

FY 2021 President’s Budget Submission - General Legal Activities

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* Please refer to individual GLA component exhibits

I. Overview

The FY 2021 General Legal Activities (GLA) appropriation is requesting a total of 3,820 permanent positions, 3,896 FTE (including 263 reimbursable FTE) and \$971,429,000. This resource level includes program increases of 105 positions, 94 FTE (65 direct and 29 reimbursable), and \$18,190,000, outlined below. Specific details about individual programs are discussed in the budget justifications of the respective General Legal Activities components.

II. Summary of Program Increases

Office of the Solicitor General

Professional/Administrative Positions: 1 position, 1 FTE, and \$111,000

Tax Division

Automated Litigation Support (ALS): 0 positions, 0 FTE, and \$2,500,000

Criminal Division

International Law Enforcement Program Funding: 12 positions, 12 FTE, and \$2,000,000

Providing Prosecutorial and Law Enforcement Support: 7 positions, 4 FTE, and \$629,000

Protecting Children from Online Sexual Exploitation: 3 positions, 3 FTE, and \$353,000

Civil Division

Elder Justice Initiative: 17 positions, 9 FTE and \$4,235,000

Immigration Enforcement: 52 positions, 26 FTE, and \$6,034,000

Vaccine Injury Compensation: Mandatory Program requesting a total of \$19,000,000

Increase of 29 reimbursable FTE

Environment & Natural Resources Division

Smart, Responsible, Common-Sense, Effective Approach to Environmental Litigation:
7 positions, 4 FTE, and \$796,000

Office of Legal Counsel

Attorney Position: 1 position, 1 FTE, and \$198,000

Civil Rights Division

Human Trafficking: 5 positions, 5 FTE, and \$1,334,000

III. Appropriations Language and Analysis of Appropriations Language

A. Appropriations Language

Salaries and Expenses, General Legal Activities

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, [\$920,000,000] \$971,429,000, of which not to exceed \$20,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the amount provided for INTERPOL Washington dues payments, not to exceed \$685,000 shall remain available until expended: *Provided further*, That of the total amount appropriated, not to exceed \$9,000 shall be available to INTERPOL Washington for official reception and representation expenses: *Provided further*, That of the total amount appropriated, not to exceed \$9,000 shall be available to the Criminal Division for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the amount appropriated, such sums as may be necessary shall be available to the Civil Rights Division for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (52 U.S.C. 10305) and to reimburse the Office of Personnel Management for such salaries and expenses: *Provided further*, That of the amounts provided under this heading for the election monitoring program, \$3,390,000 shall remain available until expended.[: *Provided further*, That of the amount appropriated, not less than \$193,715,000 shall be available for the Criminal Division, including related expenses for the Mutual Legal Assistance Treaty Program.]

In addition, for [reimbursement of] expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, [not to exceed \$13,000,000] \$19,000,000, to be appropriated from the Vaccine Injury Compensation Trust Fund and to remain available until expended.

B. Analysis of Appropriations Language

The FY 2021 Budget includes the FY 2020 request for \$9,000 in reception and representation funds for Criminal Division.

The lack of available representational funds presents a challenge to the Division's ability to accomplish its international missions. Various Division Sections interact with foreign counterparts on a daily basis—including OIA, which acts as the Central Authority for the entire United States—both in Washington, D.C. and in many overseas posts. However, these offices are not funded to provide or reciprocate basic hospitalities integral to the process of international relations. Our foreign counterparts are usually funded to provide such hospitality, which can potentially place the United States in uncomfortable situations during foreign interactions when similar funding is not available to reciprocate. Failing to meet this expectation distracts from, and can potentially jeopardize, the U.S. government's objectives for the engagement.

Additionally, the FY 2021 Budget includes language to allow for funds appropriated from the Vaccine Injury Compensation Trust Fund to remain available until expended. The Vaccine Injury Compensation Program ("VICP" or the "Program") has experienced a steady and staggering increase in its caseload over the past seven years, with no expectation of abatement. Therefore, it is essential that the Civil Division secure an increase in the amount of the appropriated reimbursement from the Vaccine Injury Compensation Trust Fund to handle VICP claims. In FY 2021, Civil is requesting a total reimbursement of \$19.0 million. This funding level would provide for an additional 29 attorney positions, bringing the total number of positions associated with the program to 90.

Funding for VICP is unique in that Congress appropriates a reimbursement from the Vaccine Injury Compensation Trust Fund to the U.S. Department of Health and Human Services (HHS), the Civil Division, and to the Special Masters at the U.S. Court of Federal Claims. The Vaccine Injury Compensation Trust Fund, which has a current balance of \$3.9 billion and is funded by an excise tax on vaccines, also pays compensation to petitioners, as well as attorneys' fees and costs. Therefore, providing the Civil Division with the necessary resources to adequately litigate VICP cases will prevent potentially unmeritorious cases from receiving compensation and other meritorious cases from being overcompensated.

IV. Program Activity Justification*

V. Program Increases by Item*

VI. Exhibits*

*Please refer to individual GLA component narratives and exhibits.