Performance Measure: % of Favorable Resolutions in Civil Cases

FY 2001 Target: 80%

FY 2001 Actual: 85%

Discussion: The combined efforts of the Civil Division and the USAs enabled favorable resolutions in over 50,000 cases ensuring that the government was effectively represented. In the future, the Department will continue to apply the resources necessary to defend the laws, programs, and policies of the government and to protect the public fisc through affirmative and defensive litigation.

FY 2002 Performance Plan Evaluation: Based on program performance in FY 2001, we expect to meet the FY 2002 target of 80%.

FY 2003 Performance Target: 80%

Public Benefit: The Department's success in civil litigation preserves taxpayers' dollars and ensures the intent of laws enacted and administered by elected government officials.

Performance Measure: % of Favorable Resolutions in Civil Immigration Cases

FY 2001 Target: 85%

FY 2001 Actual: 86%

Discussion: The combined efforts of the Civil Division and the USAs enable successful resolutions in a record number of immigration-related claims. In federal court, the Department upheld enforcement actions and decisions rendered earlier in the immigration process. This strategy is still valid and will be used in FY 2002 and beyond.

FY 2002 Performance Plan Evaluation: Based on program performance in FY 2001, we expect to meet the FY 2002 target of 85%.

FY 2002 Performance Target: 85%

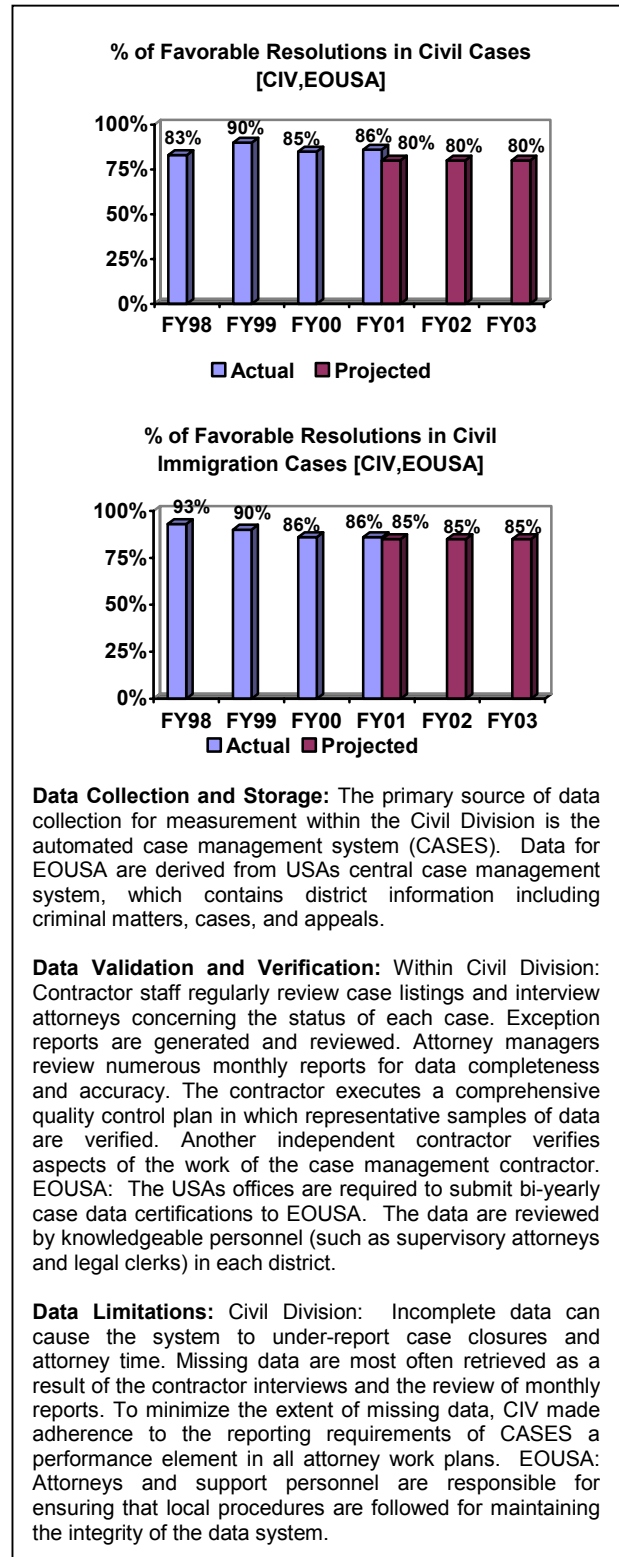
Public Benefit: The Department's success in enforcing immigration laws helps the nation control its borders, particularly with respect to the removal of members of international terrorist organizations.

Strategies to Achieve the FY 2003 Goal:

Efforts will focus on: (1) continuing to pursue health care fraud against federally funded programs, in concert with federal and state law enforcement programs; (2) continuing to remove criminal aliens and enforcing the Nation's immigration laws by effectively defending administrative decisions and INS programs and policies; and (3) successfully resolving all civil cases, including challenges to congressional enactments, federal programs and policy initiatives.

Crosscutting Activities:

The Civil Division and the Executive Office for U.S. Attorneys work closely with the FBI, HHS, DOD, the Veteran's Administration, and state medical fraud units to recover monies lost by federal health care programs. They also participate with other federal, state, and local agencies on the Consumer Protection Initiatives Committee of the Attorney General's Council on White Collar Crime. Increasingly, the Committee's efforts deal with matters involving Internet crime. The Civil Division also collaborates with the State Department among others in the designation of foreign terrorist organizations.



4.5C Increase the Number of Cases Using Alternative Dispute Resolution (ADR)

Background/ Program Objectives:

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.

It is our job to implement the President's directive consistently with our mission to defend the interest of the United States in civil litigation proceedings. In FY 2002, DOJ attorneys will increase efforts to employ ADR including mediation, negotiation, and other litigation streamlining techniques in appropriate civil cases.

Performance:

Performance Measure: MEASURE REFINED: Percentage of Cases Resolved using ADR (NOTE: Measure was previously "Number of Cases Using ADR [CIV, CRT, ENRD, TAX, and EOUSA]")

FY 2001 Target: N/A

FY 2001 Actual: 68%

Discussion: Of the 2,350 cases projected to be subject to ADR, approximately 1,598 were settled using ADR. During FY 2001, Department attorneys reported that 65% of dispute resolution proceedings produced settlements. Moreover, even when cases did not settle as a result of ADR, many attorneys found that ADR was still an effective way to narrow the issues for trial and make them better prepared to litigate.

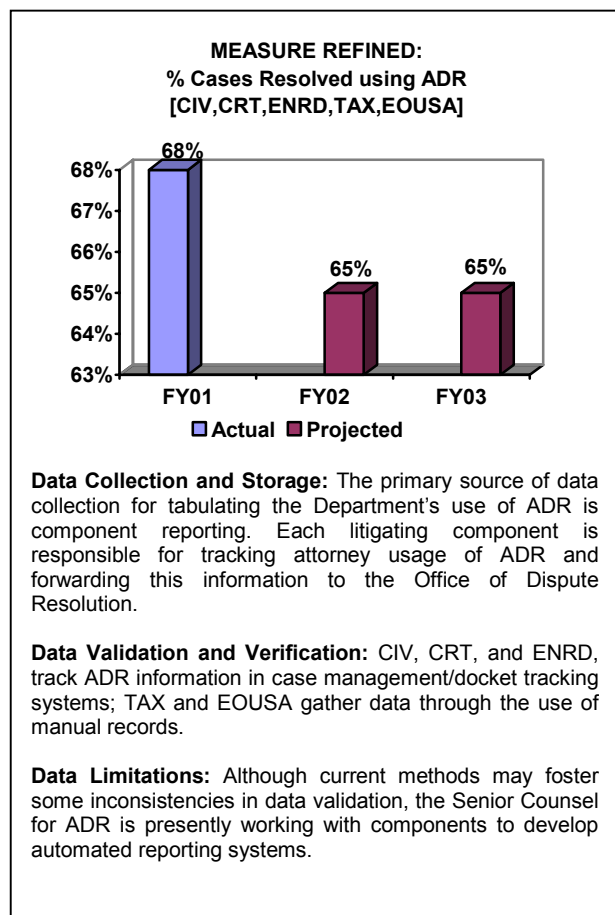
FY 2002 Performance Plan Evaluation: Based on program performance in FY 2001, we expect to meet the FY 2002 target 65%.

FY 2003 Performance Target: 65%

Public Benefit: Mediation and other forms of dispute resolution provide several important public benefits. First, mediation assists in the early settlement of cases, thereby freeing resources to handle other matters that cannot or should not settle. Second, mediators can assist counsel in negotiating favorable settlement terms because the parties can focus on interests that may transcend their legal positions and arrange for a disposition on terms no court could order. Third, mediation empowers individuals to participate in the resolution of their own disputes, rather than deferring to their attorneys, and provides a context for settlement discussions that minimizes the adversarial nature of litigation.

Strategies to Achieve the FY 2003 Goal:

In many circumstances, our attorneys are able to negotiate settlement in civil litigation through one-on-one negotiations with opposing counsel. However, there are also a considerable number of cases where such settlement discussions would be unproductive, protracted, or highly positional. The use of dispute resolution in such civil litigation, especially mediation, permits our attorneys to obtain settlements that are in the best interests of the government. Mediation is the preferred dispute resolution process because skilled mediators can work with the parties and their counsel, encouraging them to go beyond the legal positions advanced by counsel and focus on the underlying interests of the litigants. In many cases, our attorneys are able to construct creative settlements that include terms favorable to the United States that no one would have



identified, but for the assistance of a mediator. Because our experience continues to show that mediation permits us to negotiate more efficiently, we remain committed to promoting the use of dispute resolution in civil litigation in the Department's dispute resolution program.

Crosscutting Activities:

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

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