

## Hearing Transcript

### House Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies Hearing on President Obama's Fiscal 2017 Budget Request for the Department of Justice

February 24, 2016

CULBERSON:

The Appropriations Subcommittee for Commerce, Justice and Science will come to order. It's a privilege to have you with us here today, Attorney General Lynch, our first hearing together as -- with me as the new chairman and you as the new attorney general.

We deeply appreciate your service to the country, and on behalf of the law enforcement community across America and for all of us as Americans who depend on the good work that you and your officers and every law enforcement officer at the state and local level do, we want to thank you. As America's chief law enforcement officer, we're counting on you to keep us safe, to ensure that the laws are enforced as written by Congress. We're just immensely grateful for the sacrifice that you and everyone that wears the uniform make on behalf of our -- of our great country.

We in this years fiscal year 2017 we'll be working to ensure the Department of Justice has the resources that it needs to do its job and not only enforcing our laws as written by Congress but to combat cyber crime, gangs, terrorism, even trafficking and espionage.

The -- of course, our subcommittee has the responsibility to ensure that our constituents' hard-earned tax dollars are spent wisely and frugally in compliance with federal law as written by Congress, and we are confident that the relationship that you and I and your staff have already developed, that we're moving in the right direction which I deeply appreciate. And we'll find ways to continue that cooperation in ensuring that the money that is -- the hard-earned money that our constituents pay to the IRS and the federal government is used to keep our streets safe and is spent wisely and frugally.

We -- it's very important, and I know you as the new attorney general will do all you can to ensure that we don't hear that any of our hard-earned tax dollars are spent for lavish parties, unnecessary expenses or unauthorized activities. And in our hearing today, and in the weeks and months to come throughout the remainder of the -- President Obama's term in office, I know you will work to convince this committee that the Department of Justice is working to diligently enforce federal law and spend our hard-earned tax dollars wisely and frugally to protect us and even those federal laws that the administration wants to change but does not have Congressional support to change, that's an important part of this, it's our responsibility as good stewards of the constituents' dollars.

I would like to hear in particular today how your department is protecting Americans' 2nd Amendment rights, ensuring that state and local governments are not refusing to cooperate with the Department of Homeland security in releasing violent alien criminals into communities. As the

new chairman of this subcommittee, the rule is that if a federal agency or a state or local government expects to receive federal money, they have to comply with federal law and I'm delighted with the letter you sent me. It looks like we're on the same page. Very, very pleased to hear that.

The -- we also want to talk about how -- what the Department of Justice is doing to combat cyber crime and espionage, and above all protecting the United States from terrorism. I look forward to working with you throughout the year as the appropriations process moves forward, and before I proceed I would like to recognize our ranking member, Mr. Honda from California, for any remarks he would like to make.

HONDA:

Thank you, Mr. Chairman. I also would like to thank you for your leadership and fostering really a collegial open atmosphere amongst the members of our subcommittee. And I also would like to welcome to our subcommittee Attorney General Lynch, and thank you for coming here to testify today.

As our nation's chief law enforcement officer, we are all grateful to you for your service to our country and your commitment to upholding the rule of law. We're also especially thankful for the thousands of hard working men and women at the Department of Justice who work around the clock to keep us safe.

I look forward to building upon last year's successes by putting together a strong CJS appropriations that supports the mission of our law enforcement agencies in protecting the American people especially the most vulnerable among us and those communities that have been neglected in the past.

HONDA:

I'm pleased that the president's budget provides for a healthy increase law enforcement agencies in protecting the American people, especially the most vulnerable among us and those communities that have been investigated in the past.

I'm pleased that the president's budget provides for a healthy increase for what has been a relatively stagnant Department of Justice budget over the past few fiscal years. This year's request includes desperately-needed resources for law enforcement at the federal, state and local levels to help keep up in combating new and evolving threats to the American people. It also provides resources to those in distress such as victims of sexual assault and human trafficking as well as tribal crime victims.

I think we all agree that the mission of your department is critical to our country and that it is vitally important that the Department of Justice has the resources it needs to effectively enforce our nation's laws.

With that, I want to thank you again for joining us this morning. I look forward to hearing your testimony and response to the questions from the members of our subcommittee. Mr. Chairman?

CULBERSON:

Thank you, Mr. Honda. Madam Attorney General, the -- you're certainly -- you're recognized for your opening statement, and without objection, your written statement will be entered into the record in its entirety. And if we could, I'd encourage to you keep your statement to five minutes to summarize, and that will give us additional time for questions.

But again, welcome, look forward to hearing your opening statement and we'll proceed. Thank you.

LYNCH:

Thank you so much, Mr. Chairman. Good morning and also good morning and thank you also to Ranking Member Honda, all the distinguished members of the committee, the hard working staff. It's an honor to appear before you today.

I'm grateful for this opportunity to discuss the president's fiscal year 2017 budget for the Department of Justice, which reflects our enduring commitment to creating the stronger nation and the more empowered communities that every American deserves.

In the last year, thanks to the thousands of dedicated men and women who serve the Department of Justice and thanks to the ongoing support of this distinguished committee, we have taken tremendous steps toward that goal. We have prosecuted violent extremists and dangerous criminals, we have defended the integrity of our markets and the beauty of our natural resources.

We also worked to end human trafficking, to disrupt the flow of illegal drugs and weapons and to eradicate international corruption. And we've created new opportunities for second chances in our justice system and new foundations of trust in our cities and towns. These are real and meaningful achievements, and the request set forth in the president's 2017 budget request will allow us to build upon this encouraging progress.

Now as always, the Department of Justice's first priority is the safety and the security of the American people. The president's budget would invest an additional \$781 million in our national security capabilities, including in critical measures to address evolving challenges like home grown extremism, online radicalization and increasingly sophisticated encryption.

Among other items, that request contains funds for a new state-of-the-art FBI headquarters which would reduce inefficiencies and streamline communications and also significantly boost our ability to thwart emerging criminal and terrorist threats. It devotes an increase of \$63 million to reinforcing our intelligence-sharing capabilities. This would allow us to more rapidly coordinate with both our federal partners and our counterparts overseas, and it directs \$38 million towards developing the tools we need to lawfully access encrypted data and communications so that we

can successfully investigate and prosecute criminals and terrorists who attempt to hide the evidence of their crimes.

As we've seen recently, this is not a theoretical issue. As we've made clear, the going dark problem is a very real threat to law enforcement's mission to protect public safety and ensure that criminals are caught and held accountable.

It's a longstanding principle in our justice system that if an independent judge finds reason to believe that a certain item contains evidence of a crime, then that judge can authorize the government to conduct a limited search for that evidence. And if the government needs the assistance of third parties to ensure that the search is actually conducted, judges all over the country and on the Supreme Court have said that those parties must assist if it is reasonably within their power to do so. And that is what we have been asking, and we owe it to the victims and to the public whose safety we must protect to ensure that we have done everything under the law to fully investigate terrorist attacks on American soil.

Now as technology continues to evolve, we are also focused on stepping up our work against those who attempt to use the Internet to attack America's infrastructure, to steal trade secrets and to jeopardize the privacy and the property of everyday citizens.

Accordingly, the fiscal year 2017 budget would dedicate \$121 million in additional resources to investigating cyber crimes and fortifying the Justice Department's vital information network. The majority of those resources, \$85 million, will be used to enhance the FBI's ability and capacity to collect and analyze digital evidence and to increase the overall number of cyber investigations. Together, this important funding will allow us to keep pace with the fast changing landscape of cyber crime.

Now, our commitment to protecting the American people is matched by our dedication to ensuring that they benefit from a criminal justice system that is fair, efficient and responsive. The F.Y. 2017 budget requests an increase of \$247 million for one of our most successful and groundbreaking undertakings in that area, the Smart on Crime Initiative, which encourages incarceration for low level nonviolent offenders, eases overcrowding in correctional facilities and frees precious resources for the prevention and deterrence of the most serious crimes.

Of that total Smart on Crime request, \$184 million will go to the Bureau of Prisons re-entry, rehabilitation and mental health programming, which are all essential components of our work to help formally incarcerated individuals make the most of their second chance while ensuring that our communities are strong and safe. Those are the kind of communities that we seek for every American and they require bonds of trust and respect between law enforcement officers and the people we serve.

Helping to repair those bonds where they have frayed is one of my top priorities as attorney general, and the president's request reflects that focus with an increase of \$25 million in a number of programs designed to foster collaboration between residents and law enforcement, including racial reconciliation and restorative justice initiatives as well as improved data collection.

It includes additional funds for the department's smart policing program which encourages local jurisdictions to improve police/citizen interactions while developing cost effective solutions to crime in their communities, and it enlarges our investment in the Community- Oriented Policing Services hiring program, which extends funding to state and local departments to hire or retain officers so that they can continue to meet the full range of their constituents' needs.

Those of us who work in law enforcement have a special responsibility to protect the most vulnerable among us, and few crimes prey more savagely on the vulnerable than human trafficking, which destroys families, it weakens communities and it erodes our society's basic foundations of decency and security. The F.Y. 2017 budget sets aside \$89.3 million for the department's efforts to combat this scourge, including \$45 million for efforts to help victims of trafficking rebuild their lives and reclaim their futures.

We also resolved that each and every one of our young people should grow up in safety and security, which is why the budget includes a net increase of over \$64 million for Office of Justice Program grants focused on juvenile justice and at-risk youth, including an increase of \$25 million for the Delinquency Prevention Program which seeks to prevent young people from entering the criminal justice system by providing assistance and guidance as early as possible.

Mr. Chairman, Ranking Member, I look forward to working with this committee and with Congress to secure the timely passage of the president's budget, which asks for a total of \$29 billion in discretionary funding for the department, including \$27 billion for federal programs and \$2 billion for state, local and tribal assistance programs. This level of funding will ensure that the outstanding men and women of the Department of Justice, whom I am so proud to lead, can continue their tireless work to protect America's citizens, to defend America's values and strengthen America's communities in the days and months ahead.

I thank you once again for the opportunity to appear before you today, and I'm happy to answer any questions. Thank you, Mr. Chairman and Mr. Ranking Member.

CULBERSON:

Thank you very much.

Madam Attorney General, there's been a lot of concern expressed by our constituents and citizens across the country about a proposal just released yesterday that the Department of Defense released to close the military detention facility at the U.S. Naval Station in Guantanamo Bay that at present holds 91 detainees.

And as you note in the fiscal year 2016 appropriations act for the Department of Justice, it includes two very specific provisions that prohibit funds from being used to transfer, release or assist in the transfer of detainees to the United States or its territories, and that prohibits the Department of Justice from acquiring, building or modifying any facility of the U.S. or its territories to house those detainees and I just wanted to ask -- make sure that -- to reassure the country and the Congress

-- would you agree that the federal government is prohibited from establishing such facilities and from transferring Guantanamo detainees into the United States or its territories?

LYNCH:

Thank you, Mr. Chairman.

Certainly that is the state of the law most recently passed in the NDAA and certainly as it respects the department's appropriations, we also do not participate in any efforts to do so.

I believe the President's plan reflects the administration's ongoing goal to close Guantanamo Bay because of the ongoing problems it causes our country, particularly abroad, as a terrorist recruiting center. And certainly in our national security work we do see the effects of that. The administration's committed to closing that and, of course, we support those efforts.

I would note that the administration is committed to working with Congress to make that happen. And certainly in light of this current statutory framework, we anticipate that that is what will occur. So if there's any request of the department in connection with that effort, of course we'll be happy to help in that regard.

CULBERSON:

But obviously you will not take any action of any kind to assist in the transfer of Guantanamo detainees in the United States until Congress changed (ph) the law?

LYNCH:

Well, certainly that we'll be prohibited from doing so...

CULBERSON:

Right.

LYNCH:

I'm not aware of any -- of any efforts to do so at this time in any event.

CULBERSON:

Thank you very much.

In -- in January, the Obama administration announced new executive action dealing with Americans' right to keep and bear arms and that's a source of great concern to Americans across the country. Certainly the Second Amendment is an absolute right guaranteed to all Americans and, as the subcommittee chairman, it's vitally important that I -- I'll do everything in -- in -- in my power to ensure that that right to keep and bear arms is protected.

I was particularly concerned with the guidance on firearms that -- on licensing that was published as a part of this executive action and it is -- I wanted to ask, in particular, if the guidance -- will the guidance in any way impact or affect hobbyists who may engage in -- in just ordinary, lawful transfers?

LYNCH:

Well, thank you for the question, Mr. Chairman. And I agree with you that's a very important issue and worthy of debate.

The guidance recently published by ATF, which is going to be distributed at gun shows and to individuals who have questions about whether or not they are required to obtain a license to sell firearms, is designed to gather existing law in one place in a clear, easily understandable version of the various court cases that have opined on this issue.

So that individuals who have those questions who routinely come to ATF -- either the ATF booths at gun shows or, frankly, even by calling ATF headquarters -- will now be able to have at their fingertips an outline of what the current law requires. And, of course, the current law does contain the -- it be (ph) exception if one is a hobbyist or a collector, you are not engaged in the business of dealing in firearms...

CULBERSON:

Right.

LYNCH:

... and a license is not required for those types of transfers.

Similarly, if one is a family member in giving a gift, again, a license is not required for those types of transfers.

CULBERSON:

Terrific.

LYNCH:

(Inaudible)

CULBERSON:

That's what I'm aiming at. I just want to reassure people are listening today that they know that if you're a hobbyist, you're a family, you're transferring a gun to a family member as a part of an

inheritance, for example, or -- or a gift, if you're a hobbyist or a collector, you don't need to worry about this new guidance.

LYNCH:

That...

CULBERSON:

Is that what you're telling Americans?

LYNCH:

That is correct. And what I would encourage people to do is to look at the guidance because we -- what we've tried to do is have clear examples of the typical situations where activities fall within the category of being engaged in the business and also where they typically fall in the category of a hobbyist transfer, a collector's transfer, and I think people will see in those examples the types of everyday activities that are typically not covered by the law that requires them to get a license, and it would distinguish them from those individuals who are engaged in the business.

CULBERSON:

So for Americans listening today, they need to know that if they're -- unless they're engaged in the regular buying and selling of firearms for a profit as a part of their daily life, that's what they do as a part of their living, obviously those folks need to have a license. But, otherwise, you're not -- you're not targeting or going after individual Americans' right to keep and bear arms or transfer them to family members or buy and sell them casually or occasionally.

LYNCH:

Well, what I...

CULBERSON:

They're not on your radar screen.

LYNCH:

Well, what I would say is that -- is that, while that is generally the case, there are situations where the courts, in reviewing this -- the statute, have found that even the sale of a few weapons, even if it's not someone's everyday livelihood, if there's other factors, they hold themselves out, they have a business card, for example, they -- they may go to not even a gun show but even a flea market, the courts have held that the individuals in those situations can be considered as being engaged in the business.



And so our concern is that, again, as I noted, a number of people do reach out to ATF for guidance in this. These are generally individuals who want to comply with the law, and we felt that it would be helpful to provide them with clear examples of situations where the courts have found that individuals with certain activities are engaged in the business of dealing in firearms and provide the assistance to help them gain a license if they -- if they want to continue making certain types of sales. The number of guns is not the only factor and, in fact, it need not be someone whose only job or only source of economic income is the selling of firearms because the courts have found that also.

We also felt that, as much as I enjoy being a lawyer, we shouldn't impose that on everyone else to seek out these cases and do the research and try and find on their own what the courts have said about these particular situations. And so we felt that it would be useful, frankly and in response to a request, to gather this information in one clear, easily understandable format.

CULBERSON:

I appreciate the response I got back from the director of the ATF and I know went through your office, as well, but it's just important to reassure average Americans that they can relax and there's no need to be concerned unless you're doing this to make a profit on a regular basis. That's -- that's very important, I think for all of us.

I deeply appreciate your answer, and I recognize Mr. Honda. Thank you.

HONDA:

Thank you, Mr. Chairman.

Last year we -- we -- we dealt with sexual assault kit -- kit testing and today there are estimated over 400,000 untested rape kits still collecting dust in the evidence room of law enforcement crime labs across this country.

We have the technology and the means to process these samples but we must provide adequate resources (inaudible) and collaborative efforts to ensure that the testing actually occurs to reduce the existing rape kit backlogs.

The F.Y. '16 omnibus included \$45 million for reducing this sexual assault kit backlog nationwide. Now, this is in addition to \$41 million included in F.Y. '15. And the President's F.Y. '17 budget request included another \$41 million for the program.

So are there any best practices that have come out of this work so far and would you share with us communities that are implementing these policies and their progress?

LYNCH:

Well, thank you for that, Congressman. Thank you for your commitment to this important issue as well.

You certainly are correct in noting that the current budget request includes \$41 million for community grant program to ensure the resolution of these sexual assault cases to get these kits tested, and these are, in fact, kits that have never been submitted to crime labs. And the numbers across the country are literally staggering; 10,000 in some cities, 11,000 in other cities. And these, of course, represent victims. They -- they represent individual women who have suffered one of the most heinous crimes that we can.

With respect to this, we have, in fact, funded the different laboratories who are working with a DNA-related forensic program to reduce the backlog also. And so we are looking to enhance that capacity and that capability. Since 2009 we've been working with this effort, and the labs were funded by our DNA Capacity Enhancement and Backlog Reduction Program have processed almost half a million cases, over 550,000 cases.

As a result of just this work alone, over a quarter of a million cases, about 240,000 cases, have been uploaded to CODIS and we have gotten almost 100,000 hits so far, 92,000 hits, meaning we've connected the information from the -- from the rape kit with someone already in the system.

This has allowed us to close numerous cases. I don't have those figures for you. Certainly it has allowed us to close cases and to further investigations. When we -- we announced the -- the recent grant last September, I was privileged to be in New York with the Vice President at the New York forensic laboratory announcing that in conjunction with the Manhattan District Attorney Cy Vance.

At the same time, we received communication from other district attorneys across the country that money that the federal government had provided and also money that the Manhattan D.A.'s office had provided was allowing them to close open rape cases and provide comfort to those victims who were living without knowing whether they would ever find justice.

HONDA:

Thank you. And, as -- as we proceed it would be very informative for us to know the progress that's being made and its -- its impact on our -- on our system because like, as you said, if they're untested, then we have victims and perpetrators who are being denied the -- our justice system's process.

LYNCH:

Yes.

HONDA:

So, be very important if we could be kept up to date on the progress of that.

LYNCH:

Yes, sir. And we will -- we will do that.

HONDA:

Thank you. On parts of tribal justice and victims of crimes, Native Americans are 2.5 times more likely to experience violent crimes than other Americans, yet tribes have not been receiving necessary funds from the Crime Victims Fund.

Between 2010 and '14, only 16 states passed through money to tribal victims, totaling 25 percent, or one half of 1 percent of available CVF funds.

The department's F.Y. '17 request for the Office of Justice programs, that request of \$25 million to support tribal assistance for victims of violence from the Crime Victim's funds.

Could you describe the ways in which you anticipate this funding will help provide tribal members with crime victim services that they're going to need?

LYNCH:

Yes. Thank you for the opportunity to talk about this important work that the Department of Justice is involved in.

We take our obligations in Indian Country very seriously -- in fact, we have, as you know, we have a trust relationship with tribal nations, and that is a special obligation and a special bond. And in fact, it's a commitment that we look forward to living up to and enhancing.

As you note, Congressman, we are requesting \$25 million for the Crime Victims Fund for tribal assistance.

I would simply note that the other funding request that connect with our obligations to work with our tribal partners are also the Office of Justice programs is requesting \$71 million, as part of a flexible tribal grant set-aside program, and also the COPS program, Community (inaudible) Policing. We are requesting \$3 million for that program that will support the tribal access program, because we have found it's very helpful if tribal law enforcement has the same access to the NICs system and computerized crime information, as law enforcement agencies, as well as money for the Environmental Natural Resources division to address environmental problems in Indian Country, and money for the Office of Tribal Justice.

For the crime victims in particular, we're focused on the victims of violent crime in Indian Country, who tend to be, statistically, more often women and children, particularly sexual assault victims. And unfortunately, that includes children as well.

So, funds will go toward creating programs for counseling these survivors, as well as enhancing tribal justice to ensure that their perpetrators are caught.

As I'm sure that these members are aware, two years ago in the Violence Against Women Act, an amendment of that act allowed tribal nations for the first time to have jurisdiction over non-Indian perpetrators of violence against Indian women on the reservation. This had been a gap that prevented justice for a number of victims.

This year, we are also including grant money to help tribal law enforcement agencies and tribal courts with their court programs to actually focus on prosecuting those cases as well. So, it is our hope and intent to deal with the issue of victims of crime on Indian land, both with a view toward focusing on dealing with victim trauma, particularly that of children, and also strengthening the tribal justice systems that allow for prosecution of those crimes on the actual reservation.

HONDA:

So, Mr. Chairman, the sexual assault kit testing issue, is there an issue there on Indian Country, and are the programs and the fundings that we're making available, are they also available to the tribal -- Indian Country?

LYNCH:

Yes, indeed.

HONDA:

OK. Thank you.

Thank you, Mr. Chairman.

CULBERSON:

Thank you very much, Mr. Honda.

Mr. Jolly.

JOLLY:

Thank you, Mr. Chairman, and Ms. Lynch, thank you.

LYNCH:

Good morning.

JOLLY:

And my apologies for -- I was delayed on the floor. I apologize. I missed part of your opening statement. A couple of questions this morning.

I work very closely with our local law enforcement leadership back in Pinellas County, Florida. And as I think many members of this panel and other members of Congress heard regarding the asset forfeiture program, when the memo went out in December, essentially announcing a suspension of reimbursement of some of the (inaudible) requests.

Obviously, that created a lot of concern and consternation among local law enforcement. I'm aware of the rescission requests that had come up. Some of the additional rescission that had come through as well that led to the decision. But my understanding, and we had a constructive meeting with your senior leadership on this about a month ago is that the department anticipates renewing the -- the equitable sharing of the asset forfeiture program, sometime in the few coming months.

Could you comment on your perspective on where that is, and the anticipation of when it might be restarted?

LYNCH:

Yes. Thank you, Congressman and thank you for the opportunity to address this issue, because it has been one of great concern to our state and local colleagues, and also to those of us in the Department of Justice who rely upon them so heavily for the important work that they do in the task forces.

If you look at the task forces throughout the Department of Justice law enforcement agencies, they are 50 to sometimes 60 percent local law enforcement, because they have the best information and we found it to be an incredibly helpful partnership and one that has saved lives and built cases.

When the rescissions were given to the department late last year, of an amount greater than, I think, had been anticipated, certainly the \$1.2 billion was larger than we had anticipated or ever received before, we were forced to temporarily suspend those payments. I had been in contact with the leaders of the law enforcement groups, including police and the national sheriffs groups as well, to discuss the situation with them and advised them -- as I am happy to advise you -- that this is a temporary deferral of payments.

We anticipate that, through the course of our work over the year, that the asset forfeiture fund will be able to be replenished to an amount where we can resume those payments.

JOLLY:

Sure.

LYNCH:

We initially promised our law enforcement partners an update about a month after the actions. So, I spoke to them at the end of the January. We have promised to update them also on a monthly basis and a promise, I think, to update this body by mid-March as well. We essentially are looking at the fund to make sure that, as we look at the obligations that it sustains to victims, et cetera, that we have the ability to start those payments.

But it is our intent, and we have, in fact, made the request of our law enforcement partners to remain in the task forces and to continue submitting their requests to us, so that we can process them as funds are available.

And we have noted that we've also made sure they are aware that even though the equitable sharing payments are temporarily deferred, what is called the JLEO, the Joint Law Enforcement Operation payments, have not been.

JOLLY:

Right.

LYNCH:

Because so much of that money goes to support the incredible amounts of overtime and the equipment that they use in supporting these joint efforts. And so, we are essentially prioritizing those, so that in the immediate term, they will be able to cover those expenses. But we asked them to continue, and I have received commitments from many of them that they will continue working with us.

JOLLY:

All right, thanks. And I appreciate that answer, and I suppose, just for the record -- and I do want to work constructively with you on this, and your team.

But I think there is a little bit of a disagreement on how we got there. Because yes, the rescission was larger than anticipated, but as you are aware, there is the anticipated settlement of roughly \$900 million coming into the fund. This committee also provided flexibility as to when your department could execute the rescission.

And while I look forward to working in a constructive manner, I do want to make sure this committee stays on top of ensuring it is restarted, equitable sharing is restarted, and that some of the decisions regarding the accounting of the fund weren't made for political purposes, but in the best judgment of the department.

Because, in the estimation of some on the committee, the rescission could have been held off for several months and perhaps prevented a delay.

Obviously, at the end of the day, we appreciate the partnership, as you have said, between local law enforcement and your department. It is critical to many communities, including ours, particularly in the area of human trafficking, which I know has been a priority of yours. And I thank you for that.

I'm about out of time. But I would ask for just one more question. If you could provide your perspective on the 1033 program? I know it is largely a Department of Defense program that shares

surplus equipment with local law enforcement. But it has been a program that, in some ways, has been under scrutiny from the very top, the president of the United States himself on down.

Could you provide your perspective, as the attorney general, in terms of the role that surplus equipment provides in supporting local law enforcement leadership? Or your concerns about it?

LYNCH:

Well, certainly, I think that this has been a topic of concern. And I hope constructive discussion over the last year, certainly since I have been in this chair.

I've had the opportunity to talk about it again with my state and local colleagues, as well as my law enforcement officers and sheriffs about this issue. And as I'm sure the group is aware, essentially the administration did issue guidelines on the acquisition of surplus DOD equipment, using federal funds.

JOLLY:

Right.

LYNCH:

Of course departments using other funds wouldn't have to deal with those particular guidelines, but we hope that they would be instructive. And the focus was on making sure the equipment was not only appropriately sourced, but that appropriate training was provided...

JOLLY:

Right.

LYNCH:

... for the equipment.

So, we see great value and great benefit in having that partnership, again, where state and local law enforcement entities, our police officers, our sheriff's departments, can obtain surplus equipment. Certainly, it's been very effective in specific operations that we can all come to mind.

It's been very effective, for example, with helping ensure that SWAT teams are adequately sourced and resourced. And so we want to make sure that, again, the appropriate training is set in place and that the equipment is accounted for.

So the initial review was to determine what types of equipment worked best and essentially where federal funds were involved to come up with a list that would, at least in the administration's view, continue to meet local law enforcement needs but also deal with the issues of perhaps over use of

equipment or use of the equipment by departments that were not as well trained as others and where the use of it, rather than being in the sense of protecting the community, SWAT-type situations, was used in ways that inflamed tensions which is not the intent of anyone.

So I've had an ongoing dialogue, as I -- as I noted, with the law enforcement groups as well as my sheriffs about this program. And it's our hope that as we work through it, they will find that they can still obtain the equipment they need using federal funds -- our grants, for example -- and that it can be put to good use -- good use, effective use in terms of public safety without the intended - - the unintended collateral consequences of having the more open program that existed before.

JOLLY:

I appreciate that. I know the full committee chairman came in. I would just offer for your consideration -- I've shared this with folks in the White House as well. This is also an interest of mine given my relationship with local law enforcement.

My approach is pretty simple. I have it in draft -- in legislation that's been introduced. Keeps the 1033 program in place, but does require local law enforcement to certify that they have personnel capable or trained on the equipment they are receiving. It leaves the decision as to which equipment is most appropriate for local law enforcement -- in the hands of local law enforcement, but it does require the training to ensure that any equipment is operated within the means of their mission.

I appreciate your comments this morning. Thank you, Mr. Chairman. I know I'm over my time. I yield back.

CULBERSON:

Thank you, Mr. Jolly. It's my privilege now to recognize the former district attorney from Polaski in Rock County, Kentucky, the gentleman from Kentucky and chairman of the full committee, Mr. Hal Rogers.

ROGER:

Thank you very much. Thanks for the recognition of a former life. But I enjoyed my -- enjoy is not the word. I appreciated the time that I served as D.A. and law enforcement. Thank you, Madam Attorney General, for being here.

Your request total is \$29.5 billion. That's a 3 percent increase over current levels. This system has a responsibility to prioritize the administration of justice and support for our men and women in law enforcement, and I believe we can do so without spending away our financial integrity.

Though it highlights some important programs, your budget request doesn't reflect the very real budget constraints that we are faced with. And we look forward to working with you to meet the challenge that we both face in that regard together.



That being said, let me specifically mention a couple of concerns that I have especially. First, I'm disappointed that you proposed to slash BERN Justice Assistance grants by \$39.6 million. I've heard from law enforcement people around the country about the importance of the very flexible grant program to their crime prevention and drug enforcement activities. Such a drastic reduction in federal support will be devastating for my state and local partners, particularly as we work collaboratively to address the terrible and magnifying opioid epidemic facing the country.

We're losing 100 people a day now to that scourge, epidemic by the CDC's definition. And speaking of opioids, I'm also concerned that you proposed to cut money from the national prescription drug monitoring program. It may seem insignificant, a million dollars, but that's nearly 8 percent of the funding of that whole program, and that's where we are -- states are able to catch people who are abusing prescriptions.

I can't imagine you would want to do any kind of harm to that kind of program. It's been extremely successful. Every state has a program except one, Missouri, and they're coming around, but boy, are they slow. But it works. It's reduced prescription abuse in 49 states, and yet you are trying to shave it away.

There's still progress to be made. This grant program is, I think, part of the solution to the opioid epidemic that's facing our country. A hundred families a day are losing a member to death. My district at one time was leading the way. And I hate going to those emergency rooms and seeing a dead young teenager with a family surrounding them. But this program is critical to stopping just that. And I'd appreciate your telling me what you're going to do about it.

Now those PDMPs in each state are learning to link up with each other so that if a person in Kentucky, for example, goes off to Tennessee thinking they can defeat the system, Tennessee's PDMP picks it up and tells our PDMP we've got a problem. So we're getting interoperability and we're trying to make it now real-time. It's been days of delay, but if we can make it real-time, we've got a real thing going. So I would hope you could help us.

I'm highly concerned with the Department's suspension of equitable sharing payments from the proceeds of the asset forfeiture program. Those funds are essential in helping law enforcement fight drug trafficking among other things. The men and women working at these state and local agencies are your partners, often working side- by-side with federal agents, and DOJ must find a way to restore those payments as soon as possible to avoid permanent harm to public safety around the country. That one is critical, and I can't believe the action of the department in regard to it.

I'm also troubled by your continued tacit approval of marijuana legalization efforts around the country in clear violation of federal law. Four states and our nation's capital legalized recreational use of this drug without any federal response. Casting aside the fact that marijuana is a known gateway drug for young people, and its long- term effects on their intellectual development is unknown.

The bottom line is this. Congress makes the laws of the country, the executive branch enforces those laws. You're tasked with enforcing federal law as our nation's chief law enforcement officer.

And I hope you'll seize 0-17 as an opportunity to fulfill your mandate given to you by the Congress in this regard. We thank you for being here.

I want to ask you briefly about prison construction. As you know, overcrowding in our penitentiaries poses significant problems for both inmates and guards, not to mention prisoners. In overcrowded facilities, inmate misconduct increases, availability of vocational training and meaningful work opportunities diminish, and the risk of disease, mental health and substance abuse increase.

Overcrowding also poses a significant security threat to guards who are already vastly outnumbered by inmates. It's especially dangerous in medium-and high-security prisons where the majority of inmates are serving sentences for violent crimes. With this in mind, I'm highly concerned to see your request slash the Bureau of Prisons construction funding by a whopping \$417 million, nearly 80 percent in a time of such need of these crowded federal penitentiaries.

It's a -- it's a headline in tomorrow's newspaper, the overcrowding in federal prisons and the treatment that we're subjecting people to, including guards and the staff. That's going to be a story. I hope you'll help us keep it from being a story.

ROGERS:

Casting aside any conversation about criminal justice reform, how do you intend to deal with the short-term problem of prisoner and guard safety with such a dramatic reduction in necessary resources to build new facilities and renovate old? Can you help me?

LYNCH:

Thank you, Mr. Chairman, for the opportunity to speak on what you certainly have accurately described as one of the challenges facing our prison system today and the Bureau of Prisons is certainly not immune from that.

And I also thank you, not only for your attention and interest in this, but for your support for the department over the years. This committee was instrumental, certainly in prior years up to and including 2016, for providing the department with funds, approximately \$444 million -- excuse me, million dollars in F.Y. 2016 and that -- those funds are going to build a new prison and I believe it's going to be in Letcher County in -- in Kentucky.

And so that's one -- that is certainly an important part of reducing our issues of overcrowding as you so accurately note. Issues of correction officer safety as well as inmate safety are -- are certainly implicated by that.

The reason why that same number was not reflected in the 2017 request is because we did receive that money in 2016. We have begun to utilize those funds -- it's a multi-year process as I know you are aware -- to build the prison and do the studies and, therefore, we did not need those funds to recur in F.Y. 2017.

But I do want to assure you that the funds that were appropriated to specifically deal with this important issue are, in fact, being put to good use as we speak. And so the -- the -- the fact that you do not see that same number repeated in the budget is not a reflection of a cessation of work - - certainly not a cessation of commitment -- but simply that having been given those funds, we are now working towards utilizing them, and would not ask for those -- those same funds again.

ROGERS:

(inaudible)

LYNCH:

And so that's going to help us tremendously with that.

And the other initiatives that we have in dealing with the Bureau of Prisons, as you mentioned, the overcrowding issues result not only in harm but exacerbation of health issues for the inmates. You mentioned mental health in particular, and you will see within the Bureau of Prisons a portion of our budget funding to deal with those issues also. Because where we can deal with those issues, we will have safer institutions for the inmates and for the correctional officers who work there.

ROGERS:

I thank you for that statement.

I'm over my time, Mr. Chairman. Thank you.

CULBERSON:

Thank you, Mr. Chairman.

I'll now recognize the gentleman from Washington State, Mr. Kilmer.

KILMER:

Thank you, Mr. Chairman, and thanks for being with us. I've got a bunch of questions and I'll try to get to as many as I can.

I share the Chairman's concern about -- about opioid abuse. It's certainly in a number the communities, and in my neck of the woods I have a lot of rural communities including the town where I grew up and small towns. And, you know, I understand the need to balance prevention and treatment and enforcement to stop the spread here.

I know the Office of Justice Programs provides grant funding for state and local law enforcement assistance. I guess I'm hoping you could speak to how -- how those funds are distributed and whether communities like the ones I'm talking about -- rural towns, small towns -- whether they're

able to benefit adequately from this and what -- what this committee can do to improve the ability of rural communities and small communities that are really struggling with this opioid epidemic, what they can do to -- to realize the support?

LYNCH:

Well, Congressman, I thank you for raising that issue. Frankly, it is becoming the law enforcement issue of our time. And, of course, the opioid issue is a precursor to the heroin epidemic that we are seeing as well because we -- we're finding that, as we look at the heroin epidemic, so many of those individuals begin with prescription drug abuse and they move onto heroin. And, unfortunately, also, the opioid abuse -- the prescription drug abuse -- is leading to increasing levels of violence, particularly in the rural -- in the rural areas.

So we do have -- we do have a request in our budget of about \$383 million for the JAG funding which is an increase over F.Y. 2016. Now, OJP doesn't have programs that specifically address the opioid abuse in rural areas. But the grants are available to all law enforcement agencies, particularly to -- for the purchase of Naloxone.

Over the last year, we have spent a great deal of time in discussion with our local partners and this particular tool we find is extremely helpful. It's the -- it's the rapid response overdose treatment, and using grant money to make sure that while we may not be able to fund a clinic, we can make sure that the small police departments and sheriffs' offices have access to Naloxone can go a long way towards literally saving a life and getting someone to the hospital on time. And so that is something that -- that we're hoping is going to be helpful with regard to that.

I will also say that when it comes to this problem generally, you know, the administration's taking a whole of administration approach, not just the Department of Justice but a number of other agencies are involved in looking at this issue; Health and Human Services, Veterans' Affairs, for example. All of us focus on finding the best way to deal with this and certainly I think what has emerged from our discussions is that we have to view this as a public health crisis as well as a law enforcement issue and not just focus on law enforcement but have a public health component to improve treatment and resources as well for the families and for those people who fall victim to this.

KILMER:

Thank you. I appreciate the focus on that.

I -- I want to switch gears. You know, too -- too often we hear stories around distrust between neighborhoods and the police who -- who protect them. But there are some good news stories out there, that one of the cities I represent, Tacoma and communities like them, are working very hard to try to foster a good relationship between law enforcement and -- and the populations that they serve.

We saw a great effort by the city's leadership and the law enforcement leadership called Project Peace which was trying to bring people together to see how they can improve ties between the

community and the police. I -- I guess I'd point out those sorts of efforts are costly and -- and programs like Project Peace often can be limited in their success simply due to -- to resources being spread thin, you know, in a large city.

I -- I know that the department's budget proposed doubling the community policing development program, and I'm grateful for that, but I'm concerned as to whether that's even still enough to meet the demand in our nation. I -- I just want to get a sense from you, how confident are you that the additional funds that are requested in the budget will actually meet the needs of -- of our communities?

LYNCH:

Well, Congressman, I think that's -- that's an excellent question; I think those needs are deep and certainly I've spent a -- a great deal of time working on this issue.

In 2015 I was engaged in a six-city community policing tour. I did travel to the Pacific Northwest also, and this year I'll travel to six more cities focusing on cities that had had a very challenged relationship with the police, the shooting, pattern and practice investigation, even a lawsuit, but have found a way to create a dialog between law enforcement and the community and include young people in that to restore those bonds of trust and build those bridges again.

And this year I'm focusing on cities that are exemplifying the six pillars in the 21st Century Policing task force that was the product of last year's work. So I'm familiar with some of the programs that you mentioned. I'm always happy to -- to pull more into our ambit.

We do have, in fact, as you know, key increases for building community trust and community policing, for body-worn cameras, for smart policing, collaborative reform, and I think also our community relations service is going to be very important in this. We are asking for \$3.5 million for law enforcement reconciliation work. Community relations services not law enforcement officers but they essentially go into the community and work to build those bridges. They work with community leaders in particular and law enforcement and the local elected officials, as well, to foster dialogue around these important problems.

They are not investigators, they're not gathering evidence for our law enforcement components at all. And so we are requesting additional funding for them. And so I -- I think that that will be helpful.

I will tell you that I think the most promising efforts that I have seen, as I've traveled the country, are those that come from the community as you mentioned such as Project Peace. And so we -- again, we're looking for ways to continue to support them through our grant programs. It is -- it is a deep need; it is an ongoing need and I'm incredibly impressed with the work that I have seen going on across the country. And we're hopeful that the -- that the funds that we request for a host of issues involving community policing will help in that regard.

As I talk to police departments, for example, we're supporting a number of them with body-worn -- the body-worn camera initiative and this is an area that I think people have different opinions

on but as these body-worn cameras come into use, I think people on both sides of the debate are seeing the utility in providing for accountability and a level of trust in the types of interactions that law enforcement has with civilians. So we see civilian complaints go down in -- in communities and departments that are implementing the body-worn cameras, and we see incidents and reports of use of force go down.

LYNCH:

And that's all part of the web that we have to build to rebuild the trust bonds that have -- that have been frayed in some areas.

But I do believe, frankly, that this can be accomplished because I've seen it happen.

KILMER:

Thank you. Thank you, Mr. Chairman.

CULBERSON:

Thank you very much, Mr. Kilmer. I'd like to recognize the former district judge from Williamson County, the gentleman from Texas, Mr. Carter.

CARTER:

Thank you, Mr. Chairman. And welcome, General Lynch. We're glad you're here. It's my first opportunity to be able to speak to you.

I -- as he says, I come from a background of the -- what is the highest trial court in our state, great state of Texas and have some familiarity with the criminal justice system in our state.

This last Monday, I did what we call a telephone town hall. We get in touch with roughly 35,000 to 50,000 telephones and we let people get online and ask questions on the phone. When we -- when we get about 10 or 15 of the same people asking the same question, we take that question.

This question came up; this is a tough one. People will be saying it's politics, but I told them I would ask you. Here's the issue. The State Department has publicly stated that the e-mails sent and received on Hillary Clinton's personal server are classified. In fact, they refuse to disclose numerous e-mails as they contained top secret information. The secretary of State, one that is seeking the highest office in the land, should have known better.

Now If the FBI makes the case that Hillary Clinton mishandled classified information and put America's security at risk, will you prosecute the case? Do you know of any efforts under way to undermine the FBI investigation, and please look the American people in the eye and tell us what your position is because you are the chief prosecutor of the United States.

LYNCH:

Thank you, Judge and Congressman Carter. With respect to our investigation into how information was handled by the State Department, how they handled classified information, as I'm sure you know, that matter is being handled by career independent law enforcement agents, FBI agents as well as the career independent attorneys in the Department of Justice. They follow the evidence, they look at the law and they'll will make a recommendation to me when the time is appropriate. And so beyond that, I'm not able to comment on the specific investigation at this time.

But what I will say is, again, that this will be conducted as every other case and we will review all the facts and all the evidence and come to an independent conclusion as how to best handle it. And I'm also aware of no efforts to undermine our review or investigation into this matter at all.

CARTER:

Well, there were enough people that are concerned about that that you ought to know this is an American public concern that maybe the Justice Department won't do this for political reasons. I'm not accusing you of that and I certainly would not expect you to comment on the investigation, and I didn't ask for that information. But I promised the questioner that asked me the question, I said no one is above the law in the United States, and if it's -- if -- it should be brought before a grand jury, the right thing to do would be bring somebody before the grand jury. That's where you are and I hope you remain there.

Another question if I've got -- how much -- do I have enough questions before I run out of time? A few times in history, it's been difficult to be a police officer. And as -- and today it is. You often have belligerent public holding cameras in your face every time the officer wants to make an arrest. You have civil unrest in high crime communities and police who don't feel that the Department of Justice really supports them.

Most importantly, I'm concerned of the perception among our law enforcement officers that the DOJ is opening investigations as an intimidating tactic to force state and local police to push this administration's soft stance on crime. What are you doing to change the perception amongst many of the law enforcement agencies that the DOJ is looking over their shoulder, waiting to sue their department every time they make an arrest?

I've heard horror stories of U.S. attorneys refusing to prosecute drug and alien smuggling cases along the border. And let me tell you, if you get caught with 200 pounds of marijuana in Bell County, one of my counties, or Williamson County, you're going to go to prison. Yet, I can't say that about the smugglers along our southwest border, and it needs to change. Would you please comment?

LYNCH:

Well, thank you for the opportunity to talk about, I think, the important relationship that the department has with our colleagues in state and local law enforcement, and they're very much our colleagues with respect to the work that we all do for the protection of the American people.

I think the issue, as we've discussed recently, of trust between the communities and law enforcement, particularly law enforcement in the communities that we all serve, is an important one. And I will tell you that the message that I have heard as I have traveled the country speaking directly to law enforcement officers -- I speak to the rank-and-file officers when I visit cities, I speak to community members -- is how dedicated they are to their jobs and how focused they are on their mission. And I talk to them about why they came police officers and that mission that they feel and the pressures they feel because this is a time of great change in policing.

But what I hear is their dedication and commitment to continuing their work in protecting the American people. And so where we have situations where those bonds have been broken and where law enforcement feels under siege as well, and I've had those conversations with officers. We try and engage them also in discussions about why that is and what might be the causes of it.

One of the things I will say, Congressman, is a benefit of having been a prosecutor for over 20 years is that I've noted with a -- with actually a very positive view the way in which we actually do interact with police departments in this current administration.

I've been involved in reviewing police issues in the '90s when I was a U.S. attorney in New York at that time. I've been involved in reviewing them as a U.S. attorney from 2010 on and now as attorney general. And I think one of the benefits of the relationship now is that the department has police departments actually coming to it and asking for assistance through our Community-Oriented Policing program, which people refer to as the COPS program.

As you know, we fund police officers, we have all that information in the budget for you to review to improve that to increase our ability to provide additional local law enforcement support. We also provide what's called collaborative reform. We provide technical assistance. We don't charge departments for this.

So police departments come to us and they say, you know, we're having a problem or an issue, and it may be a community relations issue or it may be a training issue. It may be keeping up with the latest data, it may be finding the resources to, as we always have done, to support them in buying vests, in buying the body worn cameras, as I mentioned.

So I have seen a relationship between law enforcement at the state and local level and the Department of Justice through this. Where we have to look at issues of accountability, we speak directly to those departments and try and engage them so that they can be the first person holding an officer accountable when there has been a problem, because we all know that there will be issues, and the important thing is to make sure that as we deal with those issues, the American people see that we're dealing with them in a transparent way, in a fair way and that everyone is treated equally before the law.

And we've had a great positive response to that. So we provide a great deal of support to our local law enforcement officers, again through the COPS program, as I mentioned. You'll see in our budget a number of other agencies in which we're seeking to provide support to our state and local colleagues. And we also spend a great deal of time trying to get their input.



I have found it, frankly, very positive to have their input in some of the policies that the department is putting forth. Most recently, we promulgated policies on dealing with sexual assault victims and domestic violence victims, and this policy was greatly informed by discussion with our state and local colleagues because they are the first responders to those cases.

And so as we support those types of cases, for example, with grants for training, we rely on them to give us the actual on the ground experience to talk about the best practices and the best policies.

So Congressman, I would say that this Department of Justice is focused and is, in fact, working well with state and local law enforcement. We have a very positive bond with them because we do the same work, we have the same mission. And we all want to improve as we, in fact, carry out our highest duty, which is the protection of the American people.

CARTER:

Quick follow-up. Yesterday I filed a bill -- and your department has worked with me on it -- to include the active shooter program in the COPS criteria. The small departments around the country wants to train their people up on the active shooter issue, and they don't have the funds. And we - - I know that your office helped us. We appreciate it. Hope you'll support adding the active shooter to the criteria of the COPS grants.

CARTER:

And finally, the reason I mentioned the 200 pounds, because we are clearly told -- I think the chairman has been told also -- that it has to be over 200 pounds of marijuana on the -- in the Rio Grande Valley and along the border or the Justice Department will not prosecute. And we think 200 pounds is a lot.

Thank you.

CULBERSON:

Thank you, Judge.

LYNCH:

Thank you.

CULBERSON:

Attorney General Lynch, I especially appreciate your response to Judge Carter's question of how important it is that every law enforcement officer out there in America know that the Department of Justice has their back. That is a message I hope you will continue to speak out loudly and clearly

and repeatedly to make sure that all those local law enforcement officers know how dedicated you are and your department is to supporting them and helping them.

Last August, our neighborhood deputy, Darren Goforth (ph), was murdered in my neighborhood, and it was a catastrophic event. And all of us I know on this committee and across the country are very concerned. We want every law enforcement officer in the country to know that the members of Congress and particularly the Department of Justice, that we have their back and we support them. And appreciate you saying that.

We recognize as a part of that relationship that you have with local law enforcement, one of the most critical parts of that successful relationship is the sharing of information, that local and state and federal law enforcement officers have to know -- have to have a complete and open relationship where they share every bit of information possible about criminal defendants.

And a source of great concern to the country and I know from our conversations before the hearing began a concern that you have as well. And I'm delighted we're headed the same direction is with sanctuary city policies that -- where a state or local jurisdiction refuses to share information with the federal -- whether it be Homeland Security, Judge Carter, or with the Department of Justice because that information sharing is so critical.

And the policies that a lot of these cities and counties and states have where they will refuse to honor a detainer to hand over a criminal defendant in their custody to federal authorities to be deported is just unacceptable and terribly dangerous.

Of course, it's standard procedure if individuals in the Williamson County Jail, if they're in the Polaski County Jail, Mr. Chairman, and they have a -- before they're released from that county jail, it's just longstanding common sense that the Polaski County sheriff is going to check with state authorities, with federal authorities is there an outstanding warrant. And that individual, when he's served his time in the county jail will not be released onto the streets of Polaski County. If there is a warrant in Michigan, they're going to call Michigan and say, do you want this guy? And Michigan, come pick him up. And that has been the standard policy of every law enforcement agency in the history of this country.

Until you get to these sanctuary cities where they will not release these individuals. If they've got an illegal alien their custody who is a criminal -- warrant for their arrest, these communities have policies that they will not release them to federal authorities for deportation. And this is just absolutely unacceptable, it's outrageous and has resulted in the -- in the murder of untold thousands of individuals.

And the one that I know that hangs in everyone's mind with great concern is the young lady shot and murdered in San Francisco, Kate Steinle, who died in her father's arms as a result of a -- she was shot and murdered by a seven-time convicted felon, a five-time deportee who was released on the streets of San Francisco due to their utterly unacceptable and illegal sanctuary policy. And that refusal to share information, that refusal to cooperate with federal law enforcement authorities is just absolutely unacceptable.

And as we talked about earlier, I'm -- as the new chairman, the rule is going to be in this subcommittee if you want -- if you expect to receive federal money, comply with federal law. And I want to thank you, Attorney General Lynch, for your timely response to a letter that I sent you earlier this year on sanctuary cities, where in your response to my letter -- to my expressing the concern that I just outlaid -- laid out here.

CULBERSON:

You said in part that where the Department of Justice receives a credible allegation that an entity, state or local, is receiving funds under a department grant or reimbursement program, has -- after they have assured the department that they're in compliance with applicable federal laws, where that entity has -- where you have credible evidence that they violated a specific applicable federal law, the department can potentially seek criminal or civil enforcement options against that entity.

As we had discussed Title 8, Section 1373 of the U.S. Code specifically prohibits states or localities that have policies that prohibit the sharing of information with ICE about the immigration status of their prisoners. That law says very clearly that local jurisdictions cannot interfere in any way with the sharing of information with federal authorities.

I wanted to ask, if I could, could you assure the committee that the Department of Justice will review grantees with such policies to ensure that they're in compliance with all applicable federal laws?

LYNCH:

Well certainly, that is a part of our grant review process. And as was also conveyed in the letter, I do want to reiterate the fact that one of the things that we are hopeful will be as effective also and more immediately effective is our policy whereby the Bureau of Prisons is, instead of deferring to the state or local entity detainer and turning an individual, a deportable individual, over to them, that instead Immigration Customs Enforcement, or ICE, will instead have the ability to step in and exercise their detainer first.

We have in the past deferred because, again, we work with our state and local colleagues and we want to make sure that they can, in fact, adjudicate their cases as well. But particularly where we have -- we are dealing with a jurisdiction that essentially is not prone to honoring the ICE detainers -- and those vary across the country; they just vary over time and place -- our policy is going to be that ICE will instead have the first detainer, and that individual go into ICE custody and deportation.

Now this may have the effect that there may be local cases that may not be able to be prosecuted because, again, the person will be taken into ICE custody and then deported. And if a jurisdiction has a concern over that, we will talk to them, but we would have to have assurances that ICE would also then be able to get the individual back at the end of an adjudication so that the deportation process could go under way.

So we are trying to be respectful of our state and local colleagues' desires and goals to prosecute cases but also deal with this issue as well.

CULBERSON:

I genuinely appreciate that. And I think as an example of the cooperative relationship that the committee has had with the Department of Justice and with you as the new attorney general, I want to express my sincere gratitude to you for this new policy that you've adopted. Yes, Mr. Chairman?

ROGERS:

Would the chair yield?

CULBERSON:

Yes.

ROGERS:

I'm -- I'm not clear. Will the department seek to cease any grants going to a particular so-called sanctuary city if they violate your terms? Will you get -- will you seek to stop a grant program?

LYNCH:

Well, we are, again, with the grant is tied to the applicable law, again, it has to be a connection between the issue and the grant. For example, you know, a grant for human trafficking would be different from a grant for community policing.

But certainly as part of the audit process, as part of the inspector-general review and as part of the overall grant management review, which the department's civil and criminal division can also take under investigation, if we receive a credible allegation that a grantee has violated a specific applicable federal law, we will make that referral.

Again, there's an audit process in general, but we also have the Office of Inspector General who can step in and do a specific investigation of a specific jurisdiction or municipality and we also have our civil and criminal divisions depending upon how the allegation arises.

ROGERS:

Is this a new policy?

LYNCH:

Well, I think it is -- it is in response to the concerns that have been expressed and as -- as part -- and in result with -- of the discussions that we have had with the chairman here as well as other members.

But as I indicated, we feel that a way to deal with this issue immediately is to make sure that individuals who are being released from the Bureau of Prisons, rather than be released into state custody, would go directly into immigration custody and be dealt with for deportation there. Because part of the -- of the -- frankly, a large part of the problem has been that as part of our collaborative working relationship with our state and local partners, as, Mr. Chairman, you indicated, if there's a detainer on an individual coming out of federal prison -- certainly when I was a young prosecutor, an individual will be released from federal custody but have to go into New York state custody to either finish a sentence or to be prosecuted.

And then at that point, at the end of the state case, deportation would be an option. Where a city is not necessarily inclined to work with the Department of Homeland Security -- and frankly as a general matter -- we will instead use the immigration detainer first. And as I indicated, where jurisdictions indicate this was likely to be a problem, we will talk with them and we will work with them. But it is an area for us.

LYNCH:

It's particularly an area of concern for us, because there is, unfortunately, case law that exists that -- only in one circuit. But there is case law with a particular holding that in certain circumstances, cities compliance with the requirement that they provide us information may be voluntary.

We're also actively litigating the matter in two other jurisdictions. And so this matter may be unsettled for some time in the courts. So we feel that a way to deal with this issue immediately and directly is to have the policy change, as well as to have the review of the grant program that we've been discussing.

CULBERSON:

It's really a great example, Mr. Chairman, of the cooperative relationship that this committee has had with the Department of Justice. I'm very grateful to you. She's announced today a new policy that, first of all, the Department of -- Bureau of Prisons will first check to see if there's a -- if a criminal alien in the custody of the federal prisons has a deportation order, and where that individual may also, as in the case of this guy that murdered Kate Steinle, San Francisco has a policy they're not going to honor the federal detainer in response to the concerns of -- that this committee -- subcommittee, Mr. Chairman, has addressed to the Department of Justice.

You've changed the policy at the Bureau of Prisons, which we deeply appreciate; that you will not release that individual to San Francisco. You're going to hand him over to ICE, Chairman Carter, so he can be deported. We thank you for that change in the policy. That's very important.

And then secondly, we've also learned today, Mr. Chairman -- and we very much appreciate that - the department is moving towards -- because this will be litigated forever, and we can't wait on that. Our lives of countless Americans depend on quick and decisive action. And in response to

the concerns I've expressed earlier this year, you've responded immediately in a very favorable way, which I really appreciate your moving right away to go look carefully.

And we will provide you with that list of those jurisdictions that do have policies where they will not share information with federal authorities. They've actually got an explicit policy on the book. We're not sharing information. We will not hand over these individuals to ICE for deportation. We can provide you with that list.

And you've just indicated that you're going to begin an audit process to ensure -- to encourage them. Because we want them to change the policy. We're not looking to cut them off from federal money. We want to give them a chance to change their policy, correct? That's the goal: Change the policy so you hand these individuals over to federal authorities for deportation.

ROGERS:

Mr. Chairman, if I could...

CULBERSON:

Yes, please.

ROGERS:

... suggest something. This is encouraging to hear this. But I believe that old saying of trusting and verifying.

CULBERSON:

Ronald Reagan.

ROGERS:

I wonder if you could give us a report on this after a period of time here, say four months. Give us a report on how many of these instances you have actually had success with, so that we have some way to gauge how things are going, and maybe make corrections as we go.

This is significant, very important matter for a lot of us. And I'd like to know that it's working. Is that agreeable?

LYNCH:

Well, certainly, I think that we're all moving to an evidence-based model in a host of things. And certainly, we're happy to work with you and your staff to provide you the information, both with regard to the new BOP policy, which I think would be instructive also, and also any instances, again, where we have -- where these allegations occur.

As you know, however, once the matter goes into an investigation, if we refer to the inspector general, for example, we wouldn't have information about the investigation readily available at that point. But certainly, you know, if these situations do come up, I think we can work with the committee to find a way to keep you informed.

ROGERS:

Let's do a quarterly report. Let's do that for a while to see how things are going. So we would expect that you would give us a report on how things are going, as much detail as you can give us, at the end of the first quarter.

CULBERSON:

I think that's a good idea. Would that be agreeable?

LYNCH:

Thank you, sir.

CULBERSON:

And this is a very significant change, and we're deeply grateful to you. I know the country's grateful to hear that you're moving in this direction. It's a good time for it, because I know the grant solicitations are just now coming in, Mr. Chairman. The jurisdictions -- local, city and state jurisdictions -- across the country, Madam Attorney General, are just now beginning to send in their applications for Byrne JAG for the various law enforcement grants.

So it's a good time for this change to kick in. As I said, we will provide you and your staff with a list of the jurisdictions that have these policies that refuse to provide information, or refuse to honor detainers. And I deeply appreciate your movement in this direction, and we'll find a way to do this in a cooperative, friendly and supportive way to ensure that these jurisdictions are in compliance with a Title 8, 1373, that may have a chance to change their policy, and try to avoid losing their federal grant money.

But if they insist -- and we'll work with you -- if they insist on paying it out of their policy, and they won't honor detainers, and they won't share information, you know, don't ask for federal money unless you follow federal law. Delighted to hear you're moving in that direction, and we're going to work with you cooperatively and in a supportive way to ensure that that happens, to make sure that the law enforcement communities across the country continue that close, cooperative working relationship that has been so successful in the past. We really appreciate very much your help in this matter, and look forward to working with you. And we'll get quarterly reports, Mr. Chairman.

Mr. (OFF-MIKE).

HONDA:

Thank you, Mr. Chairman. As the ranking member, I want to request a congressional five minutes, if I may. And I just want to add my congratulations to the attorney general also, and that while you respond to our questions, and because I understand it's very complicated, there's a lot of different chairs (ph) that need to be considered as you move forward on them, this complex issue of criminal justice, and civil rights, and things like that that we have to face. And I, too, would look forward to seeing a quarterly report, because I'm confident that'll be based upon good judgment and laws that we expect to be able to follow.

So, and I think that Mr. Chairman had touched upon some of the other issues on the policies and clarification of -- and the guidelines on the sales and handling of firearms relative to hobbyists and those folks. So I won't take any time to do that. But I do notice that a lot of the concerns that we do have has been based upon the lack of resources, and things like that.

But I just want to say that we, as Congress, have also been part and parcel of the -- providing the appropriate resources in the past. And I'm very glad that this past year, that we've had an increase. And I think that bodes well for all members of this subcommittee. We have an expectation on increasing staffing, increasing in training. And I think that that was a lot of concerns around that.

A lot of this is because we're able to hire more folks to do the things that is expected of your department. So I see that we're making progress on (inaudible); college campuses. And with the ATF, there's a lot of clarification on the kinds of priorities and policies that is promulgated by the ATF. And also, in terms of law enforcement hiring overall, there's going to be increase in that. So I think there should be an expectation of meeting some of these needs.

And I'm very gratified to see COPS coming back. I think COPS has a basis for improved community and police-force relationships, that they understand working in conjunction with the communities is beneficial for everybody around. And we'll learn a lot from them.

One of the questions I wanted to sort of formulate is around human trafficking and cyber -- cyber systems and cyber stalking. We just finished the Super Bowl in Santa Clara County. And the Super Bowl was the culmination of a lot of work done by different agencies. And I've noticed that each department that's involved in providing services to make sure that we have a safe environment and successful outcome of activities like the Super Bowl -- which, the next one will be in Houston, I believe.

HONDA:

So over the last couple years, this year, we've been looking at the services that's expected in terms of providing a safe environment. So I would just -- wanted to have some sort of comment about budget, personnel, assignments, in such a way that you can provide those services without having to juggle the different departments' budgets, so that in the next Super Bowl in Houston, it'll be run smooth and seamlessly through our agencies, so that Congressman Culberson can expect Houston Super Bowl to come out well, as it did this past year. I don't care who's the team, but I'll hope it's the 49ers.



But the basic question is, can you give us some feedback on the budgetary approach to providing the necessary resources and personnel to address the kinds of expectations that one would have, having a safe environment at the next Super Bowl? We have a template. We have folks who've been involved in it that we can touch bases with to ask that question. I'll be asking that question of every department -- federal, local, state -- so that Houston will have a good solid preparation for - - in the event that whatever team goes to the Super Bowl, they'll have a good outcome.

And I think there are two things that are very prominent in the planning would be human trafficking and cyber security and cyber stalking. Do you have any comments relative to that?

LYNCH:

Yes, thank you. Thank you. Those two important issues actually do collide at an event like the Super Bowl or the Olympics, if we were to host it here. Again, it would be a similar situation. Certainly -- and I thank not just you, Congressman, but this committee for your support of the department's efforts in human trafficking. I know it's an important issue for you. And your efforts have really made a difference in the lives of people. So I thank you and the committee for your support over the years, and in this most recent budget as well.

So with respect to human trafficking generally, we are of course looking for -- I think the request is about \$89 million, \$89.3 million for 2017, with \$45 million going for the Victims of Trafficking program. And for cyber, we're asking for a total of \$121 million, which would increase positions. The FBI would receive funds to enhance their investigative personnel in a number of cyber investigations, and also attendant money to increase DOJ's internal security, DEA's internal security, and our grants as well.

With respect to a specific event, like the Super Bowl, I would request the opportunity to come back to you and your staff with more specific information on that. But what I can tell you at this point is that for the Super Bowl in particular, and other large events, what happens at the planning stage is regulative coordination between the Department of Justice, Department of Homeland Security, as well as the intelligence community to see if there's any national security threats.

For human trafficking in particular, every U.S. attorney's office now is required to have a human-trafficking coordinator, and be part of a human-trafficking task force. This pulls in our state and local partners, and helps us get information on the current state of affairs involving cases and investigations, but also things that are about to occur as large events, like the Super Bowl, are put together.

So prior to an event, for example, Super Bowl was in New Jersey a few years ago. My office, when I was in the U.S. attorney's office there was involved, along with the U.S. attorney from New Jersey, with the preparations for those events. So months before the actual game is played, the planning for how to both have law enforcement presence, and also protection for any victims that we may be able to rescue, begins to occur in terms of every agency involved, looking at the resources they would need.

This is another example, also, of how we work so well with our state and local counterparts. Because so much of the work at an event like that will depend, of course, upon working closely with local law enforcement also, as well as providing resources from FBI, from DEA, if we feel that narcotics will be involved. And where we have had, for example, situations where we have increased funding to our human trafficking task forces, we use the information and the intelligence gathered from them also.

So I'd appreciate the opportunity to give you more specific information about a specific event as that comes to fruition. We do have, as you mentioned, templates for how the security protocols are put together for that. We feel confident that we can take them to Texas and receive as warm a reception as we did in New Jersey and San Francisco, and making sure the event is as safe as possible, and also that it is not used, as these events often are, as a cover for illicit activity, such as human trafficking.

So I'd appreciate the chance, if I could, to come back to you with that; but again, to note that the human trafficking task forces begin to focus on these events months before they actually come into fruition, and specific plans are set in place, and specific operational plans are set in place.

HONDA:

Thank you. And I also want to add my thanks to the chairman for helping us fund (ph) and put into law the establishment of human trafficking survivors (inaudible), which is going to be very helpful, and also look forward to hanging out with the chairman when that event comes around. Should be a lot of fun. I didn't watch the Super Bowl. I was at the command center watching the other stuff. So I figured, OK, the next Super Bowl, I'll come over and visit with Houston...

CULBERSON:

We'll be glad to have you, get you out to the Johnson Space Center.

HONDA:

Thank you. Thank you.

CULBERSON:

Thank you very much, Mr. Honda. Mr. Jolly?

JOLLY:

Thank you, Mr. Chairman. Ms. Lynch, just three very specific questions. If any of them need to be taken for the record, that's fine. The Bureau of Prison's stacking (ph) requests is down about \$200 million, and there's also, I think, plans to hire a little over 300 positions in F.Y. '17.

We've heard concern from some of the prison locals, some of the employees, about the use of augmentation, and what that means for, frankly, their own security, but also, their own operational

abilities. Can you provide some perspective on the decrease in the funding requests, what it means for additional hiring, and the process of using augmentation?

LYNCH:

With respect to the Bureau of Prisons, the funding, again, as we -- as I think I discussed with another one of your colleagues, I think maybe Mr. Rogers, the budget numbers are certainly lower than the request for last year, because again, we did receive the \$444 million for construction funds, that we did not need to ask for again this year. That would not have been an appropriate request.

So the amount may be lower, but those funds are being used to alleviate overcrowding and building the new positions. So the operations of the Bureau of Prisons are not being cut. Our overall numbers are going to be requesting not only additional new positions, but additional funding to support those new positions.

A lot of the new positions will be in the correctional area, but they will also be in the mental health area, because this is a problem that is cutting through all of our prisons. It's a problem that, again, I hear from my state and local colleagues. Also, is that dealing with individuals who present these issues raises safety concerns for the inmates and the officers, as well as operational concerns.

JOLLY:

The reliance on augmentation, though, to what extent are you relying on that, compared to even more than the 336 positions that may be hired?

LYNCH:

Can you give me some context? I'm just not sure what you're referring to?

JOLLY:

In terms of reassigning duties of individuals to support those of, say, full-time security officers at facilities. We hear from several prison locals about the concern of using employees that perhaps are not as trained, or at least well trained, in certain specific tasks within the prison system, that they are being asked to fill in for those duties. And it's raised concerns of security for some of the prison locals.

LYNCH:

Well, with respect to that specifically, I don't have information for you at this time. But I'm happy -- if we could have our staffs talk, and perhaps get some perspective on this so we can provide you with some information for it. I will say that I've had the opportunity to meet with the heads of the Correctional Officers Unions, with the Bureau of Prisons, and tremendously happy to work with them on a number of recommendations within the prisons. So their concerns are very important to me, because they do impact safety throughout the institution.

JOLLY:

Two remaining questions. The next one is, Federal Prison Industries, the program that allows inmates to work in the production of supply goods for other federal agencies in return for a stipend. What is the maturity of that program? Is there additional capacity? Are there additional savings for other federal departments that could perhaps be relying on this? What's the state of (inaudible) for Federal Prison Industries?

LYNCH:

Well, thank you for the chance to talk about Federal Prison Industries. It's actually one of -- I think one of the ways in which we can not only provide our inmates with job training and job skills, but also help their re-entry platform, out back into the community. Because we've had some situations where employers have connected with Federal Prison Industries, and find that they receive not only well-trained individuals, but incredibly loyal people who appreciate being given a chance to use their skills and become productive members of society. So we're very supportive of that.

As I'm sure that the committee's aware, in general, Federal Prison Industries provides a wide array of services. Frankly, the Department of Defense is a huge purchaser of Federal Prison Industries' products. I think they've been very pleased with their products as well.

LYNCH:

It's no longer mandatory that federal agencies use them, but certainly we are encouraging our fellow agencies to consider them and looking to actively partner with other agencies to help in that effort.

With respect to the current state of the -- of the operation, we're very, very pleased to note that we've recently brought a new CEO on board who comes with over 20 years of experience in private industry, and he's very excited about the prospects of rebuilding this great program and in, frankly, enhancing this great program. And so I'm tremendously looking forward to working with him as well. And we...

JOLLY:

OK. I'm about out of time. I want to get one more question on the record. I appreciate that. I look forward to working with your department on that as well.

We provided language in last year's bill regarding digital rights management for information security, secure content management, and I know there have been incidents, including last calendar year, where the identity of FBI agents and some DHS personnel was released.

If you just could provide some perspective on where the department is with secure content management, plans going forward either in your budget or unmet needs.

LYNCH:

Thank you. You know, with respect to that issue, it's very important to us because you mentioned the -- the release of personal information for anyone, the citizens or someone who is a law enforcement officer, carries with it grave risks. And certainly, with our law enforcement officers, the risks are enhanced, and we, in fact, are involved in prosecuting individuals who've released information at the behest of designated terrorists organizations. And so it's something that we take seriously.

Certainly with respect to the cyber budget overall, we have a larger number in there, \$121 million. But what I would note is that within that, we are requesting for \$26.4 million to strengthen DOJ's own cybersecurity environment to protect against insider threats and also to bolster literally the physical security of our systems.

We're all -- when I say we, I now refer to a number of other agencies. But we are all at a point where we're dealing with the greatest of last century's technology in many ways, well put together, well maintained by dedicated staff. But systems are approaching end of life, systems are changing. The costs of maintaining the systems are growing. And so we're -- I will tell you that the Department of Justice is committed to this but looking for ways to make sure that we have the most efficient systems possible is included in this budget request as well.

JOLLY:

Do you have flexibility to move quickly on outside vendors? You know, I also serve on the V.A. Committee and this is one of the huge issues when it comes to scheduling and how much is done in-house and whether or not there's commercial off-the-shelf available that can quickly be incorporated in an environment that continues to so rapidly change that it creates new vulnerabilities every day.

Is there a balance between what you're doing in-house and relying on solutions, technology solutions, that are out there right now today in corporate America?

LYNCH:

Well, we certainly try and find that balance. Obviously, we have to go through the federal procurement process, but we are allowed to use a variety of vendors if they meet those needs. The process can be somewhat lengthy, but it's -- it is there for a reason, as I'm sure you know. I think the V.A. is an excellent example of all of the issues that we're discussing here.

And so I look forward to working with you to ensure that the Department of Justice can also be in that stream of improving our technological capacity. And whether or not, Congressman, we can use off-the-shelf products really depends upon the type of system that we're talking about also; I will say that.

Certainly when it comes to case management, for example, managing data for the lawyers who are litigating our cases, there are several -- several excellent programs that we're able to incorporate into the Department of Justice systems.

When it comes to managing secure data, you know, our national security data, there are not. Not to say there are none, but there are just fewer options. And so a lot of that will depend on the type of system that we're talking about as to our ability to use outside vendors.

JOLLY:

All right, thank you. Thank you, Mr. Chairman.

CULBERSON:

Thank you, Mr. Jolly. I want to recognize at this time our ranking member, the gentlelady from New York, Ms. Lowey.

LOWEY:

Well, thank you, Mr. Chairman. And I'd like to join my colleagues in welcoming our attorney general here with us today. I apologize, but the secretary of State was next door, so we're moving quite efficiently and I hope effectively. Thank you so much.

I have a question regarding the ATF funding proposed in the president's budget. The budget request includes funding for additional ATF agents to help investigate gun crimes and strengthen the firearms background check system to ensure that firearms are not inadvertently sold to persons who are legally prohibited from obtaining one.

In addition, the request includes funding to improve the National Integrated Ballistics Information Network to help law enforcement solve firearm crimes.

Many members of Congress often express opposition to new gun restrictions by saying that we need to do a better job enforcing the gun laws that are already on the books. Isn't it fair to say that the budget initiatives that you are requesting for fiscal 2017 are designed to do exactly what so many in Congress say they want to do, and that is to enforce the gun laws already on the books by helping state, local and federal law enforcement prevent gun crime and apprehend and prosecute those who violate the firearm laws?

LYNCH:

Thank you for the question, Madam Congresswoman. Yes, indeed. Certainly as the Department of Justice was looking at the recommendations to make to the president most recently, our mandate was exactly that -- to view existing firearms law and determine how we could best marshal and leverage department resources to better protect the American people within that framework of laws.

So as you've noted, we've taken some steps and we have some requests for ATF funding that would increase positions as well as increase funding. We would -- this funding would allow us to bring onboard 200 additional personnel, 80 of whom would be agents, 120 would be what are called industry investigators or industry operations investigators to support our new review of -- on the - - on those who are engaged in the business of dealing in firearms.

The special agents would be working on violent crime issues, trafficking cases and the like. They would enhance our efforts in reducing violent crime across the country, again using the existing laws. Certainly the NIBEN network has been of great use to law enforcement over the years. The sharing of information at the federal, state and local level about ballistics being used in crime has been extremely successful.

And the other initiatives that we propose would also enhance our ability to detect when guns are lost or stolen in transit much earlier because those guns tend to be used in crimes. We've seen that in terms of firearms recoveries from crime scenes. And so having the ability to start those investigations earlier would also enhance public safety.

So that -- indeed the recommendations that we made are designed to tackle these difficult issues of both violent crime and also keeping guns out of the hands of those who are not authorized by law to have them. But at the same time strengthening the background checks system, called the NICS systems, so that the licensed dealers who rely on that system to comply with the law have the best and most efficient system that they need.

And so that individuals who are also relying on that system as they go through a routine firearm transaction, purchase transaction will have the best and most efficient system as well to rely upon as they go about their business.

LOWEY:

I appreciate your mentioning the NICS system because I just want to follow up on that issue. We know that current law prohibits individuals from buying a gun if because of a mental health issue they're either a danger to themselves or others or unable to manage their own affairs.

The Social Security Administration has indicated it will begin the rulemaking process to ensure that the National Instant Criminal Background System, the NICS system, receives all appropriate information on the tens of thousands of persons who are found each year to have a documented mental health issue, receive disability benefits and are unable to manage those benefits because of mental impairment.

If you could just give us an update on this effort, including the Justice Department's efforts to assist the Social Security Administration in helping to ensure that persons with serious mental impairments do not have access to firearms.

LYNCH:

Well, thank you, Congresswoman for that -- for raising that important issue as well. Certainly the law does prohibit individuals with certain types of mental illnesses from being able to purchase firearms. And there are very specific delineations of the adjudications that are required to meet that. Also, every federal agency is required to provide information into the NICS system that would assist the NICS system in being as complete as possible.

LYNCH:

The Social Security Administration is engaging in this rulemaking so that they can, in fact, produce a clear, legally consistent definition of which types of individuals and which types of adjudications involving their mental health would be required to be turned over to NICS (ph).

And the department's role, as with all rulemaking, is to provide legal assistance and clarity as the Social Security Administration goes through that process.

They will essentially craft a rule, it will go out for public comment. Those comments are received back, and the agency -- the relevant agency -- in this case, SSA -- would provide a response before any rule would be promulgated.

But it is designed to make sure that those -- that the individuals who fall in that category are those that are clearly connected to the legal prohibition against being able to buy or maintain a firearm.

LOWEY:

Thank you very much.

CULBERSON:

Thank you. Judge Carter.

CARTER:

Thank you, Mr. Chairman.

You know, I think you can figure out that I'm the chairman of Homeland Security Appropriations Committee by the comments of the -- of the chairman.

DHS has work -- has been doing all we can to catch and investigate criminals, illegal aliens and smugglers that are pouring across our southern border. As the chief law enforcement officer of the land, you must do your part to -- and follow through with the prosecutions and consequences.

The past two years, you have requested and received increased funding for immigration judges. Mind you, these are courts used 99 percent of the time -- foreigners who are seeking an immigration benefit, yet still we fund them through taxpayer dollars.



Why are we not placing these immigration judges on the border, where the rubber actually hits the road? Why do we wait -- our wait times increase, even though we're increasing the number of immigration courts?

And why does my staff report sitting in immigration hearings only to see case after case administratively closed, allowing thousands to circumvent immigration enforcement? Would you like to answer those questions?

LYNCH:

Well, thank you for raising this important issue, because, as you note, managing the immigration case load is one that's become increasingly challenging for all of us -- those who are involved in interdiction at the border, those of us who are involved in prosecuting the cases that arising from that -- the Department of Homeland Security as well, as they deal with not just deportation, but managing all the issues that flow from that.

And so I thank you, again, for your commitment to that issue as well.

Certainly, with respect to our immigration judges, as you -- as you indicate, we have received increases over the last two years for the hiring of immigration judges. And let me thank this committee for recognizing the need for hiring more immigration judges and express the department's appreciation for your support with that.

Certainly, with respect to the total Office of Immigration Reform, we are in fact requesting additional funding, but no new judges this year, because we have brought judges on board.

We're in the process of hiring more, using the funds that were provided to us. And the additional funding that we're requesting is to make sure those judges are up and running.

As you indicated, there are often long waits, there -- there's often crowded courtrooms. And so we are using the additional funding requests -- or the additional funding requests would be used, I should say -- to support the infrastructure for those judges.

And so we want to be responsible with our requests, and fully integrate those judges, and continue the hiring under the money we already received.

With respect to immigration judges on the border, we've tried to be flexible with regard to that. Certainly within the last year or so -- it may have predated a bit my name as attorney general, but as I'm sure you will recall from dealing with the homeland security issues, we have waves of individuals coming across the border at different times.

And the composition of the groups will change. And so, for example, when we had large numbers of unaccompanied children and very young people coming across the border, in fact what the Department of Justice did was temporarily reassign some immigration judges to the border areas to handle just the influx of cases there.

And we look forward to continuing to be responsive in that way so that we can deploy judges to those areas where their colleagues would be overwhelmed.

And we hope that the 20 new judges that were hired last year will go a long way towards that -- and I believe we have additional hiring planned. As I mentioned, with the money that was already appropriated. So again, we feel that we can be flexible, and we look forward to continuing to be flexible.

If -- if there were to be a crisis again in another portion of the country, not -- not the border, but maybe the north -- the northwest border, for example, or the northern border -- we would again use that flexibility to make sure we could staff up those judicial offices so that their colleagues would not be overwhelmed.

And so that's -- that's how we would intend to deal with that. Again, but we're requesting additional funding so that we can bring on board the judges, and we do appreciate this committee's support of the efforts of the Office of Immigration Reform.

CARTER:

But within the last four months -- and we've had a sudden dropoff this month, but in the last four months, our numbers on the UACs -- unaccompanied children -- have gone right back up to 25,000 or 30,000.

It's really unusual at this time of the year. Those of us who've lived in Texas and know what goes on at the border because we've lived with it all of our lives -- it gets cold, people don't come across the river. When it gets warm, people come across the river. It's just -- pretty simple. It's cold -- to get wet.

And so the -- the situation is this is contrary to what we would expect. This means that there's something driving people up here. If we can't get them before an immigration judge clearly (ph), give them a notice to appear, they are then picked up by another -- another federal agency and transported God knows where in the United States.

Could be all the way to Maine, Washington state or the tip of Florida. We don't (ph) know where they're going. But the -- notice to appear -- chances are -- especially this (ph) -- most of the children that we're calling children are 14 to 17 years old. That's the highest number of category coming up as -- as unaccompanied, quote, "children".

By the time they get resettled (ph), good chance they'll be adults. OK? That's -- we got to fix that. And I know you're trying, and I -- you ask for more money for judges, I'll -- I personally will give it to you, because I truly believe the solution is bringing them before a court of jurisdiction and having a real hearing, not an agency and a bureaucrat.

So thank you for what you're doing. As for -- and I personally will be on your side.

LYNCH:

Thank you, sir.

CULBERSON:

Thank you, judge.

I recognize the gentleman from New York, Mr. Serrano.

SERRANO:

(OFF-MIKE) so much. Thank you for being here with us, and congratulations on being our attorney general.

You know, when I first came from Puerto Rico as a young boy, and I started paying attention to what was being discussed at my house, it was the beginning of the civil rights movement, and it was whether Puerto Ricans could vote or not.

And both movements has something in common, which was voting rights. In our case, it was whether we took a test in English or in Spanish -- that was settled by the courts.

Lately, many of us, as you know, have felt that we're making it harder for people to vote, not easier to vote. And it brings me to the question of what happened with the Election Assistance Commission, where the commissioner wrote to some states and said, "you can't ask for citizenship."

That's always troubled me, because -- you know, in my case, and in the case of so many other people, we don't walk around with proof that we're citizens. That's just the way it is.

In fact, this voting card is probably -- my -- my congressional voting card is probably the only proof I have on me that I'm a citizen, because we would assume that all members of Congress are citizens of this great land. But that's it.

And so my question to you is what role is the Justice Department playing on that particular issue with that commissioner from the elections commission? Do you feel that he had a right, without giving me a judgment if that's what the case would be, to write that letter?

And lastly, very briefly, what in general are we doing to protect people's rights to vote? Because it seems to me that, at this time in the history of our country, to be fighting the voting rights issue all over again is a very sad state of affairs.

LYNCH:

Well, Congressman, with respect to the specific case that you raised, it's actually currently in litigation. Typically, it is -- it is the department's responsibility to represent federal agencies.

We do advise all of our client agencies on the applicable laws and issues that are raised by their actions. And with respect to this case, it's currently in litigation, so I'm not able to give you specifics on that.

I think that -- you know, that there's a judge who's gonna be holding a hearing soon to review whether or not there's a legal basis for certain actions. And so I'll -- I'll leave that matter there.

With respect to voting rights in generally -- in general, it is in fact one of the department's priorities to make sure that we fully enforce all of the relevant and applicable laws that protect the rights of everyone to vote.

LYNCH:

Certainly there have been changes in those laws recently, with respect to the Voting Rights Act itself. Pre-clearance is no longer an option or a tool that we have, but that has not diminished the department's resolve and commitment when issues are brought to us of where we don't have pre-clearance eyes on something, where there's evidence of irregularity or issues arising later in the process, of starting investigations and working there.

And I would note that this is also an important issue in the field, with respect to the U.S. attorney community also. They're very concerned at the local level as to whether or not there would be any irregularities with voting and are very focused on that.

So, we're very committed to protecting the right to vote for all Americans, and making sure that it's exercised in as free and open a way as possible. We provide guidance to states, some states do come to us and ask us questions about changes. We still do that.

And we'll consult with them and have had very positive dialogues on specific issues about the best way in which to ensure an open right to vote. And where necessary, we'll litigate those issues also, and then we'll let a court decide. But we -- where we feel that the right to vote is being infringed in a way that is inconsistent with the values of this country, which is that every American gets to participate in this great democracy of ours, we'll bring those a actions as well.

SERRANO:

Thank you. In the time I have left, I know you can't comment on litigation, or something that's being litigated. But are you in the belief of the comment on whether it's true or not, about the room over here, that the Justice Department has asked a judge for a stay on this whole issue of -- by the elections commission?

LYNCH:

Well, I think that the pleading are, the pleadings -- have been filed now, and I think that the plaintiffs did ask the court for an injunction. I think the matter is under consideration now.

SERRANO:

All right. Thank you so much. And thank you, Mr. Chairman.

CULBERSON:

Thank you, Mr. Serrano. And I appreciate very much your focusing on making sure that every American has the right to vote. And that means "eligible." And I deeply appreciate that. And that you will also defend, as the department always has, federal agencies, and therefore you'll be defending the Federal Elections Commission.

I think that's very important and I appreciate that very much. Want to recognize Mr. Kilmer, and then I believe we're going to wrap up.

Mr. Kilmer?

KILMER:

Thank you, Mr. Chairman. I'm grateful that the president established the task force on 21st century policing to provide a road map on how to build trust and incorporate best practices to reduce crime and make sure everybody is safe.

And I know that the task force made several recommendations that were specific to the LGBTQ community, and making sure that everyone is safe.

I know the department is taking the lead on promoting the adoption of those best practices and recommendations, and was hoping you could just give an update on how that's coming and what the strategy is for getting these measures adopted nationwide?

LYNCH:

Yes. Thank you. This is an important area. It is essentially an area in which some of our most vulnerable citizens have often either felt that police protection did not extend to them or they were reluctant to seek police protection, because of a view that they wouldn't receive it, frankly.

And so, it's also an area that, frankly, when I talk to law enforcement, they don't want anyone feeling that you can't call on an officer for help. And so, we've tried to provide guidance, we have tried to provide training on how to deal with individuals who are in this vulnerable situation, either under attack or under assault.

We have tried to provide training in dealing with individuals who present issues of gender identity, so that police officers have the training that they need to recognize the issues that come from that, ranging from booking to housing, for example.

And so, one of the things that we have done is -- I may have mentioned, in an earlier response to a question, that we have recently released guidance on sexual assault and domestic violence.

This guidance focused on identifying and preventing gender bias in law enforcement's response to domestic violence and sexual assault. And we've consulted closely with the state and local law enforcement, both with their experiences and the questions that they had also. And so, we have -- that guidance came out in December.

And it does identify and recommend practices that will help law enforcement agencies develop best practices to respond to crimes of violence. Not just what people traditionally view of as domestic violence against women or sometimes men, but also the LGBTQ community also, to recognize those symptoms and to also be able to respond to those individuals.

And the guidance also seeks to make sure we have ways to connect law enforcement with a very, very important part of the community when it comes to all types of domestic violence, which is other agencies and resources. Often, community resources are nongovernmental agencies or NGOs that can provide support for victims of domestic and sexual violence.

KILMER:

Thank you for that. With the time I have left, I represent a district that has a large Navy base and I think I represent more military veterans than almost anybody in this place and feel very lucky about that. And I just -- I fundamentally believe if you serve, we should have your back.

My state's human rights commission has had, to me, a surprising number of instances where service members or veterans have voiced concerns around housing or employment discrimination. I know the Civil Rights Division under your jurisdiction deals with those issues and I want to just get a sense from you whether it's properly resourced to deal with the needs of service members and veterans in this regard and what sort of demand you're seeing for those services and the ability of the division to -- to meet that demand.

LYNCH:

Well, I will say that I certainly agree with you in the fact that I think we owe our veterans the greatest support when they -- when they return home, be it an issue of health or be it an issue of services, or the all-important right to vote when they are also stationed overseas.

One of the things we do in the Civil Rights Division also is have a very active practice in making sure that service members who are stationed overseas have the information they need to know how to vote and that that right -- that particular right is not infringed through either a logistical problem or some other issue.

We do enforce service -- the federal laws that help them also return to their workforce when they come home from military duty. And also, we've seen a number of disturbing cases that involve financial exploitation of our service members, both when they are coming back and trying to seek housing and also while they're on active duty, of service members and their families. We've seen some unfortunate instances where that type of fraud is growing and that's a matter of grave concern to me as well.

Also -- we also have issues, of course, with many of our service members returning injured. Some of these injuries are visible and some of them are not visible. But it presents them with a disability that gives them special needs in terms of housing and employment, and so we -- we take very seriously our responsibility to defend their right to those reasonable accommodations as well.

This -- currently, the FY 2017 budget includes a total of \$4.1 million in resources, which is going to plus-up the service members' civil rights cases work by a little over \$580,000. We also have a service members initiative at the Department of Justice that's led by my outstanding associate, Attorney General. And it really has been instrumental in making sure that we at the department look at all of the issues that our service members present and make sure that, whether -- it's not just civil rights, but other areas also. I mentioned the fraud cases growing, the criminal division is cognizant of the issues as well. And so we're trying to look at all of the issues presented by our -- our service members and be responsive.

KILMER:

Thanks. We'd love to follow up with you on that.

LYNCH:

Yes.

KILMER:

Thanks. Thank you, Mr. Chairman.