

Hearing Transcript

Senate Appropriations Subcommittee on Commerce, Justice and Science Hearing on President Obama's Fiscal 2017 Budget Proposal for the Justice Department

February 25, 2016

SHELBY:

The subcommittee will come to order. Madame Attorney General, welcome again to the Commerce, Justice and Science Appropriations Subcommittee hearing, where we will be examining the Department of Justice fiscal 2017 budget request.

Today this subcommittee will continue the important responsibility of reviewing spending at the Justice Department to ensure that it has the necessary resources to carry out national security and law enforcement missions. Last month you testified before this subcommittee about a set of executive actions recently issued by the president regarding gun control. At that time I, along with other subcommittee members, expressed deep concerns about the constitutionality of key aspects of these executive actions.

The president's 2017 budget request for the Department of Justice submitted a few weeks after that hearing has paid no heed to a lot of our concerns. The president proposes increased spending at the Department of Justice by \$810 million in '17, a new total of \$29.9 billion.

This includes \$66 million in additional funding for the Bureau of Alcohol, Tobacco, Firearms and Explosives for 200 new positions, 80 special agents, and 120 industry operation investigators. I continue to have significant reservations about the potential abuses and harassment of law-abiding gun owners and purchasers that could result from bringing on these additional agents and investigators.

In addition, I expressed to you at our hearing in January my apprehension about the president's clemency initiative, given the numerous examples of sentences that had been commuted for criminals with firearms convictions. You pledged to review the situation and get back to the committee on this troubling topic. I'm still waiting for your response.

Yet, the department's budget request for the office of pardon attorney includes \$2.8 million to increase staffing for pardon and commutation petition reviews. I find it hard to believe that the president can spotlight his commitment to reducing gun violence in America when his administration is granting clemency petitions for criminals convicted of gun crimes.

In another area, I note that spending at the Bureau of Prisons increases by \$238 million above 2016 level, despite another projected reduction in our federal prisoner population, which continues to decline. I hope you can shed some light this morning on why our present budget continues to increase instead of demonstrating savings and cost reductions at a time when we have fewer federal prisoners.

When it comes to law enforcement activities, counterterrorism and cyber security remain top priorities of the subcommittee. The massive recent cyber breach of the Office of Personnel and Management's computer network compromised the personal information of approximately 25 million Americans. That's an astounding number, and reminds us what's at stake if the federal government is not prepared to combat cyber threats, both offensively and defensively.

The department request to increase of \$121 million for combating cyber threats, which includes \$85 million for the FBI, \$8 million for DEA, and \$26 million for the Department of Justice information sharing technology attempt. Despite the noteworthy funding increases for cyber security, I'm disturbed by proposed cuts to other national security activities.

Finally, when it comes to counterterrorism, I was dismayed by the president's announcement on Tuesday to close the Guantanamo detention facility. This announcement came on the same day that Spanish and Moroccan police arrested four terrorist recruiters that included former a Guantanamo detainee who once fought with militants in Afghanistan.

Current law prohibits the terrorists held at Guantanamo from being transferred over to U.S. soil, and I am left wondering what advice you can give -- possibly given the president that would make any such move legal.

I will highlight more specific topics in my questions, but I appreciate you being here today and I look forward to your testimony.

Senator Mikulski.

MIKULSKI:

Thank you very much, Mr. Chairman, and really a most cordial welcome to the Attorney General Loretta Lynch. I look forward to hearing the attorney general's testimony about the needs of the Justice Department, and its real impact on meeting the needs of the American people to be safe and to be secure.

When we look at the many demands on the Department of Justice, they range from dealing with international efforts related to terrorism, the practices of organized crime, as much as drugs and cyber security.

We really want to thank all of the people who work at the Justice Department, those who carry the guns and those who carry the Constitution. Actually, they all carry the Constitution there. And really to thank them for what their work, that they do every day in every way.

I know Senator Shelby and I are committed to regular order and trying to move this committee's appropriation, working also with Senator Cochran, that we don't get into sequester or all of those big tensions at the end. So we look forward to hearing your testimony so that we can move it.

I also want to particularly thank you on behalf of the citizens of Baltimore, and for your leadership during our Baltimore uprisings. Your work with the elected leadership, law enforcement, community leaders and faith leaders was really enormously helpful. And for really helping provide us with the help of enforcing the law, living by law and order for those who have to live by the law.

A unique way of technical assistance was provided to us that -- our police department, but also helped our citizens, and now also helps our citizens have confidence in the police department. We really have a long road to go on that, but I am going to particularly thank you as we try to rebuild the trust between police and communities they serve.

And I know that this is being faced in other parts of the country. That's why in fiscal '16, working with Senator Shelby, we looked at how we could help modernize many of those efforts. So that's one issue.

The other issue that I'm particularly interested in, and I know my colleagues, particularly Senator Shaheen, is the scourge of heroin in our communities. As I look here at the hearing, it's excellent bipartisan attendance. And I would say that every single one of us is facing a heroin crisis in our state. Whether it's rural states, urban states, etc. And we really need to come to grips with this.

In my own home state last year, my state, five and a half million people, we had over 507 heroin deaths. This is just stunning. So we're whether rural, urban or suburban, we just can't enforce our way out of this crisis. We need to break the cycle of addiction for drug users. We need to crack down on the big dealers and traffickers, and we also need to engage in preventive strategies.

I know on February 2nd the president announced a \$1.1 billion in funding to tackle the heroin and opioid crisis, with most of the funding going to Health and Human Services and the Justice Department. We look forward to hearing from you on this.

Also, we want to make sure that the FBI has the tools it needs, and we thank you for what has been going on to give them the physical facilities we need. But this committee believes that we do have to live by the Constitution. I know we will be talking about guns in this hearing, and I support the Second Amendment.

I also support the Fourth Amendment against unwarranted search and seizure, so I look forward to hearing how voluntarily we might be able to break through this Apple-FBI standoff. And I also support article 2, section 2 of the Constitution, that says that the president has the authority to nominate a Supreme Court justice up until his last day of office.

Every day we count on the Justice Department to fulfill its vital mission, and I want you to know again, I support all 115,000 employees, many of whom live in my home state of Maryland. So rather than me talking in more detail, we want to hear from you. But most of all, we really want to work on a bipartisan basis to keep America safe, and keep it safe under a constitutional government. That completes my remarks.

SHELBY:

Madame Attorney General, your written testimony will be made part of the record in its totality. Proceed as you wish.

LYNCH:

Thank you, Mr. Chairman. Mr. Chairman and Vice Chairman Mikulski and all the distinguished members of the subcommittee, with whom I have had the pleasure of working on so many important issues, it's an honor to appear before you today to continue our dialogue about how we best protect the American people.

I'm grateful for this opportunity to discuss the president's fiscal year 2017 budget for the Department of Justice. This budget reflects our enduring commitment to creating a stronger nation and the more empowered communities at 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 have worked to end human trafficking, to disrupt the flow of illegal drugs and weapons, and to eradicate international corruption.

We have created more 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 F.Y. 2017 budget request will allow us to build upon this encouraging progress.

As always, the Justice Department's first and most important 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 the evolving challenges like homegrown extremism, online radicalization, and increasingly sophisticated encryption.

Now among other items, that request also contains funds for a new state of the art FBI headquarters, which would reduce inefficiencies, it would streamline internal communications, and it would significantly boost our ability to thwart the emerging criminal and terrorist threat.

It devotes an increase of \$63 million to reinforcing our intelligence sharing capabilities, allowing us to more rapidly coordinate with both our federal partners and our counterparts overseas. And it directs \$38 million towards developing the tools that 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.

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

It is a long-standing 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. If the government needs the assistance of third parties to ensure that the search is actually conducted, judges all over this country and on the Supreme Court have said that those parties must assist if it is reasonably in their power to do so. That is what we have been asking for.

And we owe it to the victims and 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 of course, 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 our trade secrets and jeopardize the privacy and property of everyday citizens.

Accordingly, the fiscal year 2017 budget would dedicate \$121 million in additional resources to investigating cyber crimes and to fortifying the Justice Department's vital information networks. Now the majority of those resources, \$85 million, would be used to enhance the FBI's capacity to collect and to 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 cybercrime. 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 alternatives to incarceration for low-level, nonviolent offenders, which eases overcrowding in correctional facilities, and frees precious resources for the prevention and the deterrence of the most serious crimes.

And of that total Smart on Crime request, \$184 million will go to the Bureau of Prisons reentry, rehabilitation and mental health programming, which are all essential components of our work to help formerly incarcerated individuals make the most of their second chance, while also ensuring that our communities stay strong and safe, because those are the kinds of communities that we seek for every American, and they require bonds of trust and respect between law enforcement officers and the people that 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. This program extends funding to state and local departments to hire or retain officers so they can continue to meet the full range of their constituent 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, which weakens communities and 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 the victims of trafficking rebuild their lives and reclaim their futures.

We have 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 the office of justice program grants, or OJP as we call it, 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 in the first place by providing assistance and guidance as early as possible.

I look forward to working with this committee and with Congress to assure 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 assure 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 American citizens, to defend America's values, and to strengthen all of America's communities in the months and years ahead.

Thank you once again for the opportunity to appear before you today and to work with you in the future. I'm happy to answer any questions. Thank you, Mr. Chairman.

SHELBY:

Thank you, Madam Attorney General. Since President Obama took office, Congress has consistently on a bipartisan basis prohibited the closure of the terrorist detention facility at Guantanamo Bay, through multiple pieces of legislation. This subcommittee once again included two prohibitions in the fiscal year 2016 spending bill restricting the transfer and housing of these terrorist detainees on U.S. soil, and the president signed that bill into law.

And yet this week, the president has announced a new plan to close the detention facility at Guantanamo Bay. My questions. You previously testified that federal law prohibits the transfer of terrorist detainees from Guantanamo Bay to U.S. soil. How has your legal opinion changed, or has it, to warrant the president's announcement?

LYNCH:

Thank you, Mr. Chairman, for the opportunity to address that issue. The president did submit a proposal to Congress this week regarding the closure of Guantanamo Bay, which has long been a priority of the administration, and which I support, as it does in fact lead to the unfortunate recruitment of additional terrorist individuals overseas.

And of course, as you note, the most recent legislation continues the prohibition on transferring detainees from Guantanamo Bay to American soil.

SHELBY:

That's the law right now, isn't it?

LYNCH:

That is the current law and it continues previous iterations of those statutes. And certainly I believe that is why the president's plan calls for him to work with Congress to discuss that particular issue. And that is, I believe, the goal here.

Obviously we will continue to manage the facility as long as it is open, but I believe the president is looking forward to working with Congress to discuss those issues, and that will be something that I am sure will be a matter of discussion between the administration and this body.

SHELBY:

Have you advised the president on using the executive actions to close the Guantanamo prison and transfer terrorist detainees to American soil despite the law?

LYNCH:

I have neither been asked nor...

SHELBY:

You have not done that?

LYNCH:

... because the position is that the president would work with Congress to deal with the statutory limitations before any transfers could be made.

SHELBY:

OK. In the area of allowing non-citizens to vote, let me get into this with you a little. Recent press reports have indicated that the Department of Justice has failed in its duty to properly defend the U.S. Election Assistance Commission, or EAC, in a lawsuit involving the right of states to require proof of citizenship for voter registration.

It's my understanding that the Election Assistance Commission has approved the request of states such as my own in Alabama, Georgia and Kansas to require such proof of citizenship, and various outside groups are challenging this approval in court.

Earlier this week a federal court denied a request for a temporary restraining order against the EAC's actions. But I was disturbed, Madam Attorney General, to learn about the conduct of the Department of Justice's lawyers in this case, who took the opposite position of your client, the Election Assistance Commission, instead of defending them.

My question is this. Did you authorize as the attorney general the department's attorneys to argue for a temporary restraining order and possibly even a preliminary injunction against the actions of your own client, the Election Assistance Commission in this case?

LYNCH:

Thank you, Mr. Chairman. As you've noted, the department does represent the Election Assistance Commission, as we statutorily do represent virtually all federal agencies and other departments here.

This matter is an open matter. It's in current litigation, and so because it is an active litigation, it's not appropriate for me to comment at this time on those types of discussions. I would note that we did file papers in that matter and our position is best set forth in those pleadings.

SHELBY:

Do you personally believe that -- you are the chief law enforcement officer in the country -- that non-citizens should be allowed to vote in U.S. elections although they are not American citizens?

LYNCH:

Well, Senator, I believe the law is settled as to who is allowed to vote in terms of citizenship. I believe this particular case focuses on matters of how documents will be prepared. As I indicated, we have filed pleadings in the matter, and I would refer you to those for the department's position.

SHELBY:

Goodness. Sanctuary cities, my last question to you. There is an ongoing problem that we all have talked about with sanctuary cities in our country. And I don't believe that your department is addressing this, or the administration.

My question is, Madam Attorney General, I received -- let me preface this. I received a letter from Mr. Kadzic (ph), not you, which states that this administration is finally acknowledging and beginning to work on the problem of sanctuary cities. How are you approaching that? Isn't this a real problem in this country?

LYNCH:

Well, thank you, Mr. Chairman, for raising this issue, because it certainly does reflect the numerous strands of tension that arise as we try and carry out our obligations to work with our state and local partners, as well as deal with the issue of the need to remove individuals who are released from federal custody and are deportable, and therefore are usually processed for removal by the Department of Homeland Security.

I know also -- I thank you for your communications on this matter to me several months ago. Certainly as we have reviewed this issue and looked at policies to best handle it, all of those issues have been important, so I thank you for your attention to this matter as well.

As you note, Mr. Chairman, this has been an issue, and it raises a number of concerns about public safety as well as the comity and relationship between the federal agencies and our state and local counterparts. And it arises because in many situations when individuals, non-citizens, particularly those who don't have legal status and are therefore going to be deported, are released from federal custody, from the Bureau of Prisons custody.

Traditionally, if there are other law enforcement agencies that have an interest in prosecuting or investigating these individuals, they have filed attainders. Another state, for example, may need to prosecute that individual for another crime. And of course we support those citizens' right to justice as well.

And typically we would wait until the end of those other state adjudications before going forward with the Department of Homeland Security ICE removal action, because to remove the defendant would mean the state would not be able to prosecute them. Those victims would not obtain justice.

However, in situations where at the end of the state proceedings or with the end of state custody we would find that the ICE removal orders were not being honored, this presented a problem, where individuals were being released without the knowledge of the federal government, without our ability to intervene and then eventually move forward with those removal actions.

And it has been further complicated by ongoing litigation in this matter. The department is currently defending the Department of Homeland Security in two actions where jurisdictions are challenging their obligations to provide information to DHS, whether it is, for example, voluntary or mandatory. So those matters are ongoing and we've had a ruling against us.

What we have decided to do is to, however, look at this matter from a way of what policy can be best set up that effectuates the goals of, first of all, public safety, as well as respecting our state and local colleagues' needs.

So our current policy, as was outlined to you in your letter, in a letter that we provided to you, has been recently announced, is that instead of the Bureau of Prisons placing the ICE detainer removal last in priority, they now have the right of first refusal. They are now first in priority when someone who is deportable is to be released from federal custody.

What this means is that if the individual is likely to go to a jurisdiction that would not work with us at the end of their adjudication, that gets taken into consideration and the individual can be removed rather than being released, and in fact further harming public safety.

There are many jurisdictions that do work with us, however. And so we do, as I mentioned, want to make sure that they can adjudicate their cases. So we want to have essentially the ICE removal detainer (ph) is now first in line, and ICE will have the right of first refusal on removing someone. And we think that this will help us manage the situation while still letting jurisdictions have those prosecutions.

SHELBY:

Do you believe that municipalities in this country, cities that refuse to cooperate with the federal immigration laws, should be allowed to receive federal law enforcement grant funding of any kind? If they are in defiance of, say, the Department of Homeland Security or the Justice Department.

LYNCH:

Yes, thank you, sir. And certainly as we advise all grant applications, those who apply for grants, they must comply with applicable federal law. And certainly where we receive allegations that they are not complying with the federal laws that relate directly to those grants, we refer those matters to our Inspector General for investigation and on.

As I mentioned earlier, one of the issues that has developed, however, and I note that we are defending the Department of Homeland Security in two cases now, challenging whether or not that requirement to cooperate with us with respect to that particular law is mandatory or voluntary. And in fact, in one circuit there has been a holding that it's not mandatory.

So while we certainly will continue to advance our position in court, we also felt that as a policy matter, having a policy that allowed us to deal first with the removal matter would be more effective. And frankly more timely

SHELBY:

Thank you.

Senator Mikulski.

MIKULSKI:

Thank you.

Madam Attorney General, I want to go to the international scene and international organized crime. From meetings and hearings in both this committee and the Intelligence Committee, we see that there is, number one, a growth of international organized crime. One of my questions would be, is that valid.

And second, the scope of international organized crime growing. So from either being contract killers for nation states that don't want to get their hands dirty, to human trafficking, to fraud. So most recently, and I don't know if some of my colleagues, some in this room over the age of 65, got three of the kinds of phone calls I did, which told me that I was being sued by IRS for failure of payment. IRS wanted me. All I needed to do was give them my credit card and PIN number and all things would be well. Of course we've taken proper action on that.

But that's pretty scary, which means that they are targeting people of a certain age. And it's one thing to get unsolicited phone calls to buy home alert systems. It's another to get this.

So my question to you is, number one, is organized crime growing internationally, and number two, do you have the resources? Because they are at it in so many other different levels, from terrorism to trafficking to international fraud. Some very big trying to hack our Medicare system and Social Security, at Social Security Administration, to an individual unsuspecting taxpayer scared to death by a pretty rough and rude phone call.

LYNCH:

Thank you, Senator Mikulski. You've raised some important issues, in particular the fact that transnational organized crime is now cutting across a number of spheres of criminal activity. Just to address initially the last issue that you raised, about the IRS scam phone call that you received, this is in fact the type of scam that we are seeing on the rise. Many of the calls originate from within the country. Some originate from outside the country.

They do target our vulnerable populations, in particular our older Americans. And that's why -- not to focus specifically on transnational organized crime, but in terms of dealing with crime targeting our elderly citizens, one of the things that we are looking at is increased funding there that would give us 10 task forces around the country to focus specifically on elder-related crime.

But to your first point about transnational organized crime, the F.Y. 2017 request does include \$1.5 million to fund Ocidefs (ph), priority transnational organized crime initiative, and in fact that's one of the areas in which we see this growing.

The FBI is embarking on a 2016 pilot effort to watchlist a certain number of transnational organized crime individuals, and the goal is to provide a watchlisting capability that the government can operate, similar to our terrorist screening center. So that just because someone doesn't fall in the terrorist bucket, we can still set up a watchlist program for them that indicates that they are involved in transnational organized crime.

This cuts across so many areas. Our cybercrime request, for example, deals with the issue of fraud, and also computer intrusions. Many of the computer hacking that we've experienced, be it on the government level or as directed against individuals or directed against segments of industry, originate from overseas.

And so the cybercrime efforts that we are asking for, essentially for F.Y. 2017 a total of \$950 million, would give us the resources that we need within main Justice, with attorneys, with the FBI, with increased agents to deal with that issue.

As it relates to human trafficking, that request is for \$89 million, and that would also cover domestic and international efforts to deal with human trafficking that would support the work we do with taskforces with our state and local colleagues, as well as the investigations that we do overseas.

So this area is woven throughout the department's budget, and I thank you for bringing attention to it.

MIKULSKI:

Well, it shows just really how big this is, and I encourage my colleagues to look at it.

One last question. As you know, we are working very hard to establish trust between local law enforcement and the citizens they are sworn to protect. Do you think that body cameras are important tool to establishing this, not only evidentiary reasons but trust reasons? Or do you see impediments and potholes to this?

Could you give us what you think about the efficacy of body cameras for both sides, law enforcement and the citizens that you actively engaged in yourself.

LYNCH:

Thank you, Senator. I think that this is one of the most important issues we have facing the country. That is to say the trust connection between citizens and law enforcement. I think it's reflective of the bond between citizens and government writ large. And so as we deal with this issue we are strengthening and reinforcing that overall bond as well.

Body cameras are an important tool in this regard as it relates to local law enforcement. We currently support a number of pilot programs that have enabled several jurisdictions to purchase body cameras and to also deal with the issues of data storage and data retention and privacy issues that also arise therefrom as well.

I certainly think in my travels across the country, as I've talked with law enforcement leaders and community leaders, I meet with them separately, I meet with them together, I talk to people who are actively working on this issue. And the reason why I think it's still an important tool is that the conversations are helpful, but particularly in situations where the bond of trust is so frayed, having that third-party sort of open eye can be very helpful.

In fact, in jurisdictions that have adopted the use of body cameras so far over the last several years, those jurisdictions almost uniformly have seen a reduction in the number of citizen complaints against police officers. So citizens feel that essentially they have accountability.

Officers, who initially may be resistant to this -- and it varies throughout the law enforcement community, depending upon the size of the department and the issue that it raises -- but law enforcement who may start out being resistant to this idea, generally are finding it very, very helpful because it also gives them the independent third eye as to what happened, and they have corroboration for their statements and they have that useful evidence.

Of course, it doesn't capture an entire interaction. It doesn't answer all of the questions, but it does give both sides in the debate something on which to rely, and from that you can also work toward rebuilding the relationship of trust that is so important.

So the jurisdictions that I've been speaking with are looking forward to receiving body cameras; those that have them are finding them extremely useful, and I'm getting very positive comments from community members as well.

MIKULSKI:

Thank you. That was very insightful.

Mr. Chairman.

SHELBY:

Mr. Lankford.

LANKFORD:

Thank you, Mr. Chairman. Good morning, again.

I want to be able to follow up on a quick statement that you made, and I've got multiple questions to go through. The chairman asked you about sanctuary cities. You are saying that you have changed the internal processes for the ICE detainees so that it goes first in this, and that DOJ is now attentive to cities that are traditionally cities that are not cooperative with us and making sure that we do our prosecutions or deportations before they get to the city. Did I get that correctly?

LYNCH:

That is correct. Just to clarify the policies, it is a DHS policy with BOP, but yes, that is correct.

LANKFORD:

That is a real help, so I appreciate everyone getting a chance to start working through the process and trying to find some solutions. Yesterday you also mentioned, or you had a conversation with the House Committee on Appropriations, and this issue of Gitmo came up at that time as well. You gave very thorough answers, and I appreciate that as well.

One of the statements that you made, though, you were talking about how individuals from Guantanamo Bay could be transferred -- certain individuals, which is not the majority but certain individuals could be transferred to other countries after significant vetting.

You made the statement, "with respect to individuals being transferred to the United States, the law currently does not allow for that." Doesn't allow individuals currently to be transferred from Guantanamo Bay to the United States.

So my question on that is, is that a current law, meaning Congress would have to pass something to change that, or are you anticipating an expiration of some current law, and so there may be a time people could come? So just identifying that word "currently" in what you said and trying to identify, is there a new law that needs to be passed before individuals that could be moved from Guantanamo to the United States, or is there some law you are watching for an expiration on?

LYNCH:

Well, Senator, I don't have a plan on that. That's something that I believe the White House is going to speak to Congress about in terms of what should be done statutorily, in terms of how to best close Guantanamo Bay.

Of course, as we have discussed, because the current state of the law, both the most recent NDAA and previous iterations of that, continue prohibition on bringing any of those individuals to U.S. soil. That is something that would have to be resolved between the administration and Congress.

LANKFORD:

So I guess what I'm asking is, do you anticipate the Congress would have to pass something to change that? Or is there some expiration that you anticipate to say, after this date the NDAA, for instance, currently it's in the law but once NDAA expires this year then maybe we could? That's what I'm trying to identify.

LYNCH:

Well, Senator, there is a number of options, but I certainly am not advocating anything at this point. I believe that's up for the president to, as he intends to have those discussions, and I intend to let him have those discussions and bring that matter before Congress.

LANKFORD:

Again, back to the same issue. Would Congress have to pass something proactively for that to change? Or would you anticipate the policy could change based on an expiration?

LYNCH:

I hate to give you the lawyer's answer, but it depends. But it certainly depends on the state of the law and when the matter is up for consideration. Certainly the current state of the law, I anticipate

there will be discussions between the White House and Congress about how to best handle that issue.

I don't have any forward thinking on that for you to give, and I'm not looking to get ahead of the president on that issue.

LANKFORD:

OK. During F.Y. '16 and '17, the Department of Justice requested \$22 million as a carve-out in the Byrne-JAG funding for the bulletproof vest program. So instead of having it as its own separate line item, it would be within Byrne-JAG and just would be a carve-out. That's one that I have supported. It deals with some of the duplicative issues.

We had asked in last year's omnibus to have a report on duplication. I've seen the report that's come back. It was due a couple of weeks ago. The report was basically three pages of just very general statements, saying we didn't find much. But there was no real detail, and a more comprehensive report is coming at some point on duplication within programs.

When can we anticipate that that would happen? That would be helpful to us as we make decisions in the days ahead, to have a more complete report on duplication.

LYNCH:

Well, thank you for raising that. I certainly appreciate the opportunity to respond to you at the staff level with more information on that. Certainly within this current budget we are looking to avoid duplication, and looking to where we may have had programs in a very general sense that were very similar to focusing on those that we found to be the most effective.

The bulletproof vest program is certainly one that we feel has been very effective. But even within our grant programs we are always looking for ways to make sure that we are focusing on those that are most effective and not simply having...

LANKFORD:

Right. Yes, there's a difference between effective and duplicative. There may be several effective programs that we could add the administrative functions together and be able to...

LYNCH:

And generate savings.

LANKFORD:

Correct. And be able to actually get some of those additional bulletproof vests on the street rather than using it for administrative dollars.

One last thing is, while you made a comment in your budget, F.Y. '17 budget, about the crime victims fund, saying you are estimating \$10.2 billion in mandatory program authority was the request, but the actual request to spend was \$2 billion in disbursements. About \$2.7 billion, two and a half billion is actually coming into that crime victims fund each year.

The \$2 billion that you made a request on that, does that meet the needs of all the crime victims, and the issues on crime victims issues? Is that why there is the \$2 billion request, when we have a larger amount than that that's actually coming in, a smaller amount that's actually the request? I assume that means all requests have been fulfilled with your budget.

LYNCH:

Well, Senator, what I can tell you today, and certainly again, if with respect to the specific numbers -- and I appreciate the opportunity to get back to you at the staff level -- what I can tell you today is that certainly the budget does include the two and a half billion in the mandatory budget authority...

LANKFORD:

But only \$2 billion in disbursements.

LYNCH:

...\$2 billion in disbursements from the crime victim fund, and essentially I know that this budget does have -- does focus on victims programs, and I know that the rest of that money is used in terms of an accounting method called scorekeeping.

But again, I would rather not misstate that before you today. I'd rather not misstate that before you today on the numbers, and would appreciate the chance get back to you.

LANKFORD:

Will do. Thank you.

I yield back.

SHELBY:

Senator Feinstein.

FEINSTEIN:

Thanks very much, Mr. Chairman, and welcome, Attorney General.

I want to begin by thanking you, Sally Ates (ph) and the FBI, for your activity during the Super Bowl in California to counter human trafficking. I've been very impressed with the coordination.

San Francisco's FBI division oversaw more than 35 Super Bowl anti- trafficking operations, and they did it very well.

In LA, the sheriff has constituted a special unit. The department takes the matter very seriously. They made 198 arrests. Only 13 of those were buyers that were booked. And this is what I wanted to speak with you today. We've got a huge -- Senator Mikulski spoke about organized crime. Nothing is more organized than human trafficking.

And I this Senate really stands as unanimously as we ever get to counter this. I think a greater emphasis has to be placed on demand, and that means arresting and booking buyers, not just citing them. And ensuring that they are prosecuted.

I understand that certain local jurisdictions' enforcement is reluctant to arrest and hold the buyers if they don't believe local prosecutors will actually take the case. And now we have federal law that's actually stronger than California law.

So I am hopeful that because this is an organized crime effort, because it does go interstate, and even international, that our government will be willing to take a number of these cases as federal cases and actually book and hold the buyers who buy children, as well as adults. It's just something that I don't think this country can countenance, so I would be very interested in your reaction to that.

LYNCH:

Yes, thank you, Senator, because you certainly have touched on one of my top priorities. And I know that from your work with California law enforcement you are aware of the efforts, the Herculean efforts, frankly, that they are undertaking to fight this scourge.

We've seen in particular the corridor from California into the Washington state area as one that has been extremely prolific in terms of human trafficking over the years. I was privileged to be in Seattle late last year to discuss the awarding of some grants we are providing to them to increase enforcement there.

So at the local level we are in fact providing the resources that we hope will generate more prosecutions. And certainly at the federal level we are looking to do that as well. We are expanding what's called the anti-trafficking team initiative, that gets local U.S. attorneys involved in these cases also.

Our focus is frankly primarily on rescuing the victims and trying to get them out of this life, and so to do that we partner with a lot of community resources and NGO organizations that can provide that kind of assistance.

But then our focus is also to generate significant prosecutions of the traffickers and the buyers, both to prosecute them and hold them accountable as a deterrent to others who would engage in this particular heinous crime.

So federally, you know, we need certain types of jurisdiction for an individual buyer. That's why we do support the efforts of our state and local colleagues to generate those prosecutions as well. And as I said before, my local U.S. attorneys are very involved in this.

Every office now is required to be involved in a human trafficking task force. That's part of the coordination that I hope you saw prior to the Super Bowl, so that before events like the Super Bowl or large-scale events, for example, if the Olympics were to be here again, there would be similar initiatives.

And the U.S. attorneys coordinate and decide, you know, who will take this type of case. Again, for the individual buyers, those tend to be handled best at the local level, but those discussions are also had in advance so that our local colleagues are prepared to generate those types of cases.

FEINSTEIN:

Thank you. I really appreciate that. In California we are trying to develop sympathetic homes for girls that have been held, and the captivity of these young girls, the way the pimps create -- the fact that their survival is dependent upon them is really a very serious thing. And a lot of them are very young.

So that's a work in progress, but we do need strong enforcement and we do need to say to people who buy young children and do these things that you are going to be arrested and you're going to be booked and you're going to go to jail for it.

And I think that is still missing on a consistent basis. So anything we can do, because we now have strong federal law, stronger than California's, is very much appreciated.

LYNCH:

Yes, thank you, and we are focused on that.

FEINSTEIN:

Thank you. If I might, I want to talk about the San Bernardino event for a moment. I recently met with San Bernardino County officials, including the district attorney as well as city officials, who discussed the great financial cost resulting from the December 2nd terrorist attack, and the ongoing public safety needs to reassure people there.

The city has been through bankruptcy, so it doesn't have a lot of money. And I think in cases of terrorism it would be helpful to local communities if there were a one-stop shop of sorts at the Department of Justice where communities could go to understand all the resources available, and how to apply with them.

We have that in FEMA cases, and I do think having some recourse within the department for that would be helpful. Can you tell us what sort of assistance your department has already provided to

the city and county of San Bernardino in the wake of that terrorist attack, and what you think the department can and should do to help prevent another one.

LYNCH:

Certainly. I will say that I'm not intimately familiar with everything that we may have provide, but we certainly through our office of victims of crime would have been providing assistance to the individual victims' families.

At the municipal level, though, I think you raise an excellent idea of finding the way in which we could collect all of our resources available to municipalities and make sure that they are aware of them. We typically do this through the Joint Terrorism Task Force at the law enforcement level, but there certainly are going to be other issues that I could see could arise from an incident like this that wouldn't necessarily be tied in with the JTTF and might not have access to that information.

FEINSTEIN:

Well, it's one place where a county or city or individuals can go, and I'd like to work with you on it if I may. Because San Bernardino is at a loss of where they are going to get the money to buy some of the materials, law enforcement materials they need. For example, they don't have long guns, and a police force today, that has to be changed. So I'd be very interested in working with you.

LYNCH:

We would appreciate that.

FEINSTEIN:

Thank you, and I thank you, Mr. Chairman.

SHELBY:

Senator Capito.

CAPITO:

Thank you, Attorney General. I had a couple of questions. I wanted to ask you first of all about -- because we've heard from a lot of our local, our state police, but some of our local law enforcement, county law enforcement entities regarding the asset forfeiture equitable sharing program.

You know that the funds have been withheld, and some of these local entities, including our state police, these funds are pretty vital to them to move forward with their local law enforcement programs. Could you give us an update on the budgetary status? I read that it was considered a pause where money was not going to be forwarded on to the local entities.

What's the status of that? And how have you been communicating with the local law enforcement agencies to keep them apprised of what's going on?

LYNCH:

Well, thank you for raising this issue because, again, it's certainly one of great importance not only to our state and local colleagues but to me, as someone who through the Department of Justice relies very heavily on them for their participation in the work that leads to the funds that go into the asset forfeiture program that we use for equitable sharing. It is based upon a very strong task force relationship that we have with local police, sheriffs and other offices, and we value that contribution tremendously.

The situation, as you have indicated, is of recent vintage. We make our equitable sharing payments again reflecting the law enforcement contributions of our state and local colleagues in these actions. We make these payments out of the asset forfeiture fund, which of course is dependent upon the processes that we receive throughout the year.

Generally we work to make sure that we stay on track of the proceeds coming in, the proceeds going out. At the end of last calendar year, the finalization of the budget plan in late December, we received information that there was going to be a fairly large rescission from the asset forfeiture plan, larger than in previous years.

And certainly while we typically have gotten rescissions in the \$200 million to \$300 million range, and always try to plan to be able to make sure that those do not impact our operations, the rescission in late December, early January was about \$1.2 billion. So with that rescission coming out of the fund, it left the fund depleted.

What we have indicated and conveyed to our state and local colleagues and to our police organizations is that this is a temporary hold on equitable sharing payments, and that we anticipate, and it is our intention that as the asset forfeiture fund is replenished, to resume those payments.

So we have communicated this by speaking to our law enforcement organizations. Members of my leadership team have had calls and meetings with them. I have communicated directly with the heads of the law enforcement organizations, state and local counterparts with whom I work with, and met with the National Sheriffs Association also and have raised this issue with them, as well as the National District Attorneys Association.

We view this as a temporary cessation because the funds are not in the account at this point in time. We have asked two things of our state and local colleagues. Number one, we have asked that they remain in the task forces because we need them, and they are vital to making sure that we work on public safety. They know this area like no one else does.

But also so that as their work continues, we can in fact process the applications and when the money is available make those payments as soon as possible.

We have also advised them that even though we are not able to make the equitable sharing payments at this time, what's called the JLEO, joint law enforcement operation payments, which primarily cover the overtime costs of state and local officers, are being made. And so we have asked our colleagues to stay in the task forces and to continue to submit all the forms they would ordinarily submit for that.

We have also advised them that we will update them on a monthly basis of this, and we intend to do so. I spoke with them most recently over the course of January and this month, and have gone into detail about how this issue occurred and our regret for it occurring, and stressed the importance of their contribution.

CAPITO:

Well, as much as we all -- I think they know that they, you know, shouldn't be counting on these funds to run their local departments. You know, the temptation obviously, and of course over years in slim budget times, these become very vital funds for them.

Very quickly, because I'm kind of out of time, ATF, you have an increase. We have that tracing facility in Martinsburg, West Virginia. And the other thing I wanted to talk about was the NIC (ph) system. This is also located in West Virginia. I noticed in the statistics that we are doing twice as many background checks with 33 less people, and that you have asked for additional 200 people, I'm sure to meet the demands of the increasing load there. How is the hiring going with that?

LYNCH:

Thank you. As you know, this issue is also very important to us, given the importance of the NIC (ph) system to making sure that we can promptly and efficiently respond to the requests that we receive.

Because we are seeking to almost double the size of that facility, federal hiring does take time, so we are initially -- we have begun the hiring already by hiring contractors who are able to come on board within the federal system at a faster pace.

And so while we have not yet been able to totally add the total new number of people that we would like, it is proceeding. At the same time as we are going to begin the work with contractors, we still intend to proceed with the federal hiring process so that we can have full-time federal employees on board as well.

As you know, Senator, the applications for firearms transactions have increased dramatically, and we feel we have an obligation to respond as quickly and efficiently as possible to those dealers who submit information to us, as we ask them to do under the law, and to the individuals who also send us their information, as we ask them to do under the law.

CAPITO:

I appreciate that, and I would say, and you noted in your opening statement that you're going to be consolidating and modernizing your FBI headquarters. Since my predecessor, Senator Byrd, was able to get all those great FBI employees in West Virginia, I think you ought to scope it out there. I think it would be a great place to just relocate the whole DOJ -- sorry to the ranking member over there.

MIKULSKI:

What are you relocating?

CAPITO:

Anything I can get.

MIKULSKI:

I don't think I heard you right.

(LAUGHTER)

CAPITO:

Anyway, thank you very much.

MIKULSKI:

You know, Senator Byrd relocated everything in West Virginia. Who is ready to relocate Virginia into West Virginia?

SHELBY:

Senator Shaheen.

SHAHEEN:

Thank you, Mr. Chairman, and thank you very much, Attorney General Lynch, both for your testimony this morning as well as your leadership at the Department of Justice on a daily basis.

I want to pick up on Senator Capito's questions about the asset forfeiture fund because I have heard from everyone in New Hampshire, from our attorney general to the chiefs of police association to the average cop on the beat about the concerns that they have with what has happened.

I think there are several ramifications for us in New Hampshire. One is, because we are dealing with a crisis in opioid and heroin addiction, any loss of support makes it even more difficult for law enforcement to address that challenge.

They have also expressed concern about the communications and how sudden it was to learn that they were not going to be able to ask -- have the equitable sharing payments that they were expecting, and they've also expressed concern about the -- the formula for those payments and concerned that they're hearing that that formula could change from 80/20 to 50/50.

So can you comment on -- you talked a little about your efforts to communicate on this issue, but can you talk about what more we can do so that local officials aren't surprised by this kind of a dramatic shift.

LYNCH:

Yes, thank you, Senator.

And, certainly, it highlights the -- the issues that arose at the end of the year as we were absorbing this recession and -- and in terms of my discussions with my local law enforcement counterparts, both the heads of the police organizations and the sheriffs' organizations. I have conveyed my direct apology to them because we typically are able to build in communications with them over the course of -- of policy changes like this. And that did not happen at this -- at this occasion.

And so it has caused an even greater hardship on our colleagues because they -- they didn't know that it was happening.

SHAHEEN:

Right.

LYNCH:

And that certainly's not our intent and not our goal. So we've all been working on trying to resolve this issue in a way that restores the payments. Our goal would be to restore the payments to the full formula that we have been using.

SHAHEEN:

So the 80/20?

LYNCH:

That -- that (inaudible)...

SHAHEEN:

There is (inaudible)...

LYNCH:

...our goal.

SHAHEEN:

... (inaudible) intent to change?

LYNCH:

At this point, what we're trying to do -- what we are doing is we are -- we are on a monthly basis keeping our state and local colleagues apprised of the progress of the -- of the asset forfeiture fund and we're doing this through communicating with the various law enforcement groups, major city chiefs, sheriffs, et cetera, as well as the D.A.'s association.

And so we also are -- are awaiting the results on our review of some settlements coming into the asset forfeiture fund because we have to determine how we will essentially manage the victim payments that are required...

SHAHEEN (?):

(inaudible)

LYNCH:

... out of those first. And, certainly, I know every law enforcement officer knows that the victims are why we do this, and, of course, they -- they take priority here.

But the -- even with that, our goal is to try and restore it to the same program as before. We -- we have -- we have certainly heard the same concerns and certainly anticipate hearing more and -- and want those concerns. We want the communication with the law enforcement, with our D.A.s, with our state attorneys general on this. And we are keeping them apprised on a monthly basis of the status.

SHAHEEN:

Well, I know you're reluctant to be pinned down to a date when you expect those payments to begin again but are you looking at something that's going to happen within the next couple of months, within the next six months, within the next year, because all of that has an impact, as you know...

LYNCH:

Yes.

SHAHEEN:

... at the local level.

LYNCH:

It does, it does. And, certainly -- certainly as Senator Capito has raised, it has an impact on their operations but also these are operations that they're doing in conjunction with...

SHAHEEN:

Right.

LYNCH:

... the federal government. So they're actually -- they're actively helping us and so we certainly do feel the obligation there on that level and for that reason as well.

There -- there has been discussion and certainly I've gotten questions about whether or not the -- the influx of asset forfeiture funds for some of our large settlements which -- which have -- which the settlements have -- have been adjudicated, the monies coming in now can, in fact, restore these payments sooner rather than later.

We are still, as I mentioned, working on dealing with the victim issue in those large settlements and so once we have that formula resolved, we would have a better idea of funds that would be left from the large settlements as well as an idea of how the fund is being replenished on a monthly basis.

But certainly we've -- we've told individuals and -- sorry, I don't mean to say individuals -- we've told our organizational colleagues that we will update them again in mid-March. At this point, I don't have a date on when the payments would start. But it's not our goal to delay them any longer than necessary and it certainly has never been our goal to stop them totally.

SHAHEEN:

Well, thank you. I appreciate that. And I think the more information that can be provided at the local level, the more helpful it will be as they're trying to deal with how that compensates for the lack of those payments.

Mr. Chairman, I know that my time is expired but I'm hoping that I can ask one more question.

Senator Mikulski in her opening statement referred to the scourge of heroin and opioid abuse and one of the things that we've seen in New Hampshire in response to that and in our state we're losing a person a day to overdose deaths -- three times as many as we lost in traffic accidents last year. So one of the things that's worked -- beginning to work in communities is that law enforcement is working with treatment professionals, with the medical community, with the schools to have a -- a real comprehensive, cooperative approach to how to deal with this issue.

I have been disappointed that, at the federal level, we don't have the same sense of urgency and cooperative approach to deal with this issue where we're working across the agencies and there's a real understanding that -- in 2014 we lost 47,000 people in this country to overdoses. So can you reassure me that there is a sense of urgency and that this is something that across -- across agencies there's an understanding that we've got to do better to address?

LYNCH:

Well, Senator, I -- I cannot only reassure you to that, I can tell you that the department is an active participant in a multi- agency opioid taskforce that essentially pulls together the efforts in this to make this an all-administration effort, because we do recognize that it has so many factors. Even within DOJ, our Drug Enforcement Administration -- our DEA -- is -- is dealing with this issue by what's called the 360 program, enforcement, talking also with the manufacturers, you know, at the -- at the corporate level, and the community education level as well. So recognizing that even for an enforcement agency, we have to have a multi-leveled approach.

There is certainly as I mentioned this opioid taskforce that -- that cuts across agencies, not just DOJ, but HHS, Veterans' Affairs heavily involved in this, Office of Narcotics and Drug -- I'm going to forget the OMDCP, all their -- all their various names -- but everyone focusing on this, HHS, in particular, because this issue has to be dealt with at multiple levels.

And so we've found that that is the most effective way to deal with it, so I can assure you that not only is it viewed as an urgent issue, as an epidemic and a crisis, it's being viewed as a multi- agency one in how we have to resolve it.

SHAHEEN:

Well, thank you. I appreciate the President's request in the budget for over a billion dollars and I hope that Congress can provide the resources that are needed.

And, thank you, Mr. Chairman.

SHELBY:

Thank you.

Senator Collins?

COLLINS:

Thank you, Mr. Chairman.

Welcome, Attorney General, and my questions also deal with the opiate and heroin crisis that is epidemic in my state, as well.

Recently, federal law enforcement officials briefed me on the link between straw purchasing of guns and the heroin crisis in my state. What they described to me is a scheme in which out-of-state drug dealers with ties to inner-city gangs or the Mexican drug cartel come to my state with heroin, find addicts with no records -- clean records -- to buy guns and then there's an exchange of guns for heroin.

In response to this problem, Senator Leahy and I have introduced a bill to greatly toughen the penalties for straw purchasing and the illegal firearms trafficking because right now it's essentially treated as a paperwork violation if you don't fill out the forms correctly.

Our bill, I should make clear, fully protects the rights of law abiding gun owners and purchasers. Are you familiar with this link between gun trafficking, straw purchasing and the heroin crisis?

LYNCH:

Senator, yes, I am familiar with that. It's a matter of grave concern to us as we look at both of these issues; the firearms issue, but in particular, the -- the heroin crisis. The use of straw purchasers not only inveigles these individuals into crime but it exploits rather vulnerable people and because, as you note, the offenses right now tend to be considered paperwork offenses.

It can be difficult to obtain cooperation from those individuals to allow us to work a federal case up the chain, so to speak, and, in fact, get those individuals who are really running a -- a drug trafficking ring across several states. And those are our targets -- excuse me -- those are our targets. And so we support the efforts that you've outlined to, in fact, strengthen the statutory authority that we would have to prosecute straw purchases in instances like these.

At this point, it would be extremely useful to have a stronger statute because, first of all, it would hold individuals accountable for this behavior. As I mentioned, yes, they are vulnerable and they are being exploited, but individuals do have to be held accountable for the actions that they take. And it would give us the tools that we need to make those cases part of the larger cases, conspiracy cases and trafficking cases, that would bring in all of that criminal activity.

COLLINS:

I look forward to working with you in trying to get our bill enacted into law.

The department's budget for Fiscal Year 2017 zeroes out the funding for the COPS Anti-Heroin Task Force. Congress has appropriated \$7 million in each of the last two years for this task force which has funded competitive grants that have enabled law enforcement agencies in areas with high rates of heroin and opiate abuse to purchase drug detection equipment, expand data collections, strengthen information system, all sorts of purposes. And communities in my state from Fort Kent in the north to Portland in the south have reaped the benefits of this funding.

I think it's important to note that the heroin epidemic affects tiny towns, rural areas, as well as our larger cities, and it's literally everywhere. As this epidemic continues to spread, I am very disappointed and, indeed, somewhat shocked that the administration did not include any funding

at all for this program, particularly since the Comprehensive Addiction and Recovery Act, CARA, which many of us have cosponsored and which will be on the floor soon, specifically authorizes this task force. That's an indication of strong congressional support as is the funding that it's received in each of the past two years.

Why is the department eliminating funding for this very successful competitive grant program that has been so useful, particularly to small towns that just do not have the resources to combat this epidemic?

LYNCH:

Well, thank you for -- for the chance to address this issue because it is of -- one of vital importance and -- and certainly I regret the impression that it's given that we in some way are diminishing the importance of COPS efforts in this area -- the COPS program efforts in this area, their effectiveness, or the need that exists there.

In constructing the current F.Y. 2017 budget in dealing with the heroin epidemic, what the department has done is to include \$12.5 million and 42 positions to place them within DEA to create four new heroin enforcement groups. These groups, as with most of our DEA groups, would also draw heavily on local law enforcement for -- as -- for members as well. And so we're trying to deal with the enforcement side of the increased heroin effort that way.

And so it's our hope that having greater federal resources would relieve some of the burden on local law enforcement and, again, allow us to make those cases federally. So that is -- that is the direct answer to -- to the specific issue as to why the COPS program was shifted in that way.

We still, however, will be using the COPS program to support local efforts. For example, the -- the DEA Meth Lab Cleanup Program. Within COPS, in particular, however, we do have an increased funding request for the COPS hiring and training program that would allow jurisdictions to literally hire and retain officers directly. So we're hoping to increase those local efforts through COPS for our jurisdictions. We're hoping to increase the federal cases that we can bring on the heroin level, and we're hoping to continue with the grant program in other areas.

COLLINS:

I hope, Mr. Chairman and Ranking Member Mikulski, that this scenario we can look, the small money...

(UNKNOWN)

(inaudible)

COLLINS:

... has done a lot of good.

And, finally, yes, just a follow up on Senator Mikulski's point about scams. The Aging Committee which I'm privileged to chair, the Ranking Member Senator McCaskill just put out a resource guide on the top 10 senior scams and that IRS scam is number one. And we do need a more cooperative and aggressive approach to get after these terrible con artists who are frequently located overseas.

LYNCH (?):

Yes.

COLLINS:

Thank you.

MIKULSKI:

Mr. Chairman, may I respond just...

SHELBY:

Go ahead.

MIKULSKI:

... one second to the...

SHELBY:

Go ahead, Senator.

MIKULSKI:

... gentlelady from Maine?

First, with that \$7 million was when I was the chair of the committee. We kept it going, because chairmen shifted, because it was what I was looking for and I think your description of the way it's been utilized was that it was not only limited to enforcement as enforcement but other aspects related to enforcement.

But I would suggest for those of us who are interested in this, let's review all the programs here as well as the President's initiative and the supplemental. But let's see if we can't really see what we're going to do to maximize this.

I agree, this is I think an issue of such bipartisan focus and cooperation. So I look forward to working with the gentlelady.

SHELBY:

Senator Baldwin?

BALDWIN:

Thank you, Mr. Chairman.

And thank you, Attorney General Lynch, for your service.

As the ranking member mentioned in her opening statement, communities across the country have experienced unrest and uprisings, following officer-involved shootings and other deaths in custody, often involving African-Americans.

In response, the President took action to help rebuild trust between law enforcement and local communities and, in December, the Department of Justice's COPS office announced the creation of a new policing practices and accountability initiative. I have to tell you I was very pleased to see the department choose former Madison, Wisconsin, Police Chief Noble Wray to lead this initiative.

Can you tell the committee more about how the department's budget request will support this new initiative and how the program will help advance the recommendations of the President's 21st Century policing taskforce to further improve relations between law enforcement and the communities that they serve across these United States?

LYNCH:

Well, thank you for the opportunity to talk about certainly what is one of my priorities as attorney general, as well. And we greatly appreciate the efforts of the former Madison, Wisconsin, chief, and all of his colleagues who have been so instrumental in working with the department to help us bring those -- those experiences and ideas from the ground up into Maine (ph) justice to inform our policies, to inform our support of their efforts. It's been tremendously helpful and we have found that that type of peer-to- peer relationship has been very effective as we try and provide support for law enforcement agencies across the board.

With respect to building community trust and community policing for F.Y. 2017, those increases are -- excuse me -- \$129.4 million. They include \$7.5 million for the body worn cameras, \$15 million for the Office of Justice Programs Smart Policing Program, \$20 million for the COPS Collaborative Reform Program, and \$42 million for the COPS hiring program. Under our community relations services, funding for law enforcement reconciliation of \$3.5 million and under our Civil Rights Division, funding for policing and criminal justice of \$2.7 million.

And with all of those efforts, we are trying to take really a holistic approach to this -- this issue and this program. We have -- we, as you note, had a number of incidents that have highlighted this broken trust. But I think we all have to agree that those incidents and the -- the dissent -- the dissent -- the dissenting voices that arise from them are really drawing upon issues, situations that were

festering long before the law enforcement officer interacted with the individual and the tragedy resulted.

And so those issues also have to be dealt with. Police accountability and the body worn cameras, something that we found very, very helpful to both law enforcement and the community in making sure there is that -- that -- that vehicle for accountability.

BALDWIN:

I want to pivot to the collaborative Reform Initiative and, if I might, I certainly continue to hear from my constituents in Wisconsin who are deeply shaken by the deaths of Dontre Hamilton in Milwaukee, Tony Robinson in Madison, among others. And they're also concerned by this growing chasm. It is, you know, the critical trust that must be present between law enforcement and the people that they risk their lives to protect.

So the Milwaukee Police Department and the Department of Justice have joined together on such a collaborative reform initiative to help speak to this problem. I want to just acknowledge that some of the Milwaukee constituents that I hear from believe that it's not a strong enough approach to the allegations of misconduct and I want to be sure that this effort leads to reforms and change.

So you've increased the commitment and the budget for this program, as you've just outlined some \$20 million. Can you talk about how those resources will help strengthen the work that they do in the Collaborative Reform Initiative, and -- and how do you respond to those criticisms of collaborative reform that it's not enough to achieve accountability?

LYNCH:

Thank you. You know, collaborative reform is one of our most important tools and it is a tool that we both will offer to police departments and one that they will come to us and request. And so that's been a very positive development in the interaction on this issue.

And, as always, an important part of it is the community response that you just outlined. In fact, I -- my -- I -- my recollection and my notes indicate that in January, the first listening session, regarding the Milwaukee collaborative reform, we were fortunate enough to have over 500 citizens come and express their views. This is vital.

And I will say that it's important that they continue to provide their views on whether or not collaborative reform is achieving the effects that we all desire. But it is a process and it is one that will take time. The listening is part of it because it gives us an idea of how the community views the police department and -- and whether or not the changes are effective. We are at the beginning of the process with Milwaukee and we -- we hope to continue working with them over the next six to eight months to make those changes.

We've always told all police departments that collaborative reform may, in fact, be the best tool for you. Sometimes there are other tools that end up being more effective, and I've seen situations where communities throughout collaborative reform have continued to hold the view that it hasn't

been effective and I've also seen situations where, over time, they -- they do believe that it is becoming effective.

In order to -- for either of those views to be well informed, we have to have the dialogue. So part of the collaborative reform effort is building a process by which community members have insight into the department's current practices, proposed changes and the opportunity to comment on them.

SHELBY:

Coons?

COONS:

Thank you, Chairman Shelby and Ranking Member Mikulski, for this hearing.

Thank you, Attorney General Lynch, for your leadership of -- of the department at this most difficult and important time and I'd like to thank everybody in federal law enforcement for their service and their hard work to advance justice.

There's so many things we could talk about today from your vital work in combatting violent extremism or fighting human trafficking or international corruption or the important work that remains unfinished in terms of healing the real divide between law enforcement and communities of color across our country that Senator Baldwin was just asking about.

Let me focus more narrowly on my home town of Wilmington, Delaware, for a moment, if I might, where I think there's a good news story which is the violence reduction network now in its second year which has proven to be a really effective program for small cities like Flint, Michigan, West Memphis, Little Rock, Camden, Newark and Wilmington, to access cutting-edge tools from law enforcement to partner with other agencies around the region and country and to make progress.

Our own Wilmington Police Department has had their clearance rate for homicides jump from an abysmally low rate to now 50 percent, and they're making real progress in cold cases. I just want to specifically thank OJP's Bureau of Justice Assistance and the team leader in Wilmington, John Skinner.

I -- I hope you can commit to continuing this program; it is vanishingly (ph) small in the scope of your total budget. I think the line item was \$5 million and I think we've gotten a real bang for our buck. I hope you will come and visit Wilmington and see its impact and I hope you will continue to support it.

Let me mention one other program, the Victims of Child Abuse Act funding. Two years ago Congress on a bipartisan basis unanimously reauthorized the programs that come under the Victims of Child Abuse Act and the child advocacy centers that are conducted -- that are funded under this law conduct forensic interviews of those who are victims of child abuse in a way that is both respectful of the significant needs of child victims but also meets law enforcement needs.

I was very disappointed to see the President's budget once again request only half of the amount required for these programs, and so I'd like to hear your views on whether these are both of value, the child advocacy centers and the Violence Reduction Network, and whether that you think they're worthy of more robust funding and support in the years ahead.

LYNCH:

Well, thank you -- thank you for your -- your comments on the work we're doing in Wilmington and thank you also for raising the issue of the child abuse centers.

Certainly it's an important issue for us. We -- we have it contained within a whole host of juvenile justice issues in which that program is housed. That total budget is \$334 million which is an increase over the current budget levels, and so we're looking essentially at trying to within those - within that framework fund a number of programs there. But it does not mean that we in any way view that program as not important or not helpful.

So that's -- that's my comment there.

The -- our -- our request for juvenile justice is going to focus on formula grant programs such as the Part B formula grants and the Juvenile Accountability Block Grant. And we do think that those will be effective as well. But as I indicated before, it does not mean that we're not committed to that program; we're simply trying to work within the funding that we have.

COONS:

I understand the complexities of a very large agency and lots of different funding streams but the child advocacy centers are a specific law enforcement response to a specific problem of child sexual abuse that I think is worthy of a -- a specific appropriation.

Let me turn to two other things, if I might, the Justice Reinvestment Initiative that has had a -- a strong and positive impact also in my home state of Delaware which is now being looked to as a model for justice reinvestment. It helps states to fully implement reforms and measure their success through data collection and analysis, in particular around reentry and if we're going to continue our journey towards criminal justice reform we have to do a stronger job at managing that reentry and I'm glad you are requesting increases the funding for that.

Last, in access to justice I just want to commend you for the \$13 million in funding requests for Access to Justice Initiatives, indigent defense program for juveniles, for adults, a civil legal aid program and one called Answering Gideon's Call that I think is of particular value.

So I see that my time's about run out but if you had a moment to just tell us how you think these two initiatives, Justice Reinvestment and Access to Justice will strengthen criminal justice and the ties between law enforcement and the community, I'd be grateful.

LYNCH:

Thank you so much, and I'm cognizant of the time as well, and I appreciate those comments because the people in the -- in the Department of Justice who work on these issues care very deeply about them as -- as we all care about all of our issues under our purview.

But in order to make sure that our -- our -- our justice system, both criminal and civil, is as fair and responsive to everyone in this country, it's been clear for years that access to that system has to be as open as possible. If individuals do not have the ability to adjudicate even small disputes, there's a spillover effect in terms of their relationships between and among themselves and within the community.

And so having that ability to know that there is a place that one can go to -- to deal with -- with even small issues is important, and having the resources to -- dedicated to opening that up to everyone be it counsel, be it language issues -- language barriers are a tremendous problem for so many individuals who are simply trying to advance the business or live their lives -- and those issues, I think it essentially helps us ensure that the promise of America remains open and real for everyone and not simply behind a door with a sign on it that people cannot read.

COONS:

Thank you, Madame Attorney General.

SHELBY:

Senator Murphy?

MURPHY:

Thank you very much, Mr. Chairman.

I'm constantly impressed at your ability to handle the remarkable breadth, scope and variety of questions that you get at these hearings. I -- I have three to add to the list and I appreciate your indulgence.

The first is on a program that I know is very dear to your heart and that is our continued efforts to create gender-responsive juvenile justice systems. In Connecticut, we have been a national leader in recognizing that girls, more than almost anyone else, tend to get the short end of the stick in our juvenile justice system. For instance, a lot of status offenders that are girls end up in prison simply because we don't have gender-appropriate alternatives to incarceration.

And in the 2016 Omnibus, there was \$2 million for competitive grants focused on girls in the juvenile justice system. DOJ, you have not requested additional funds for the girls in the juvenile justice program for 2017. I -- I just wanted to ask you why that is, if you think that we're still in the process of expending those earlier funds or if there are other parts of the budget that may help to seed some of the programming like that in Connecticut, which really has set some national models for how you treat girls in the juvenile justice system.

LYNCH:

Well, thank you for that important issue. It is, indeed, an important issue and I actually don't have that information at my fingertips now and appreciate the opportunity to get back to you on that because it is such an important issue.

I will also note that the issue of -- of how we handle issues of gender is something that we take very seriously. We've been working with local law enforcement and within our grant making -- with -- with OJP. We just recently released a guidance for state and local counterparts on reducing and eliminating gender bias in law enforcement. And that was a collaborative effort, one that we think it going to be very helpful. And it focuses not just on issues of domestic violence and sexual assault but how law enforcement deals with young people who are dealing with gender issues, particularly our LGBT youth community, as well.

So it is something that we take very, very seriously, and I'd appreciate the chance to respond to your direct question with the specifics that I would like to give you.

MURPHY:

I -- I know of your personal commitment to this issue so a response on -- on that line item would be helpful.

Second, I want to turn to the President's executive actions to reduce gun violence. You and I have spoken about this and one of the most interesting parts of it is the directive to DOJ, DOD and Homeland Security to conduct and sponsor research and to gun safety technology.

My hope is that at the end of that period of research, that there is a (ph) effort to use the procurement ability of the Department of Justice and perhaps other agencies to spur additional private sector research and development into smart gun technology. I understand these types of weapons are not the answer for everyone in law enforcement or in the military but there certainly is an ability to leverage the purchasing power on our side to promote research on the private side.

Just wanted to get an update as to how that research is going and when we may expect some RFP that prompts some private sector research.

LYNCH:

Well, thank you. This is a very important issue and has actually been one under consideration within government for some time as law enforcement and -- and, in particular, Department of Defense want to make sure that -- that we remain current in the weapons that we provide to our law enforcement individuals as well as our armed forces individuals.

And so for the -- approximately the past two years there has been research being done and the gun manufacturers have been very effective partners in this in developing what are called the smart gun technology, various ways of making sure that you can limit who can handle a firearm, who

can fire a firearm and, of course, issues of safety and reliability are at the forefront of everyone's minds on this.

And with -- with respect to the President's directive that the Department of Justice, Homeland Security and Defense essentially focus on research, that is being done. Just within the past two months our research on the National Institute of Justice has initiated what they are calling a gun safety technology challenge to essentially assess the reliability of firearms that are currently available today, looking at the advanced gun safety that's integrated into the firearm, but also challenging our manufacturers, challenging our end users to really focus on this issue and come up with the best product.

We don't have a timetable yet for when we might at the RFP stage. Certainly we are aware that with the large purchasing power of law enforcement and the Defense Department that we could influence this, but, of course, we want to make sure that those guns are as safe and reliable as possible.

MURPHY:

I appreciate that and as -- as you know, manufacturers and retailers in the private sector who have attempted to lead on this issue of gun safety technology have been regularly blacklisted. It's a chilling mechanism on those that want to pursue this without some pressure coming from the federal government, some backstops, some cover from the federal government. So appreciate your work and your seriousness on this.

Thank you very much, Mr. Chairman.

SHELBY:

Senator Boozman?

BOOZMAN:

Thank you, Mr. Chairman.

And thank you very much for being here and I know that you've got a lot going on but this is really so very important and think this has been a good hearing. We've covered a lot of ground.

I just want to reiterate we talked in January about the equitable sharing fund and I know that several people have brought that up today and I think that really does illustrate that -- that it really is on our minds. Certainly I know that you're working hard to get it straight. Anything that we can do as a committee I think, you know, I speak for all of us that we will certainly be glad to do that.

A couple things that -- that haven't been mentioned that are just kind of things that are of some concern. I understand the U.S. Marshals are requesting funding for an additional regional fugitive task force. Can you explain the importance of the program and explain where it would be located?

LYNCH:

Thank you so much.

The regional task forces have been an important part of our Violence Reduction Program over the past year. We find them to be a very effective counterpart to our state and local efforts as law enforcement.

One of the things that we're looking to do is -- is -- is make sure that we do our part in keeping local communities as safe as possible, and where there are violent fugitives who, frankly, are often hiding in plain sight but the local law enforcement agencies don't have the resources to track or apprehend them, the federal marshal's service will step in. In fact, that was one of the -- one of the main reasons for the creation of the U.S. Marshal's service; they -- they track fugitives, and they're very good at it. I'm very proud of the work that they do.

So where we have been able to do that over the past year, we have seen an effective increase rate in capturing fugitives in communities across the country with the current task forces that we have and we feel that adding this additional task force would help many communities who have this issue.

I'm not exactly sure if I know where that would be located at this time. I -- I will get back to you if I have that information. But, essentially, not just -- it provides not just the manpower but the intelligence, the surveillance, all the information that goes into managing this difficult issue. And, obviously, a dangerous issue.

We -- we have, of course, had some serious officers wounded -- officer wounding situations resulting from these apprehensions but it's a cause they take very seriously. I take it very seriously and I thank you for raising it because I am tremendously proud of the work that they do.

BOOZMAN:

(inaudible) very much so.

One of the things we hear a lot about is the National Firearms Act applications and I know that -- and I think you've -- you've addressed it somewhat in the sense of hiring ATF personnel. Can you tell us about how many people that the agency intends to hire? Will they all be special agents? And -- and, specifically, will be any of them -- be used to decrease the -- the waiting period...

LYNCH:

Yes, in -- in...

BOOZMAN:

... of the National Firearms Act?

LYNCH:

Thank you, sir. The request for the ATF would, in fact, of \$54.3 million, would provide 230 positions for ATF, 200 would be a combination of special agents and industry operations investigators, 80 agents, 120 investigators. The investigators are the individuals who primarily work with our -- with our license firearms dealers and community members. They man a booth at a gun show, for example, and provide information.

Special agents will be focused on the enforcement operations involving violent crimes, as I mentioned before, the rise of internet firearms trafficking and providing assistance to our state and local colleagues where they have serious firearms problems also.

The other individuals would be working within the IBIN network, with is our Integrated Ballistics Information Network. It would upgrade the imaging, hardware and software. That's where we share information across law enforcement platforms with state and locals, as well, when we apprehend -- when we apprehend individuals or we -- we come across firearms evidence. And, in fact, 22 positions would support processing of -- of all the license issues which is the firearms licensees, the explosive licensees, as well as the National Firearms Act applications.

And we felt that it was important to increase the individuals who were processing those licenses because, number one, we may be asking more individuals to apply to be license dealers, but also under the National Firearms Act we have had a backlog in recent years in that and so in order to be able to effectively process these, as we ask individuals to essentially apply as individuals, we are requesting those resources.

BOOZMAN:

OK, thank you.

Thank you, Mr. Chairman.

SHELBY:

Graham, you have any comments, questions?

GRAHAM:

Thank you very much. I'll try to (inaudible)

SHELBY:

Just in time.

GRAHAM:

Which is unusual for me.

Madame Attorney General, how bad is sequestration hurting your ability to defend the nation and protect us domestically and internationally if it goes back into effect?

LYNCH:

Well, Senator, the -- the most recent example of sequestration that we saw had the department losing approximately I believe 6,200 people, a combination of agents, attorneys and staff members, as well. And that is a loss from which we have yet to recover, quite frankly.

GRAHAM:

Would there be more losses coming if sequestration kicks back in?

LYNCH:

There would be, there would be significant losses occurring, particularly at the investigative law enforcement level if sequestration were to occur. Again, this would severely limit our ability to deal with the emerging areas and the increasing -- expanding areas of cybercrime, in particular, of international organized crime and it would severely decrease our ability to provide the resources to our state and local counterparts that are so important to them, as well.

Our grants were cut in half during sequestration, and that was tremendously painful not just for the department, but for those individuals who depend on those grants to fund operations and, frankly, help us with task force-type operations.

GRAHAM:

Is the FBI fairly much under siege trying to track all the groups that could penetrate the homeland?

LYNCH:

Well, the FBI will -- will tell you that they will respond to every crisis and they do. I'm tremendously proud of the work that they do. But the reason we are requesting more resources, particularly in the area of cybercrime, is because this is an area in which we need the resources to keep up with the technological capability of the criminals which, quite frankly, is growing exponentially.

GRAHAM:

So let's talk about executive action. If the President tomorrow issues an executive order to transfer prisoners out of Guantanamo Bay, given the restrictions Congress has placed in the NDAA, would that be appropriate or lawful?

LYNCH:

Well, Senator, I don't believe that's the President's intention at this point.

GRAHAM:

I know, but does he have that power?

LYNCH:

Well, at this point I have not been asked to opine on that by him; certainly haven't provided advice on that (inaudible)...

GRAHAM:

Can I ask...

LYNCH:

... at the current...

GRAHAM:

... you to opine for me? You don't have to do it right this minute.

LYNCH:

Well, thank you, sir. As I have indicated, the current state of the law prohibits those transfers which is why the President is indicating he wants to work with Congress to look at those statutory...

GRAHAM:

Right.

LYNCH:

... issues.

GRAHAM:

Right. Did he talk to you -- were you -- did you help draft this proposal that was sent over?

LYNCH:

No, sir. That was I believe the Department of Defense.

GRAHAM:

Did...

LYNCH:

(inaudible)

GRAHAM:

... they talk to you at all?

LYNCH:

No, I was not involved in those discussions.

GRAHAM:

OK, interesting. So I'm going to ask you, does he have that authority from the Attorney General's point of view, and you can just write back to me later. Is that fair?

LYNCH:

Thank you, sir. Thank you.

GRAHAM:

Executive action. The President has given legal status to how many million people that are here illegally, 5, 6, 7?

LYNCH:

I'm sorry, sir (inaudible)?

GRAHAM:

The legal status given...

LYNCH:

(inaudible)

GRAHAM:

... to illegal immigrants. How many people have been affected by his executive orders?

LYNCH:

Sir, I don't have those numbers at the top of my head right now.

GRAHAM:

Multiple. There are two groups, there are the DACA kids who came here as small children, right?

LYNCH:

Well, I believe that they would have deferred status.

GRAHAM:

Right. And now it's their families, is that right, what he did the second time?

LYNCH:

Well, I believe that that particular action is currently enjoined, so none of (inaudible)...

GRAHAM:

But he tried...

LYNCH:

... there would've been -- would've -- would've been provided.

GRAHAM:

But -- but he tried to do it...

LYNCH:

(inaudible)

GRAHAM:

... and the court said slow down. Is that fair to say?

LYNCH:

What...

GRAHAM:

That he's been enjoined from doing what he thought he could do?

LYNCH:

Yes (ph), that injunction is (inaudible)...

GRAHAM:

He thought he had the legal authority.

What limits would they be -- would -- would they be on a president in terms of just giving legal status to people here legally? Are there any limits that we can -- that you can think of?

LYNCH:

Well, Senator, I certainly think that, as we've discussed previously, when it comes to the immigration laws, ones starts with the statutes and then one looks at the court decisions. And, as you craft policy, you would have to look at those particular issues as well as any applicable regulations to determine whether or not (inaudible)...

GRAHAM:

Is there any court decision that would allow the President of the United States -- any president -- to issue an executive order and say that 3 million people here illegally now have legal status? Is there any Supreme Court case that would acknowledge Article 1 power to do that that you know of?

LYNCH:

Senator, I'm not aware that issue's been presented to the court. And certainly so would not be able to give you that information then.

GRAHAM:

OK, from your point of view, prosecute -- prosecutorial discretion is I could prosecute somebody but I choose not to for a variety of reasons, right?

LYNCH:

That's part of it, sir.

GRAHAM:

OK. In that different -- in this different saying, I'm not going to prosecute you because I choose not to versus giving you legal status. Is that prosecutorial discretion...

LYNCH:

Senator...

GHRAHAM:

... to give somebody legal status?

LYNCH:

Senator, prosecutors do not have the authority to confer...

GRAHAM:

Right.

LYNCH:

... or take away a status regarding immigration or any other legal issue. That is determined by statute and by the courts.

GRAHAM:

What makes the President different than a prosecutor in that regard? What authority does he or she have to do that because prosecutorial discretion is not the legal basis, I think you're right about that. Now write (ph) this up. If you can't do it through prosecutorial discretion, the prosecutor can't, what authority does Chief Executive have inherent, statutory or Supreme Court decision- wise to allow him to do this?

LYNCH:

When you say this, sir, what are we referring to?

GRAHAM:

What he did? Give legal status to millions of people by executive action.

LYNCH:

Well, Senator, I'm not aware that's the actual result of that. And, certainly, I'd have to refer you to...

GRAHAM:

Well, I don't -- I know...

LYNCH:

... (inaudible)...

GRAHAM:

... my time's up...

LYNCH:

(inaudible)

GRAHAM:

... but he did give legal status to millions of people who I'm willing to deal with through the statutory process. He did that, didn't he?

LYNCH:

(inaudible)

GRAHAM:

The President?

LYNCH:

I'm not able to give you a legal opinion on the effect.

GRAHAM:

I'm not asking you legal advice.

LYNCH:

As (inaudible)...

GRAHAM:

I'm just saying...

LYNCH:

(inaudible)

GRAHAM:

... that's what he did. I mean, he did that. He issued an executive order saying you can stay here. Didn't he?

LYNCH:

Well, I'd have to refer you to the terms of the executive order.

GRAHAM:

OK, all right. Thank you.

SHELBY:

If there are no further questions this afternoon, Senators may submit additional questions for the subcommittee's official hearing record, and we request Madame Attorney General, Department of Justice, responses within 30 days.

The subcommittee now stands in recess until Thursday, March 3, at 10:30 a.m. when we will take the testimony of the Department of Secretary -- Commerce Secretary Penny Pritzker.

Committee's adjourned.