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OVERSIGHT OF THE UNITED STATES DEPARTMENT OF JUSTICE

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

NOVEMBER 17, 2015

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Material submitted by the Honorable Cedric Richmond, a Representative in Congress from the State of Louisiana, and Member, Committee on the Judiciary. This material is available at the Committee and can be accessed at:
http://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=104114.

Material submitted by the Honorable David N. Cicilline, a Representative in Congress from the State of Rhode Island, and Member, Committee on the Judiciary. This material is available at the Committee and can be accessed at:
http://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=104114.

OVERSIGHT OF THE UNITED STATES DEPARTMENT OF JUSTICE

TUESDAY, NOVEMBER 17, 2015

HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
Washington, DC.

The Committee met, pursuant to call, at 10:30 a.m., in room 2141, Rayburn House Office Building, the Honorable Bob Goodlatte (Chairman of the Committee) presiding.

Present: Representatives Goodlatte, Sensenbrenner, Smith, Chabot, Issa, Forbes, King, Franks, Gohmert, Jordan, Poe, Chaffetz, Marino, Gowdy, Labrador, Collins, DeSantis, Walters, Buck, Ratcliffe, Trott, Bishop, Conyers, Nadler, Lofgren, Jackson Lee, Cohen, Johnson, Pierluisi, Chu, Deutch, Gutierrez, Bass, Richmond, DelBene, Jeffries, and Cicilline.

Staff Present: (Majority) Shelley Husband, Chief of Staff & General Counsel; Branden Ritchie, Deputy Chief of Staff & Chief Counsel; Allison Halataei, Parliamentarian & General Counsel; Caroline Lynch, Chief Counsel, Subcommittee on Crime, Terrorism, Homeland Security, and Investigations; Chris Grieco, Counsel, Subcommittee on Crime, Terrorism, Homeland Security, and Investigations; Kelsey Williams, Clerk; (Minority) Perry Apelbaum, Staff Director & Chief Counsel; Danielle Brown, Parliamentarian & Chief Legislative Counsel; Aaron Hiller, Chief Oversight Counsel; Tiffany Joslyn, Deputy Chief Counsel, Crime, Terrorism, Homeland Security, and Investigations; Slade Bond, Counsel; Kurt May, Counsel; Eric Williams, Counsel; and Veronica Eligan, Professional Staff Member.

Mr. GOODLATTE. Good morning. The Judiciary Committee will come to order.

And, without objection, the Chair is authorized to declare recesses of the Committee at any time.

We welcome everyone to this morning's hearing on the oversight of the U.S. Department of Justice. And I'll begin by recognizing myself for an opening statement.

Welcome, Attorney General Lynch, to your first appearance before the House Judiciary Committee since your confirmation earlier this year. And we are very pleased to have you here with us.

Last week, we witnessed horrific terrorist attacks in Paris which claimed the lives of over 120 innocent civilians and for which ISIS has taken credit. Our thoughts and prayers remain with the French people, and we mourn with them.

At the same time, these terrorist attacks are a stark reminder that ISIS poses a threat to our allies and America. Yet this reality is not clearly seen by our President. Just hours before the attack, President Obama boasted that ISIS is contained. ISIS is not contained in Syria, it is not contained in Europe, and we know ISIS is continuing its campaign of propaganda here in the U.S.

We know from the Paris attacks that at least one of the perpetrators was registered as a refugee from Syria in countries through which he traveled on his way to France. Just last month, FBI Director Comey told this Committee that the U.S. refugee vetting process is not adequate to guarantee that Syrians referred for resettlement in the U.S. are not terrorists who plan to harm us. Yet the President presses on with his plan to resettle at least 10,000 Syrian refugees during this fiscal year alone.

I look forward to hearing your thoughts on this issue, considering that the top counterterrorism investigator in the U.S. consistently states that the databases and law enforcement resources are not available to properly vet Syrians.

Furthermore, reports indicate that, despite repeated congressional action to the contrary, this Administration thinks terrorists at Guantanamo Bay, who are cut from the same cloth as the Paris attackers and many of whom are deemed too dangerous for release to foreign countries, should be brought to the United States. Transferring these combatants to the United States will only increase their odds of being released inside the U.S.

These public and national security concerns, coupled with unanswered questions about the cost and logistics of bringing detainees into the U.S., should cause the Administration to hit "pause" on its reckless decision to close its Guantanamo detention facility. Enemy combatants should remain outside of the United States, where they can be detained away from our communities and without needlessly jeopardizing the safety and security of the American people.

In addition to the mounting national security threats facing the Department of Justice, I would also like to focus on the need for an impartial Justice Department. Americans have become more and more suspicious that their government agencies are biased. To understand this, one need look no further than the well-founded allegations that the IRS targeted conservative groups for extra scrutiny.

After numerous appeals to appoint a special counsel to investigate this, last month the Justice Department announced that no criminal prosecution would be brought against IRS personnel in connection with this matter. It is not difficult to understand why a special counsel was needed, given that only those organizations opposed to the President's overreaching agenda were targeting by high-ranking IRS officials. Apparently, officials at the IRS share Secretary Clinton's abhorrent notion that Republicans are "the enemy."

I am profoundly disturbed the Administration's handling of this matter. At every turn, President Obama and Administration officials repeatedly and publicly undermined the investigation. When the House of Representatives took the responsible step of calling for the appointment of a special counsel to investigate the matter,

our concerns and those of the individuals targeted by the IRS went unresolved by the Administration.

Madam Attorney General, now that your department has concluded its investigation, I look forward to discussing the Department's decision with you in greater detail.

Given the controversy surrounding the Administration's mishandling of the IRS targeting scandal, it is critical that the Justice Department clearly demonstrate to the American people that it will handle with impartiality its investigation surrounding former Secretary of State Hillary Clinton's use of a private e-mail server for official purposes.

Earlier this year, two inspectors general reported that classified information was contained within the private e-mails of former Secretary of State Hillary Clinton and have referred the matter to the Justice Department. During his appearance before the Committee last month, FBI Director Comey vowed that this investigation will be conducted "promptly, professionally, and independently." Rest assured, Congress and the American people will hold both the Bureau and the Department to this standard.

The Committee also remains concerned that the Department is subverting Congress' budget authority by using settlements to funnel money to third-party interest groups. The concern is institutional and nonpartisan. Yet, rather than suspend the practice, DOJ has expanded it, while quietly obstructing the Committee's investigation.

Last week, the Department finally produced a small subset of relevant documents that the Committee requested 11 months ago. I would like to know, Madam Attorney General, what you, as an experienced prosecutor, would do if a large corporation behaved this way in an investigation.

As we sit with you today, Attorney General Lynch, law enforcement agencies across the country face profound challenges. Thirty-one police officers have been shot to death this year alone. In many places, officers are understandably asking whether it is worth pursuing violent criminals or otherwise putting themselves in harm's way, less they be the targets of intentional violence or community backlash.

Force must be used appropriately, and police officers must take proper steps to protect innocent civilians. However, irresponsible anti-police activity from many in the advocacy community and the Justice Department's ongoing efforts to micromanage State and local police agencies have only served to exacerbate the divide between police and citizens. This trend cannot continue.

Many American cities have seen a spike in violent crime. In Baltimore, homicides are up 71 percent. In August of this year, the number of murders here in Washington, D.C., already matched the number for all of 2014. Other cities have seen similar increases in violent crime. Despite these grim statistics, however, the Obama administration has continued to support initiatives that will only exacerbate this violence.

On November 1 of this year, nearly 6,000 Federal drug offenders were released from prison, pursuant to a 2014 Sentencing Commission amendment which the Justice Department supported. Over the next 2 years, some additional 10,000 offenders will be released

early. This ill-advised amendment applies without regard to an inmate's criminal history and will result in the release of some dangerous violent criminals as well as illegal criminal aliens.

As you know, the Committee has introduced bipartisan legislation to institute meaningful sentencing reform while preventing release of serious violent criminals.

Speaking of releasing violent criminals, the murder of Kate Steinle in San Francisco earlier this year is a tragic reminder that the lack of appropriate immigration enforcement in our Nation today and the reckless sanctuary policies in many cities across the country can have deadly consequences.

It is not enough for Administration officials to pay lip service to the problems presented by sanctuary cities. Federal agencies, including the Justice Department, must take meaningful steps to ensure that criminal aliens released from Federal custody are promptly deported.

Attorney General Lynch, I look forward to hearing your views on all these important topics today, as well as on other issues of significance to the Justice Department and to our Nation.

Thank you.

And now I'm pleased to recognize the Ranking Member of the Committee, the gentleman from Michigan, Mr. Conyers, for his opening statement.

Mr. CONYERS. Thank you, Chairman Goodlatte. Your opening statement could be the basis of a hearing all of its own. And I appreciate your views.

Madam Attorney General, welcome to the House Judiciary Committee.

Nearly 7 months ago, after much delay in the Senate, you took over the Department of Justice with not one but two tours of duty at the U.S. Attorney for the Eastern District of New York. You are unquestionably the right leader at the right time for the important work of the Department of Justice.

Nowhere is your leadership more important than in national security. The attacks on Paris, France, leave no doubt that our most pressing mission, yours and ours, remains protecting the American people.

And, unfortunately, history shows that tragic events like these are followed by calls for drastic action. Already we have heard proposals to undo encryption, to roll back surveillance reform, and deport some of the most vulnerable among us. I urge restraint in these matters, Madam Attorney General. At this time, we have very little information about how the attacks were carried out.

Rather than use these events as an excuse to advance policies that otherwise betray our values, I urge the intelligence community, including the Department of Justice, to focus on the most effective tools in our toolbox: targeted surveillance, targeted investigation, and smart policing.

Back at home, you have cultivated strong relationships in the police community, but you are not afraid to call out bad behavior or to prosecute police officers when circumstances warrant. That experience will prove invaluable as the Department, along with this Committee, takes its next steps on criminal justice reform.

Under your leadership, the Civil Rights Division continues its work with police departments around the country to ensure that State and local policing practices comport with the Constitution.

The Office of Juvenile Justice is also working hard to disrupt what you've called the cycle of criminality and incarceration. I commend you for your work on this front, and I look forward to our partnership as this Committee moves forward with its own package of criminal justice reforms.

Another area where we look to you for leadership is enforcement of voting rights. Earlier this year, observing the 50th anniversary of the Voting Rights Act, you remarked, "It is the lesson of every generation that the price of freedom is constant vigilance. Because opponents of free and fair access to the voting booth have neither retreated nor surrendered."

The unfortunate truth of that statement plays out across the country today, no place more vividly than in the State of Alabama, where officials plan to close 31 driver's license offices across the State, including those in every county in which African-Americans make up more than 75 percent of registered voters. Coupled with Alabama's strict new voter ID law, these closings will make it even harder for many citizens to obtain the identification now required to cast a vote.

The discriminatory impact of this plan plays out in other ways too. Imagine having to drive hundreds of miles across rural Alabama to renew your driver's license. We know that this burden will weigh heaviest on the State's poorest citizens.

Borrowing again from your words, "It is incumbent on all of us to stand up, to speak out, and to make clear that no end is worth the means of disenfranchisement, no small-minded policy is worth the cheapening of our democracy."

Finally, Madam Attorney General, I want to comment on the virtue of your being a new leader at the Department of Justice ready to make a fresh start with this Committee. Today, you will hear questions, no doubt, about Benghazi, Planned Parenthood, Solyndra, Operation Fast and Furious, and Lois Lerner at the IRS. These are not matters that affect a whole lot of our constituents, but you will hear questions about them and comments anyway. My advice to you—that you don't need—is stick to the facts and the law, and you'll be fine.

We know that some Members are displeased with the outcome of the Department's investigation into the Lois Lerner matter, but we also know that your investigators were as thorough as can be. They conducted over 100 interviews, collected more than 1 million pages of documents, and closely analyzed almost 500 applications for tax-exempt status.

Some Members may wish your predecessor had appointed a special counsel to investigate the matter, but both the plain text of the applicable regulations and the congressional research tell us otherwise. The facts of the case did not involve senior Administration officials. They did not present a conflict of interest to the Department of Justice. And so the appointment of a special counsel was simply not appropriate in this matter.

Too often, your predecessor, who I still admire, found himself the target of personal insults in this Committee and elsewhere. And I

like to think that all of us in this room and on this Committee regret the frequent attacks on his character or at least realize that those attacks were almost entirely unproductive.

We have a chance to start over today. We can do better. Progressives and conservatives, Congress and the Administration, there is so much common ground between us to be explored, particularly in the work of the Department of Justice. And so I am so glad that you're here with us today, and I look forward to your testimony.

Thank you, Mr. Chairman.

Mr. GOODLATTE. Thank you, Mr. Conyers.

And, without objection, all other Members' opening statements will be made a part of the record.

[The prepared statement of Ms. Jackson Lee follows:]

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House of Representatives
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FULL COMMITTEE ON THE JUDICIARY
OVERSIGHT HEARING OF THE UNITED STATES DEPARTMENT OF JUSTICE

2141 RAYBURN HOB
NOVEMBER 17, 2015
10:00 A.M.

Thank you, Chairman Goodlatte and Ranking Member Conyers for holding today's hearing in which we will exercise our oversight authority by examining the Department of Justice.

I would also like to say thank you, to the Honorable Loretta Lynch, for being here today and for the work you do in protecting our nation and upholding our civil rights and criminal justice laws.

I join my colleagues here on the Judiciary Committee in welcoming you to today's hearing and taking the time to discuss the priorities and critical programs and initiatives of the Department of Justice.

As an agency with critical responsibilities for enforcing the law and defending the interests of the United States, ensuring public safety against foreign and domestic threats, providing Federal leadership in preventing and controlling crime, punishing those guilty of unlawful behavior, and ensuring fair and impartial administration of justice for all Americans, there is much to discuss about your role, accomplishments and forthcoming goals.

As a Ranking Member of the House Judiciary Subcommittee on Crime, Terrorism, Homeland Security and Investigations, and senior member of the House Committee on Homeland Security, I would like the opportunity to address with you a few distinct issues that must be highlighted.

I appreciate the work of the Department of Justice and the Attorney General.

I look forward to continuing our relationship and working towards a just America.

Thank You.

Mr. GOODLATTE. And we again welcome our distinguished witness.

And if you would please rise, we'll begin by swearing you in.

Do you swear that the testimony that you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Attorney General LYNCH. I do.

Mr. GOODLATTE. Thank you very much. And please be seated.

Let the record reflect that the witness has responded in the affirmative.

I'll now begin by introducing our sole witness today, the Attorney General of the United States, Ms. Loretta Lynch.

Attorney General Lynch was sworn in as the 83rd Attorney General of the United States on April 27, 2015. She began her career in public service by joining the United States Attorney's Office for the Eastern District of New York.

After 9 years, Ms. Lynch was appointed by President Bill Clinton to lead that office as United States Attorney, a post she held until 2001. Ms. Lynch then worked in private practice until 2010, when President Obama asked her to resume leadership of the United States Attorney's Office in Brooklyn.

Ms. Lynch is a graduate of Harvard College and Harvard Law School.

Attorney General Lynch, we welcome your first appearance before the Judiciary Committee and look forward to your testimony. Your entire written statement will be made a part of the record, and we ask that you summarize your testimony in 5 minutes.

Thank you. And please begin at your convenience.

TESTIMONY OF THE HONORABLE LORETTA E. LYNCH, ATTORNEY GENERAL, UNITED STATES DEPARTMENT OF JUSTICE

Attorney General LYNCH. Thank you, sir.

Good morning, Chairman Goodlatte, Ranking Member Conyers, and distinguished Members of this Committee. I am very grateful for the opportunity to appear before you today to share some of the recent accomplishments of the U.S. Department of Justice, to discuss some of my top priorities as Attorney General, and to explore ways that we can continue to work together.

I do want to begin, however, by commenting on Friday's reprehensible and heartbreaking attacks in Paris. The Department of Justice and, indeed, the entire Obama Administration stand in solidarity with France, just as France has so often stood with us. As President Obama said, this is not just an attack on Paris or the people of France; it is an attack on all of humanity and the universal values that we share.

We are committed to doing everything within our power to assist our French law enforcement colleagues in bringing those responsible for this monstrous act of terror to justice. And, as we go forward, our thoughts and our prayers of course remain with the victims and their loved ones.

Now, as this distinguished Committee well knows, our Nationfaces a host of serious, varied, and evolving challenges. Our highest priority must always be the security of our homeland, and we are acting aggressively to defuse threats as they emerge.

We are working around the clock to uncover and disrupt plots that take aim at our people, our infrastructure, and our way of life. We continue to investigate and apprehend those who seek to harm us, including upwards of 70 individuals charged since 2013 for conduct related to foreign-fighter activity and homegrown violent extremism. And, of course, we remain focused on the threat posed by domestic extremists, as well.

At the same time, we are placing particular emphasis on countering security threats in cyberspace. We are perpetually on guard against individuals, organized groups, terrorists, and state actors who might attempt to steal our data, endanger our economy, compromise our privacy, and threaten our security.

In recognition of the need for strong public-private partnerships, we have created a new cybersecurity unit within our Criminal Division's Computer Crime and Intellectual Property Section and announced a National Security Division outreach initiative designed to promote information sharing and resilience as part of the division's National Asset Protection Program.

I have also been meeting personally with corporate executives and general counsels around the country to spread our message of cyber awareness, to encourage strategic collaboration, and to find new ways to protect American consumers.

Now, of course, to bring about the stronger Nation that we all seek, we must also empower the communities within our borders.

Across this country, brave police officers risk their lives every day to protect our neighborhoods and serve the residents of their jurisdictions, and we are tremendously grateful for their dedication and their valor. But we have seen the devastating results of mistrust between law enforcement officers and the citizens we serve, and we've experienced the consequences when decades of tension erupt into unrest.

During the first 100 days of my tenure, I conducted a six-city community policing tour to engage with communities that have made significant progress in this area. In each city, I convened roundtable discussions that included law enforcement officers, public officials, civic leaders, and young people, where participants shared some of the most effective ways that citizens and law enforcement officers could join forces to foster trust, to build respect, and to spread mutual understanding.

Restoring that essential trust between communities and law enforcement is one of my top priorities as Attorney General. And the Department intends to do everything we can to foster those bonds and to create safer and fairer communities across the country.

Now, we are also paying special attention to vulnerable victims in our communities, particularly those caught in the clutches of human trafficking. In September, I announced that the Department would be extending $44 million in new grant funding to help support research, bring more traffickers to justice, and care for survivors.

And, at this moment, I really want to thank our partners in Congress for their efforts. By tripling human-trafficking-related funding for our Office of Justice programs in fiscal year 2015, Congress was instrumental in allowing us to increase our grant funding in this critical area. This October marks the 15th anniversary of the

Trafficking Victims Protection Act, which is certainly a fitting occasion to redouble our commitment to eradicating this pernicious practice.

And, finally, I'd like to address our efforts on criminal justice reform at the Federal level.

I commend the Committee Members who have come together to help chart a new course on criminal justice that will make our society both stronger and more secure. It is of course built, in part, on the success of the Smart on Crime initiative that my predecessor, Attorney General Eric Holder, launched in 2013, which shifted our approach away from harsh mandatory sentences for low-level drug offenses and enabled us to focus on more significant violent defendants, while better supporting rehabilitation and reentry programs that can reduce recidivism and promote public safety.

But more must be done. Prison spending has increasingly displaced other critical public safety investments, and to make our sentencing laws more efficient, more effective, and more just, congressional action is needed. Reform has been embraced by prosecutors, law enforcement, and policymakers of all stripes, and the Justice Department is eager to see meaningful sentencing reform enacted during this Congress. And we thank you for the chance to work with you on that.

Mr. Chairman, Ranking Member, thank you so much for the chance to speak with you today. And thank you all for your ongoing support of the Justice Department's efforts. I look forward to working closely with you to advance the objectives that we all share.

And I'm pleased to answer questions from this body at this time. Thank you.

[The prepared statement of Attorney General Lynch follows:]

Department of Justice

STATEMENT OF

LORETTA E. LYNCH
ATTORNEY GENERAL

BEFORE THE

COMMITTEE ON THE JUDICIARY
U.S. HOUSE OF REPRESENTATIVES

FOR A HEARING TITLED

OVERSIGHT OF THE DEPARTMENT OF JUSTICE

PRESENTED

NOVEMBER 17, 2015

Statement of Attorney General Loretta E. Lynch
Before the Committee on the Judiciary
U.S. House of Representatives
November 17, 2015

Good morning, Chairman Goodlatte, Ranking Member Conyers, and distinguished members of the Committee. I am grateful for the opportunity to appear before you today to share some of the recent accomplishments of the U.S. Department of Justice; to discuss some of my top priorities as Attorney General; and to explore ways we can continue working together to build the stronger nation and the more empowered communities that the American people need and deserve.

I want to begin by commenting on Friday's reprehensible and heartbreaking attacks in Paris. The Department of Justice and the Obama Administration stand in solidarity with France, just as France has so often stood with us. As President Obama said, this is not just an attack on Paris or the people of France – it is an attack on all of humanity and the universal values that we share. We are committed to doing everything within our power to assist our French law enforcement colleagues in bringing those responsible for this monstrous act of terror to justice. And as we go forward, our thoughts and prayers will be with the victims and their loved ones.

As this Committee well knows, our nation faces a host of serious, varied, and evolving challenges – from threats against our homeland, to attacks on our information networks; and from tension in our communities, to the scourge of human trafficking. These are challenges that will require a concerted effort to address. And I want you to know that the Department of Justice is dedicated to taking effective action across the board.

Our highest priority must always be the security of our homeland, and we are acting aggressively to defuse threats as they emerge and thwart attacks before they occur – at home, abroad, and online. We are working around the clock to uncover and disrupt plots that take aim at our people, our infrastructure, and our way of life. We continue to investigate and apprehend those who seek to harm us – including upwards of 70 individuals charged since 2013 for conduct related to foreign-fighter activity and homegrown violent extremism. And we remain focused on the threat posed by domestic extremists – continuing to make improvements to ensure nationwide coordination on domestic terrorism issues, including through the reconstitution of the Domestic Terrorism Executive Committee.

At the same time, we are placing particular emphasis on countering security threats in cyberspace. We are perpetually on guard against individuals, organized groups, terrorists, and state actors who might attempt to steal our data, endanger our economy, compromise our privacy, and threaten our security. We know we must stay nimble as we combat sophisticated cyber-actors constantly adapting their techniques, and we've done so in part by increasing our focus on cyber threats, leading to unprecedented actions to disrupt cyber intrusions from criminal actors, nation states, and terrorists. In addition, in recognition of the need for strong public-private partnerships in cybersecurity, we created a new cybersecurity unit within our Criminal Division's Computer Crime and Intellectual Property Section and announced a

National Security Division outreach initiative to promote information sharing and resilience as part of the Division's national asset protection program. I've also been meeting personally with corporate executives and general counsels around the country to spread our message of cyber-awareness, to encourage strategic collaboration, and to find promising new ways to protect American consumers from exploitation and abuse.

Of course, to bring about the stronger nation we seek, we must also empower the communities within our borders. Across the country, brave police officers risk their lives every day to protect our neighborhoods and perform an invaluable and heroic service to the residents of their jurisdictions, and we are grateful for their dedication and their valor. But we have seen even recently the devastating results of mistrust between law enforcement officers and the citizens we serve, and experienced the consequences when decades of tension erupt into unrest. Restoring that essential trust is one of my top priorities as Attorney General, and the Justice Department intends to do everything we can to foster those essential bonds and create more safe, more fair, and more just communities across the country. To that end, during the first 100 days of my tenure, I conducted a six-city community policing tour to engage with communities that have made progress in this area. The tour progressed through Cincinnati, Ohio; Birmingham, Alabama; East Haven, Connecticut; Pittsburgh, Pennsylvania; Seattle, Washington; and Richmond, California – and in each of those cities, I convened roundtable discussions with leaders and representatives from across the community, including law enforcement officers, public officials, civic leaders, and young people. And over the course of those conversations, participants were able to impart their ideas, discuss their experiences, and share some of the most effective ways that citizens and law enforcement can join forces to foster trust, to build respect, and to spread mutual understanding. Additionally, the Department of Justice is supporting a range of programs and offices to help promote best practices and improve trust. The Office of Community Oriented Policing Services, for example, continues to implement and expand its Collaborative Reform Initiative for Technical Assistance, which provides a means for organizational transformation through an analysis of policies, practices, training, tactics, and accountability methods around specific issues.

We are also paying special attention to those in our communities who are vulnerable, voiceless, and in need of a helping hand – particularly those caught in the clutches of human trafficking, a heinous offense that has appropriately been described as modern-day slavery. Seeking justice for the victims of human trafficking is a cause that has long been close to my heart, and it is now one of my main priorities as Attorney General. In June, I announced that the Department would be expanding a highly effective interagency initiative – known as the Anti-Trafficking Coordination Team Initiative – that coordinates and streamlines anti-trafficking work across the Departments of Justice, Labor, and Homeland Security. And in September, I announced that the Department would be extending $44 million in new grant funding to help support research, bring more traffickers to justice, and care for survivors. I want to thank our partners in Congress for their invaluable support – by tripling human-trafficking-related funding for our Office of Justice Programs in Fiscal Year 2015, Congress was instrumental in allowing us to increase our grant funding in this critical area. This October marked the fifteenth anniversary of the Trafficking Victims Protection Act, which is a fitting occasion to redouble our commitment to creating more opportunities to save and transform lives, and to the work of eradicating this pernicious practice once and for all.

Of course, I recognize, as you do, that the progress we seek on so many pressing issues will not be achieved overnight. But by diligently prosecuting abuse, combating exploitation, and lifting up those who have been let down, left out, and left behind, the Justice Department will continue to do our part to aid all those who are in desperate need of assistance, opportunity, and justice.

Finally, I would like to give you an update on our recent experience with criminal justice reform at the federal level – an issue of central importance to the Department of Justice, and a topic that I know has been a focus of this Committee. I want to commend the members of the Committee who have come together, from across the aisle, to help chart a new course on criminal justice that will make our society both stronger and more secure. It is a course built in part on the success of the Smart on Crime initiative that my predecessor, Attorney General Eric Holder, launched in 2013, which shifted our approach away from harsh mandatory sentences for low-level drug offenses. It has enabled us to focus on more serious cases and more significant violent defendants, while better supporting rehabilitation and reentry programs that can reduce recidivism and promote public safety. But more work needs to be done. Prison spending has increasingly displaced other critical public safety investments – such as resources for investigation, prosecution, prevention, intervention, prison reentry, and support for state and local law enforcement – and to most effectively make our sentencing laws more efficient, more effective, and more just, congressional action is needed. Reform has been embraced by prosecutors, law enforcement, and policymakers of all stripes. And the Justice Department is eager to see meaningful sentencing reform enacted during this Congress.

We are hoping to make a similarly positive impact through another recalibration of our approach to criminal and civil justice, which Deputy Attorney General Yates announced in September. The aim is to strengthen our ability to go after individual defendants both criminally and civilly in connection with investigations of corporate misconduct. We made several changes in institutional policy about how we investigate, charge, and resolve cases – including an important new rule requiring any company seeking cooperation credit to investigate and identify the individuals involved in the company's misconduct, and then provide all non-privileged evidence about those individuals. The new policies will not only help us bring individual wrongdoers to justice – thereby deterring future illegality and incentivizing corporate behavioral reform – but will also send an unmistakable message that, in the eyes of the Justice Department, committing a crime behind a desk is no different than committing one behind a mask.

Thank you all for your time and attention this morning. Thank you for the chance to bring these and other priorities before you today. And thank you for your ongoing support of the Justice Department's important efforts. I look forward to working closely with you to advance the many objectives we share and to build on the inspiring progress our institutions have already made.

At this time, I am pleased to answer any questions you may have.

Mr. GOODLATTE. Thank you, General Lynch.

We will now proceed under the 5-minute rule with questions for the witnesses, and I'll begin by recognizing myself.

Yesterday, a video reportedly linked to ISIS was posted stating that, "As we struck France in the center of its abode in Paris, then we swear that we will strike America at its center in Washington."

Now, there is little doubt that ISIS views the United States and the West as a strategic enemy, and there is little doubt that our immigration laws, our lawful immigration laws, have been abused on a number of occasions by people intending to perpetrate harm against the United States.

Do you agree with what your own FBI Director, James Comey, told this Committee regarding the inability to adequately vet and confirm the true identity because of the lack of information, databases, law enforcement resources, intelligence resources, and military resources available to us in Syria of Syrians who have applied for refugee resettlement in the United States?

Attorney General LYNCH. Thank you, Mr. Chairman.

With respect to that important issue, as I've indicated, the most important priority of the Department of Justice is the protection of the American people. And, certainly, national security and terrorism are one of my own top priorities and certainly an area of concern for all of us. That is certainly our main concern.

At the same time, we do have a system for allowing not just immigration but refugee entrance into the country. As the FBI Director has noted, there is a process in place that allows for significant vetting of refugees from all countries.

Mr. GOODLATTE. Well, let me interrupt, because he said something contrary with regard to the situation with Syrians. He said, "We can query our database till the cows come home, but there will be nothing to show up because we have no record on that person."

Attorney General LYNCH. Certainly, with respect to the databases that the Director was referring to, as he noted, I believe, before this Committee, there is a screening process that has data from several different agencies. The FBI participates, Department of Defense, Department of Homeland Security, National Counterterrorism Center. And much information is vetted and queried.

Certainly, a lot of the information that is vetted does have to be inputted into the system.

Mr. GOODLATTE. In the case of Syria, you can't go to the government offices in that country. They're in disarray. You can't go interview people who know people who are applying for this status.

Do you disagree with the FBI Director when he says that vetting Syrian refugees is extremely difficult, if not impossible?

Attorney General LYNCH. Well, Mr. Chairman, I'm not sure he said it was impossible. Certainly, not only the Department of Justice but all of our agencies will make every effort to vet every refugee coming into this country, from the databases, to the interviews that those individuals are subject to, to the biometric screening as well.

Mr. GOODLATTE. Let me go on.

Attorney General LYNCH. Certainly, there are challenges to that process because of the situation in Syria. But I would note, how-

ever, that we do have the benefit of having that significant and robust screening process in place—a process that Europe has not been able to set up, which renders them much more vulnerable.

Mr. GOODLATTE. Well, I think we'll be vulnerable, too, when it comes to people from Syria, when we can't get access to those databases because the country is in disarray, and we can't even gather information, fresh, new, because we can't access the people that we could talk to.

Let me move on to another topic. The latest available data from the Justice Department shows that, during fiscal year 2015, the government reported 6,002 new weapons convictions. This number is down 5.8 percent from the previous fiscal year, when the number of convictions totaled 6,373. Compared to 5 years ago, when there were 7,101 weapons convictions, the number for fiscal year 2015 is down 15.5 percent. Convictions over the past year are lower than they were 10 years ago. Overall, the data show that convictions of this type, weapons violations, are down 34.8 percent from the level of 9,206 reported in 2005.

The President has repeatedly called for new gun control laws, yet your department has seen weapons prosecutions and convictions fall to levels not seen in over a decade.

How do you explain such a precipitous drop in weapon prosecutions and convictions under this Administration? And why is such little emphasis placed on these types of prosecutions, when the President has called for yet more laws when the current laws are not being enforced?

Attorney General LYNCH. Mr. Chairman, thank you for the question.

With regard to the Department of Justice enforcement of the gun laws, we take those gun laws very seriously and are committed to using the full panoply of laws and regulations on the books.

We typically use those laws at the Federal level in conjunction with our many and numerous violent crime initiatives. For example, in my former position as U.S. attorney in the Eastern District of New York, many of our gang cases also carried with them firearms charges. They would not necessarily be the lead charge, they may not be reflected in the data that you have, but they certainly are an important tool in every prosecutor's arsenal in combating violent crime.

In the discussions——

Mr. GOODLATTE. Then why aren't they being prosecuted for those violations?

Attorney General LYNCH. I'm sorry, sir?

Mr. GOODLATTE. Then why aren't they being prosecuted for those violations related to firearms?

And, by the way, this doesn't just mean using a firearm in the commission of crime. It also means illegal sales of firearms. It means lying on the Instant Check System of which, for the last year for which we have complete data, 76,000 people were found to have committed the felony of swearing to false information on that form. Five thousand were referred for prosecution, but the 94 U.S. attorneys' offices across the country could only find time to prosecute 62 out of 76,000.

So somebody going into a gun store to buy a weapon knows that, even if they're caught—and often they're not caught because the system doesn't have all the information it needs in it—but even if they're caught, they often find that the odds are one in a thousand that they'll be prosecuted even when they're caught.

What are you doing about that? What should be done about it? And why has this decline been so precipitous over the last several years?

Attorney General LYNCH. Well, Congressman, with respect to the types of cases that are prosecuted, as I indicated, a lot of the firearms prosecutions are done in conjunction with our violent crime program, and they may not show up in your statistics as the lead charges. They are a significant part of the arsenal that every Federal prosecutor utilizes.

Most recently, I've convened a summit with the top elected officials, police chiefs, and leaders of major cities to talk about violent crime that's currently taking place in several major cities, with a focus on finding the causes and finding the best ways to direct Federal resources to those particular cities.

Mr. GOODLATTE. Can we expect these prosecutions to go up as a result of that?

Attorney General LYNCH. Congressman, what we do is we look at the root causes of violence in a particular area. If, for example, the firearms were the main issue there, we would focus our efforts there. We follow the facts and the evidence.

Mr. GOODLATTE. Not necessarily prosecute for the gun violation.

So, if that's the case, would you agree with me, then, that it doesn't make sense to add new gun laws, when we already have hundreds of them that are not being enforced today and you don't seem to anticipate an increase in the use of those current laws to prosecute people who misuse firearms?

Attorney General LYNCH. I think, at this point, it would be difficult to speculate as to what numbers would look in a year with respect to any particular criminal program.

What I would say is the Department of Justice is committed to using the full panoply of laws that are currently on the books as part of our violent crime initiative, as part of our desire to keep all communities safe. And that does include our firearms laws.

Mr. GOODLATTE. I want to cover one more topic that concerns me greatly.

During the FBI's investigation of the IRS matter, the President stated on Super Bowl Sunday that there was not "even a smidgeon of corruption at the IRS." At the end of that investigation, no charges were filed.

Two weeks ago, the President stated with respect to Secretary Clinton's e-mails, "This is not a situation in which America's national security was endangered."

Should we expect that when the FBI finishes its investigation of this matter that no charges will be filed? Does the Department allow statements by the President to dictate its investigative practices?

Attorney General LYNCH. Mr. Chairman, the Department reviews facts and evidence submitted before it. We apply the law to those facts and evidence. We take all the appropriate steps in every

matter that we review. And that is how we will essentially manage every matter under our purview, whether it relates to the IRS, to an e-mail matter, or every matter that comes before us.

And with respect to the President's comments, they have no influence or bearing on how the Department manages these matters. And I would have to refer you to him for a review of those.

Mr. GOODLATTE. I'm glad to hear you say that. In your view, wasn't it inappropriate for the President to once again inject his personal views into an ongoing FBI investigation?

Attorney General LYNCH. Mr. Chairman, I really don't have a comment on the President's expression of his views.

Mr. GOODLATTE. He's the chief executive officer of the United States, and everything that operates within the executive branch is under his purview, including the very important independent nature of the FBI in conducting its investigations.

Wouldn't it be better if the President of the United States did not comment on the merits of those investigations while they're going on?

Attorney General LYNCH. Mr. Chairman, I really don't have a comment on the President's statements.

Mr. GOODLATTE. Thank you very much.

The Chair recognizes the Ranking Member, the gentleman from Michigan, for his questions.

Mr. CONYERS. Thank you very much, Chairman Goodlatte.

Attorney General Lynch, I want to thank you again for speaking at my panel at this year's Congressional Black Caucus Legislative Forum. It was marvelous.

At that event, you spoke about the breakdown in trust between law enforcement and the communities they serve. You also spoke about getting to the root of the problem with a comprehensive approach to training, to policy, and to research.

Many of the law enforcement officers in attendance agreed with your comments. How are you planning on reaching out to the broader law enforcement community to promote these ideas?

Attorney General LYNCH. Thank you, Congressman Conyers.

This is, in fact, one of my top priorities as Attorney General. And I'm incredibly proud to say that the Department of Justice has already begun the type of outreach that I was discussing at that particular event.

Through our COPS Office, in particular, the Community-Oriented Policing Service Office, we reach out directly to police departments across the country and offer technical assistance, we offer training, we offer peer-to-peer support.

We have found that an incredibly effective way to share information within the law enforcement community is peer-to-peer, police-officer-to-police-officer, chief-to-chief. And so we work with the departments that have, in fact, made great strides in the area of police-community relations and seek to match them up with other departments who are having challenges in this area and who would be receptive to their input.

I also, as I noted in my opening statement, have been on a six-city community policing tour. And as I talk with residents, with young people, elected leaders, I also talk with police officers. I do meet with chiefs and supervisors, but I also talk to the rank-and-

file, the officers who are on the beats of our cities, to get their ideas as to what has worked in their city, as to why a positive relationship has developed in the cities where they have had challenges and where they have had struggles.

I have listened to their stories of commitment and dedication and to their embrace of community policing and concern for residents as a program and policy that makes policing more efficient and that makes communities safer. And I'm incredibly proud to support those efforts.

Mr. CONYERS. Thank you.

In recent weeks, there have been some suggestions, some from within your department, that our dialogue on these issues have somehow reduced the willingness of some police officers to perform their duties.

I know of no real evidence to substantiate this claim, but, in your opinion, does that conversation about civil rights and the appropriate use of force by police somehow make us less safe?

Attorney General LYNCH. Mr. Congressman, our discussion about civil rights and the appropriate use of force and all police tactics can only serve to make all of us, the community members and police officers, safer.

In my discussions with police officers around the country, I have found a positive engagement on these issues. I have found them to have some of the best thoughts and best practices to share with other departments on these issues—issues like the best practices for deescalation of certain situations, issues like the best practices for maintaining a relationship with community organizations and citizens councils, issues on police safety. They've provided us valuable input in our program, such as providing bulletproof vests, body-worn cameras. They are focusing on the best ways to use these new technologies.

So, while certainly there may be anecdotal evidence there, as all have noted, there's no data to support it. And what I have seen in my travels across this country is the dedication, the commitment, and the resolve of our brave men and women in law enforcement to improving policing, to embracing the 21st-Century Task Force recommendations, and to continuing to have a dialogue that makes our country safer for all.

Mr. CONYERS. Thank you.

The State of Alabama's plan to close 31 driver's license offices demonstrates how one policy decision can have wide-ranging discriminatory effects. The media's picked up on this. And this will make it harder for citizens of these rural counties to vote.

And I'm just as concerned about the discriminatory economic effects of this decision, which will fall hardest on rural, poor, and African-American communities. I imagine a Black farmer driving hundreds of miles across rural Alabama to renew an expired driver's license. And, on this Committee, we know what might happen to such a young man.

What tools does the Department have to combat discrimination in all of the ways it manifests itself? And how are you going to be using these tools in this case?

Attorney General LYNCH. Thank you, Congressman.

With respect to the Department's enforcement of our various civil rights statutes, it is certainly robust and will continue to be so. While we no longer have the advantage of the preclearance provisions that were in the Voting Rights Act, we still have significant provisions of the Voting Rights Act that allow us to review actions and decisions taken, albeit after the fact, to determine whether there has been either a discriminatory intent or, as is very often the case, a discriminatory result.

We can engage in negotiation and conversations. Many times, we do that before we even move to litigation in an attempt to reason with or have a discussion with entities that are making significant changes. And often those discussions are very productive. I was pleased to see that, after discussions with Members of Congress, the State of Alabama may be making some modifications to those changes. And, certainly, those types of discussions are an efficient way to bring about change and raise these important issues.

But I will reiterate, Congressman, that the Department of Justice is committed to enforcing the civil rights laws that we do have on the books. And we are committed to a vigorous review of matters that are brought to our attention and will ensure full and fair and efficient review of those matters and take the action that is appropriate.

Mr. CONYERS. Thank you so much.

Last question. More than 30,000 people die from gun violence in this country every year. What can this Committee, the Committee on the Judiciary, right now do that would save at least some of those lives?

Attorney General LYNCH. Well, Mr. Congressman, I think there is a significant debate and discussion going on as to how to best save lives in that situation. And I think that all voices are necessary in that debate and discussion.

And, certainly, if Congress were to consider new laws, I'm sure this Committee would be deeply involved in discussions. And that is, of course, up to Congress as part of your purview, and the Department would be happy to work with you with regard to that.

I think that we also have to look at the root causes of the violence. As I indicated in a response to an earlier question, just last month I convened a summit on violence of several of the leaders of our major cities—police chiefs and mayors, as well as police executives. And what the Department is doing is looking for ways to identify the root causes of so much of the violence that we are seeing.

Even as violence is at historic lows nationwide, we still have some communities that struggle with this issue. In some instances, it is gun violence. In some instances, we see an increase in drug use—methamphetamines, heroin, opioids. And so we are trying to find our best ways to focus our resources there.

Just yesterday, I met with representatives from the National Conference of Mayors and had discussions on these very issues, about the differences that all communities present and the need to have a full and robust discussion about these issues.

Mr. CONYERS. Thank you so much for your testimony and your views.

Attorney General LYNCH. Thank you, sir.

Mr. GOODLATTE. Thank you, Mr. Conyers.

The Chair now recognizes the gentleman from Wisconsin, Mr. Sensenbrenner, for 5 minutes.

Mr. SENSENBRENNER. Thank you very much.

Madam Attorney General, welcome. We hope to be seeing you for a bit, at least for the next 14 months.

I have a question relative to the issue of the Guantanamo detainees. Congress recently passed and the President is expected to sign into law legislation that explicitly prohibits the use of Federal funds to move detainees from Guantanamo Bay to the United States.

Former White House Counsel Gregory Craig recently wrote an op-ed arguing that the law is unconstitutional and that President Obama can legally ignore it. Since you are America's top lawyer, do you believe that President Obama could legally ignore legislation prohibiting the transfer of detainees to American soil?

Attorney General LYNCH. Thank you, Mr. Congressman.

What I would say on this issue certainly is, as the Administration has stated, the closure of Guantanamo Bay is something that is part of the Administration's policy, and the Department of Justice supports that, as well.

At this point in time, I believe the current state of the law is that individuals are not transferred from Guantanamo to U.S. shores. That position is reiterated by the legislation that you mention. And my understanding, as you indicated, is that I do believe the President has indicated that he would sign that.

And, certainly, it's the position of the Department of Justice that we would follow the law of the land in regard to that issue.

Mr. SENSENBRENNER. Well, the question I had is, do you believe that the law is unconstitutional, as Mr. Craig has opined in last week's Washington Post? And would you ignore the law based upon that argument?

Attorney General LYNCH. Well, Mr. Congressman, I'm actually not familiar enough with Mr. Craig's analysis to comment on that. So I'm not able to comment on his views about the statute.

Certainly, with respect to the existing state of the law, the Department of Justice is committed to fully following that. And the closure of Guantanamo Bay is being carried out in compliance with that law.

And so I believe that it is the view of the Department that we would certainly observe the laws as passed by Congress and signed by the President. Only very rarely would we take the step of finding that an unconstitutional provision was something that we could not manage. We would, of course, seek to work with Congress and the Administration to resolve that issue.

Mr. SENSENBRENNER. Now, does this mean that you think it's okay for the President to transfer these people, who are some of the world's most dangerous terrorists, to countries other than the United States but it would not be okay for him to transfer them to the United States?

Attorney General LYNCH. Well, Mr. Congressman, the current state of the law allows for the transfer of certain detainees from Guantanamo Bay, those that after a vigorous review process are

placed in that transfer category, to countries that, after significant vetting and promises of management, can accept them.

With respect to individuals being transferred to the United States, the law currently does not allow for that. And that is not, as I am aware of, going to be contemplated, given the legal proscriptions.

Mr. SENSENBRENNER. Okay.

Let me ask one question on an unrelated matter. As you may know, the House, last month, passed a bill called the Judicial Redress Act, which, in my opinion, is essential to enforcing an umbrella agreement to transfer law enforcement information from certain European countries to the United States and vice versa.

If the Senate fails to pass this bill, in your opinion, what will be the effect on the sharing of law enforcement data with certain of our European allies?

Attorney General LYNCH. Thank you, Congressman.

We fully support the Judicial Redress Act. And I actually would like to thank you and the other Members of this Committee for the important work that you've done on this issue.

As you have noted, this legislation is critical to continued law enforcement sharing of information from the U.S. and the European Union. In fact, I have been involved in discussions with ministers from the European Union on the Data Protection Act, often called the Umbrella Act, as well as the Judicial Redress Act.

It certainly is our view that this important legislation should be passed. It would provide, as you know, redress for European Union citizens should there be an unauthorized or misuse of their data here in the U.S., which is a privilege enjoyed by U.S. citizens within the European Union.

Without this, we do have a grave risk of not having the completion of the data protection or umbrella agreement. And I think, sadly, recent events have shown us the importance, the critical nature, of making sure that we have these safe and secure portals for transferring information from one law enforcement entity to another.

Mr. SENSENBRENNER. Let me make one point, as my time is expiring. While the Judicial Redress Act does not deal with the sharing of counterterrorism information, there frequently is an interface between those who want to commit terrorist activity and those who do commit petty crimes which would end up being in the law enforcement file.

And I would just look at today's New York Times, where comments relative to the attack in Paris and what apparently happened in a neighborhood in Brussels, where it says, "In a neighborhood known for extremists, a trail of petty crimes and missed plots." The Judicial Redress Act might be able to put the pieces of the puzzle together from petty crimes so that there can been missed plots.

Thank you for your support.

Attorney General LYNCH. Thank you, Mr. Congressman.

Mr. GOODLATTE. Thank you.

The Chair recognizes the gentleman from New York, Mr. Nadler, for 5 minutes.

Mr. NADLER. I thank the Chairman.

And I thank the Attorney General.

Madam Attorney General, in the immediate aftermath of the terrorist attacks on September 11, 2001, the Department of Justice established and oversaw a victims' compensation fund that provided more than $7 billion to families who lost loved ones on that day.

In the years after the attacks, it became clear that thousands of first responders and survivors continued to suffer major health consequences from the attacks and their aftermath. Thousands of lawsuits were filed against contractors and others by these victims.

In 2010, Congress enacted the James Zadroga Act, which provided essential healthcare services to those in need and reopened the Victim Compensation Fund to those families whose losses became apparent after September 11, providing them an alternative to litigation. In the last 5 years, the Victim Compensation Fund has provided nearly 6,300 first responders and survivors with $1.4 billion in compensation determinations. Since we enacted the bill, I am aware of no further 9/11-related lawsuits.

Despite its current success, on September 30, 2015, Congress allowed the VCF and the World Trade Center Health Program to expire. Fortunately, there is legislation pending in the House to permanently reauthorize the Victim Compensation Fund and the World Trade Center Health Program. The bill now has the cosponsorship of 247 cosponsors, a majority of the House, including more than 50 Republicans, and a filibuster-proof majority in the Senate, with 65 cosponsors.

If Congress fails to act, thousands of first responders and survivors will lose access to compensation on which they depend to support their families when they are tragically gone. The VCF is preparing to shutter its operations once it has processed existing claims. If the VCF is not fully funded and reauthorized, the first responders and survivors who have already received the notice of their compensation could actually see that amount cut by up to 50 percent.

We are literally talking about taking money out of the hands of a sick police officer. I am deeply saddened to think that is how Congress plans to remember the heroes of 9/11.

Attorney General Lynch, do you agree that this is not the proper way to honor the heroes of 9/11? Don't you think that 9/11 survivors and the firefighters and police officers who risked their own lives to save them and have suffered health consequences because of it deserve the full support of the American people and a fully funded Victim Compensation Fund?

Attorney General LYNCH. Thank you, Mr. Congressman.

This is, indeed, an important issue. Of course, we will always be deeply indebted to those first responders and brave men and women who risked their lives to search for and recover victims, to remove debris at the site, to carry out the recovery efforts at Ground Zero at 9/11.

It certainly is an important issue to me both as Attorney General and as someone who was in New York on 9/11 and who had friends and former colleagues who were in that group of those who were on the scene and who were involved in those activities. This is, in fact, a serious issue for those who were affected by it, and I greatly

appreciate your expression of compassion for those who have fallen ill.

With respect to the bill that is currently pending, certainly, on behalf of the Department of Justice, we would do all that we could to work with you to make sure if there were any questions or issues they could be addressed. And we hope that there would be none.

This is, indeed, an important issue. And, again, I think it is something that deserves, certainly, strong review, serious consideration. And please let us know how the Department can be of assistance to any of the Members as they consider this important issue.

Mr. NADLER. Well, thank you.

As you may know, Chairman Goodlatte and others on the Judiciary Committee have introduced legislation to reopen the VCF. Unfortunately, their bill would open the fund only temporarily and would authorize very limited funding. It was heavily criticized as a result.

The Zadroga bill, however, is a permanent reauthorization and has broad bipartisan support—again, 247 House cosponsors and 65 Senate cosponsors. The Zadroga bill, like the black lung program that we had for black lung survivors, like the nuclear program we had for people who were irradiated as a result of nuclear tests, is permanent, recognizing the permanent nature of their disabilities.

I hope you will thank the President for signing the original Zadroga bill into law in 2010 and do everything you can to see that this legislation is permanently reauthorized and fully funded as soon as possible.

Attorney General LYNCH. Yes. Thank you, sir.

Mr. NADLER. Thank you.

I have another question on a different topic. Mr. Sensenbrenner referred and you referred to the statute that says that you can't bring Guantanamo detainees to the United States. I think the Chairman in his opening remarks commented obliquely that this might be dangerous to do so, et cetera.

My question is the following: Forgetting the legalities for the moment, if Guantanamo were closed, if detainees were brought to super-max security facilities, prisons in the United States, in what conceivable way could this threaten anyone's safety? In what conceivable way could housing someone in a super-max Federal prison affect the local community, especially when you're talking about 60 or 70 people, not 7,000 people, throughout the country? And has anyone ever escaped from a super-max Federal facility?

Attorney General LYNCH. Well, certainly, as a tribute to the strong efforts of the Bureau of Prisons, I do not believe anyone has escaped from super-max.

Mr. NADLER. Ever.

Attorney General LYNCH. As far as I know, they have never escaped from super-max. And, certainly, the men and women at the Bureau of Prisons are dedicated professionals and do everything in their power to run that institution in a way that protects the American people but also contains the security issues therein.

With respect to your question, Congressman, it certainly is difficult to say. Obviously, I have the greatest pride and respect for the brave men and women of the Bureau of Prisons. Indeed, I feel

that the men and women of the entire Department of Justice can do anything. So, certainly, I think that they are up to any task that is assigned to them. And, of course, we look forward to working with Congress to consider these issues should such a change be made.

Mr. NADLER. And so in other words, the summary of your testimony is that bringing people to supermax prisons would pose no danger to anyone in communities or in the United States.

Attorney General LYNCH. Well, Mr. Congressman, certainly I am not in a position to say that any prisoner poses no danger ever. We certainly have the security regulations over a host of dangerous inmates for very, very significant reasons. But I am of course tremendously proud of the work of the men and women of the Bureau of Prisons.

And of course this issue is one that is before Congress. I believe it is going up, as has been indicated to the White House. And we would work with Congress with respect to whatever decisions are made in providing information that could best inform its decisions.

Mr. NADLER. Thank you. I see my time has expired.

Mr. GOODLATTE. The time of the gentleman has expired.

The Chair recognizes the gentleman from Texas, Mr. Smith, for his questions.

Mr. SMITH. Thank you, Mr. Chairman.

Madam Attorney General, under this Administration the number of sanctuary cities has doubled to about 340 jurisdictions. As a result, many innocent Americans have been killed. What are you doing to discourage jurisdictions from claiming sanctuary status?

Attorney General LYNCH. I'm sorry, the last part of your question, Congressman?

Mr. SMITH. The number of sanctuary jurisdictions has doubled under this Administration. What are you doing to discourage municipalities from asserting sanctuary status? By doing so, of course, they are endangering Americans, because individuals released who commit crimes, including murder, rape, and so forth. What are you doing to discourage sanctuary cities?

Attorney General LYNCH. Well, Congressman, with respect to the issues that you raise, certainly they are very serious. We are committed to enforcing our criminal and immigration laws.

Mr. SMITH. But there is a law on the books that prohibits sanctuary cities. What are you doing to enforce that law?

Attorney General LYNCH. I believe the designation of a sanctuary city is something that was in the purview of——

Mr. SMITH. No. It is actually in an act I introduced that became law in 1996.

Attorney General LYNCH. I'm sorry. I am having trouble hearing you.

Mr. SMITH. Okay. There is clearly a law in existence that prohibits jurisdictions from refusing to cooperate with the Federal Government when it comes to detaining criminal aliens, criminal immigrants. What are you doing to enforce that law?

Attorney General LYNCH. Well, where we have a situation where that situation occurs we certainly would talk with that jurisdiction. We would reach directly in and enforce the criminal laws against the individuals themselves.

Mr. SMITH. But you're not doing so. Give me one example where you have enforced current law that prohibits jurisdictions from claiming sanctuary status.

Attorney General LYNCH. Well, what I'd like to do, sir, is study that issue and provide information to you on that point.

Mr. SMITH. I would hope that you'd have more knowledge about enforcing immigration laws than that, but I will await your report as to what you have done.

The next question is, a recent IG report found that Chairman Chaffetz's Secret Service file was improperly accessed and publicly disclosed by Secret Service managers. This may have violated the Privacy Act, the Computer Abuse Act, and perhaps amount to obstruction of justice. Have you taken any disciplinary action whatsoever against the Secret Service managers involved with the disclosure of that file?

Attorney General LYNCH. Congressman, my understanding is that that matter is being handled by their inspector general. The Secret Service is part of the Department of Homeland Security. And so with respect to those specific administrative or disciplinary actions my understanding is that their inspector general is reviewing that.

Mr. SMITH. Some of the laws that may have been violated come under your jurisdiction. Are you aware of any investigation by DOJ into that matter or not?

Attorney General LYNCH. I'm not able to comment at this time. I would certainly provide information to you.

Mr. SMITH. Okay. And you would certainly let the Member involved know of any investigation, would you not?

Attorney General LYNCH. I'm sorry, sir?

Mr. SMITH. You would certainly let the Member involved know of any investigation, would you not?

Attorney General LYNCH. Well, typically we do not comment on whether an investigation is open or not. With respect to whether——

Mr. SMITH. I know. I'm not asking you to comment publicly on the details. I'm asking you if you would alert the Member if there was an investigation ongoing?

Attorney General LYNCH. Are you referring to the member of the Secret Service?

Mr. SMITH. No, the Member of Congress whose files were made public.

Attorney General LYNCH. The Member of Congress. Thank, you, sir. We would certainly do everything we could to provide whatever information we could consistent with our law enforcement obligation.

Mr. SMITH. Okay, thank you.

And then let me ask you one more question about the FBI, and that is, to your knowledge, has the President or any White House staff or you or any of your staff attempted to influence the FBI's investigation of former Secretary Clinton?

Attorney General LYNCH. No, sir.

Mr. SMITH. Okay. Do you have any idea when that investigation will be completed?

Attorney General LYNCH. Well, I'm not able to comment on the status of that matter and we typically do not comment. And also it's impossible to predict when any matter will be concluded. So I'm not able to give you information on that.

Mr. SMITH. Right. And I'm not asking for a comment on the contents of the investigation, just an idea when it might be finished. Or have you heard when it might be finished?

Attorney General LYNCH. Sir, again, I'm not able to comment on the timing of the conclusion of any matter.

Mr. SMITH. Okay. Thank you.

Thank you, Mr. Chairman.

Attorney General LYNCH. Thank you, sir.

Mr. GOODLATTE. The Chair thanks the gentleman and recognizes the gentlewoman from California, Ms. Lofgren, for 5 minutes.

Ms. LOFGREN. Thank you, Mr. Chairman.

And thank you, Attorney General. It's a pleasure to have you here, and I look forward to working with you, not only today, but in the months ahead.

As you likely know, I am on the Immigration Subcommittee and I follow closely what your Department is doing in that arena. Your predecessor, Attorney General Holder, testified in 2013 before the Senate, and this is a direct quote: "It is inexcusable that young kids, 6, 7 year olds, 14 year olds, have immigration decisions made on their behalf against them and they're not represented by counsel."

Now, in July of this year, the American Immigration Council and several other organizations filed a class action lawsuit in District Court in the Western District of Washington challenging the validity of removal proceedings for children without appointed counsel. And their argument was that an 8-year-old couldn't receive a full and fair hearing in the immigration court without representation.

As you know, I'm sure, the Administration has made efforts to provide counsel to small children by funding nonprofit groups, but the Assistant Attorney General who argued, I think a Mr. Leon Fresco, actually argued contrary to that in the District Court. And I'm wondering if the Department's position has changed since Mr. Holder left the Department and whether you think it could meet due process to have an 8-year-old who speaks only Spanish appear in immigration court without a lawyer and be able to argue the nuances of immigration law and asylum law. Do you think that meets due process requirements?

Attorney General LYNCH. Thank you, Congresswoman.

With respect to the argument that was made on the issue, of course I'd have to review those pleadings to understand the specific context and whether or not there was an appropriations issue involved as to whether——

Ms. LOFGREN. Fair enough. What do you think about the due process issue?

Attorney General LYNCH. And, again, thank you for that issue, because it is an important one. And as you noted, certainly it's the Department's position that as a general matter all who appear before tribunals, whether they be courts, administrative bodies, tend to have a more efficient process and a fairer process if they are rep-

resented by counsel. Certainly we have statutes and laws to that effect with regard to adults, criminal matters, and the like.

For those children, also it certainly would seem to increase efficiency of the entire process to have counsel. And as you've noted, I believe through our grant process we have supported nonprofit or NGO organizations that have provided counsel there for those children.

Ms. LOFGREN. So you're not willing to say that it doesn't meet due process requirements at this point?

Attorney General LYNCH. Well, what I'd like to do is look at the procedures that are in place before I made a constitutional determination about due process. But I certainly do agree that it's an area of concern and that as a general matter we support counsel in proceedings for litigants, particularly children.

Ms. LOFGREN. Let me ask you this. The Department of Homeland Security Office of Inspector General has done an analysis of—we have many people from Central America in particular who are seeking asylum. And what he reports, that there is a review called Operation Streamline that found that the Department of Justice has actually prosecuted asylum seekers for illegal entry before their asylum case is heard.

And it seems to me that while not only does that violate the requirements of international law, but it doesn't seem like an efficient use of resources. If someone gains asylum under the law, then their prosecution would not be very pertinent. And I'm wondering, have you reviewed that IG's report yet?

Attorney General LYNCH. I have not reviewed that specific IG's report. What I can tell you is that the prosecution and apprehension of individuals at the border is one to which not just the Department, but the specific U.S. attorneys in those border States devote significant time and attention. And steps are taken at the initial level to try and ensure that those who are seeking asylum are handled appropriately and that those who are coming in for other intents and purposes are handled through the immigration law system and often the criminal law system.

Ms. LOFGREN. Can I ask you whether you would please take a look at that report and make sure that we're actually using our resources in a sensible way relative to asylum seekers?

Attorney General LYNCH. Certainly. We are always happy to review the way in which we use our resources.

Ms. LOFGREN. Finally, I want to mention a situation. We've had a class action complaint that's now moot because the individuals who filed the complaint have been released from detention. They're mothers who were being held in prison with their children in Karnes. And they had a demonstration and in response they were put in solitary confinement with their children. And their argument was that they have free speech rights.

Here's my question. Do you think immigrants in detention are entitled to constitutional rights of due process and the First Amendment and the like?

Attorney General LYNCH. Well, I certainly think that when it comes to the conditions in our detention centers we need to do all that we can to ensure that treatment is fair, humane, and cog-

nizant of the individual rights of all of those who come through those systems.

I think that we have recognized certain rights for those within our borders, certain rights for citizens in varying degrees with respect to the Constitution. But barring that or even taking it into consideration, certainly I believe that all of our detention centers should be run efficiently, fairly, and humanely.

Ms. LOFGREN. I see that my time has expired, Mr. Chairman. Thank you for allowing me to go a little bit over.

Mr. GOODLATTE. The Chair recognizes the gentleman from California, Mr. Issa, for 5 minutes.

Mr. ISSA. Thank you, Mr. Chairman.

General Lynch, as you may recall, a woman working for the IRS named Lois Lerner was held in contempt by the Oversight and Government Reform Committee and the full House and referred to the Department of Justice under your predecessor. Do you recall that?

Attorney General LYNCH. Sir, I am aware of the reports of that. Thank you, sir.

Mr. ISSA. Speaking of those reports, the Committee reviewed more than a million documents, did approximately 50 interviews, and produced a report. Are you familiar, have you read that report?

Attorney General LYNCH. I have not had occasion to read the Committee's report, sir.

Mr. ISSA. Well, the Senate Finance Committee released a bipartisan report in August of this year finding that the IRS abused conservative applicants for nonprofit status—I repeat, abused applicants. Did you read that report?

Attorney General LYNCH. I have not had occasion to read that report, Congressman.

Mr. ISSA. Well, the gentleman sitting behind you signed on your behalf about an 8-page report explaining to us why nothing went wrong legally at the IRS. Are you familiar with that letter to Congress?

Attorney General LYNCH. Yes, I'm familiar with the letter that the Department has provided to Congress on this matter, sir.

Mr. ISSA. And in that case you didn't just indicate that in fact no laws were broken, you indicated that it was just mismanagement and that you found no laws broken. Isn't that correct?

Attorney General LYNCH. Actually, Congressman, I believe that our review found that the management of the process by which tax-exempt applications were handled at the IRS was characterized by mismanagement and inefficiency in numerous circumstances.

Mr. ISSA. Right. So you found that there was an administrative problem, not a legal problem.

Madam General, are you familiar with 2 U.S.C. 194?

Attorney General LYNCH. I'm sorry, sir?

Mr. ISSA. 2 U.S.C. 194, and I'll refresh your memory. It states, a statute covering congressional contempt states that it shall be the duty of the relevant U.S. attorney to bring the matter before the grand jury. In the case of the referral of Lois Lerner for contempt, the U.S. attorney failed to comply with that law under your predecessor.

Are you willing to comply with that law? Are you willing to have the current U.S. attorney comply with 2 U.S.C. 194, which very clearly says, shall have the duty, not may, not can make an independent decision about whether or not that individual has done wrong or should be held in contempt? Will you comply with 2 U.S.C. 194 and instruct your U.S. attorney to bring that contempt before Congress?

Attorney General LYNCH. Congressman——

Mr. ISSA. Before the——

Attorney General LYNCH. Before the grand jury.

Mr. ISSA [continuing]. Grand jury.

Attorney General LYNCH. Congressman, I believe that matter has been reviewed by the U.S. attorney at the time and the prosecutorial decision was made and we're not looking back on that.

Mr. ISSA. Okay. Again, 2 U.S.C. 194 states that it shall be the duty of the relevant U.S. attorney to bring before the grand jury. The U.S. attorney did not do so. Is it your opinion that "shall do" in a law passed by both houses of the Congress and signed by the President is a discretion?

Attorney General LYNCH. Congressman, I believe that the matter was reviewed by the former U.S. attorney.

Mr. ISSA. No, ma'am, I'm asking you for a decision. When something says that you or your employees shall do something, do you believe that that's discretion?

Attorney General LYNCH. Sir, as I indicated, I believe that in the exercise of prosecutorial discretion the matter was handled and resolved.

Mr. ISSA. Okay. Well, then, we simply disagree on what the meaning of "shall" is. And I guess for your purposes "shall" and "may" in the thesaurus are synonyms. Is that correct, that "shall" and "may" are equally able to be decided by your choice? I'm not trying to be argumentative, but you're telling me "shall" is something that has discretion. What part of discretion is in "shall do"? "Shall" is you will do, isn't it?

Attorney General LYNCH. Congressman, in the exercise of prosecutorial discretion that decision was made.

Mr. ISSA. Okay. So you have no respect for laws passed if you don't like them. You think you have discretion when something says "shall" is what you're testifying to today.

My question to you is, during your predecessor the Committee on Oversight and others asked for a woman working for you, Ms. Bosserman, and wanted to do a transcribed interview. At that time, the Department of Justice said she would not be made available because there was an ongoing investigation. Since you have now dismissed that investigation, are you prepared to make her available to Committees for a transcribed interview?

Attorney General LYNCH. Congressman, it is the practice of the Department not to provide line attorneys for congressional testimony. We seek to provide the information that will help you in your oversight duties. The testimony of——

Mr. ISSA. Mr. Conyers is still sitting here at the dais. Mr. Conyers very bravely took on the Bush administration. Where relevant U.S. attorneys and case law effectively now is that in fact if a Committee of Congress wants somebody, it is not a discretion to say no.

In the case of Harriet Miers, that was pretty well adjudicated, and Mr. Conyers as Chair made it very clear that Congress has a right to have someone.

Again, I'll ask you finally. Previously the reason was not that you would not make a line attorney available, but Ms. Bosserman was part of an ongoing investigation. Since that investigation is done, are you saying today that you refuse to have her available under any conditions?

Attorney General LYNCH. I'm saying that I am being consistent to the policy of the Department of Justice that we do not make line attorneys available.

Mr. ISSA. I'm not asking a policy question, I'm asking about one individual——

Attorney General LYNCH. That would include that individual.

Mr. ISSA [continuing]. When there is no ongoing investigation, they would like to talk about a past investigation. If she is requested, will you make her available?

Attorney General LYNCH. Congressman, as I've indicated, we provide information to the Committee and we seek to do so through a number of means, as we have indicated. We've provided a letter, and we are certainly happy to continue with our offer of a briefing to the full Committee on this matter.

With respect to line attorneys of any investigation, it is not the policy of the Department of Justice to have the line attorneys testify, because they do their work independently and focusing solely on the facts and the law, and we do not want them having to deal with the issue of a political review of their work. They are focused solely on the facts and the law and they follow the evidence where it leads.

As I've indicated with respect to the letter, and as I believe the previous Deputy Attorney General indicated, in this matter we are happy to provide information to this Committee. And I believe we have offered a briefing to Members of the Committee on the matter as well, and we do certainly stand by that offer.

Mr. ISSA. Mr. Chairman, I appreciate the indulgence for her answer, as insufficient as it was.

Mr. GOODLATTE. The Chair thanks the gentleman and recognizes the gentlewoman from Texas, Ms. Jackson Lee, for 5 minutes.

Ms. JACKSON LEE. Mr. Chairman and Ranking Member, thank you very much.

General Lynch, thank you so very much for your service. And might I as well thank your staff, who have always been responsive to me in particular and to the Members of this Committee as we've tried to work toward justice for the people of the United States.

A moment, I just want to as I begin my questioning say to you I apologize, there are going to be pointed questions, that if I can get yes and no, we'll work on it, it would be helpful so that I can get through them. As I do so, let me offer to the people of France again our deepest sympathy.

This Committee in particular is well aware of the impact of terrorism. Our Subcommittee on Crime is a Subcommittee that is Crime, Terrorism, Homeland Security, and Investigations. And so I offer it to the people of France, and certainly we stand united

with them as the Justice Department through the President of the United States have been already working.

To that point I have a headline that says, "U.S. Justice Department working with French authorities after attacks," which is a good thing, and I say that because there has been a massive race by various States to make pronouncements of blocking Syrian refugees, people seeking asylum. And I understand the fear. I hope we do not operate under fear.

So my question is, is your confidence in procedures. And I would suggest that there be an interagency task force, as I hope that we will have a task force either out of this Committee, the Judiciary Committee, on Paris, or either, I know that there is one recommended by the majority, but that we will have one that is bipartisan on this issue to be helpful to the Administration.

Do you feel confident in our processes as a partner to this process of being able to discern who amongst those suffering people would be a bad guy? I understand we're doing 10,000, I think that's the number the President has offered. Do you perceive your processes to be assured and sure?

Attorney General LYNCH. Thank you, Congresswoman. And I do look forward to continuing this dialogue with you on this important point.

We do have robust screening measures in place. They include not just databases, but also individual interviews, biometric data. We gather all relevant information about refugees from all countries, because our first goal is the protection and safety of the American people, as well as carrying out the compassionate nature also of the American people.

Ms. JACKSON LEE. And you feel comfortable if a terminology was used that you would certify that you could be confident on those that you processed, that you had used every measure to certify their nonintent to do harm in this country?

Attorney General LYNCH. Certainly we would use every measure, as we always do, to ensure that those who were allowed into the country would not pose a threat to the American citizens.

Ms. JACKSON LEE. I look forward to working with you. Let me move on to law enforcement and emphasize that obviously they become more important in these times, and we thank them for their service. But we also know, and I think your testimony earlier said that we are better when they are better.

What is your thought? We introduced the Law Enforcement Trust and Integrity Act which includes a provision on data collection, but it also includes provisions on accreditation that the National Association of Police Chiefs has always supported.

What do you think the importance of having departments subject themselves for accreditation, determining best practices, and helping them as well as the American public?

Attorney General LYNCH. Congresswoman, in my discussions with law enforcement across the country I have found them eager for assistance in sharing best practices. I have also found them eager for recognition of their professionalism, and accreditation is one way to do that. I think there are a number of ways to do that. Certainly we in the Department are working with a number of the police organizations to try and develop consistent and national

standards on data collection, and we rely heavily on their expertise for guiding those standards. And we would look to start with that same process with regard to any move toward accreditation also.

I have found that law enforcement, frankly, is focused on professionalism and focused on spreading those best practices as best they can.

Ms. JACKSON LEE. Let me do this so that my Chairman will not gavel me. Let me quickly raise three points, sentencing reform and the value of reducing mass incarceration, legislation that will reduce the treatment of juveniles and put it in a positive. I'd like you just to make overall comment on that.

And then the idea of no fly for foreign terrorists, meaning those who've gone to the fight, being particularly discerned before coming back into the United States. If I could get that.

And then let me close on these three points if I could, please, which are very important. I know that I'm leaving out some important points that I wanted to make.

The voting rights, you already had a question on that, but isn't it more efficient on a preclearance approach such that it had might be more helpful for us to reinstate that preclearance because it would be more efficient? And I'm going to give you these. Three cases, if I could meet with your staff on them, are really a blatant miscarriage of justice. The Sandra Bland case, we have not had a response from the Justice Department. The case of Robbie Tolan that went all the way up to the Supreme Court and indicated he had been mistreated. He lived and was shot by an officer on his driveway. And then a nonviolent person that is in the State prison of Texas with a life sentence for a nonviolent drug offense, first offense. It is almost unbelievable.

So I would like you to answer just the questions that I just gave you and these ones about the cases I would like to meet as soon as possible with your staff on these issues.

Attorney General LYNCH. I look forward to continuing to work with you on those important issues.

Certainly with respect to voting rights, the preclearance remedy was one that we found to be not just effective, but efficient, and we felt that it was a way in which way to engage with jurisdictions as they contemplated changes to their laws and prevent them from going down a road that would have disenfranchised their citizens.

Certainly, we felt that it was efficient and much less costly than litigation. It is an important part of the Voting Rights Act, and we certainly support the efforts to restore the preclearance remedy to the Voting Rights Act.

Ms. JACKSON LEE. I said juvenile justice, clemency, and—juvenile justice—I'm sorry, juvenile justice—I had asked you to do juvenile justice, prison reform, and the sentencing reform, reducing mass incarceration, the value of that.

Attorney General LYNCH. Certainly. With respect to——

Mr. GOODLATTE. The time of the gentlewoman has expired, but the witness can answer the question.

Ms. JACKSON LEE. I thank the Chairman for his indulgence.

Attorney General LYNCH. Thank you, Mr. Chairman.

With respect to sentencing reform, we feel it is a vital measure that recognizes that while we put measures in place several years

ago designed to protect the American people, as we look back on those measures we see the collateral consequences that it did not just to citizens but to communities. And we also are able to evaluate with the passage of time whether or not those lengthy sentences were the most effective way to deal with the offenders that they tended to sweep up.

So certainly as a part of an overall review of our criminal justice system to make sure it is always as efficient and fair as possible, sentencing reform has an important role to play in that, and the Department is supportive of not just this Committee's efforts, but Congress' efforts in that regard.

Ms. JACKSON LEE. And we'll look forward to meeting with your staff, hopefully this week, about these cases that I mentioned, including Sharanda Jones.

Attorney General LYNCH. Thank you, Congresswoman.

Ms. JACKSON LEE. Thank you.

Mr. GOODLATTE. The Chair recognizes the gentleman from Virginia, Mr. Forbes, for 5 minutes.

Mr. FORBES. Chairman, thank you.

Madam Attorney General, thank you go for being here today.

Attorney General LYNCH. Good morning.

Mr. FORBES. And I know you know well that the mission—one of the parts of the mission of the U.S. Department of Justice is to ensure public safety against threats, foreign and domestic. I have a couple of news articles, and I know that we don't treat them for the truth of what's always in them, but we have to pay attention to them. One of them was Fox News that talked about ISIS having certain terror cells in 15 States and targeting those States. And then one where we're told by CBS News national security correspondent reporting that the Pentagon was notifying various soldiers who had appeared on lists and neighborhoods and cities that had been targeted by ISIS throughout Virginia and were actually trying to get the police to increase patrols in these particular neighborhoods of these cities.

And my question to you is, would you not conclude that it would be reasonable to conclude that if terrorists were brought from Guantanamo Bay to a particular city in the United States that it would be reasonable to conclude that that could increase the likelihood that one of those cities could be placed on one of these lists, be it from ISIS leadership or some domestic ISIS copycat in the United States?

Attorney General LYNCH. Well, Congressman, I'm certainly not able to speculate as to what a detainee may or may not do if they were in the U.S.——

Mr. FORBES. Let me correct that, Madam Attorney General, because you apparently didn't understand my question. I'm not talking about what the detainee would do. I'm talking about if you brought terrorists from Guantanamo Bay and located them in a particular city in the United States, would it not be reasonable to conclude that that might enhance the likelihood that that city could be placed on one of these targeted lists?

Attorney General LYNCH. With respect to the list that you refer to, I'm not aware of the source.

Mr. FORBES. I'm not asking you that. I'm saying you know that there are lists that are around. Are you disputing that you have no knowledge that there are even any allegations of these lists around the country today?

Attorney General LYNCH. Well, Congressman, with respect to the matters that you've mention regarding the Fox News report, as I indicated, I'm not aware of——

Mr. FORBES. So you're not aware that there is any list in the United States today that target particular cities or States by ISIS or someone claiming to be representative of ISIS?

Attorney General LYNCH. As I indicated, with respect to the first article that you mentioned——

Mr. FORBES. No, no, any of them, I'm talking about any of the lists, Madam Attorney General, you're not aware of any of these lists?

Attorney General LYNCH. Congressman, with respect to the lists that you mention, I thought that you mentioned two, and perhaps I did not understand your question.

Mr. FORBES. I'm saying any of these lists. My question for you is, wouldn't it be reasonable to conclude if you brought terrorists from Guantanamo Bay and located them in a city that it could very well enhance that city's being on one of these targeted lists, yes or no? That's a pretty easy question. If you disagree with that, you can say no, if you agree with it, yes.

Attorney General LYNCH. Well, Congressman, I thought you were referring to the Servicemembers who are on those lists.

Mr. FORBES. I'm making it clear, any list that targets a city or State in the United States, if you bring terrorists from Guantanamo Bay wouldn't it be reasonable to conclude that that can enhance that city's ability to be on one of those targeted lists?

Attorney General LYNCH. I think there are any number of factors——

Mr. FORBES. Would you not agree that that would be a factor that would enhance that ability?

Attorney General LYNCH. I think there are any number of factors.

Mr. FORBES. Would that be a factor?

Attorney General LYNCH. There are any number of factors.

Mr. FORBES. But you would disagree that that would be one of those many number of factors?

Attorney General LYNCH. Congressman, I don't agree or disagree. I say that there would be any number of factors.

Attorney General LYNCH. So then you, as the Attorney General of the United States, you do not have an opinion whether or not bringing terrorists from Guantanamo Bay and locating them in a city would have any capability at all of putting that city on a hit list by ISIS? You don't even have an opinion on that?

Attorney General LYNCH. Congressman, I think there are any number of factors.

Mr. FORBES. I'm asking you, would that be one of those factors?

Attorney General LYNCH. I believe I've indicated there would be any number of factors.

Mr. FORBES. No, you have indicated you wouldn't answer the question. And, Madam Attorney General, I think that's atrocious, that you don't even have an opinion of that.

Let me ask you this then in the limited time I have, if you'll answer this question. You talk about data. We have certain of these events in Ferguson and Baltimore that you'll have an event and that will escalate into violence, and you talked about the police. Have you attempted to gather any information about outside organizations that may come from outside the community that may come into those communities and also escalate that violence?

Attorney General LYNCH. We do gather information on individuals, as well as organizations that are involved in that.

Mr. FORBES. Do you have a report that you can provide to this Committee of your investigation and what that has included with a list of those organizations?

Attorney General LYNCH. Congressman, we do not generate a report. What I was indicating was that in our review, if a matter is referred to us, particularly if there was a violent issue, we would look at individuals who were involved in that.

Mr. FORBES. I'm not talking about whether it's a crime. Do you have any information as to whether or not—you talked about police escalating the violence. Do you have any information you can supply this Committee that these outside groups may be coming in and also escalating that violence?

Attorney General LYNCH. Congressman, the reports that we do would not focus solely on one factor. They would focus on——

Mr. FORBES. So you haven't focused at all on outside groups that could come in and escalate the violence?

Attorney General LYNCH. Sir, if a matter is brought to our attention it would come under our review.

Mr. FORBES. But you haven't done any.

Attorney General LYNCH. We don't have a report for you on that, sir.

Mr. FORBES. But have you done any investigation?

Attorney General LYNCH. Sir, if a matter brought it our attention, it would come under our review.

Mr. FORBES. Well, Mr. Chairman, with that, I yield back without getting a single answer to a single question we posed.

Mr. GOODLATTE. The Chair recognizes the gentleman from Tennessee, Mr. Cohen, for 5 minutes.

Mr. COHEN. Thank you, Mr. Chair. And.

I'm going to be like Ms. Lee and ask you a lot of questions because there's a lot on my mind.

Attorney General LYNCH. I'm sorry, sir, I can't hear you.

Mr. COHEN. I said, I'm going to ask you a lot of questions because there's a lot on my mind and we have limited time.

In July a young man named Darrius Stewart was shot and killed by Memphis police. He was a passenger in a motor vehicle stopped for a traffic citation. Yet he was asked to get out of the car, they looked at him, they put him in the car, a tussle occurred, he was shot and killed. The DA asked the grand jury to indict for voluntary manslaughter. The grand jury chose not to. How that was presented, who knows, obviously not as well as a ham sandwich could have been presented.

I've asked the Department of Justice to look into it. Your first response is you'd monitor the case. Now that the case has gone through the grand jury process and not gotten the result that the DA wanted, I would like to ask, as I've asked in writing before, for the Department of Justice to look into this case and see if civil rights violations may have occurred.

Attorney General LYNCH. I would like to have my staff reach out to you and get that information, sir.

Mr. COHEN. Are you familiar with the case?

Attorney General LYNCH. I am not currently familiar with the case, although we have a number of similar matters under review.

Mr. COHEN. Well, I hope you will become familiar because it's a situation that many people in the city of Memphis, including myself, feel was a miscarriage of justice, equal to any of those others in the United States. And for some reason it hasn't risen to the radar of the United States Attorney General and I hope it will.

The DEA took a 2015 National Drug Assessment Summary, and at that particular summary or study most agents said marijuana was like at 5 percent in total risk to society and meth and heroin were the most serious drugs challenging them and the American people. Do you agree that we should spend more time, our law enforcement, working against meth, heroin, and opiates and not marijuana?

Attorney General LYNCH. Congressman, I think that with respect to our narcotic laws what we try and do both throughout the entire Department of Justice and at the DEA is focus on the specific problem in a specific region and devote resources to that.

We currently have a crisis regarding heroin use and opiod abuse in the country and some communities have been consumed by that particular problem. There are, unfortunately, some communities that still have problems with methamphetamine, so there might be a different focus on the type of drugs, depending upon the issue.

Mr. COHEN. Right, but marijuana is not a place—marijuana is not where cities have people needing marijuana and knocking off 7-Elevens to get some money to buy their marijuana. They're doing that for meth and heroin. Is that not right?

Attorney General LYNCH. Certainly we have seen violence associated with meth, with heroin, with prescription drugs as well. The type of violence associated with the marijuana trade typically occurs at the dealer level, at the import level, and I certainly have seen cases where there's been significant violence at that level.

Mr. COHEN. There is. And the reason there is that violence is because, just like prohibition, we made it illegal. It's not because of the marijuana and the need to have it on the street level basis where people need to commit violence to get money to buy a drug. It's because we did the same mistake with marijuana that we did in the twenties with alcohol. The public demanded it, the racketeers, the criminals got involved. We made them rich and they used guns to protect their properties. That was a mistake.

Do you agree marijuana should not be Schedule 1 in the same category as LSD and heroin?

Attorney General LYNCH. Well, with respect to the issue of scheduling, that is typically determined based on whether or not there is another use for the product. And I think that there would have

to be studies by the FDA, among others, to determine whether or not a scheduling change in any drug is necessary.

Mr. COHEN. But don't you agree that you have to change the scheduling from 1 to get the studies? I mean, there are lots of young people, like one of my constituents, Chole Grauer, who died waiting for the opportunity to get Charlotte's Web; lots of people who'd like to get cannabinoids. You could talk to Montel Williams and what it does for Multiple Sclerosis or any number of cancer patients who it helps with nausea or allows them to eat and have an appetite.

Don't you agree, unlike Chuck Rosenberg, that medical marijuana is something serious and should be looked at as an aid to people in our society to get through difficult problems and not considered a joke?

Attorney General LYNCH. Well, certainly the issue of medical marijuana is significantly different from the criminal enforcement or use of marijuana. And certainly the Department supports the FDA's studies in the use of cannabidiols or the substance within marijuana that have been shown to have efficacy.

Mr. COHEN. We're about to run out of time. I hate to cut you off. I would hope you would look into initiating, which you can, taking it off the Schedule 1. It's crazy to have it with LSD and heroin, and it should not be there and it should be studied.

RFRA has been used to allow groups to discriminate against LGBT people, and it has been based on a 2007 DOJ Office of Legal Counsel opinion that said RFRA could be used to grant exemptions to Federal discrimination laws governing Federal programs. Will you commit today to instruct the Office of Legal Counsel to review and reconsider the 2007 OLC legal opinion that's being used today to justify taxpayer-funded discrimination counter to the President's executive order?

Attorney General LYNCH. I would like to look into that issue. If I could have my staff reach out to you and get more information on that, I would appreciate that.

Mr. COHEN. On that same issue, holdovers from the Bush team—there was a hold over from Bush in the commutation office for 6 years. That's why the President got hardly got any recommendations for commutations. Can I have a commitment from you to give more resources to people to study prison records and to facilitate the sending expeditiously recommendations to the President for commutations of the thousands of people whose sentences should be commuted who are serving time for long-term drug offenses, nonviolent drug offenses, that aren't serving the American people by having them be in Federal prison?

Attorney General LYNCH. Congressman, over the last 18 months the Department has in fact taken a significant look at the staffing and resource needs of the Office of the Pardon Attorney and sought to provide additional resources so that every application that comes through, whether before pardon or clemency, can be considered quickly and efficiently.

Mr. COHEN. But it hasn't done that. And let me remind you what Dr. King said: Justice delayed is justice denied. Every single one of those people serving a day in prison who will eventually get a recommendation is having their justice delayed and denied.

Mr. GOWDY [presiding]. And on that note, the gentleman's time has expired. And we will recognize the gentleman from Ohio, Mr. Jordan.

Mr. JORDAN. Thank you, Mr. Chairman.

Attorney General Lynch, on February 2, 2014, Kate Duval, chief counsel to IRS Commissioner John Koskinen, learned that Ms. Lois Lerner's hard drive had crashed and they didn't have all her e-mails. Mr. Koskinen and the IRS waited until June of that year, June of 2014, to tell Congress.

In that 4-month time period between when they learned that her hard drive had crashed and they didn't have all her e-mails and June when they told us, in that 4-month time period Mr. Koskinen testified twice in front of Congress and did not disclose the fact that they knew her hard drive had crashed.

One month later, after they learned her hard drive had crashed, in March of 2014, March 4 of 2014, the IRS destroys 422 backup tapes. Just so you understand the fact pattern, they know on February 2 Lois Lerner's hard drive has crashed, they don't have all her e-mails. Thirty days later they destroy 422 backup tapes. And they destroy those 422 backup tapes with three preservation orders in place. In fact, one of those preservation orders came from the Justice Department.

Ten months before that, you had told them, hey, preserve all the documents, preserve all the e-mails, we've got an investigation going on. There were two other preservation orders as well. So three preservation orders and two subpoenas.

Now, that sure looks likes John Koskinen and the Internal Revenue Service concealed information and destroyed information. But just last month you guys sent us a letter telling us you're not going to prosecute anyone in the IRS targeting scandal. And you specifically say in that letter: Our investigation revealed no evidence to deliberately conceal or destroy information.

So here's what I can't figure out. They learn on February 2, 2014, that Lois Lerner's hard drive had crashed and they don't have all her e-mails. Thirty days later, with three preservation orders and two subpoenas in place, they destroy the backup tapes. So if that's not evidence of deliberately concealing and destroying information, what is it?

Attorney General LYNCH. Thank you, Congressman.

With respect to the matter that you've raised, as we set forth in our letter, we did review the issues surrounding Ms. Lerner's e-mails and the backup tapes. As with every criminal investigation, we are looking for evidence of criminal intent and we are looking for evidence of the specific reasons for why the actions that you note——

Mr. JORDAN. How many times do you have direct evidence of intent in any type of other fraud investigation? I mean, you weren't going to get—what were you looking for, an e-mail where John Koskinen sends an e-mail to the guys in the tape room and he says destroy the tapes?

You had three preservation orders, one of them came from the Justice Department, they knew there were problems with the hard drive and that they didn't have all her e-mails, and 30 days after

that they destroy 422 backup tapes. That's not enough to take it to a grand jury?

Attorney General LYNCH. Certainly, Congressman, it certainly was a matter that was under review, and as we have outlined in our letter, the findings of that review.

Mr. JORDAN. If it wasn't deliberate intent to destroy and conceal, what was it?

Attorney General LYNCH. Congressman, as we've outlined in our letter, the findings that we had based on those actions.

Mr. JORDAN. Here's what you said in your letter: "The Justice Department's investigation uncovered substantial evidence of mismanagement and poor judgment." What I just described, was that evidence of mismanagement by John Koskinen?

Attorney General LYNCH. Well, Congressman, I'm not going to attribute it to just one individual, because I believe that certainly there would be others that would have been——

Mr. JORDAN. Was it evidence of poor judgment when Mr. Koskinen's chief counsel knew that Lerner's hard drive had crashed, he comes and testifies in front of Congress and doesn't tell us that and waits 4 months to tell us? Was that evidence of poor judgment?

Attorney General LYNCH. I can't speak to what was in his mind when he testified before you. What I can speak to is the information that we've provided to this Committee outlining the steps that were taken in the Department of Justice investigation——

Mr. JORDAN. What was is it going to take?

Attorney General LYNCH [continuing]. And the conclusions that were drawn. As we've indicated——

Mr. JORDAN. Here's what the American people want to know, Attorney General: What was it going to take before you would take this to a grand jury? Would Mr. Koskinen, would he have had to wait 5 months before he told us, 6 months before he told us, 8 months before he told us? Would they have had to destroy 423 backup tapes, 450 backup tapes? Would they have to destroy every single backup? Would they have to destroy more evidence? What was it going to take before you were going to take this to a grand jury with three preservation orders in place, two subpoenas in place, they have knowledge that there's problems with their hard drives, that they don't have all their e-mails, and they destroy the backup tapes? I mean, if that fact pattern doesn't warrant going to a grand jury and prosecuting, tell me what would.

Attorney General LYNCH. Certainly, Congressman, that fact pattern was part of the investigation, as were a number of other facts in there. And as we outlined in our letter, we outlined not only the investigative steps that were taken, but the conclusions that we drew from them.

Mr. JORDAN. So who are you referring to when you say substantial evidence of mismanagement and poor judgment? Who? It seams to me the guy at the top is the guy responsible. So are you saying Mr. Koskinen had substantial evidence of mismanagement when he didn't inform Congress and when he destroyed 422 backup tapes? Is that substantial evidence of mismanagement on the part of John Koskinen?

Attorney General LYNCH. I'm not going to attribute it to a specific individual.

Mr. JORDAN. Who would you attribute it to? Someone's got to be responsible, because—let me ask you one last question if I could, Mr. Chairman. So you sent a preservation order to the IRS in May of 2013. March of 2014 they destroy 422 backup tapes. Now, if a private citizen gets an audit notice from the IRS and then 10 months later they destroy the evidence, are they going to be prosecuted?

Attorney General LYNCH. It would depend upon the evidence of intent and why they——

Mr. JORDAN. Really? I bet the average American says of course they're going to be prosecuted. And yet, you guys with that fact pattern wouldn't take it to a grand jury. Who mismanaged what? That's the question I want answered. Who's responsible? Someone has to be.

Attorney General LYNCH. I think we have outlined in our letter the findings of this investigation.

Mr. JORDAN. No, you haven't. You said some. I want to know if it's Mr. Koskinen, the guy at the top, the guy who runs the IRS, the guy who was presiding over the IRS when we destroyed the 422 backup tapes. Is he responsible?

Attorney General LYNCH. As we've indicated in our letter, there was substantial mismanagement. As we've outlined when we indicated we would provide this information to the Committee, we're also happy to provide a briefing to the Committee on other questions that you may have about this matter.

Mr. JORDAN. Thank you.

Mr. GOWDY. The gentleman's time has expired. The Chair would now recognize the gentleman from Georgia, Mr. Johnson.

Mr. JOHNSON. Thank you, Mr. Chairman.

General Lynch, I want to commend you and the Department of Justice on the fact that 70 individuals have been charged since 2013 for conduct related to foreign fighter activity and homegrown violent extremism.

General Lynch, this Committee has previously heard how ISIL and other terrorist organizations field potential recruits in publicly accessible social networking sites via encrypted messaging platforms and also voice over Internet apps. Are these encrypted private messaging platforms and also voice over Internet apps hampering the ability of the Department to quickly ascertain and address threats to national security? And if so, in what ways?

Attorney General LYNCH. Well, Congressman, thank you for the question. Certainly when individuals choose to move from open means of communication to those that are encrypted it can cause a disruption in our ability to use lawful legal process to intercept those communications and does give us concern about being able to gather the evidence that we need to continue in our ongoing mission for the protection of the American people.

Mr. JOHNSON. How so?

Attorney General LYNCH. Well, with respect to individuals in this country, what we have seen is communications—this is in regard to specific cases—we've seen communications between them and individuals urging them to commit acts of violence, acts of terrorism,

and then those individuals dropping from one type of communication to an encrypted method of communication, and we no longer have visibility into those discussions.

Mr. JOHNSON. Well, when you say no longer have visibility into those discussions, can you break that down and explain exactly what you mean?

Attorney General LYNCH. Certainly. Typically we would with a lawful court order go to a communications provider and focusing specifically on individuals against whom we had probable cause to believe were involved in criminal activity, including terrorist activity, obtain the authorization to review their communications in the past as well as on an ongoing basis. When individuals move to an encrypted platform, one that is not accessible by the provider themselves, then we have a situation where we're not able to have our court orders handled in the typical way. That is to say we're not able to receive that information and ascertain what these individuals are planning and also, just as importantly, with whom they're planning these actions. And so we rely on other methods and means, but that is a loss of an important means and important law enforcement tool.

Mr. JOHNSON. Is there any way that the Department can overcome the use of encrypted data and voice communications by terrorists who are trying to recruit within the borders of the United States or a terrorist plot taking place between persons inside the United States? Take, for example, the terrorist incident in Paris this past weekend where I heard one expert say that he would be shocked if the terrorists were not using encrypted communications, perhaps even during the terrorist events.

How can the Department thwart that kind of activity taking place here on United States soil given the fact that we have these encrypted communications.

Attorney General LYNCH. Well, certainly it makes it very challenging. Our approach has been to work with the electronic companies, the Internet providers, on a case-by-case basis and help them find a way or work with them to find a way to allow them to respond to the valid legal process. And certainly we're having conversations with the industry as a whole to make sure that they can in fact comply with legal process and provide us the information that we need. We rely on other means of surveillance, other means of gathering intelligence about those individuals and their associates, but it does cause us the loss of a very valuable source of information.

Mr. JOHNSON. Okay. With that, I will yield back, and thank you for your testimony.

Attorney General LYNCH. Thank you.

Mr. JOHNSON. The gentleman from Georgia yields back. The Chair will now recognize the gentleman from Texas, Mr. Gohmert.

Mr. GOHMERT. Thank you, Mr. Chair.

And thank you, Attorney General. Appreciate your being here.

Obviously people are rather sensitive to potential terrorism, especially since ISIS is known for keeping their word when they make threats, at least as often as they can. And we had a witness some time back, the FBI Director at that time, Director Mueller, and I was asking him about investigations at the mosque in Boston

where the Tsarnaevs attended, and he indicated that the FBI had an outreach program with that mosque where they would commune together, but they never actually investigated at the mosque whether or not the Tsarnaevs had been radicalized, even after Russia gave the FBI a heads-up that the older Tsarnaev had been radicalized. They never asked any questions of the people there.

I know I've been through materials with FBI agents that have been cleaned out from the teaching materials at the Justice Department, and for some ridiculous reason they were classified, so we had to do it in a closed setting. But it appears to me that FBI agents, Justice officials, are not even being allowed to be taught what it is that radical Islamists believe, not even perhaps that Osama bin Laden indicated that the Egyptian martyr Muslim Brotherhood member Qutb wrote "Milestones" that actually helped radicalize him. Nobody knew enough to go to the mosque and ask, has Tsarnaev been reading Qutb, have you seen him talking about or heard him talking about "Milestones"? It seems like we've blinded, as one intelligence official told me, we've blinded ourselves of the ability to see our enemy.

So I was also surprised, since Director Mueller was FBI Director after al-Amoudi was arrested, based on his understanding the information that Britain gave us, but he's doing 23 years for supporting terrorism. He didn't know al-Amoudi is the one was at the bottom of starting that mosque.

We know that apparently al-Amoudi helped in both the Clinton and Bush White House find Muslims that al-Amoudi said could be trusted to work in those White Houses. And I'm just wondering, since we now know that al-Amoudi supported terrorism, we know that at least the Tsarnaevs, perhaps others who have been radicalized worshipped at that mosque, has the outreach program been terminated with the al-Amoudi-begun mosque in Boston? And has there been any investigation into people that al-Amoudi placed in the Clinton and Bush White House, now that we know he supported terrorism, he's doing 23 years? Do you know of any such investigation?

Attorney General LYNCH. Mr. Congressman, I don't have the information that you're requesting, but certainly what I can say is that you have touched upon the issue that all of us in law enforcement deal with as we work not only to protect the American people, but to counter violent extremism that does pull in young people like the Tsarnaevs.

Mr. GOHMERT. Well, and I appreciate your calling it violent extremism. Did you have a degree in Islamic studies?

Attorney General LYNCH. I'm sorry, sir?

Mr. GOHMERT. I really don't know. Did you have any degrees in Islamic studies?

Attorney General LYNCH. No, sir.

Mr. GOHMERT. Well, there is a guy named al-Baghdadi, who happens to be head of ISIS, who has a bachelor's, a master's and a Ph.D. in Islamic studies from the University of Baghdad. He perhaps is a better expert than you and I, and he says ISIS is Islamic. And so I think we should take the word of an expert. It certainly doesn't represent the views of all Muslims, thank God.

But I would encourage you to take another look at the Justice Department training materials, take another look at your outreach program, and look back and investigate who al-Amoudi placed in those White Houses to see if they're still around. The FBI completely dropped the ball on Tsarnaev, and it concerns Americans they may be dropping the ball on the Syrians as we speak.

My time has expired. I yield back.

Mr. GOWDY. The gentleman yields back. The Chair will now recognize my friend from Puerto Rico, Mr. Pierluisi.

Mr. PIERLUISI. Thank you, Mr. Chairman.

Welcome, General Lynch.

I would like to address DOJ's mission to prevent and prosecute violent crime. And naturally, as Puerto Rico's only representative in Congress, I want to concentrate on the U.S. territory. This is the same topic I raised with General Holder each time he appeared before this Committee.

Broadly speaking, when it comes to violent crime, the narrative in Puerto Rico has been positive lately. In 2011, there were 1,136 murders in Puerto Rico, over 3 a day, the highest in our history. Most of these homicides were related to the drug trade.

So I pushed DHS and DOJ extremely hard to dedicate more personnel and resources to Puerto Rico. DHS, including the Coast Guard, ICE, CBP, responded to this pressure. DOJ responded to, but to a lesser extent than DHS.

These enhanced Federal efforts have born fruit. The number of homicides in Puerto Rico has decreased significantly every year. In 2015 to date, there have been 508 murders. If the current trend continues, there will be about half as many homicides in Puerto Rico this year versus 4 years ago. That is a remarkable statistic we should be proud of.

But we're fighting a determined enemy and the gains we have achieved can be easily reversed unless our efforts are sustained and strengthened. And the fact is, despite recent improvements, Puerto Rico still has a homicide rate far higher than any State. Yet, my staff and I have found it difficult to obtain answers to basic questions about DOJ efforts in the territory. So I want a Member-level briefing on this subject as soon as possible.

In the meantime, I have three specific questions for you today. I will ask them all at once and then give you the time to answer them.

First, the U.S. Attorney's Office in Puerto Rico has a very high criminal caseload. Part of the reason is that they are prosecuting a number of cases that in the States would likely be prosecuted in State or local courts as opposed to Federal court.

I'm aware that the U.S. Attorney's Office in Puerto Rico has entered into an MOU with the Puerto Rico Department of Justice so that State prosecutors can be detailed to the U.S. Attorney's Office to work on Federal cases. While I support this arrangement—I'm a former AG, and in my time in the nineties I did something similar—I'm concerned that there are not enough Federal prosecutors assigned to Puerto Rico in light of the caseload.

Have you looked at this issue? And if not, can you please look at it and have your staff brief me on your specific findings? Again, number of assistant U.S. attorneys in Puerto Rico.

Second, as you have stated here today, DOJ has a comprehensive program, called the Violence Reduction Network, designed to reduce violence in some of our country's most violent cities. I believe there are cities in Puerto Rico that are suitable candidates for this program and I urge DOJ to select a Puerto Rico site in 2016. Can you assure me that Puerto Rico will receive due consideration for inclusion in the VRN program or any other DOJ program designed to combat violent crime?

Finally, The New York Times just reported—or recently reported—that in 2014 more guns used to commit crimes in Puerto Rico were purchased in Florida than in Puerto Rico itself. What is DOJ doing to reduce the number of guns being unlawfully transported from Florida and other States to Puerto Rico and being used to commit crimes in my turf?

Thank you.

Attorney General LYNCH. Thank you, Congressman.

And I am happy, indeed, to have my staff arrange to provide further information for you on all of these points.

I can certainly tell you that we are looking to expand our efforts under that MOU. And with respect to specific numbers, I would like to have the opportunity to look into that and provide you with a briefing on that.

With respect to the firearms trafficking between the mainland Florida and Puerto Rico, we do have a very strong presence on the island of ATF, along with, as you know, a host of other agencies. And we are looking at ways to deal with that, as well. We also certainly will give Puerto Rican cities due consideration in the Violence Reduction Network selections for the upcoming year.

I would note, however, that we are also committed, even beyond the Violence Reduction Network, to working with local authorities in Puerto Rico, as well as the U.S. attorney, to deal with the situation there.

As you note, the homicide rate is down significantly, but it is still far too high. And that places the residents of Puerto Rico in an unreasonable and untenable situation. And we feel it is our obligation and responsibility to do all we can to ameliorate that.

Mr. PIERLUISI. Thank you.

Mr. GOWDY. The Chair thanks the gentleman from Puerto Rico and now recognizes the gentleman from Arizona, Mr. Franks.

Mr. FRANKS. Well, thank you, Mr. Chairman.

And thank you, Attorney General Lynch, for being here.

General Lynch, several videos, as you know, that have been talked about quite a bit have been released that show corporate officers and employees of Planned Parenthood casually discussing their practice of harvesting little baby parts from the many hundreds of thousands of innocent babies they kill in their clinics across this Nation every year.

And the videos reveal that some babies are born intact, which is the most, I understand, desirable and marketable state of the baby's body for people in that business because the little body parts haven't been damaged by the abortion procedure. And because of that incentive, some of these little babies are born alive.

And I'm wondering, has the Department investigated or enforced any cases of born-alive children being killed from their abortion survivors?

Attorney General LYNCH. Congressman, with respect to the issue that you raise, you're asking about born alive——

Mr. FRANKS. Born alive, yes. Born-alive abortion survivors. In other words, babies that were victims of abortion but were born alive, much like the situation with Kermit Gosnell.

You know, there's some legislation on the books that ostensibly protect born-alive children. Has the Department ever enforced that or had any investigations for protecting born-alive abortion survivors?

Attorney General LYNCH. Congressman, it's my understanding that, since the relevant statute was passed some time ago, there have been some few cases that dealt with certain issues about—I believe the statue is the National Organ Transplant Act. There have been a few cases under that statute. I'd have to get those facts for you. I don't believe they fit the factual scenario that you just outlined. But I can provide that information to you on that.

Mr. FRANKS. Okay. Well, let me shift gears, then, just slightly. You know, there's legislation here in the Congress that's passed the House that would give definitive protection to born-alive—now, I'm not talking about unborn children, but born-alive babies that have survived the abortion process. Would you support that legislation, and would you enforce it if it were in statute?

Attorney General LYNCH. Well, Congressman, I have not seen those drafts. Certainly, with respect to any draft legislation proposed by this body, the Department of Justice will review it and provide the relevant input to you for your help and for your use.

Mr. FRANKS. But, generally, would you support legislation supporting born-alive abortion survivors?

Attorney General LYNCH. Not having not seen the drafts, I'm not able to comment——

Mr. FRANKS. Just generally.

Attorney General LYNCH [continuing]. Specifics. We would look at whatever——

Mr. FRANKS. Born alive.

Attorney General LYNCH [continuing]. Proposals you had.

Mr. FRANKS. Born alive.

Attorney General LYNCH. We would look at whatever proposals you have, Congressman.

Mr. FRANKS. All right. Well, that's too bad you can't answer a question like that.

So let me shift gears on you again, then. Is the Department of Justice currently investigating Planned Parenthood based on the footage released by the Center for Medical Progress? And if so, what's the status of that investigation? And if not, why not?

Attorney General LYNCH. Well, we have received a number of requests for information as well as congressional requests and referrals on this matter. Because we are still reviewing it, I'm not able to comment on the nature or status of that at this time, sir.

Mr. FRANKS. All right.

In light of DOJ's recent public praise of the Southern Poverty Law Center—this is an organization that's implicated the in do-

mestic terrorism conviction of Floyd Corkins, as you know, who used the Southern Poverty Law Center publications to identify and attempt to kill employees of pro-family organizations in D.C.

It is important for us to know the DOJ's level of involvement with SPLC. Can you tell us about DOJ's relationship with the Southern Poverty Law Center and its employees, publications, and events? Can you give us any insight into that at all?

Attorney General LYNCH. Well, I certainly am aware of the organization, but I'm not able to give you specifics on the Department's involvement, if any, in the Southern Poverty Law Center at this time. I certainly would appreciate the opportunity to have my staff reach out to yours.

Mr. FRANKS. Well, I hope that you would respond in writing to these questions, General, because you certainly haven't answered them here. In all due deference to you, you haven't answered them. And the last person that held your position didn't answer them either and promised to respond in writing and didn't do that either.

Have you personally reviewed any of the videos released by the Center for Medical Progress? If so, was there anything in those videos that you found disturbing?

Attorney General LYNCH. Congressman, I have not undertaken a review of the videos. I'm of course aware of the news reports about them. And, as I indicated, all of the information that's been received by the Department is currently under review. So I don't have any further comment on it at this time.

Mr. FRANKS. Yes, ma'am. Thank you.

Mr. GOWDY. The gentleman yields.

The Chair will now recognize the gentlelady from California, Ms. Chu.

Ms. CHU. Attorney General, I want to bring your attention to the cases of Chinese-American scientists Guoqing Cao, Shuyu Li, Sherry Chen, and Xiaoxing Xi. All of these named individuals, despite their ethnic names, are American citizens, and all of them have been profiled, suspected, and treated as spies by our Nation's government within the past 2 years, only to have all charges dropped.

And these are only the cases that actually reached national headlines. There could be countless more.

Two of these individuals, Sherry Chen and Xiaoxing Xi, are here at today's hearing, sitting two rows behind you. I want to take a moment to share their stories with you.

Dr. Xiaoxing Xi is a professor and the interim chairman of the physics department of Temple University. In May of this year, on a day that seemed like any other ordinary day, Dr. Xi and his family were woken up at the break of dawn by almost a dozen armed FBI agents in his home pointing guns at him. In his pajamas, he was handcuffed and arrested in front of his wife, two young daughters, and neighbors.

After months of investigation, after losing his position as chair of the physics department, after the emotional trauma that he and all his family endured, all of the charges against him were dropped. It turns out the technology that the government thought Professor Xi was sharing with China wasn't the right technology to begin with.

We also have Sherry Chen, who, like Dr. Xi, was wrongfully profiled and suspected of being a spy for China. She was arrested by six FBI officers and humiliatingly handcuffed in her own office at the National Weather Service. After months of investigation and having her reputation smeared, all the charges against her were dropped. Not only is she suffering from mental and emotional turmoil that this investigation has caused, she is now fighting for her job as a hydrologist within the Department of Commerce.

These Chinese-Americans were wrongfully suspected of spies and paraded as criminals through their arrest, only to have the charges later dropped, but not before they were traumatized and their lives nearly ruined. And it leads us to question, are all Chinese-American scientists suspect because they are Chinese-Americans?

So my question to you is, what went wrong in these cases? And how are you addressing this internally, especially with the FBI, to prevent this from happening in the future?

Attorney General LYNCH. Thank you, Congresswoman.

I can state to you unequivocally that the Department of Justice does not focus an investigation on any individual on the basis of their race or their national origin.

Now, with respect to the specific cases that you mentioned, I'm not able to comment on those specifics at this time.

Ms. CHU. Even if you can't comment on the specifics of the cases, I will follow up with you personally on the details of these cases.

There is no question that we must fight against espionage and threats to American innovation, but, in this process, we must not ensnare innocent Americans that make this Nation great or undermine our fundamental values of liberty, due process, and equality under the law.

This is especially true in light of the horrendous Paris attacks, which senselessly took over 120 lives in an act of terror. While we must combat terrorism and protect our national security, we must also not impinge upon fundamental rights. We must ensure that we do not see an increase in profiling against Muslims because of these events.

We have seen what happens when we compromise our fundamental values. In fact, it wasn't too long ago that 120,000 people of Japanese ancestry were removed from their homes, rounded up, and incarcerated during World War II, accused of having spies amongst them. They were proud Americans, but their citizenship meant nothing. In the eyes of our government, all of them were potential spies, outsiders, and enemies. Yet, over 60 years later, not a single case of espionage has ever been proven.

Today, when we profile Chinese-American scientists in this manner or any American on the basis of their race, ethnicity, religion, or country of origin, our government is telling our own citizens, our own communities, that they are un-American and that it's okay to fear or even hate them. When this happens, in my opinion, we have failed as a government and as Americans.

I yield back.

Mr. GOWDY. The gentlelady yields back.

The Chair will now recognize former United States Attorney from Pennsylvania Mr. Marino.

Mr. MARINO. Thank you, Chairman.

Good afternoon, General. Welcome.

Attorney General LYNCH. Good afternoon.

Mr. MARINO. I'm going to talk briefly on drug diversion.

Attorney General LYNCH. I can't hear you.

Mr. MARINO. I'm going to talk briefly about drug diversion. And it's not a question, really.

It has been a priority of mine to encourage the DEA to collaborate with companies in the pharmaceutical supply chain to address prescription drug abuse. In the past, DEA officials used ambiguities in the law to treat businesses like suspected criminals. With the support of this Committee, the House passed my legislation to clear up the relevant provisions of the Controlled Substance Act. That bill is now pending in the Senate, and it appears likely to be enacted.

The Department's response to my recent questions on this subject, that the Department "recently made some important changes that demonstrate its commitment to work more closely with the drug supply chain and registrants," is very encouraging to me. I will closely keep an eye on this, but I am optimistic that progress is being made. And I thank you for pursuing that.

Attorney General LYNCH. Thank you, sir.

Mr. MARINO. I'm going to switch gears now to the Bureau of Prisons and oversight, and I do have some questions pursuant.

My district has three high-security Federal penitentiaries—I'm in Pennsylvania 10th District—Canaan, Lewisburg, and Allenwood. Three correction officers have died in recent years in the line of duty. Eric Williams was working alone and unarmed on a cell block with over 100 inmates at Canaan. He was stabbed 129 times.

A BOP pilot program was put into place to provide officers with pepper spray, which I think Eric and others would have had a chance to survive. Will you promise and give your word to me that you will support this program and make it permanent to all the personnel?

Attorney General LYNCH. Congressman, I'm aware of the death that you mentioned, as well as the deaths of several of our other brave men and women in our correctional institutions.

I do support additional measures to increase their safety. I recently actually had a meeting with the heads of the correctional officers unions and spoke about these issues. And I look forward to working with them and with this body to make sure that they have all of the tools that they need to have a safe working environment.

Mr. MARINO. Do you believe that pepper spray is one of these protection devices that would help officers but yet not have a weapon that the inmates could take?

Attorney General LYNCH. Yes, I certainly think that pepper spray is a viable option. I would like to see the results of the pilot study.

Mr. MARINO. Okay.

Attorney General LYNCH. But I also would like to make sure that we include every possible option——

Mr. MARINO. Thank you.

Attorney General LYNCH [continuing]. For protecting our correctional officers.

Mr. MARINO. Still on the Bureau of Prisons, I'm going to talk about staffing for a moment.

Many of our Federal prisons are understaffed significantly below their authorized levels. I constantly check on this. In some cases, counselors, not corrections officers, fill in to guard inmates—counselors. Would you fully staff corrections officers' positions with trained officers?

Attorney General LYNCH. Congressman, I can tell you that, certainly, not only is the safety and security of correctional officers a priority of mine, but ensuring that they have the appropriate staffing is a priority of mine.

It has certainly been a challenge for us from a budgetary perspective. We are certainly looking forward to meeting those challenges in the future and trying to ensure that every facility is fully staffed with professional officers.

Mr. MARINO. And, almost 1 year ago, the Committee requested all communications relating to mandatory donation provisions in certain DOJ settlements.

Attorney General LYNCH. I'm sorry, mandatory?

Mr. MARINO. Mandatory donation provisions in DOJ settlements.

Attorney General LYNCH. Thank you.

Mr. MARINO. Last week, your staff advised that they did not realize that we wanted internal documents. We were very, very clear, both via letter and in live questioning, that we were specifically seeking internal documents.

There always seems to be some jockeying between Congress and this Administration over oversight matters. This is unacceptable. It's a continual problem.

When will we receive the internal documents we requested almost exactly a year ago?

Attorney General LYNCH. Congressman, with respect to the requests that have been made, to the extent that we receive requests that ask for internal deliberative documents that typically we do not disclose, that may have been the reason for that.

What we try and do is work with either staff or the entire Committee to provide the information that you need to carry out your oversight function consistent with our law enforcement and privilege obligations. And we certainly look forward to working with you to do that.

Mr. MARINO. I just hope we do not have to continue, as we have in the past, splitting hairs over a particular word.

And thank you, and I yield back.

Mr. GOWDY. The gentleman yields back.

The Chair will now recognize the gentleman from Florida, Mr. Deutch.

Mr. DEUTCH. I thank you, Mr. Chairman.

Attorney General Lynch, thanks so much for joining us and especially in light of the horrific attacks in Paris. And I know that the Department of Justice is doing everything that it can to help its French counterparts do their part to bring all of those responsible for these heinous terrorist acts to justice.

I also want to acknowledge the importance of the work that the Department of Justice does in keeping the American people safe. And, as we mourn with Paris, it's moments like these where we

pull our own loved ones closer. And we trust that the Administration, including the Justice Department, and law enforcement and our intelligence community and the men and women who serve our country in uniform are doing all that they can to keep our people safe from the threat of terrorism, homegrown and abroad. And we're grateful for that.

We do face daily threats of another kind here at home, however, and I want to talk to you about the daily gun violence that claims nearly 1 American's life every hour of every day and over 32,000 per year.

Every day, dangerous individuals in the United States buy guns without completing any background check at all. And whether it's Dylann Roof, whose approval went through, who wound up murdering nine Americans at worship in Charleston during the summer, or whether it's gang members in Chicago, where more than 400 people have been killed by gun violence this year.

I've served, Madam Attorney General, on this House Judiciary Committee for over 5 1/2 years, and, in that time, gun violence has claimed the lives of over 150,000 Americans. But we haven't had a hearing on this gun violence, not on this Committee, not after Tucson, not after Aurora, not after Newtown, not after Roseburg.

The majority says, as the Chairman said just today again, that there's no reason to have a hearing. All we need to do is simply enforce the existing laws, we're told, and everything will get better.

And before going on to my specific question for you, I'm sure you would acknowledge that it was, I think, helpful to hear the Chairman say earlier that sometimes the National Instant Criminal Background Check doesn't have all the information that it needs.

And I would point out that after the Virginia Tech massacre, where that gunman's mental health record wasn't accessible and the court had declared him a danger to himself, he should never have been allowed to purchase a gun, Congress acted, that Congress acted, and passed legislation that was signed by President Bush that authorized over a billion dollars to States and territories to improve their recordkeeping and reporting to the National Instant Criminal Background Check system. Congress, however, has only allocated about 11 percent of all that money.

And so I would ask the Chairman, consistent with his views that there are some problems with existing law, that we work together to allocate the funds so that all of the information gets to the National Instant Criminal Background Check System so that it can actually work to keep guns out of the hands of dangerous people. That doesn't require a new law. It simply requires making sure we allocate the money, that we spend the money that Congress has authorized over the past several years.

Now, I do want to ask you, Madam Attorney General, about steps that can be taken. As you know, the gun lobbyists made it nearly impossible for the Federal Government to enforce some of our existing government laws. The Federal Government is barred from keeping records of gun sales for more than 24 hours. It's barred from denying a gun sale if a background check can't be completed within 72 hours. It's barred from electronically managing trace data, information about guns recovered at crime scenes and who sold them. Investigations into corrupt gun dealers, therefore,

take months instead of minutes. It's barred from requiring gun dealers to keep inventories, logs, and their books in order. And it's barred from seeking assistance from other agencies like the FBI and the DEA.

So I reject the assertion that there's no room for improvement. Clearly, there is. And I'll continue to push for sensible gun safety measures like preventing suspects on our terrorist watchlist from buying guns, making interstate gun trafficking a Federal crime.

But, General Lynch, there may be ways, real ways, to strengthen background checks through Executive action—Executive action that could save lives.

Everytown Against Gun Violence recently issued a report on one potential action. Under current law, only people in the business of selling firearms have to conduct background checks. People who aren't in the business of selling firearms don't have to. But some of these people who technically aren't sellers and don't work in the business sell hundreds of guns a year, without background checks, at gun shows, online, or out of car trunks.

We have to better define the language. Couldn't we set a number for how many gun sales it takes to be in the business of selling guns? And has your office explored that possibility, and are you considering a threshold like that to define who would be technically engaged in the business?

Attorney General LYNCH. Well, Congressman, with respect to the serious issue of gun violence, the Department is certainly pursuing all of our enforcement actions that we do have under existing law. And, certainly, it would always be useful to have additional resources for our ATF to allow them to fully investigate everything that we need and that comes under our purview.

With respect to the question that you've raised as to a statutory definition, I believe the statute is going to define that at this time. But, certainly, the Department of Justice and ATF are committed to rigorous enforcement of that statute.

Mr. DEUTCH. All right.

To the extent that there is an opportunity for Executive action that can be taken to help define something that is undefined in statute, is that something that you are looking at?

Or let me just simply, since I'm out of time, encourage you to take a hard look at that, because that would be a meaningful step that could help, again, ensure that the background checks that should be completed, even without additional legislation, are, in fact, completed. I hope you'll consider that seriously.

And I yield back, Mr. Chairman. Thank you.

Mr. GOWDY. The gentleman yields back.

The Chair will now recognize himself.

Madam Attorney General, I want to tell you I enjoyed visiting with you recently. And I want to thank you for DAG Sally Yates' recent trip to South Carolina, which was very well-received.

There are three areas I want to cover with you. First would be Mr. Kadzik's letter to Congress recently. And I'm going to paraphrase one of the paragraphs, but it's a pretty close paraphrase: The IRS mishandled tax-exempt applications in a manner that disproportionately impacted conservative groups.

I read that to mean that he found a discriminatory effect. In other words, there were similarly situated people, but there was a disparate impact on conservative groups. That's, I think, the only way to read that paragraph in Mr. Kadzik's letter.

He then wrote, "It left the appearance that the IRS conduct was motivated by political, discriminatory, corrupt, or other inappropriate motives."

So have you a discriminatory effect, but he said the cause, the motive was mismanagement, as opposed to a crime. And then that got me thinking, if my sheriff stops only red cars for speeding, at what point is it not mismanagement but it actually is circumstantial evidence of intent?

Attorney General LYNCH. Well, with respect to the actions that you refer to, Congressman, I think you certainly are accurate when you indicate that our letter noted that the groups that had complained were treated differently from other groups. And they were also treated in a way that did not advance their applications; they were treated badly. So one can understand their concerns and the issues that they raised.

With respect to the investigation, as we outline in our letter, under the relevant statutes that we were reviewing, we needed to find evidence of criminal intent. That intent was not there.

With respect to the example that you raise, certainly there are certain statutes that take into effect a discriminatory impact. But, again, even in our civil rights laws, if one had a discriminatory impact, you would not necessarily be able to prove a discriminatory intent.

Mr. GOWDY. It's really hard to prove intent, really hard, which is why usually you use circumstantial evidence. And if female voters were required to show two forms of ID but male voters were only required to show one, how many voters would have to pass through the prompter before you would say that's circumstantial evidence of an intent to discriminate?

I mean, never do you have direct evidence of intent. It's really hard to prove intent, which is why we typically use circumstantial evidence.

And I noted, in Mr. Kadzik's letter, he didn't say there was insufficient evidence; he said there was no evidence. Would you agree with me that there's a very big difference between saying insufficient evidence and absolutely no evidence, which is what he wrote? He found no evidence of any intent to discriminate despite the fact that there's a discriminatory effect.

Attorney General LYNCH. Well, I think the letter does speak for itself in that regard.

What I would say is that, Congressman, as a general matter in how we handle our criminal investigations, we do look for evidence of intent. And it comes in a number of ways—some circumstantial, some direct. Every case is different. In every investigation, as in this investigation, we gather all the evidence, we gather all the facts, and we apply the law to those facts and let that determine the answer.

Mr. GOWDY. I'm with you, Madam Attorney General, but you concede the discriminatory effect. So that's half of what you have to prove, and it's already there. You concede that.

And we've got e-mails from Ms. Lerner that we need a plan but we have to be cautious that it's not per se a political project. I think a jury would find that to be an interesting e-mail.

She worried mightily that Republican control of the Senate might be tantamount to a Republican President, and she wasn't thrilled about that. That would be circumstantial evidence of a political motivation.

She referred to the Tea Party as very dangerous.

I mean, how many pieces of circumstantial evidence—keeping in mind the author of the letter didn't say "insufficient." I could have lived with it if you'd said, "Look, our prosecutors just couldn't make the case. It's a close call. It's a jump ball. We couldn't make the case." That's not what he said. He said there's no evidence.

I just cited three e-mails that I think would be evidence of some intent. Don't you think?

Attorney General LYNCH. Well, Congressman, as I said, I think the letter in its full entirety speaks for itself and does outline not only all of the issues that you raise but the host of other things that were reviewed and looked at in the course of the investigation and does explain the conclusions to which the Department came.

With respect to the referral, the issue was whether or not there was evidence of a criminal intent. That is to say, did one act on certain views? Was that the reason for the actions? And as we've noted in our letter, and as we've offered to have in further briefings with you, we did not find evidence of that through the million pages of documents and hundreds of witnesses that were interviewed.

Mr. GOWDY. I would love to take you up on that offer for a private debriefing, because I need somebody to explain to me the difference between specific intent and general intent. Because, as I read her e-mails, even some of the mediocre prosecutors on this panel, I think, could get to a jury, given the evidence that they have.

I want to touch on two other issues and then—because there's a trend of going over.

I would invite you at some point—and this is going to be a bipartisan comment, because this goes back to 2004, and in 2004 there was a Republican administration.If you look at the firearms prosecutions from 2004 to 2012, you're going to be shocked at how few prosecutions there were, not for 924(c), not for firearms offenses that happened during a crime of violence, but I mean lying and buying, selling a gun to somebody who's been adjudicated mentally ill, somebody who's been committed. There were 22 guilty adjudications over the course of 9 years for people possessing firearms who were users or addicts of drugs—22 in 9 years.

So when I hear my friend from Florida talk about the need for more gun laws, yes, we're going to say, how are you doing with the ones you currently have?

And I would invite your attention to this chart, which came from—former Attorney General Holder provided it to us. I think you're going to be shocked at how few—and I get that there's not much jury appeal. Trust me, I get that it is hard to go in front of a jury in a lying-and-buying case. But you noted earlier the focus on firearms cases in the context of violent crime. And I think we

would all agree the objective is to prevent the violent crime, not to do a really good job prosecuting it afterward, but to keep it from happening in the first place, which is why I would invite your attention to this.

My last point is simply this: You have been asked repeatedly this morning to comment on ongoing investigations, and you always give the same answer. And it's the exact same answer that Marino gave me in the back, who's a former U.S. attorney, and it's the exact same answer Mr. Ratcliffe gave me in the back, who's a former U.S. attorney, which is you can neither confirm nor deny the existence of an ongoing investigation. And if we happen to know about one, you're not going to comment on it. That's exactly what you should say. I'm just wondering why the President didn't get that memo.

And you may in your well of souls believe that it does not impact Director Comey or you, and it may not. But I promise you it impacts the perception of my fellow citizens when the person who is responsible for executing the laws in this country prejudges the outcome of investigations. It may not impact the reality; I promise you it impacts the perception. And that's equally dangerous.

And, with that, I would recognize the gentleman from Illinois, Mr. Gutierrez.

Mr. GUTIERREZ. Thank you very much, Mr. Chairman.

And welcome, Attorney General.

Attorney General LYNCH. Thank you, sir.

Mr. GUTIERREZ. I posed the same questions to the FBI Director. I want your advice, and I'd like to work with you.

In my hometown of Chicago, there are 40, 50 shootings any given weekend. That is a whole classroom of children, and it's unacceptable. And we need more Federal action, I think, because whatever we do in Chicago, according to a city report from the mayor's office and the Chicago Police Department, 60 percent of the guns are coming from Wisconsin, Indiana, and Mississippi—all States that have weaker gun laws than the city of Chicago does.

We know this thanks to the Chicago Police Department's tracking of trace data, meaning that the Chicago Police Department traces every single gun it recovers to determine where it was originally sold and how it may have entered the illegal market.

So, given that the majority party in Congress refuses to take up, despite widespread and robust support, gun control legislation, a couple of questions: What's your advice to me, as an individual Member of Congress who supports gun control, and how can I help curb gun violence in Chicago?

And, second, will the Justice Department encourage the police departments everywhere in the Nation to collect trace data on illegal gun trafficking like we do in Chicago?

So, first, you're in Chicago, you're a Member of Congress; what's your advice? And, second, trace the guns. We're doing it in Chicago. What do you think about across the Nation?

Attorney General LYNCH. Well, Congressman, thank you for the question.

You certainly raise an area of concern and priority for the Department of Justice, which is, of course, violence, be it gun violence or any type of violence, in our cities, as it affects our children, not

only those who are the actual victims, but children who are exposed to violence, of course, suffer greatly, as we know, in their later development as well.

We feel that the city of Chicago is certainly taking a concerted look at this problem. And I'm extremely proud to note that the Federal Government, through the U.S. Attorney's Office in Chicago, is working very closely with local law enforcement on this issue, focusing on the issue of not just firearms but also the gang violence in Chicago as well.

We also have a very strong presence with our Federal agencies, FBI as well as ATF, who works closely with the Chicago Police Department on the eTrace program that you mentioned. We do find it to be a very useful program. We do find it to be something that arms us with the data to trace the source of weapons into neighborhoods who suffer so grievously from them. And, certainly, it's an example that certainly we would hope could be exported to other cities, as well, as you have noted.

And I can tell you that we are committed to continuing to work with the city of Chicago and all of our major cities in violence reduction programs. In fact, Chicago was represented at the Violence Reduction Summit that I held just last month with the mayor and the police chief. And we had a very robust discussion about the causes of violence, some of the ways in which the Department could be helpful in very targeted ways, whether it is increasing our task force presence, whether it is focusing on dangerous fugitives in the area, whether it is focusing on violence prevention efforts as well.

So we remain committed to working not just with Chicago but all of our cities who are experiencing these troubling issues.

Mr. GUTIERREZ. So if you were to suffer something as egregious as a demotion to a Member of Congress from your high position as Attorney General, what do you think? What would you do? You're back in Chicago, you got demoted, you're not the Attorney General, you're just one of us 435.

Attorney General LYNCH. Well, I certainly would not call that a demotion. I think all of us in public service have a great opportunity to——

Mr. GUTIERREZ. You get my point. What would you do?

Attorney General LYNCH [continuing]. To serve our people.

And, certainly, I think that within this body there's a lot of significant discussion going on. Obviously, the resources to fund the programs that we have on the ground are essential and funding the Department's budget that focuses on the Smart on Crime initiative, which does focus on violence reduction as well as reentry and recidivism. Because, of course, a grave concern is, as people return home to their communities, that they not return to violence, as well.

So, certainly, the resources that would be useful for the Department's overall budget. And, particularly, when it comes to firearms, the resources for ATF——

Mr. GUTIERREZ. Okay.

Attorney General LYNCH [continuing]. To continue its vigorous enforcement of the firearms laws and the eTrace program would be very beneficial.

Mr. GUTIERREZ. Lastly, I want to—so there's a letter from my colleagues Congressman Ruben Gallego and Robin Kelly from Chicago. And they've asked to meet with you with a group of Members of the Congressional Hispanic Caucus and Black Caucus.

And I want to put it in some context for all the Members and why we would invite you to meet particularly with that group. Because African-Americans are 13 percent of the population, but they constitute over half of all the homicides—over half. So 13 percent; 55 percent of all the deaths, given firearms.

And, interesting, Latinos are relatively less likely to own a firearm than the general population, and yet, again, they disproportionately die due to gun violence. So you have a population that doesn't own guns but dies of guns. And 13-percent black population, and over half of the deaths.

I hope you got the letter. And I love working with those two colleagues of mine. And I was wondering if you would accept an invitation to come and meet with us.

Attorney General LYNCH. I look forward to meeting with the caucus. Thank you so much.

Mr. GUTIERREZ. Thank you very much, Attorney General.

Mr. GOWDY. The gentleman yields back.

The Chair will now recognize the gentleman from Utah, Mr. Chaffetz.

Mr. CHAFFETZ. I thank the Chairman.

And I thank you for being here.

The Inspector General Act, which is currently on the books, says that inspectors general, in carrying out their provisions under the act, are authorized "to have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material available to the applicable establishment which relate to programs and operations with respect to which the inspector general has responsibilities under the Act."

Somehow, the Office of Legal Counsel indicated on July 20 that, despite longstanding tradition within the FBI, specifically, the Department of Justice Inspector General is no longer allowed access to grand jury testimony, wiretap information, credit information.

We disagree with that conclusion, but, at this point, we have worked with the inspector general, worked with this Committee, and we're still waiting for full input from the Department of Justice to try to rectify this.

I was hoping that I'd get some commitment from you to work with us and spend time with us on the proposed piece of legislation. I think the current law is sufficient, but you don't, and we're trying to come up with something that would rectify this.

Would you be willing, as somebody from the Department of Justice, to give us guidance and input on this?

Attorney General LYNCH. Thank you, Congressman.

I think that you certainly raise the important issue of the important work of all agencies' inspectors general, in particular the Department of Justice——

Mr. CHAFFETZ. I just want to get a commitment that you'll work with us on this proposed piece.

Attorney General LYNCH. We have sent legislation up, we feel, that would clarify it and, in fact, ensure that the inspector general

would receive all the information he needed and we'd be happy to meet with you.

Mr. CHAFFETZ. Would you meet with us, not you specifically, somebody within the Department of Justice, to give input on the piece of legislation that I'm drafting in a bipartisan way with Mr. Cummings to try to resolve this?

Attorney General LYNCH. We're happy to meet with you.

Mr. CHAFFETZ. Okay. And hopefully soon? Soon, I hope?

Attorney General LYNCH. I will have my staff reach out to yours. We're happy to meet with you and work with you on that issue.

Mr. CHAFFETZ. Thank you.

I've also had great concern on geolocation. In July, the Oversight Committee, we sent a letter seeking the so-called Jones memos. This relates to a Supreme Court case from a number of years ago.

On October 26, I did a bipartisan, bicameral letter, six Representatives, five Senators, including the Ranking Member from both Judiciary Committees in the House and the Senate, calling on the Department of Justice to share with the Congress these letters. I still don't understand why you won't share this information with us.

Attorney General LYNCH. Well, certainly, with respect to the requests that you refer to, to the extent that it refers to the internal deliberative process of the Department, we typically do not provide those specific memos.

However, we certainly do look forward to working with you to share the information.

Mr. CHAFFETZ. You don't think that the House Judiciary Committee and the Senate Judiciary Committee should understand your approach in tracking people through geolocation?

Attorney General LYNCH. We certainly are willing to sit and work with you to convey what we can and as much as we can about why we——

Mr. CHAFFETZ. That's a huge step forward, because thus far the Department of Justice has not been willing to share with us any information or have such a meeting. So I look forward to that meeting.

I need to ask one more topic. I'm trying to go quick just because of the time.

Share with me your thoughts and perspective on subpoenas. You know, subpoenas are often issued from a variety of different places, but Congress also issues subpoenas. Do you feel a duty and obligation to help enforce those subpoenas, as well?

Attorney General LYNCH. Certainly, that's part of the obligation of the Department of Justice in terms of its general law enforcement obligations.

Mr. CHAFFETZ. When would you not enforce a subpoena?

Attorney General LYNCH. You know, I would have to know more specific facts and context to provide an answer as to whether or not we would not be able to for some reason or whether there would be a reason not to. I would have to have more information.

Mr. CHAFFETZ. Do you feel a duty and an obligation to enforce, then, a congressionally issued subpoena?

Attorney General LYNCH. Certainly, with respect to a subpoena issued by any body, be it Congress or be it a court, the decision as

to whether to enforce it or not would be one that we would review and determine the best course of action to take. But I would certainly like to have more facts about the specific issue, if I could.

Mr. GOWDY. I think what the gentleman is asking is, if a subpoena goes out and someone does not comply with the subpoena, how do you view the Department's obligations to enforce compliance?

A subpoena is only as good as your ability to enforce compliance. And we don't have access to a police force, which is a good thing. So we're relying upon you to enforce them.

And I take the gentleman's question to be, how do you view your obligation to back up this branch of government when it needs access to documents or witnesses?

Attorney General LYNCH. Again, Mr. Chairman, I certainly—with respect to a subpoena from this body or any other that would come to the Department of Justice for enforcement, we would review all of the information about that.

Certainly, in my career as a prosecutor and as a U.S. attorney, I have had occasion to issue subpoenas and then work on alternate means of compliance, both as a prosecutor and as a private attorney. So there are a number of ways in which we can obtain compliance, and I would certainly need to know more of the factual predicate before I could provide you with any specific guidance.

Mr. GOWDY. Yes, ma'am.

The gentleman yields back.

The Chair will now recognize the gentlelady from California, Ms. Bass.

Ms. BASS. Thank you, Mr. Chair.

And thank you, Attorney General Lynch, for your time today and also for your patience.

It seems as though many people on the Committee would like to have some of your time.

Attorney General LYNCH. That's quite all right.

Ms. BASS. And I listened to my colleague a minute ago, as well as my colleague Gutierrez, and he mentioned the letter. There's a letter, also, that I sent to your staff requesting a meeting with you. And perhaps what we could do is just join forces, because I didn't realize there were multiple letters.

Because the concern is really the increase in homicides in a number of cities and specifically the desire to sit down with you personally, as well as members of your staff, to look at various programs that the agency has that might be allocated in more of an emergency fashion, considering there has been a spike in specific cities.

So I would definitely like to continue following up. And, perhaps, if by the middle of next month we could have the meeting, it would be very good, since we've been asking for a while.

I wanted to know if you would tell us about some of the programs from a more global perspective. For example, the Federal-local partnership like B-FED, which I believe is the partnership between the Federal law enforcement and local police in Baltimore. If you could talk about how those efforts are helping to address a spike in Baltimore.

As well as you mentioned your summit, the summit that you had in Detroit. And I wanted to know if you could perhaps share some

of the lessons from that summit in terms of how cities are able to address the spike.

And then, after that, I want to ask you a question about sex trafficking.

Attorney General LYNCH. Thank you for those questions on topics of great importance to me as Attorney General, to the Department of Justice, and to the American people.

With respect to the violent crime issues that we're facing, while, as we have noted, for a number of months and even the last year or so we're fortunate in that crime in general is down across the country and in all of our major cities crime generally is down, but we have neighborhoods where there is a persistent issue of violence. And we have neighborhoods where we either have not seen similar decreases or we have seen increases in violent crime.

In my former role as U.S. attorney in Brooklyn, I had many of those neighborhoods within my district, so I dealt with those on a daily basis. And I know the importance of a partnership in terms of dealing with that issue.

Baltimore is an excellent example of some of the resources the Federal Government is looking to bring to bear to deal with specific situations. We've partnered with the police department in Baltimore to provide an influx of Federal agents, focusing on the violent crime problem, to aid with the investigation and literally making those cases so that we can remove the violent offenders from the streets of Baltimore and allow the citizens to continue to flourish in that great city.

With respect to the summit that I had, because we were looking at this issue from a host of perspectives, actually, this summer, I asked my United States attorneys in cities that had seen an increase in violence in some neighborhoods to meet directly with their local partners and counterparts—district attorneys, police officers, sheriffs—and discuss the nature of the crime increase and try and focus on the reasons, to the extent that they could be gleaned from those discussions, for those increases.

We were able to essentially accumulate a great body of information there. And, as one can imagine, the reasons for crime differ depending upon the neighborhood.

Ms. BASS. Sure.

Attorney General LYNCH. With that, we built on that and convened our Violent Crime Summit in October, where we had mayors and police chiefs and U.S. attorneys from those cities here in Washington speaking together, sharing best practices for crime reduction.

Ms. BASS. Great.

If there are—and I want to get to my last point and would ask the Chair's patience with this. Perhaps we could get the information from that summit that happened in October. If we could get those proceedings, it would be very helpful.

Finally, I wanted to ask you about sex trafficking, which I know is a high priority with you. And I wanted to know if you could mention any specific collaboration that is taking place with the Department of Health and Human Services, in particular, because we know that a percentage of the girls involved in trafficking are in the foster care system.

So the question is, is there collaboration between DOJ and DHHS, and can you speak to that?

Attorney General LYNCH. Yes, certainly. We have a number of collaborations across different agencies. I cannot recall the specific ones with HHS, but I would certainly like to provide you with that information.

We also are working with the Department of Labor, and we're working with State and local law enforcement in many ways to not only improve enforcement but to provide services for the survivors. The services range from housing services to treatment to therapy and the like.

Ms. BASS. Okay. And I will follow up with you. Specifically, getting these girls back into the foster care system is really critical. So I'll specifically look for that collaboration.

Thank you, Mr. Chair.

Mr. GOWDY. Yes, ma'am.

The gentlelady yields back.

Madam Attorney General, you've been sitting there for 3 hours. Votes are coming, which will provide a break. But I am happy to break now, given the fact that you've been sitting there 3 hours, if you would like 5 minutes, or we can march on until they call votes. It is totally up to you.

Attorney General LYNCH. I would appreciate 5 minutes if that's possible.

Mr. GOWDY. Done.

Attorney General LYNCH. Thank you, sir.

[Recess.]

Mr. COLLINS [presiding]. The Committee will come to order. Welcome back. Thank you for the break and allowing us to go vote. And at this time we will continue questions, and the Chair recognizes Ms. Walters from California.

Ms. WALTERS. Thank you, Mr. Chairman.

Attorney General Lynch, last year I followed the various scandals that plagued the Department of Veterans Affairs. And like many Americans, I was appalled at the manipulation of patient wait times at numerous VA facilities. Our veterans risked life and limb to serve this Nation and the VA failed them.

FBI Director James Comey confirmed on June 11, 2014, that the FBI was investigating criminal allegations, and this was within the Veterans Affairs related to the manipulation of patient wait times. Can you provide to us the status of an update regarding the investigation?

Attorney General LYNCH. Thank you for the question. I certainly share your concern in regard for our Nation's veterans, having several of them in my own family.

With respect to that matter, I'm not able to provide you an update at this time. I would like to have my staff reach out to you after we see what information we'd be able to provide to your office.

Ms. WALTERS. Okay. Are there any cases in which the Department of Justice has decided to pursue charges against VA employees for manipulating wait times? And if not, why not?

Attorney General LYNCH. I'm not aware at this point in time of the status of that matter. So, again, I would not be able to give you that information.

What I can say, Congresswoman, not to delay the time, is that certainly the service of our veterans is of great importance to us and we support them in a number of ways, not just through the investigation that you referred to, but through our Servicemembers Initiative act and our work protecting their right to vote overseas, as well as our implementation of services such as veterans courts and working with local municipalities to alleviate homelessness in veterans. All of these things, all of these issues plague our veterans and are something that we as a Nation need to be engaged in.

Ms. WALTERS. Do you happen to know how many VA medical facilities are under active investigation for manipulating wait times?

Attorney General LYNCH. I'm not able to give you that information at this time.

Ms. WALTERS. Okay. And you wouldn't know when the investigations are planned to be concluded?

Attorney General LYNCH. No, but I certainly would appreciate the chance to get back to you with that.

Ms. WALTERS. Okay. Just a couple more questions. How many cases has the DOJ declined to prosecute or press charges against the VA employees for manipulating wait times?

Attorney General LYNCH. I'm not able to give you that information.

Ms. WALTERS. Okay. Okay, thank you.

Mr. COLLINS. The gentlelady yields?

Ms. WALTERS. I yield back.

Mr. COLLINS. The gentlelady yields back.

The Chair now recognizes Mr. Richmond.

Mr. RICHMOND. Thank you for coming and thank you for enduring several hours of testimony, so I will try to be very brief.

What I wanted to do in the beginning, Mr. Chairman, is ask unanimous consent to enter into the record a report from The Clemency Report which talks about 25 women deserving of clemency. Of interest to me would be of course Sharanda Jones and Danielle Metz. And I'd like to give it to you so that—a copy to you so that we can talk about it in the future. But there are cases where——

Mr. COLLINS. Without objection, it will be entered into the record.*

Mr. RICHMOND. Thank you. There are cases where women were sentenced to either natural life in jail or a really large number of years when they were not the actual kingpin, they were just either following their boyfriend or other things. And I really would like the Department to do something on that as we talk about criminal justice reform and move forward.

I represent the Second Congressional District of Louisiana, which is New Orleans, and we're under a very unique situation in which we have a consent decree for both our police department and our sheriff's department. And the cost of the implementation of those consent decrees are a large part of our city budget. And in an effort to make the police department more constitutional and the jail more constitutional, which are both laudable goals, we are sacri-

*__Note:__ The material submitted by Mr. Richmond is not printed in this hearing record but is on file with the Subcommittee and can be accessed at:

http://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=104114.

ficing city services that would keep people from having to deal with the police or the sheriff's department. So it is almost we're doing something on our left hand to help, but we're depleting all of our resources on the right, so it's not helping. And we now have an increase in police response time that is almost an hour when you call 911.

So the question is, as you all decide Byrne grants and others and look at consent decrees, when you have a unique instance where you have more than one consent decree in a small jurisdiction, can you all help to provide resources so that we can, one, comply with the consent decree, but two, not lose critical services for our youth and our public to keep them safe at the same time?

Attorney General LYNCH. Well, Congressman, I appreciate the question. Certainly our practice of being involved with local law enforcement jurisdictions in a host of areas, not just consent decrees but collaborative reform and technical assistance, is an important way in which we provide assistance to our colleagues there.

With respect to the New Orleans situation, again, I think every municipality does see these as a financial challenge and we certainly understand that. We view it as an investment in the future of constitutional policing and constitutional jails.

When a jurisdiction is involved with a consent decree they still are able to apply for grants and other programs and other—from other portions of the Department or any other agency. So it would not preclude the kind of assistance that you are talking about. And certainly I'm happy to have someone from our grantmaking arm reach out to your staff and talk about options there.

Mr. RICHMOND. Well, I would just say that because it's taking up such a disproportionate and large part of our city budget, we're having to raise taxes and we're having to cut services such as youth recreation and other things that would keep kids out of trouble in the first place. So we don't want to overstress constitutionality and then at the same time take opportunity away from kids. So to the extent that you all can help, whether it's grants or other things, we'd appreciate it.

Another thing is Attorney General Holder and Secretary Duncan sent out an advisory on the school-to-prison pipeline. And I would just hope that that's something that you all are going to follow up with. We had a bill, but it seems like school districts are still not getting the word that police are not the answer to a school discipline problem. So what are you all doing in that effort?

Attorney General LYNCH. With respect to the school-to-prison pipeline, it is still a very important focus of the Department's civil rights efforts. We provide guidance to school districts and law enforcement organizations. We actually have a number of cases that were brought approximately 2, 2-1/2 years ago by the Civil Rights Division challenging school districts' disciplinary policies. And we are trying to provide assistance to reduce the zero-tolerance policies that tend to be the start of this problem.

That, in conjunction with providing appropriate training to law enforcement officers should schools choose to have school resource officers, is a way in which we hope will be helpful to every school district in dealing with these issues. Obviously, school districts

have to have discipline. But just as obviously, the education and the future of the children really is the first priority.

Mr. RICHMOND. Two things as I close. One is to stress the importance of the COPS program and additional funding for community policing and other initiatives that would help.

The second two are requests. One would be to urge you to continue to work with the different district courts to push specialty courts, whether it's drug courts or reentry courts or other things that could help, would be very, very important.

And the other one is a request. Can your office get to me the statistics on the adjudicated deferral of convictions, the diversion program, how many people get accepted and what those demographics look like? Because I am very concerned that diversion programs are usually used for those who have means and those who have some sort of political connections or community connections, and that people who really need it don't get the benefit of the doubt to get accepted in it. So if I could get a year or 2 worth of data on diversion programs, who's admitted and what those demographics look like, who's rejected and what those demographics look like, I'd appreciate it.

Mr. COLLINS. The gentleman's time has expired, but it's a good question. If our witness would like to answer or provide the information requested.

Attorney General LYNCH. I look forward to providing you information on those points. With respect to diversion courts, because they are often run by the court system and not by the relevant U.S. Attorney's Offices, we would look for ways to get you information from the Office of Court Administration also. But certainly we do have a wealth of information on the success of those programs.

Mr. RICHMOND. Thank you.

Mr. COLLINS. The Chair now recognizes myself for questions.

On September 28, 2015, the VA Office of Inspector General report recommended the U.S. Attorney's Office, District of Columbia, pursue criminal charges against two VA executives it found to have abused their position in order to take jobs with less responsibility while keeping higher salaries. The report detailed how the VA executives pressured subordinates to accept positions transfers only to volunteer for the vacated jobs while keeping their original salaries and having the VA pay them for more than $400,000 in taxpayer-funded relocation benefits. Will the DOJ pursue charges against these employees? And if not, why not?

Attorney General LYNCH. Thank you for the question, Mr. Chairman.

With respect to a matter that's been recently referred to the Department, it's a matter that is currently under review, and so I'm not able to comment on it at this time.

Mr. COLLINS. Well, I think one of the issues, and I think the gentlelady from California also talked about this as well, the VA issue is something that has been ongoing. And I think you made a rightful statement that our veterans deserve that support and help. And I think we're seeing vast—we've seen it in Georgia, where people are just transferred, not held accountable. There are some that have been held accountable.

I think coming to this conclusion it is more than just words. Actions have to be taken here. And to simply say we're going to look into this and look into this is, frankly, the American people on both sides of the aisle are not satisfied with that kind of a response.

I do appreciate your mention of veterans courts. Veterans courts are working in my home county in Georgia and we are expanding that process. Governor Deal, as well as local DAs and judicial circuits have worked well in that regard. So I would commend that and continue the process as we look forward.

I want to move to an area that is coming up a little bit in some trade secrets issues. And we recognize that trade secrets is an additional form of intellectual property. And companies in America, however, are increasingly targets of sophisticated efforts to steal proprietary information, harming our global competitiveness. There are many in Congress, including myself, who believe we need to create a Federal civil remedy for the misappropriation of trade secrets, keeping and harmonizing the legal framework so that companies can protect.

The Administration throughout that recommendation supported a call for private right on action on trade secrets. Do you join them in recognizing that such a private right of action would be beneficial?

Attorney General LYNCH. Certainly, Congressman, you have raised an important issue and one of great priority to both me and the entire Department of Justice. We are committed to prosecuting cyber criminals who do seek to steal our intellectual property. I believe the last recent estimate was that we are losing possibly up to $250 billion worth of intellectual property a year through hacks and crimes and the likes. And we look forward to working with you on the proposed legislation that you mention that you discussed.

Mr. COLLINS. So you do believe a civil—a private right of action would complement your efforts, given the resources and limited actions many times that you have, that would be something that would complement the actions that you currently——

Attorney General LYNCH. I'd like to see the language, but certainly we look forward to working with you on that.

Mr. COLLINS. Okay. Also, I want to—and we're jumping to several different issues, and one I want to come back to that was brought up earlier and it has to do with sanctuary cities. And it goes back to a question. I want to know, has DOJ taken any action to withhold law enforcement grants or other funding to sanctuary jurisdictions? If not, why not?

Attorney General LYNCH. Well, the grant process under which DOJ operates is a formula-based grantmaking process and different organizations and entities within cities apply. Certainly with respect to our grantmaking process in general, we're always cognizant of concerns that come up within certain jurisdictions. We have found that through our grantmaking process we can effectuate great change in a host of very significant focused areas.

Mr. COLLINS. But, Madam Attorney General, if you don't mind me interrupting you here, but shouldn't following the law be a prerequisite for a grant?

Attorney General LYNCH. Certainly we work to enforce not only the laws that you are referring to, but all the laws with the cities with whom we work.

Mr. COLLINS. But getting a grant, if you're not following the law, have no intention of following the law, why should—I mean, at that point in time that application should be just set aside, follow the law, we'll talk to you about your grant. Why can't we get to that?

Attorney General LYNCH. Well, thank you for the question, Congressman. Certainly it's been raised in a number of contexts. We do find that our grants are very focused on specific areas. For example, providing more police officers on the ground, providing——

Mr. COLLINS. Again, you've great talking points. I appreciate that. That's not my question. How can you get—if you're using money to circumvent the law, as you just basically implied, that's even worse. You don't incentivize this kind of behavior. Why would it just not be a permanent stop to the grantmaking process until a city or a municipality or a government entity complied with the law?

Attorney General LYNCH. Well, Congressman, with respect to our grantmaking process, we do make very discrete focused grants to specific portions of city government.

Mr. COLLINS. So in essence you have subsidized lawless behavior. That's what the Attorney General of the United States of America has just testified to. And you can sit and—I mean, that's what you just testified to. You'll give money to a locality that is not following the law because you want to use your grant in discrete, private ways. Is that what you just said?

Attorney General LYNCH. We use our grants to incentivize better behavior in a host of ways. And our grantmaking policy is focused on a very rigorous application process that is fact-based.

Mr. COLLINS. So you're telling the people of the Ninth District of Georgia that taxpayer dollars that come to them is being used and will not even be considered if a locality is not complying with the law, you will still give their tax dollars to a locality that is not complying with the law. Is that your testimony?

Attorney General LYNCH. We look at a host of factors——

Mr. COLLINS. So the answer is yes——

Attorney General LYNCH. We look at a host of factors——

Mr. COLLINS [continuing]. Not your host of factors, it is yes. I mean, this is a part—and the Ranking Member made a great point earlier when he first started. I want to finish up with this. I've had these hearings and you'll be back before us at another time and I look forward to those hearings.

But what is amazing to me and the American people watching here is he said tell the truth and work those, but also being prepared for questions. You're going get VA questions here, you're going get sanctuary city questions here, you're going to get a lot of host of questions, and even the Ranking Member listed those off.

Coming and giving an answer that we're looking for, that we're not being basically a setup where the people don't understand that is a thing that very much frustrates most people with Washington, D.C. You're been very well prepared for this by those who want to prepare you for these hearings. There's just a big disconnect at a certain point in time when the Attorney General of the United

States will not say that they would not want to give money to an organization or to a locality that is not following the law, we're still going to give taxpayer money to that. That is unacceptable and what most people find abhorrent.

And with that, I recognize the gentlelady from Washington, Ms. DelBene.

Ms. DELBENE. Thank you, Mr. Chair.

Thank you, Attorney General, for being here with us today and for all of your time.

As you are no doubt aware, in 2012 voters in my home State of Washington passed Initiative 502, which legalized the sale, consumption, and taxation of marijuana products. Including Washington, 23 States and the District of Columbia have legalized some form of marijuana, and in 2016 several more States are expected to consider marijuana legislation on ballot initiatives. Washington has already collected over $80 million in tax revenue from sales. And since the passage of Initiative 502, court filings in Washington for low-level marijuana offenses have dropped by 98 percent, saving the State millions of dollars in enforcement and in judicial expenses.

As you also may know, there are a wide variety of marijuana reform measures that have been introduced in Congress. And there is still the ongoing concerns about the conflict between State and Federal law in many areas, particularly in banking, for example, and they range from legalization to rescheduling.

And a bill that I recently introduced, the SMART Enforcement Act, my bill would give you, the Attorney General, the authority to waive the Controlled Substances Act for States that are effectively regulating marijuana themselves, such as Washington State. So it authorizes a waiver from the Controlled Substances Act for States that meet requirements preventing the distribution of marijuana to minors, violence or use of firearms in cultivation and distribution of marijuana, and drug driving.

And I want to thank your team for answering many questions that my office had as we were in the drafting process. I wanted to hear from you your thoughts on this type of legislation and this approach to reform and about how the enforcement priorities that were outlined in the Cole memo have been working.

Attorney General LYNCH. Thank you, Congresswoman, for the question. And we're happy to provide information and assistance as needed by your staff as you review this important issue.

Certainly the factors that have been outlined in the Cole memo and that have been stressed in further discussions with the U.S. attorney community remain consistent. Our concerns are the areas that you mentioned. Where a State chooses to have a legalized marijuana structure, we will review that structure and look at that, but our concern is, frankly, marijuana getting into the hands of minors and also being trafficked out of State where a State may have not made the same choice.

We also have grave concerns about the areas of the edible products that are so appealing to children and expose them to this product, which I don't believe is the goal of the regime that you're talking about, but is a concern of ours. We're also concerned as well

about the violence that is still associated with the higher levels of the marijuana trafficking industry.

And so at the Federal level we are focusing our resources on that type of enforcement action and we continue to do so. In my former office, we prosecuted cases involving importation of large amounts of marijuana, utilizing an Indian reservation on the Canadian border, and also utilizing organized crime connections.

So we certainly still have a robust practice. Again, we focus limited Federal resources on those types of cases.

Ms. DELBENE. But we know that we have States like ours that have challenges, banking in particular, because they're still, even while there may not be active activity against States who have legalized, we still have situations where banks are not able to serve these types of businesses because of the conflict between State and Federal law.

My legislation would allow you to issue waivers to States that meet and provide an effective regulatory regime, and these would be 3-year waivers so that you're able to give those States a waiver from the Controlled Substances Act and establish the requirements they were going to meet. Is that a type of legislation that you think would help address the issues that we have between Federal law and State law today?

Attorney General LYNCH. Well, we're certainly happy to review any proposal that you think would be helpful and to provide comment on that. I'd have to look further at that proposal before I could respond.

Ms. DELBENE. It's a bill we've introduced and we work to get feedback from your office too. So I'd welcome any feedback there.

I also just wanted to ask quickly, you talked about creating a new cybersecurity unit within the Criminal Division, and I wanted to ask exactly what made you decide to do that and what are the goals of that particular new unit.

Attorney General LYNCH. That is within our Computer Crime unit. We have a Cybersecurity Unit focusing on computer intrusions, computer hacking, and the sophisticated types of computer activity that hackers, many of whom are based overseas, are using to infiltrate our computer systems.

The types of activity that we are looking at involve not just the wholesale theft of private information, which can be so challenging at a very basic level of identity theft, but also the theft of personal information such as healthcare information, which raises significant privacy concerns, and also intellectual property.

We find that private industry is being targeted, particularly our financial services are being targeted at an increasing level by cyber intruders who are seeking to essentially take advantage of American technology and ingenuity and siphon it overseas for production there without the benefit of the work that we put into it. As I indicated in response to Mr. Chairman's question, that recent estimates indicate that approximately up to $250 billion worth a year worth of our intellectual property is being lost to us through that.

This is a grave concern, as all of us seek to make sure that our economy is as strong as possible, that we get the benefit of American ingenuity and American technology and that we protect what are protected secrets. Many of these, many of the matters that are

being stolen are not only sensitive but very, very unique to particular industries and important to the growth of particular discrete industries. We felt that we needed to increase the resources to this because the problem is increasing.

In addition, however, it is working very, very well. And one way in which it's working very well is through our connections to private industry. We, along with the FBI and the Secret Service, have made extensive contacts and discussions with private industry, general counsel, CEOs, CIOs, about cybersecurity and the need to share information about breaches when they occur.

We are also ramping up within the Federal Government our own efforts to provide information to companies when we determine that they've been the subject of a breach or a hack. We are working to reduce our response time to get information to them as quickly as possible so they can also begin protecting their data and protecting their information. So it's been a very positive effort.

Mr. COLLINS. The gentlelady's time has expired.

Ms. DELBENE. Thank you. I yield back.

Mr. COLLINS. The gentlelady yields back. Thank you.

The Chair now recognizes the gentleman from Florida, Mr. DeSantis.

Mr. DESANTIS. Thank you, Mr. Chairman.

Welcome, Madam Attorney General.

When you were the U.S. attorney and you received inquiries about an ongoing investigation, how would you respond to those inquiries typically?

Attorney General LYNCH. Well, Mr. Congressman, thank you for the question. It is Department policy and certainly my own view as a career prosecutor, typically our response would be that we're not able to comment on an ongoing matter.

Mr. DESANTIS. And part of the reason for that is because if you're out making statements in the press that detract from the public's confidence that you're doing it by the facts if you're trying to prejudice the investigation. Is that fair to say?

Attorney General LYNCH. That is certainly one of the reasons, Congressman.

Mr. DESANTIS. Let me ask you this. When you were an AUSA, a line prosecutor, did you ever prosecute a case against someone with whom you had either a relationship on a personal or professional basis?

Attorney General LYNCH. Can you be more specific?

Mr. DESANTIS. Did you ever get assigned a case where the defendant was somebody that you knew either personally or professionally that had a private relationship?

Attorney General LYNCH. That did not occur in my experience.

Mr. DESANTIS. Would it have been appropriate, do you think, for you to have had a case if someone who, you know, maybe you worked with prior to taking the position as a prosecutor or would that case likely have been sent to a prosecutor who did not have that relationship?

Attorney General LYNCH. It depends entirely on the facts and circumstances of the case, what type of case it was, whether it involved an individual, an entity. Every case is looked at on its own merits.

Mr. DESANTIS. And so here is why I'm kind of asking these questions, because I delivered a letter, you probably haven't had a chance to read it yet, from a number of my colleagues, over 40 of us, requesting that you appoint a special counsel to look into the situation with former Secretary of State Hillary Clinton's e-mails. And the applicable regulations say that that's warranted if there's a conflict of interest for DOJ or there are other extraordinary circumstances and it would be in the public interest to appoint an outside special counsel.

So here is why I think it makes sense. You were appointed to the U.S. attorney in 1999 by President Bill Clinton. And I've had a chance to meet a lot of people who have served as ambassadors, different. I've never met anybody who doesn't have esteem for the person that appointed them to high office. I mean, it's a tremendous honor.

Your current boss who appointed you to your current job, President Obama, appointed you again to the U.S. Attorney's Office and now to your current job as the Attorney General and it's been said made statements saying that somehow there is no damage to national security. And then you have the presumptive Presidential nominee of your party is subject to this investigation.

So to me that would meet any definition of extraordinary circumstances. I don't think we could probably find a similar fact pattern in American history where such an investigation was put up. So why not, so that the public has confidence that this is done in an apolitical manner, assign somebody who is trustworthy to serve as a special counsel and then this way, however the investigation goes out, the public's going to have much more confidence in the outcome?

Attorney General LYNCH. Well, Congressman, thank you for your letter. I look forward to reviewing it and will provide a response.

Mr. DESANTIS. But why not just—forget about the letter—why aren't these extraordinary circumstances?

Attorney General LYNCH. Well, Congressman, I would never forget about your letter, first of all, and we will provide a response to that. Certainly, we'll review the issues that you raised and we'll provide you with a response.

Mr. DESANTIS. Do you think, though, that you as the Attorney General then having an investigation that concerns the spouse of somebody that's appointed you previously to a very important position, I mean, and it's not saying that somehow you're not going to try to do a good job, but it's just—it's human nature I think. And then the appearance of whether there is a conflict of interest at stake is something that I think a lot of people are concerned about. And I appreciate you're going to review the letter, but do you not see why that would cause people a little bit of pause?

Attorney General LYNCH. Congressman, we will review everything raised in your letter and provide you with a response.

Mr. DESANTIS. Okay. Well, we look forward to doing that and hopefully you will do that in a timely fashion. Your predecessor usually did not respond in a timely fashion.

The vetting of the refugees. The testimony you gave is different from the testimony that we had from the FBI Director a couple weeks ago about our capacity to vet. And he, I think, said that

you're getting better at it, but that you can't guarantee. I think you are confident that they'll be able to vet.

Well, let me ask you this. Your Department brought terrorism charges against a number of Bosnian immigrants, some of whom—at least one of whom was a refugee. So if our vetting is good, what happened in that case involving the Bosnian who was indicted on material support for terrorism charges in February 2015?

Attorney General LYNCH. Well, I'd have to look at that specific case before I could provide you with an answer about that, Congressman. And of course if it were an ongoing case I wouldn't be comment about it. So, again, I'm not able to give you that answer at this time, and we'll see what information we can provide about that matter.

As I indicated, we have a robust screening mechanism for refugees from all countries. It relies upon efforts of not just the FBI, but the Department of Homeland Security, Department of Defense, State Department. It uses interviews, it uses biometric data. It is, as I indicated earlier, a challenging process, as is everything we do in law enforcement. But that does not mean that we are not committed to doing everything that we can to make sure that the process is as robust as possible and that we do everything that we can to protect the American people.

Mr. DESANTIS. I think the concern, though, is that you can do everything right, but given the lack of data, the lack of information we have on people who are being pulled out of a very, very difficult circumstance, essentially an Islamic civil war, that you can do everything right and you could still have people come into the country who mean to do us harm. This Bosnian was able to get in in probably circumstances that it would have been easier to vet than with Syrians, and so I know a lot of us have concerns. But I appreciate your testimony.

And I yield back.

Mr. COLLINS. The gentleman yields back.

The Chair now recognizes the gentleman from New York, Mr. Jeffries.

Mr. JEFFRIES. I thank the Chairman.

And I thank the Attorney General for your presence and your testimony here today and your leadership.

One of my colleagues from Illinois mentioned earlier that in the city of Chicago approximately 60 percent of the instances of gun violence can be traced to weapons that were initially purchased in either the neighboring States of Wisconsin or Indiana, as well as, I believe, from Mississippi. It's also the case that many of the weapons that are used to commit crime in south-central Los Angeles can be traced initially to the neighboring State of Arizona.

We've got a similar problem in New York in terms of the weapons that are used often to commit crime in the city, and in fact this has been illustrated. Recently we've experienced the deaths of four officers in the line of duty over the last 10 months, Detective Ramos, Detective Liu, Brian Moore, and Randolph Holder. It was a very diverse group, sort of emblematic of the increased diversity of the New York City Police Department, one was African America, one was White, one was Asian, one was Latino. They all paid the ultimate price.

One of the things that they had in common was that the weapons that were used to kill each of these offices came from outside of the State. Detective Ramos, Detective Liu were killed by a weapon that came from Georgia, Officer Moore a weapon that came from Georgia, Officer Holder a weapon that came from South Carolina.

And so it seems that even as certain States see fit to tighten their gun violence prevention laws, because there is no national legislative effort, many States have been subjected to closing the front door, but guns being able to come into those States through the back door.

And so my question is, do you think that the gun trafficking laws that currently exist on the books are adequate for the ATF, the FBI, the Department of Justice to do its job in combatting gun violence?

Attorney General LYNCH. Well, certainly, Congressman, the protection of the American people, particularly when it comes to gun violence, is one of our highest priorities, and we are committed to making every effort to carry out that goal and that responsibility. We look to vigorously enforce all the laws on the books. There are a number of cases I recall when I was still in Brooklyn that my colleague in the Brooklyn DA's office was able to essentially close down a firearm trafficking ring that was bringing guns, as you indicated, from Georgia to New York.

So it is something that all levels of law enforcement take very seriously. We work closely with our State and local colleagues on this issue and we will continue to do so.

Certainly should Congress consider additional legislation, we'd be happy to provide input and comment on that. That is certainly something that I think there is a debate about and I think all voices should be part of that debate.

Mr. JEFFRIES. Has the Department of Justice taken a position, for instance, as to whether universal background checks or comprehensive background checks would be something that Congress should look do as it relates to tightening our gun violence prevention laws?

Attorney General LYNCH. Well, certainly I think as we've been asked that question we've provided information about cases and about trends that we have seen that we hope would be helpful to the analysis here in Congress on that. And if that were something that Congress were to consider we would work to implement that as well.

Mr. JEFFRIES. It's my understanding that the Department of Justice is currently investigating whether the civil rights of Eric Garner were violated when he died as a result of a chokehold that was deployed in July of 2014 by an NYPD officer, Daniel Pantaleo. Is that correct?

Attorney General LYNCH. Yes. That tragic incident did occur in 2014 and it was on Staten Island, which is in my former district.

Mr. JEFFRIES. And in December of 2014, I believe the Department of Justice publicly announced that it was considering whether civil rights prosecution would be appropriate. Is that correct?

Attorney General LYNCH. Yes. Essentially, as you may be aware, the Staten Island district attorney initially undertook an investigation and grand jury presentation. As is commonly our practice, we

awaited the results of that investigation and after the conclusion of the State matter began our own Federal review, which is ongoing.

Mr. JEFFRIES. Okay. And in the context of the Federal review that's ongoing, Eric Garner obviously has been killed. The individual who I think courageously recorded the incident is currently being prosecuted at the State level in a manner that many of us view as retaliatory. It remains to be seen. But the officer who deployed a chokehold that had been administratively prohibited by the NYPD for the previous 20 years remains on the force on desk duty still receiving a salary.

At any point did the Department of Justice communicate to the city of New York that it should refrain from proceeding with disciplinary action against this officer during the pendency of your investigation?

Mr. COLLINS. The gentleman's time has expired, but the Attorney General can answer.

Attorney General LYNCH. Thank you, sir.

Mr. Congressman, I am not able to get into the specifics of the discussions that we may or may not have had with the NYPD, except to say that it is common practice that during the pendency of the investigation officers are placed on a modified duty assignment consistent with the internal practices of the NYPD and that they still retain the right to take action. They often do await the results of a Federal investigation also. That has been my experience in the past with the cases that I have personally prosecuted and seen prosecuted.

Mr. COLLINS. The gentleman's time has expired.

The Chair now recognizes the gentleman from Michigan, Mr. Bishop.

Mr. BISHOP. Well, thank you, Mr. Chair.

And thank you, Madam Attorney General, for being here today and for your patience in sitting through this long testimony.

The primary function of any prosecutor is to enforce the law and the Constitution and to ensure justice. And as I listened to some of the questions, and this can be applied in several different areas that we've been discussing today, the Chairman took you down the path of talking to you about sanctuary cities. And to me the idea of sanctuary cities is really antithetical to what prosecutors believe and that is justice, because it is the selective application of laws.

And I'm wondering what your opinion is of sanctuary cities given all that's been happening in this country. We have cities that have decided to enforce their own brand of law, to ignore law. We have constituents that we represent that don't understand that and Members that do not understand how we can have a law enforcement community that does not enforce the law. It just is inexplicable.

I think it's important that we have some clarity to this answer, but Federal law prohibits, specifically section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, any State or local government from prohibiting their officials from communicating with DHS information regarding the immigration status of any purpose. Yet, it happens.

And I'm just wondering, your predecessor didn't address this issue, I'm wondering if you can address it and if you can give the American people some clarity as to why sanctuary cities are still allowed to exist in this country.

Attorney General LYNCH. Well, Congressman, I have to tell you, it is not an issue on which I'm able to give you clarity about the history of sanctuary cities. At this point I'm happy to look into the issue and provide you with whatever information we can.

I know that it is an issue of intense debate, and of course the Department of Justice is able to provide not only the information, but to help in that debate. I'm not able to give you the history of how they came about or explain that to you. I do understand the challenges that you note, however.

Mr. BISHOP. Well, that is exactly why Americans are frustrated, because that's the answer that they're getting. Selective enforcement of the law is not justice. It is in fact lawlessness. And we live in a country that we require our citizens to obey the law, yet our own law enforcement is being directed not to follow the law.

So you have to wonder at what point in time do the citizens of this country begin to say, "Why in the world am I following the law if my own government doesn't apply it in a fair way?" I do believe that we are fast approaching a point in time in this country where people will just ignore the law. We wonder why the crime continues to proliferate. You have your violence reduction summit that you had. I would think this would be a really good conversation piece to have, why is it that we allow cities to ignore the law and why law enforcement refuses to talk to each other and why we allow some of these glaring examples of violence to occur in our inner cities, we complain about it, I have heard it here today, yet we're not doing what we could do to ensure that it doesn't happen in the future.

It causes me great anxiety to sit here and not hear someone, a public official, say we will not stand for lawlessness, we will not allow cities to circumvent or ignore the law. We are going to use the power and weight of our office to ensure that justice is done.

And I say that with conviction because I believe it's common sense. It has nothing to do with politics. It's common sense. And I'll let you respond to that if you have any response to it.

Attorney General LYNCH. Well, thank you, Congressman. I do understand the frustration that you outline. And certainly with respect to the statutory regime that you inquired about, as I indicated, I'm not able to give you that historical information now. But I look forward to providing you what information we can.

Mr. BISHOP. I yield back.

Mr. COLLINS. The gentleman yields back.

The gentleman, Mr. Cicilline, is recognized.

Mr. CICILLINE. Thank you, Mr. Chairman.

And thank you, Madam Attorney General, for being here, particularly at a moment when I know you and the entire Justice Department is offering full assistance to your counterparts in France to respond to this horrific terrorist attack.

I want to focus my questions really on gun violence in our country. And specifically, as you know, under Federal law, a gun seller may transfer a firearm to a purchaser after 72 business hours even

if the criminal background check has not been completed. And because of that—it's called default proceed policy within the Department—and because of that, gun dealers went forward with almost 16,000 sales to people who turned out to be prohibited purchasers between 2010 and 2014.

So my first question is, do you think that the default proceed policy should be changed to a policy that says firearm sales may only occur if the background check has been completed and the transfer approved?

Attorney General LYNCH. Certainly you raise an important issue about gun safety and our background system. We have been looking specifically at this issue given the unfortunate tragic circumstances that allowed Dylann Roof to purchase a firearm. And what I will say, though, is that while it certainly does make it challenging and make it difficult to ensure that we keep firearms out of those who are prohibited, that is the current state of the law.

Mr. CICILLINE. No, no, I understand that. But you agree, do you not, Madam Attorney General, that if the law in fact said the background check has to be completed and the transfer approved we would reduce the likelihood that people who are ineligible, 16,000 in that 4-year period, from purchasing firearms, correct?

Attorney General LYNCH. Certainly it would provide law enforcement with another tool to make sure that firearms are out of the hands of prohibited persons. And should Congress consider something, we'd be happy to provide input and comment on that.

Mr. CICILLINE. So when that information is determined—when it's determined that a person is a prohibited purchaser, the agency sends out a retrieval notice to the Bureau of Alcohol, Tobacco and Firearms, correct?

Attorney General LYNCH. Yes. If a prohibited person does obtain a weapon, there is a retrieval notice.

Mr. CICILLINE. Okay. And so do you know what happens to those cases in which ATF is directed to retrieve a firearm? Do you track that?

Attorney General LYNCH. With respect to retrieval notices, ATF will designate an agent to investigate the location and whereabouts of the individual and the firearm and retrieve that firearm from that person.

Mr. CICILLINE. So under current law and practice no notice is provided to local law enforcement or to the U.S. Attorney's Office in that jurisdiction. Is that correct?

Attorney General LYNCH. It is done through ATF. That is correct.

Mr. CICILLINE. So that we have information that in at least some of these cases someone who is ineligible because they're a convicted felon has purchased a firearm but we don't provide notice to local law enforcement or to the U.S. Attorney's Office, only to ATF.

Attorney General LYNCH. That's the current system, yes, sir.

Mr. CICILLINE. Okay. You would agree that providing that information to local law enforcement or to the U.S. Attorney's Office would allow them to prosecute some number of individuals who criminally and in violation of Federal law bought a gun with a criminal record.

Attorney General LYNCH. Congressman, I agree that certainly the sharing of all relevant information helps all law enforcement.

Every case would have to be looked at differently and with respect to the individual facts of each case.

Mr. CICILLINE. In addition, I want to just focus your attention for a moment, Madam Attorney General, on the NICS system. Director Comey testified before our Committee that receiving timely records from State and local law enforcement was a potential area for improvement. Are there legislative efforts we can undertake to increase compliance by State and local governments? Is it your sense that it's a lack of Federal standards, general administrative difficulties, or is it just noncompliance? And what can we do as Members of Congress to try to encourage or require compliance with the NICS system because it's only as good as the information that's contained within it?

Attorney General LYNCH. Thank you, Congressman. Yes, the NICS system is an important part of our background check system and we do rely very heavily on information from our State and local counterparts. In many instances, we have excellent reporting from those counterparts. In some instances it is not as robust as we need. And anything that could be done to improve that would be useful.

Certainly you could consider legislation. We also have been working directly, speaking directly with those localities to encourage them to improve their reporting to the current system.

Mr. CICILLINE. And one final question, Madam Attorney General. Congressman Deutch made reference to this, this challenging issue of the definition of engaged in the business of dealing firearms. Even the ATF has said that this very vague standard frustrates prosecutions, it allows people who regularly sell guns to avoid the requirements of background checks. And some have suggested that you could issue a regulation that would provide greater clarity and define that. We recognize legislation is also possible.

But will you agree to at least look at whether or not you have the ability to issue clarifying legislation that will attempt to reach these individuals who are regularly engaged in the sale of firearms but are not determined to be engaged in the business of dealing firearms and thereby go free from any of the constraints that exist for firearm sales and present significant dangers as a result?

Mr. COLLINS. The gentleman's time has expired. The Attorney General can answer.

Attorney General LYNCH. Thank you, sir.

Congressman, with respect to the important issue of our firearm statutes, obviously significant changes would have to be considered and implemented by Congress. And should they be considered, we'd be happy to provide input and guidance there.

In the current statutory scheme we always do everything that we can to ensure robust enforcement under the current statutes. It involves, for example, outreach on the part of ATF to gun dealers to provide guidance to them as to their activities, that goes on on a regular basis, so that we can in fact increase and encourage compliance on the part of dealers.

Mr. CICILLINE. Mr. Chairman, I'd ask unanimous consent that this first report, "The FBI Data Shows Thousands of Gun Sales Beat Checks," be introduced as part of the record.

Mr. COLLINS. Without objection, so ordered.

Mr. CICILLINE. I'd ask unanimous consent that this article entitled "Walmart Has Tougher Policies for Background Checks Than the U.S. Government Does," be introduced into the record.

Mr. COLLINS. Without objection.

Mr. CICILLINE. And finally a report entitled "Business as Usual," prepared by Everytown for Gun Safety, "How Unlicensed High Volume Gun Sellers Fuel the Criminal Market."

Mr. COLLINS. Without objection.**

Mr. COLLINS. The Chair now recognizes the gentleman from Idaho, Mr. Labrador.

Mr. LABRADOR. Thank you, Mr. Chairman.

Thank you, Attorney General Lynch, for being here. I know it's been a long day.

As you, I'm deeply troubled by recent events taking place on the global stage. I know that you have shared your concern about what happened in Paris, attacks in Beirut, and the current crisis in Syria. These events, both singular and ongoing, have reinforced and further impressed on us the very harsh realities of our world, and now we are confronted with a duty to respond here in Congress. I hope that the Administration will take the necessary steps to ensure our Nation's security to the greatest extent possible in these uncertain times.

As you know, Director Comey was here just a couple of weeks ago, and we asked him some questions, and he testified before this Committee that the FBI cannot offer absolute assurance that there is no risk associated with the current Syrian refugee crisis. In fact, when I asked him specifically about the security gaps in Syria, he said, "The challenge we face with Syria is that we don't have that rich a set of data. So even though we've gotten better at querying what we have, we certainly will have less overall."

So, in other words, he's saying we have the ability to query the information that we have, but we don't have a good set of data, we don't have a good set of intelligence. Do you agree with that assessment?

Attorney General LYNCH. Certainly with respect to the information coming into our databases from Syria, as the Director has noted, it does present challenges to law enforcement. However, that does not mean we will stop trying to obtain data and utilize that screening system and I certainly want to convey our commitment to doing that. But certainly, as the Director has indicated, there are challenges to a system based upon the amount and type of data that one can obtain.

Mr. LABRADOR. So when you hear the media out there, they've spent the last 2 days saying that we are vetting these Syrian rebels, but the reality is that we don't have sufficient information to know.

Obviously your Administration is doing everything possible to gather the information that we have, but the problem is that we don't know what we don't have, especially because the intelligence on these people is not as fast as it was in Iraq, for example. Isn't that correct?

**Note: The material submitted by Mr. Cicilline is not printed in this hearing record but is on file with the Committee and can be accessed at:

http://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=104114.

Attorney General LYNCH. Well, certainly every country presents a different scenario in terms of the information that we can gather from them. And certainly while Syria does present its challenges, I'm not able to unequivocally say that we obtain no data from them. I don't believe that we have that information at this point.

Mr. LABRADOR. I don't think that's what I said. And I don't think that's what I said. I just said that we have some problems. In fact, he said, "I would say that we have a less robust data set dramatically than we had with Iraq. So it is difficult." Would you agree with that assessment?

Attorney General LYNCH. It certainly does present challenges, yes, Congressman.

Mr. LABRADOR. So he said dramatically. He didn't say just there's a small difference between the two countries, but between Iraq and Syria there's a dramatic difference in the type of intelligence that we have.

Then when I asked the FBI Director—I asked him what the FBI can do to improve security checks. This is one of the things that scared me the most. He said, "That's one I don't have a good answer for."

So do you have a good answer for what we could do right now to improve dramatically the intelligence that we have on these Syrian refugees?

Attorney General LYNCH. Well, Congressman, what I can tell you is that both the FBI Director and I will do everything in our power to continue to protect the American people.

Mr. LABRADOR. Well, I know you will do everything in your power, and I appreciate your answer. But what specifically are you going to do so I can go back to the people of Idaho and let them know that the Syrian refugees that may be coming to the State of Idaho have been properly vetted—not just vetted, but properly vetted—so we know exactly what their backgrounds are?

Attorney General LYNCH. Well, certainly, Congressman, we can provide you information on the type of vetting that is done. As I've mentioned before, the FBI——

Mr. LABRADOR. But we know already that the vetting that is done is not sufficient. I mean, Director Comey already said that. So that your answer is insufficient at this time. How can I give assurances to the people of my district that we will have the intelligence that is necessary to know whether they are going to be harmful or not to our communities, to our Nation, and to the families in my district?

Attorney General LYNCH. Well, Congressman, as I indicated, we can in fact provide you information on the nature of the vetting. We can in fact provide information, as I indicated, that is done by the FBI. But also in conjunction with the Department of Defense, State, Homeland Security, we also rely on more than the databases. Every refugee from whatever country who chooses to come here or to try and come here is also subject to a robust interview process as well as a biometric analysis of the individual who is literally in front of that interviewer, something that unfortunately Europe does not have the ability to do at this time, placing them in a dramatically different situation than us. And certainly we're happy to keep you updated on developments there.

Mr. LABRADOR. So you think the biometric information that's provided for Syrians, which the FBI Director said was not sufficient, you think that it is sufficient?

Attorney General LYNCH. Congressman, I can indicate to you the types of measures that are in place and provide you the information on the type of screening that is done so that information can be conveyed to the people of your district.

Mr. COLLINS. The gentleman's time has expired.

The Chair now recognizes Mr. Trott.

Mr. TROTT. Thank you, Mr. Chairman.

Thank you, Madam General, for testifying today.

And I want to talk a little bit about the mortgage settlements. And, you know, in 2013 activist groups met with then Deputy Attorney General Tony West and urged him to, in my opinion, create a slush fund to fund their activities in connection with the JPMorgan Chase settlement. Then in 2014 the same groups came back to the Deputy Attorney General and in connection with the Citi and Wells Fargo settlements really pushed and accomplished mandatory donations to activist groups, specifically IAF, with enhanced credits for donations to those groups. And I wondered if you could comment on whether you think that those discussions occurred, number one, and if they did, why?

Attorney General LYNCH. Congressman, with respect to those settlements involving residential mortgage-backed securities frauds, they are an important part of the Department's work to not only protect the American people, but provide relief from the financial crisis and the housing crisis that has occurred from 2008 on.

In connection with your specific question, I'm not aware of the meetings that you were talking about. I was not involved in them. But what I can tell you as a former U.S. attorney who was involved in the settlements of two of those matters, negotiations were between the banks and the governments, and that is certainly how those matters were handled and how they were resolved.

With respect to the consumer relief portions of those settlements, the money there comes from the banks, and it is specifically designed in the wake of the widespread and detailed admissions of wrongdoing on the part of the banks that led to thousands, if not hundreds of thousands of homeowners losing not only their homes, but the value of their homes and their savings.

We also instituted consumer relief to provide direct relief to people that went above and beyond the statutory penalties of the FIRREA statute under which these cases were brought. Where banks are able to provide, for example, one of the main forms of relief is principal reduction.

Mr. TROTT. Right.

Attorney General LYNCH. Where there are other entities involved, the banks would make a selection and they would have to be of an entity from a pre-approved HUD list that focuses specifically on relief, for example foreclosure relief, to homeowners.

Mr. TROTT. No, I understand how the settlements and the money in connection with the settlements was supposed to be used. What I'm concerned about is IAF, which is specifically an activist group which focuses on community organizing, got tens of millions of dollars with the intent, I believe, of training high school students

about the importance of debt management and financial management. And I can't for the life of me understand why that, if you're really looking at trying to curtail future mortgage defaults, why that money wasn't given to the Mortgage Bankers of America or the different State bar associations that were doing very good work in terms of loan modifications, and instead it went to some group that had a different agenda, in my opinion, unrelated to mortgage default activity.

And then I guess the larger question is, how are we doing on the discovery with respect to what really happened in connection with these settlements?

Attorney General LYNCH. Can you be more specific about that?

Mr. TROTT. Eleven months ago this Committee asked for the e-mails relating to discussions between DOJ and outside groups as it relates to mandatory donations to these activist groups. That was 11 months ago. And you're a former and very accomplished prosecutor. I mean, how would you feel if a corporation took 11 months to send you 10 e-mails? What would you do?

Attorney General LYNCH. It would depend on the context of the request, the discovery, and any negotiations. I'm not able to comment on that.

Mr. TROTT. Is 11 months a good turn time for discovery?

Attorney General LYNCH. It depends totally on the facts of the specific circumstances.

Mr. TROTT. Let's move in my last minute here to sanctuary cities for just a moment. So earlier today Chairman Smith asked you about the Immigration Reform Act of 1996 which bars State and local governments from prohibiting their officials from communicating information regarding immigration status to DHS. And your response to Chairman Smith's question was that we're talking with the different jurisdictions about their compliance with this act. So what are you talking with them about?

Attorney General LYNCH. Congressman, I don't believe that that was my specific response. I would have to go back and look at that response.

What I can tell you is that I believe my response was that I was not familiar enough with the specific statutory terms that we were discussing to provide a specific answer to this question and would be happy to look into that and provide information.

Mr. TROTT. Sure. So let me focus—the section that Chairman Smith was referring to, he didn't reference it, but section 642(a), which specifically gives you the ability to enjoin jurisdictions from deciding not to comply with this act. Have you sought, other than talking with the jurisdictions, have you sought any enforcement actions or any injunctive relief to try and make sure the different cities that have decided to go rogue are following Federal law?

Mr. COLLINS. The gentleman's time has expired. The Attorney General can answer the question.

Attorney General LYNCH. Thank you, Mr. Chairman.

I'm not aware of those actions, but certainly I'm happy to look into that and provide a response to you.

Mr. TROTT. Thank you for your time today.

Attorney General LYNCH. Thank you, sir.

Mr. COLLINS. At this time the Chair recognizes the gentleman from Iowa, Mr. King.

Mr. KING. Thank you, Mr. Chairman.

And I want to thank you, Attorney General, for a long day today, and I hope you got a break for lunch. I did.

A number of things come to mind. I'd like to pick up on the sanctuary city side of this. And that is this statute that prohibits the local jurisdictions, the law enforcement jurisdictions from having a policy that prohibits their law enforcement officers from engaging with, supporting with, or helping immigration enforcement officials from the Federal Government. And I'm of the understanding that some of these communities prohibit their law enforcement officers from gathering information and in that way they circumvent the text of 642(a), as the gentleman referenced.

And so I think it's important that you know that section and enforce that section. I've not yet seen an attorney general that does enforce that section of the law. And if you read that and it reads to you as literally as I have described it to you, would you be prepared then to withhold law enforcement grants from those local jurisdictions?

Attorney General LYNCH. Well, thank you for the question, Congressman, and for the specific factual predicate to it. Again, it's not a statute that I'm familiar with now to give you a specific response to, but I am happy to look into that and provide you with information on that.

Mr. KING. I would urge you to do that. And I'm asking you in this record to please send that to me at my office as well as to the Committee. I would like to know directly what your response is on that. It's very frustrating to be engaged in passing legislation here in this Congress and then seeing that it's ignored. That's the sanctuary city part of this.

I wanted to go back, though, to the background check piece of this. And I understand the distinctions between Iraq and Syria and the more difficulty in Syria. But do we have biometrics on the Syrian refugees or the migrants? Do we have fingerprints? Do we have digital photographs of those? And is that part of the background check?

Attorney General LYNCH. It depends on the individual circumstance. I mean, a number of people do come in and do have that information and a number of people do not. If they come in, as I indicated before, as part of the process, that information would be gathered and also stored in a database.

Mr. KING. But you can't do a background on information that you've just gathered as far as fingerprints or digital photographs are concerned. And so it would have to be part of their record prior to that, say, coming out of Iraq or Syria.

I just came back from there last week. And not only that, but I but traveled over much of Europe and I tracked with the migrants, and I saw tens of thousands of them. And I met with the State Department in a number of countries. And they tell me that they're giving our expertise to local countries in the European Union because, as you've said, we're ahead of them. So I said, well, as some of that, are they fingerprinting? Are they taking digital photo-

graphs? And their answer was, well, no, they aren't. Do we give them that advice? Well, no, we aren't.

And so I'm very troubled about the level of confidence you seem to exude here, or the President exudes, on an ability to do background checks when I see a huge haystack of humanity, and in that haystack are the needles that are terrorists. And also in that haystack are the pieces of hay that will become the needles of terrorists.

And so do you actually believe that the Administration, all together, can assure America with any degree of confidence that they can identify someone who will be radicalized because of their association, especially with their religion and their family members, that they will be transferred into here in this country?

Attorney General LYNCH. Well, Congressman, as I indicated, we do have a robust screening mechanism. As I also indicated——

Mr. KING. But how is it robust?

Attorney General LYNCH [continuing]. It's a challenging circumstance in order to ensure that we have the information that we need to make the determinations on who can come into the country and who cannot come into the country.

Mr. KING. Let me suggest that it doesn't sound at all robust to me, not if it's not robust enough that we have already have identified them in their home country. If they don't have a legal existence in their home country, then how in the world can we possibly do a background check on people that from a legal perspective didn't exist before they showed up here at the borders of the United States? We are faced with that constantly.

How about this? Are you under any kind of directive by the Administration not to say Islamic jihad or radical Islam? Is that a memo that has come out?

Attorney General LYNCH. I've seen no memo on vocabulary, Congressman.

Mr. KING. Can you say that or describe then the enemies we have that are killing Western civilization in that fashion? Are they Islamic jihad? Are they Islamic radicals?

Attorney General LYNCH. I call them murderers, sir.

Mr. KING. But you can't say Islam in conjunction with that?

Attorney General LYNCH. I'm sorry?

Mr. KING. How do we understand them if you can't say that? I mean, I want to read to you then—you can't say it, Can you? You can't say it anymore than Hillary Clinton can say the word "Islamic jihad, radical Islamic jihad." If we can't understand our enemy, if we don't know who they are, if we don't know what motivates them—do you know what the term "hijrah" means?

Attorney General LYNCH. I'm sorry, I can't hear you, sir.

Mr. KING. Hijrah, h-i-j-r-a-h, an Islamic term for peaceful migration to invade other countries and start your civilization there and don't assimilate into the broader culture of civilization. And that's being preached in mosques around the Middle East and they're rising up and moving into Europe and moving into the United States and they're resisting the idea that they could ever assimilate into the American culture or civilization. And we're sitting here acting like we can vet them without even understanding what the word hijrah is and not being able to say radical Islam, radical Islamic

jihad, and having a President out of your party that can't say it either. And I'm flabbergasted, I'm listening—here will be my last question, honest, and that is——

Mr. COLLINS. The Gentleman's time has expired.

Mr. KING. I'd ask unanimous consent to ask the last question, Mr. Chairman.

Mr. COLLINS. Finish your question.

Mr. KING. Did you ever think, this is actually a little bit of levity, did you——

Attorney General LYNCH. I'm sorry?

Mr. KING. A little bit of levity, actually. Did you ever think that you would be sitting here testifying before the House Judiciary Committee hearing so many people of the other party advocate for legalizing marijuana? It's purely rhetorical, and I yield back the balance of my time.

Mr. COLLINS. The gentleman yields back.

At this time the Chair recognizes the gentleman Texas, Mr. Ratcliffe.

Mr. RATCLIFFE. Thank you, Mr. Chairman.

Madam Attorney General, in my district there is quite a large number of law-abiding gun owners who also happen to be hunters. I can't tell you how many times I've heard complaints from those hunters about the availability of ammunition, especially at the start of deer season. As you may know, hunters are being forced to use alternative nonlead ammunition because manufacturers can't make brass or steel core ammunition for.30-06 a .270 deer hunting rifle unless they get a waiver saying it's primarily intended for sporting purposes and that waiver has to come from the Attorney General.

Now, in the last 4 years there have been at least 32 petitions that have been submitted by manufacturers seeking that designation. Not a single one of those petitions has been granted. But what really begs an explanation, I think, is that in the last 4 years not a single response has been sent to any manufacturer with regard to those petitions.

So my question to you is a two-part question. Why haven't those been responded to, and when can a response be expected?

Attorney General LYNCH. Thank you for the question, Congressman.

I'm not aware of the requests that you have noted. But I thank you for raising them and I would like the opportunity to look into that matter and provide you some information.

Mr. RATCLIFFE. Well, so can you tell me in the last 4 years have you discussed the existence of those petitions with anyone at the Department of Justice?

Attorney General LYNCH. Well, Congressman, certainly for the last 4 years in my prior position as U.S. attorney for Brooklyn, that matter would not have been within my purview. And as I indicated, while I'm not aware of the situation now, I'd appreciate the opportunity to speak to with your staff and provide you with some information.

Mr. RATCLIFFE. Okay. Well, are you aware, though, that there is a statute, 18 U.S.C. 921, which says that it is—it says, "Which the Attorney General finds is primarily intended to be used for sport-

ing purposes." So do you understand that it is your responsibility to make that designation?

Attorney General LYNCH. Yes, it is certainly included in the panoply of responsibilities for the Office of the Attorney General.

Mr. RATCLIFFE. Okay. So do you have any explanation for why there hasn't been any response at all in the last 4 years to folks making petitions to the United States Department of Justice?

Attorney General LYNCH. Happy to look into that and provide information to you on that.

Mr. RATCLIFFE. Okay. Well, let me then turn to another troubling issue. As the Nation's top law enforcement official, I want to get your reaction to a growing antipolice sentiment and actions of certain public groups out there in this country. I'm hoping that you'll agree with me—I am also a former United States attorney, I took the same oath that you did—I'm hoping that you'll agree with me that police officers and law enforcement are an important part of the backbone of our criminal justice system. And in fact I would hope that you'd agree with me that the work that they do is vital to your ability as the Attorney General and to the thousands of lawyers that work for at the Department of Justice to be able to prosecute violations of law. We can agree on that.

Attorney General LYNCH. I would call them essential, Congressman.

Mr. RATCLIFFE. Right. Well, with that in mind, what is the status of your investigation into Karla Dobinski?

Attorney General LYNCH. Can you give me some context for the question?

Mr. RATCLIFFE. Sure. Let me refresh your recollection. Karla Dobinski was the DOJ taint lawyer for the New Orleans police officers that were charged in connection with shooting of civilians in the aftermath of Hurricane Katrina. And as you know, Madam Attorney General, the role of the taint officer is to make sure that the constitutional rights of police officers are protected from the disclosure of privileged information.

Now, it was subsequently established in Federal court that rather than protecting those police officers, Ms. Dobinski, who was a DOJ deputy chief, actually rather than protecting their constitutional rights went online to anonymously leak evidence from the case and to mock the actual defendant police officers that she was supposed to be protecting. Now, the Federal judge in that case called it reckless, he called it wanton, and a new term that I'd not heard, he called it grotesque misconduct and found that she had personally fanned the flames of those burning to see the defendants convicted.

So the reason I raise this is 10 months ago at your confirmation hearing before the Senate Judiciary Committee you deferred answering questions from Chairman Grassley until you could fully investigate the matter of Ms. Dobinski. But you responded to his questions in writing by stating, "If confirmed, I will commit to ensuring that the Department holds accountable any employees who are found to have committed misconduct." And so please, please tell me that you have in fact done as you promised and you've held Ms. Dobinski accountable for that outrageous conduct.

Attorney General LYNCH. So, Congressman, my understanding of the matter, to the extent that I'm aware of the specifics of it, is that the matter was referred and reviewed by our Office of Professional Responsibility and that the Department followed the applicable civil service laws in conjunction with that. But I don't have further specifics on that for you.

Mr. RATCLIFFE. So can you tell me whether or not Ms. Dobinski, who engaged in the conduct of trying to help convict the defendants she was sworn to protect, can you tell me whether or not she's still employed at the Department of Justice?

Mr. COLLINS. The gentleman's time has expired. The Attorney General can answer.

Attorney General LYNCH. Thank you, sir.

I belive that she is.

Mr. RATCLIFFE. Well, it would seem to me, beg the Chairman's indulgence here, with the appalling targeting of the police that's going on in this country right now, I hope that that's not the message that you want to send to the brave men and women that wear the uniform to protect us. If police officers and other law enforcement officials can't count on the top Federal law enforcement official to back them up, who can they count on?

Thank you for being here.

I yield back.

Mr. COLLINS. The gentleman's time has expired.

Seeing no other Members, this concludes today's hearing.

Thanks to the Attorney General for your patience and your time today.

Without objection, all Members will have 5 legislative days to submit additional written questions for the witness and additional materials for the record.

With that, this hearing is adjourned.

[Whereupon, at 3:10 p.m., the Committee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

Material submitted by the Honorable Sheila Jackson Lee, a Representative in Congress from the State of Texas, and Member, Committee on the Judiciary

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CRIME, TERRORISM AND HOMELAND SECURITY
HOMELAND SECURITY
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CHAIR
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BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM
FOREIGN AFFAIRS
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AFRICA AND GLOBAL HEALTH
MIDDLE EAST AND SOUTH ASIA
RANKING MEMBER
DEMOCRATIC CAUCUS
VICE
CONGRESSIONAL BLACK CAUCUS
CHAIR
CONGRESSIONAL CHILDREN'S CAUCUS

Mrs. Loretta Lynch,
United States Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Madam Attorney General:

I wanted to bring to your attention the clemency case of Sharanda Jones (#33177-077) of Terrell, TX. Sharanda Jones is serving a federal life sentence in a Ft. Worth federal prison without the possibility of parole for a first-time, nonviolent drug offense. Her clemency petition has been on file with the Office of the Pardon Attorney since November 2013.

I'm urging you to recommend to the President her clemency application as a strong case for commutation. Clemency remains her only option for freedom.

Sharanda Jones, 48, is in her 16th year of serving a mandatory life sentence without parole for a single nonviolent cocaine offense. She had no previous criminal record when the judge was mandated to give her this sentence based on federal sentencing guidelines on crack cocaine.

As a result, she was sentenced to die in prison for essentially playing the middle woman in a small town drug ring. Two co-conspirators who testified against her in exchange for lessor sentences received 7-8 years. Even the supplier, another co-conspirator who also testified against her in exchange

for a lesser sentence, only received 19 years. All 3 co-conspirators mentioned have been released from prison.

Sharanda Jones, who has never done drugs, never been in trouble before, received life in prison without parole. She made a mistake, but she shouldn't have to die in prison for a first time, non-violent drug offense. She wasn't a drug kingpin by any stretch of the imagination.

This inhumane sentence is based on outdated and senseless sentencing laws that put people like Sharanda Jones in the same category as murderers.

Sharanda Jones was poor and struggling to take care of her young daughter and her mother who became quadriplegic after a car crash. She made a mistake and broke the law.

She has more than paid for her crime after 16 years in federal prison, accepts full responsibility for her actions, and deserves a chance to re-enter the community and rebuild her life. But unless the President frees her, she'll die behind bars.

Her clemency petition has been highlighted in national media, including the Washington Post and the New York Times. In addition, more than 275,000 people have signed a petition on Change.org asking the President to set her free.

Again, Sharanda Jones, has been punished long enough for this crime. She meets each of the criteria for clemency set forth by the Department of Justice. I urge you to help give her another chance at life.

Very Truly Yours,

Sheila Jackson Lee (TX-18)

Member of Congress

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AFRICA AND GLOBAL HEALTH
MIDDLE EAST AND SOUTH ASIA
TERRORISM, NONPROLIFERATION, AND TRADE

CHIEF WHIP
DEMOCRATIC CAUCUS

December 23, 2014

The Honorable Eric H. Holder
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Dear Attorney General Holder:

As the Congresswoman for the 18th Congressional District of Texas, I am writing to request the Department of Justice to conduct an investigation and take appropriate action in connection with the investigation into the death of Jordan Baker, an unarmed 26-year old African American male from Houston, Texas, who was shot to death by a off-duty uniformed member of the Houston Police Department in the parking lot of a Harris County shopping mall on January 16, 2014.

It is essential that the Department of Justice investigate this case because earlier today a Harris County grand jury refused to return an indictment against the officer who shot and killed the unarmed Jordan Baker. The grand jury's decision is disappointing but not surprising since Harris County grand juries have refused to return indictments against HPD officers in every officer-involved shooting since 2008, notwithstanding the fact that in 25 percent of the 121 cases, the victim was unarmed, as was Jordan Baker. Indeed, it has been more than ten years since criminal charges were last brought against an HPD officer. Since 2004, Houston police officers have been cleared by Harris County grand juries 288 consecutive times for shootings.

Houston has an African American population of 23.7 percent. However, as recently as 2012, African Americans accounted for 48% percent of victims killed by the police. This cannot and must not continue. This case appears to be another strong and clear case of racial profiling in which an innocent African American male is yet again the victim of gun violence at the hands of a law enforcement officer who assumed him guilty and dangerous because of his race.

I therefore request Department of Justice to investigate the killing of Jordan Baker and to take appropriate action, including convening a federal grand jury, to ensure that the civil and constitutional rights of Mr. Baker, and indeed all Americans, are protected and that all persons receive equal justice under law. We are all better off when the facts are discovered, the truth is discerned and the family and the community are at peace.

If you have any questions or need additional information, please contact Glenn Rushing, my Chief of Staff, at (202) 225-3816, or by email at Glenn.Rushing@mail.house.gov.

Thank you for your consideration.

Very Truly Yours,

Sheila Jackson Lee
Member of Congress

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AFRICA AND GLOBAL HEALTH
MIDDLE EAST AND SOUTH ASIA
TERRORISM, NONPROLIFERATION, AND TRADE
SENIOR WHIP:
DEMOCRATIC CAUCUS

August 27, 2013

The Honorable Eric Holder
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

The Honorable Jocelyn Samuels
Acting Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Dear Attorney General Holder and Assistant Attorney General Samuels:

As the Representative for the 18th Congressional District, I am writing to commend the criminal justice reforms announced by the Attorney General in his address to the American Bar Association on August 12, 2013, and to request the Department of Justice to conduct an investigation and take appropriate action in connection with the miscarriage of justice that occurred in Bellaire, Texas, involving the acquittal of a white Bellaire Police Department officer who shot and seriously injured a young unarmed African American male, who had committed no crime, in the driveway of his home in front of his mother and father.

As discussed below, this case appears to be another strong and clear case of racial profiling in which an innocent African American male is yet again the victim of gun violence at the hands of a law enforcement officer who assumed him guilty and dangerous because of his race.

The undisputed facts are compelling and can be briefly recounted.

Early in the morning of December 31, 2008, Robbie Tolan, a 23 year old minor league baseball player and the son of the famed major league center fielder Bobby Tolan, and his cousin, Anthony Cooper, were returning from a fast food restaurant to the home owned by his parents where they both lived. The Tolan home was located in Bellaire, an affluent and predominately white city located about twelve miles southwest of Houston. The City of Bellaire Police Department has a difficult and checkered history of respecting the constitutional and civil rights of racial minorities.

On their way home the vehicle driven by Robbie Tolan, which was owned by and registered to his parents, was spotted by Officer John Edwards, who was patrolling the neighborhood, and ran the license plate of the car they were driving. Officer Edwards claimed that the license number came back to a car that had been reported stolen. According to Officer Edwards, he then called for back-up.

By this time the vehicle driven by Tolan, having arrived at its destination, was parked in the driveway of the Tolan home and Tolan and Cooper had exited the vehicle and were about to enter their home. At this time, Officer Edwards drew his weapon and confronted Tolan and Cooper in front of their house, ordering them to the ground. The resulting commotion caused Tolan's parents to come outside where they protested the treatment of their son and nephew and tried to explain to the officers that they owned the allegedly stolen car and lived at the house.

About this time, Bellaire Police Department Sgt. Jeffrey Cotton, a ten year veteran of the department, arrived on the scene. According to reports, within 32 seconds of his arrival at the scene, Sgt. Cotton shot Robbie Tolan in the chest. The bullet pierced his lung and lodged in his liver. It also ended Robbie Tolan's once promising prospects of becoming a major league baseball player.

Sgt. Cotton claimed that in the 32 seconds he was on the scene he observed Robbie Tolan reaching for what he thought was a gun in his waistband. In fact, Robbie Tolan was unarmed, as was his cousin, Anthony Cooper, as were his parents.

A Harris County grand jury indicted Sgt. Cotton on a charge of first degree aggravated assault by a public servant but he was found not guilty by a petit jury after trial in May 2010. A subsequently filed civil lawsuit was dismissed by U.S. District Court Judge Melinda Harmon on April 2, 2012 after the judge granted summary judgment for Sgt. Cooper on the ground that he acted reasonably in shooting Robbie Tolan within less than a minute of arriving on the scene, concluding that he acted out of reasonable fear of his life and thus enjoyed qualified immunity from being sued for shooting Robbie Tolan in the chest while he lay on the ground.

My constituents and I simply refuse to believe that 50 years after the assassination of Medgar Evers, a young man who has committed no crime and is where he has every right to be can be gunned down in the driveway of his home with impunity by a police officer and left wholly without any legal remedy. That is why I am requesting the Department of Justice to investigate the circumstances surrounding this tragic miscarriage of justice and take appropriate action to vindicate the federal interest in

protecting the civil rights of all Americans and ensuring that all persons receive equal justice under law.

If you have any questions or need additional information, please contact Glenn Rushing, my Chief of Staff, at (202) 225-3816, or by email at Glenn.Rushing@mail.house.gov.

Thank you for your consideration.

Very Truly Yours,

Sheila Jackson Lee
Member of Congress

Questions for the Record submitted to the Honorable Loretta E. Lynch, Attorney General, United States Department of Justice***

ONE HUNDRED FOURTEENTH CONGRESS

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December 4, 2015

The Honorable Loretta E. Lynch
Attorney General
United States Department of Justice
Washington, DC 20530

Dear Attorney General Lynch,

The Committee on the Judiciary held a hearing on oversight of the United States Department of Justice on November 17, 2015 in room 2141 of the Rayburn House Office Building. Thank you for your testimony.

Questions for the record have been submitted to the Committee within five legislative days of the hearing. The questions addressed to you are attached. We will appreciate a full and complete response as they will be included in the official hearing record.

Please submit your written answers by Friday, January 29, 2016 to Kelsey Williams at kelsey.williams@mail.house.gov or 2138 Rayburn House Office Building, Washington, DC, 20515. If you have any further questions or concerns, please contact or at 202-225-3951.

Thank you again for your participation in the hearing.

Sincerely,

Bob Goodlatte
Chairman

Enclosure

*****Note:** The Committee did not receive a response to these questions at the time this hearing record was finalized and submitted for printing on March 21, 2016.

Questions for the record from Chairman Bob Goodlatte (VA-06):

Electronic Communications Privacy Act ("ECPA")

1. During this Committee's FBI Oversight hearing last week, Director Comey indicated that the Securities Exchange Commission is challenged by not being able to use search warrants to uncover securities fraud or other unlawful conduct. The Department of Justice has many components with civil enforcement authority, including the Civil Division, Antitrust Division, Civil Rights Division, Environment and Natural Resources Division, and the Tax Division. Is it possible for any of these DOJ agencies to obtain a search warrant to obtain necessary evidence of possible criminal activity?

    a. If a white-collar criminal were to obfuscate crimes by using personal email communications, would your civil components be able to use a warrant to lawfully obtain those communications?

    b. Does the Department support offering a mechanism to civil agencies for obtaining a subject's communications when a traditional search warrant is not currently available by law?

Going Dark/Encryption

1. You said in May of this year that secure communications technology gives you "grave concerns" about law enforcement's "ability to have eyes on people whose sworn duty is to harm Americans here and abroad." Yet earlier this month, the Obama Administration decided to no longer seek a legislative remedy to address challenges law enforcement faces with encryption and "Going Dark." What has changed during this intervening period?

2. Recently, one provider contested a court order based on the All Writs Act requiring them to decrypt a smart phone. How confident are you in gaining the cooperation of private industry to address end-to-end encryption if certain companies are now contesting your access to less encrypted technology?

Cell Site Simulators

1. Recent reports indicate that the IRS has used Stingray technology in furtherance of its investigations under a lower standard than probable cause, one otherwise known as the "pen/trap" standard. DOJ recently released a policy to cover the use of cell site simulators like the Stingray. That policy provides that the Department will generally seek a probable cause warrant when it wants to use a cell site simulator for investigative purposes, specifically stating that it applies "to the use of cell-site simulator technology inside the United States in furtherance of criminal investigations." Does DOJ's new cell-site simulator policy apply government-wide?

Forensics

1. Recently a report was published by the National Academy of Sciences reviewing NIJ's role in research. As you know it was a very positive report that concluded NIJ has "(1) restored authority that is appropriate for a science agency and addressed some of the previous concerns about NIJ's independence and (2) contributed to the building of a research infrastructure necessary to develop and sustain research that advanced forensic science methods". This is very encouraging to this Committee and we are eager to learn how you plan to move forward with a plan to create a research map for forensic science. Can you please advise the Committee of your progress?

2. It is our understanding under the new MOU between Justice and NIST that you will be independent from one another, however, we understand that the funding for the OSAC structure has come from the Department of Justice the past two years. How will the new MOU affect this process?

    a. And along those lines we would like a briefing on the Forensics Commission and how you plan to move forward with the recommendations. We have great concern with the lack of forensic science practitioners on the Commission and with the scope that appears to be moving beyond the laboratory and into the courtroom.

3. As you are aware, there is some concern with case review processes that have been questioned on both hair and DNA. Can you provide us with how you will work with the State and Local Crime Lab community to resolve these matters? Further, I understand you will be expanding this effort to other disciplines. How will you include the forensic practitioners in the existing and future reviews?

Sanctuary Cities

1. Please list any and all examples where the Department of Justice has enforced current law that prohibits jurisdictions from claiming sanctuary status.

2. Can you address sanctuary cities and can you give the American people some clarity as to why sanctuary cities are still allowed to exist in this country?

3. Have you sought any enforcement actions or any injunctive relief (under 642(a)) to try and make sure the cities that are sanctuary cities are following federal law?

4. Are you prepared to withhold law enforcement grants from those local jurisdictions under (642(a))?

Criminal Justice Reform

1. FBI Director Comey recently attributed the rise in violent crime in many American cities to less aggressive policing due to additional scrutiny of law enforcement practices. Some have

referred to police reluctance as "the Ferguson effect." The New York Times reported that, "Mr. Comey's remarks angered Justice Department and White House officials, because they saw them as undermining the administration's criminal justice policies." As the head of the Justice Department, do you agree with Director Comey or with the White House concerning the rise in violent crime in many of our major cities?

2. Your predecessor issued a memo directing federal prosecutors to decline to charge, in some cases, the drug quantities necessary to trigger a mandatory minimum sentence under the Controlled Substances Act.

    a. As a former federal prosecutor yourself, don't you agree that this memo put your AUSAs in a very difficult position, since in cases where a mandatory minimum would apply, the AUSA now has to choose to either defy his boss or lie to the judge?

    b. Suppose you were an AUSA again, and a judge asked you how much the defendant had. How would you respond?

3. As part of the Committee's criminal justice reform initiative, we intend to move legislation that addresses over-criminalization issues – in particular, criminal intent and regulatory crime.

    a. What is your view on the need for a default mens rea, particularly for regulatory crimes when a person may not know that his conduct is illegal?

4. Please update the committee on the status of the Sandra Bland case, the Robbie Tolan Case, and the Sharanda Jones case.

5. Will the DOJ look into the case of Darrius Stewart who was shot and killed by Memphis police as a passenger in a vehicle during a stop for a traffic citation?

6. Will you instruct the OLC to review and reconsider the 2007 OLC legal opinion that said RFRA could be used to grant exemptions to federal discrimination laws governing federal programs that is being used today to justify taxpayer-funded discrimination counter to the president's Executive Order 13672, which forbids employment discrimination by federal contractors?

Born-Alive Abortion Prosecution

1. Has the DOJ ever enforced any born-alive cases or had any investigations for protecting born-alive survivors of abortion?

2. What is the DOJ's relationship with the Southern Poverty Law Center and its employees, publications, and events?

Planned Parenthood

1. As to an issue that has dominated the past few months' headlines stemming from the shock caused by horrifying videos, will DOJ be opening a preliminary investigation into the apparent negotiation and trafficking by Planned Parenthood employees of aborted human body parts?

    a. Notwithstanding the gruesome aspects of the videos showing a Planned Parenthood worker combing through aborted organs while lifting a severed arm with tweezers, what is the Department doing to determine whether Planned Parenthood was illegally compensated for trafficking in those body parts?

    b. Undercover video depicts a Planned Parenthood employee discussing pricing of fetal organs: "If we alter our process, and we are able to obtain intact fetal cadavers, we can make it part of the budget that any dissections are this, and splitting the specimens into different shipments is this…It's all just a matter of line items." Is DOJ investigating the extent to which Planned Parenthood has altered its abortion procedures in order to obtain intact fetal tissue, also against federal law?

Prosecution of the IRS for Targeting Conservative Groups

1. Why was the evidence of discriminatory intent against conservative organizations in the IRS/Lerner case not sufficient for discrimination claims?

Surveillance

1. Please provide a copy of the *Jones* Memos pertaining to the geo-locating of U.S. citizens. Please also explain why it has been so difficult for obtain this memo as part of this committee's oversight responsibilities

Veteran's Affairs

1. Please provide an update regarding the criminal investigation of the Veteran's Affairs patient wait times?
2. How many VA medical facilities are under active investigation for manipulating wait times?

Federal Grants

1. Please provide the statistics on the adjudication deferral of convictions, the diversion program, how many people get accepted and what those demographics look like.

Intellectual Property

1. Do you join the administration in support of a private right of action being beneficial for trade secrets?

Hillary Clinton Prosecution

1. Please provide a response to the letter written by Congressman DeSantis, along with 40 other Congressmen, regarding the appointment of a Special Counsel to investigate Hillary Clinton's emails. If one has already been provided before the responses to these questions are submitted, please provide a copy of that response.

Syrian Refugees

1. Your department brought terrorism charges against a number of Bosnian immigrants, some of whom were refugees---if our vetting of refugees is working, what happened in that case that allowed them to slip through the system?

DOJ Waivers

1. Why haven't petitions to the DOJ from gun manufacturers regarding waivers for ammunition been answered over the last four years?

Prison Reform

As you know the critical correctional reentry program, Federal Prison Industries (FPI a/k/a UNICOR), which has a long, documented track record of reducing inmate recidivism, recently received high profile support from President Obama when he visited the El Reno Federal Correctional Institution in July along with its FPI facility. After the visit, a White House Official said that "The President believes that, at its heart, America is a nation of second chances, and the reentry programs and drug abuse programs housed at El Reno are vital to ensuring that inmates have a second chance to give back to the country they love,".

In addition to the President's interest, FPI has been the beneficiary of further high level support as evidenced by your predecessor Attorney General Eric Holder's 2010 Memorandum for Heads of Department Components which we have attached for your convenience. As the former Attorney General specifically indicates in his opening paragraph "The purpose of this memorandum is to express my strong support for the Federal Prison Industries (FPI or trade name UNICOR), an important Justice Department program. I ask you to support this critical program by encouraging your staff to purchase FPI products and services to the greatest extent practicable in accordance with the Federal Acquisition Regulation (FAR)." The Attorney General, in his closing paragraph, again specifically states "I am asking each of you to review

FPI's extensive catalog of products and services which is available online at http://www.unicor.gov/prodservices/prod_dir_schedule in order to ensure that your procurement staff consistently support FPI to the greatest extent possible. The attached summary sheet highlights the various product lines available through Federal Prison Industries. Thank you very much for your support.

In the spirit of supporting the goals stated above by the President and the lead taken on this issue by your predecessor, Attorney General Eric Holder, please provide us the following information:

1. A date certain that you would refresh and re-release the attached 2010 Memorandum for Heads of Department Components encouraging them to purchase FPI products and services to the greatest extent practicable in accordance with the Federal Acquisition Regulation (FAR).

2. DOJ purchases from FPI for Fiscal Year 2012

3. DOJ purchases from FPI for Fiscal Year 2013

4. DOJ purchases from FPI for Fiscal Year 2014

5. DOJ purchases from FPI for Fiscal Year To Date

6. Specific goals for purchases from FPI for End of Year 2015

7. Specific goals for purchases from FPI for Fiscal Year 2016 and beyond to enhance purchases beyond those in 2-6 above

Community Payments

Community Payments are often required as part of an agreement not to prosecute (including deferred prosecution agreements), settlement agreements, plea agreements, and final court approved consent orders and decrees. The payments seem to be most often made to foundations, universities or other non-governmental organizations, but sometimes they are made to state government entities. Furthermore, these payments are often in addition to payments made to victims of the alleged wrongdoing. Many of these payments arise from cases handled by the Environment and Natural Resources and Civil Rights Divisions. Examples include payments to the National Fish & Wildlife Foundation, the National Marine Sanctuaries Fund , University of the Virgin Islands, Southern Environmental Enforcement Network, Fair Housing Council of Oregon, and the National Fair Housing Alliance.

1. What is the legal authority that permits the Department of Justice to require settling companies to make payments to third parties that are not the victims of any crime and have not been designated by Congress to receive such funds?

2. What written policies govern the practice of requiring community payments from defendants?

3. What is the lowest level official that can approve such community payments?

4. The mortgage lending settlements directed funds to entities that engage in housing counseling despite Congress' specific decision to cut funding to the Department of Housing and Urban Development for equivalent grant programs. Do you agree that the Department of Justice should not direct settlement funds to programs that Congress has specifically decided should not be funded?

5. DOJ does not always know who the beneficiary of these payments are at the time the underlying agreement is made. Explain why it is good public policy to require community payments to unknown third party groups?

6. Who decides whether a community payment is in the public interest?

7. Since community payments come about as a result of a government enforcement action, who in the government monitors the community payment to ensure it is administered in accord with the public interest? Who audits the community payment?

8. What measurable and documented success, if any, can the Department of Justice report has flowed from its use of mandatory donations in legal settlements? Does the Department use the same methods for measuring whether such success has occurred as it does for auditing grant programs?

9. Reports suggest that the recipients of mandatory donations from the settlement of various mortgage-related actions had lobbied the Justice Department, either directly or through allied organizations, for those mandatory donations.

    a. What rules or guidance govern the Justice Department's dealings with third parties that seek a mandatory donation as part of an anticipated settlement?

    b. How does the Justice Department ensure transparency in its dealings with prospective recipients of mandatory donations or allied organizations?

10. What safeguards are in place to ensure that settlement funds will not be used to reward politically influential groups within a U.S. Attorney's Office's jurisdiction?

11. For 2012 – 2015, how many community payments have been required as part of an agreement not to prosecute (including deferred prosecution agreements), settlement agreements, plea agreements, and final court approved consent orders and decrees?

12. Please provide copies of all Justice Department policies, guidance, guidelines, handbooks, instructions or directions regarding the award of Community Payments.

13. Please provide copies of all records, including reports, audits, or analysis, regarding the expenditure of the Community Payment(s) by both the payor and recipient.

14. Please provide copies of all records, including correspondence, electronic mail, calendar entries, notes of meetings or conversations, regarding Community Payments. Such records shall include communications between potential and actual recipients of Community Payments, governmental personnel, and the targets of an enforcement action or defendants in litigation.

Questions for the record from Representative Sheila Jackson Lee (TX-18):

Private Prisons:
Private corporations are not subject to FOIA laws even though they assume the role of the federal government in the administration of U.S. federal correctional facilities and are compensated with public tax dollars.

This creates barriers to justice for those in privately-run federal facilities because the people who are tasked with protecting their rights do not have the right to request information about what is happening inside of these facilities.

Lack of transparency has contributed to a multi-billion dollar market with rampant cases of mismanagement, neglect, and other types of prisoner abuse in private facilities.

In May of this year, I reintroduced the Private Prison Information Act (H.R. 2470), which has the support of more than fifty criminal justice, civil rights and public interest organizations, would require privately run correctional and detention facilities that house federal prisoners to comply with FOIA laws by making certain records available to the public.

- *Would your agency be supportive of FOIA mandates for private contractors?*

In response to retroactivity changes applied by the US Sentencing Commission, your Department just announced the early release of 6000 federal prisoners (1/3rd of are foreign citizens and will be deported).

- *What is your agency's long-term plan for reducing an overcrowded federal prison population?*
- *As it relates to the criminalization of immigration, what would be an ideal immigration reform plan when addressing the needs and effectiveness of prison oversight and administration?*

Sentencing Reform:
No other country imprisons a larger percentage of its population than the United States or spends anywhere near the $6.5 billion that we spend annually on prison administration.

We now know that the cost of imprisoning so many non-violent offenders is fiscally unsustainable and morally unjustifiable and it will take the combined efforts of policy makers, reform advocates, legal professionals, and private citizens to solve the problem.

I am a proud co-sponsor of The Sentencing Reform Act of 2015 (HR 3713) introduced as a part of the House Judiciary Committee's criminal justice reform initiative, by House Judiciary Committee Chairman Bob Goodlatte (R-Va.), Ranking Member John Conyers (D-Mich.), Congressman Raul Labrador (R-Idaho), Congressman Mike Bishop (R-Mich.), and Congresswoman Judy Chu (D-Calif.) to reform federal sentencing.

This bipartisan bill reduces certain mandatory minimums for drug offenses, reduces the three-strike mandatory life sentence to 25 years, broadens the existing safety valve for low-level drug offenders, and provides judges with greater discretion in determining appropriate sentences while ensuring that serious violent felons do not get out early.

H.R. 3713 also contains sentencing enhancements for Fentanyl trafficking, a highly addictive and deadly drug that is becoming a growing epidemic in the United States.

- *How would this bill impact the agency's long-term goals for reducing overcrowding in federal prisons?*

Clemency:
Separate from the early release of non-violent drug offenders, your agency (through your predecessor, Attorney General Eric Holder) announced the Department of Justice's clemency initiative in 2014.

And in July the President granted clemency to 46 individuals - 42 men and 4 women. As you know, there are many more men, and many more women, deserving of clemency.

One woman in particular, Sharanda Jones, from my state of Texas, is currently serving a federal sentence of life without parole for a first time, nonviolent drug offense.

Unlike those who would be eligible for early release or retroactivity review of their sentences, clemency is her only option and I urge you to recommend the President consider her a strong case for commutation.

- *Can you please provide a brief update on the Department's Clemency Initiative and when you might anticipate any new clemency announcements by the President?*

Youth Incarceration:
In July, I introduced three youth justice reform bills.

1. Kalief's Law (HR 3155) would put in place standards to help ensure the humane treatment of youth in state and federal systems.
2. The Fair Chance for Youth Act (HR 3156) would establish a mechanism for the sealing or expungement of youth records.
3. And, the last, is the RAISE Act (HR 3158), which addresses a variety of issues youth or young offenders are facing in the federal criminal justice system.

These bills would galvanize states for the humane treatment of incarcerated youth and acknowledge that young people are different.

Your predecessor established a Task Force and Report on Children Exposed to Violence in 2102. Within that report are various recommendations for rethinking the current juvenile justice system to create more effective and cost-efficient programs by assessing, screening and intervening to address treatment and rehabilitative needs of youth – most of whom have been victimized and traumatized by violence and abuse, and/or have a disability or mental or medical health issue.

- *What is your agency's plan for protecting the rights of children within the juvenile and adult criminal justice systems?*

- *How does your agency intend to respond to states and localities that are non-compliant with PREA and other core requirements set forth through the Office of Juvenile Justice and Delinquency Prevention?*

Data Collection:
Currently the media, and not the government, provides the best data on police involved shootings.

The FBI Director has called the lack of data embarrassing and acknowledged accurate data is necessary for improving police-community relations. DOJ gives out nearly $4 billion in funding to state and locals.

- *Why is data collection not a prerequisite to receive federal grant funds?*
- *Would the DOJ support such a requirement that provides flexibility to assist law enforcement agencies and delays any penalties until agencies have had a chance to put in a proper program?*

Policing & Accreditation:
In June, I introduced the Law Enforcement Trust and Integrity Act (HR 2875) with Ranking Member, Mr. Conyers.

H.R. 2875 would incentivize law enforcement agencies to seek and earn accreditation through the Commission on Accreditation of Law Enforcement Agencies (CALEA), and mandate data collection by law enforcement on the use of force by, and against, law enforcement, and other information.
Accreditation: HR 2875 would prioritize grants related to accreditation.

- *What, if anything, is DOJ already doing to encourage agencies to get accredited?*

Voting Rights
In September, Deputy Assistant Attorney General Vanita Gupta notified officials that the Department had found "widespread noncompliance" with the National Voter Registration Act in the state of Alabama.

- *Have you made any progress in your negotiations with the state?*
- *Will you reach agreement on a consent decree?*

In October, the state of Alabama announced plans to close 31 driver's license offices. The plan was advertised as a cost-saving measure—but affects every county with a majority-minority population.

- *Combined with Alabama's new voter identification law, will this decision make it harder for citizens to vote?*
- *Will it have a disparate impact on the poor?*
- *On citizens of rural communities?*

- *On blacks and other minorities?*
- *Apart from making it difficult to vote, how might the decision to close 31 driver's license offices have a discriminatory effect on certain citizens of Alabama?*

As a result of the Shelby County decision, the Department lost the "preclearance" mechanism of the Voting Rights Act—that is, covered jurisdictions are no longer required to obtain approval from the federal government before making any changes to their voting procedures, no matter how small.

- *If this mechanism had been in place, could the Department have stopped this plan before it went into effect?*

Asset Forfeiture/Boko Haram Victim Protection Fund:
It is my understanding that you oversee an impressive portfolio of asset forfeiture initiatives in cooperation with the United States Treasury Department with a combined value in assets of $9.4 billion dollars.

- *Can you discuss some of the initiatives and recent matters that your office has worked on?*

As I understand it, the assets are the proceeds of assets seized by or forfeited to the United States, usually incident to a criminal investigation. One example involves the "Abacha loot" seized through Justice's Kleptocracy Asset Recovery Initiative last year. The civil forfeiture complaint resulted in a $458 million judgment against the estate of former Nigerian Dictator Sanni Abacha. To date, these forfeited funds represent the largest Kleptocracy forfeiture action ever brought in the United States.

- *Are you able to advise us on the current status and distribution plans for these funds?*

As you may be aware, I wrote you a letter this past May supported by over 25 members of Congress, urging your Department to utilize the Abacha loot to establish a Victims Protection Fund for the victims of Boko Haram, migrants and all other internally displaced persons in Nigeria and the Lake Chad Basin which sits on the edge of the Sahara, covering Chad, Cameroon, Niger and Nigeria. A terror Victim Protection Fund can supply health aid, educational support, and overall improved social welfare to victims, and the cases of Equatorial Guinea and Kazakhstan are examples of prior kleptocracy initiatives that have been created to benefit communities and victims in need of support.

- *Would your agency be amenable to this proposal?*
- *And if so, what can we do here in Congress to help you achieve this expeditiously?*

Terrorism:
It is estimated that 30,000 foreign fighters from 100 countries have traveled to Syria since the beginning of that war.

The number of Americans included in this number is 250. Many of these individuals may be known to their country of origin as having been in the war zone.

I have introduced the No Fly for Foreign Fighters (H.R. 68), which would require the Director of the Terrorist Screening Center to: (1) review the completeness of the Terrorist Screening Database and the terrorist watch list utilized by the Transportation Security Administration to determine if an individual who may seek to board a U.S.-bound or domestic flight, and who poses a threat to aviation or national security or a threat of terrorism and is known or suspected of being a member of a foreign terrorist organization, is included in the Database and on such watch list.

- *Do you believe that the focus of our efforts to address the foreign fighter threat should be on providing the most up to date information on those entering and leaving the Syrian war zone and making sure that that information is shared in as efficient manner as possible?*

Questions for the record from Representative Steve Chabot (OH-01):

Sanctuary Cities:
I had the opportunity to question Department of Homeland Security Secretary Johnson back in July about sanctuary cities and the problems resulting from their existence. At that time, I asked Secretary Johnson if he knew if anyone had reached out to the family of Kathryn Steinle, the young lady brutally murdered by an illegal immigrant felon while walking with her father through San Francisco.

In the face of the mounting public pressure against sanctuary cities, do you support San Francisco Supervisor Malia Cohen's statement that "we cannot allow one event to dictate 25 years ... of our city's policies toward undocumented immigrants" given the "one event" in question was the brutal murder of an innocent young lady, which was far from an isolated incident when considered on a national scale?

Do you support states and other municipalities defying ICE detainers under the guise of being a sanctuary city? Do you support the ability for illegal immigrant felons to remain in this country, free to commit additional heinous crimes such as the murder of Kate Steinle?

Radicalization:
In January, the FBI apprehended a 20-year-old Cincinnati resident who had been radicalized, and was planning on carrying out a pipe bomb attack on the U.S. Capitol Building. At a hearing in February, Assistant Director Steinbach from the Counterterrorism Division of the FBI indicated: "the Internet remains a critical node for terror groups to exploit."

In light of the terror attacks of last week in Beirut, Baghdad and Paris, what efforts has the DOJ undertaken to monitor ISIS and their activities in the U.S. in order to prevent similar attacks domestically and to pre-empt their attempts to radicalize more American citizens through social media? Have you seen an increase in ISIS activity online leading up or since and what has the DOJ done to counteract that activity?

Child Exploitation:
Child exploitation is a horrendous crime, and we should do whatever we can to protect the rights of children both at home and abroad. Earlier this year, President Obama signed into law the Girls Count Act of 2015, which directs the Secretary of State and USAID Administrator to support efforts aimed at improving birth registration around the world. Birth registration is a critical first step in ensuring that the rights of all children are protected, and that problems such as human trafficking, early marriage, and forced labor do not happen. How is the Department of Justice working to prevent similar issues from happening domestically?

Encryption:
American businesses are still reeling from the Snowden revelations. Countries are erecting artificial trade barriers to keep our innovative products from entering their marketplace. Just last

week, the Court of Justice of the European Union (CJEU) invalidated the safe harbor agreement that provided untold benefits for American businesses. Don't we run the risk of harming our businesses even more if we tell them no to adopt end-to-end encryption?

Every day we read of another breech and of our most sensitive information being exposed and in some instances, sold, on the black market. In fact, for 15 consecutive years, identity theft has been the number one consumer complaint to the Federal Trade Commission (FTC). How do you justify weakening online security against this backdrop?

American software developers are receiving mixed messages. At times the FTC, state AGs, President Obama's Review Group on Intelligence and Communications Technologies, and even the FBI have all recommended the use of end-to-end encryption. Yet there is continued chatter by the Administration that says encryption does more harm than good. What gives? Who are developers supposed to listen to?

Operation Choke Point:
You have been asked before about Operation Choke Point, which sought to deny fraudulent businesses access to banking services. An enduring mystery, however, is why firearm and ammunition dealers were characterized as "high risk" businesses in documents distributed by the Federal Deposit Insurance Corporation (FDIC) and DOJ.

Can you explain the reasoning behind the labeling of firearm and ammunition dealers as "high risk"?

Is this still the way DOJ would characterize these businesses?

If not, can you take this opportunity to reassure banks that they are free to service customers selling firearms and ammunition without fear of adverse action from DOJ for doing so?

Questions for the record from Representative Steve Cohen (TN-09):

1. According to the Drug Enforcement Administration's 2015 National Drug Threat Assessment summary, marijuana is law enforcement's lowest concern when it comes to drug threats. Yet, federal law enforcement continues to prioritize this outdated prohibition.

   And worse, it maligns those who understand it has medicinal benefit. Just recently the DEA's Acting Administrator Chuck Rosenberg said that the use of marijuana as a medicine is, "a joke."

   It is no joke to the family of Chloe Grauer – a 3 year old from my district who suffered from 100 to 200 seizures a day. She tried dozens of medications and underwent surgical procedures but nothing stopped the seizures. Her doctors wanted to treat her with Cannabidiol--also known as ``Charlotte's Web" or ``CBD" for short--which has been shown to treat certain diseases that cause seizures, like the disease from which Chloe suffered. She never received this medicine, and ultimately died waiting for it.

   Will you use your authority under federal law to ask the Department of Health and Human Services and/or the Federal Drug Administration to begin a review of marijuana to recommend to you whether marijuana should be removed from Schedule I under the Controlled Substances Act?

2. I am concerned the Department of Justice has not devoted enough resources in the way of staffing to the Office of the Pardon Attorney and the Bureau of Prisons to process the large volume of petitions pending for pardons and commutations. There are currently more than 10,000 pending petitions. Without additional resources, non-violent offenders who might otherwise be entitled to relief, may be forced to remain behind bars for months or even years longer than is just. Will you devote additional staff to the Office of Pardons and the Bureau of Prisons to ensure that applications are reviewed in a timely manner?

Questions for the record from Representative Steve King (IA-04):

1. Can you detail the costs incurred by the government's participation in the case Texas v. U.S. and have you developed an estimate for the prospective cost of pursuing a Supreme Court decision and any potential litigation on the merits after a decision at the Supreme Court?

2. Is it your position that no state or individual has standing to challenge the Department of Homeland Security's deferred action programs? If not, who would have standing in federal court to challenge deferred action policies on the merits?

Questions for the record from Representative Ted Deutch (FL-21):

The May 2012 Government Accountability Office (GAO) report entitled: *DOJ Could Increase Awareness of Eligible Funding and Better Determine the Extent to Which Funds Help Support this Purpose* – described that one tenth of one percent of the over $500 million in federal funding provided to state and local criminal justice systems each year goes to representing indigent criminal defendants.

1. The May 2012 GAO report indicated that the Department of Justice (DOJ) administers 4 grant programs: (1) John R Justice Grants, (2) Capital Case Litigation Initiative Grants, (3) Wrongful Conviction Review Grants, and (4) Juvenile Indigent Defense National Clearinghouse Grants – which require the recipients to use all or part of the funding to support indigent defense.

   In the most recent records on the distribution of DOJ grants, how much funding was provided through these 4 grant programs to support indigent defense? If a recipient only used part of the grant to support indigent defense funding, what was the other part of the grant used to support?

2. The May 2012 GAO report indicated that 9 grants: (1) Justice Assistance Grants, (2) Juvenile Accountability Block Grants, (3) Tribal Juvenile Accountability Discretionary Grants, (4) Byrne Competitive Grants, (5) Tribal Civil and Criminal Legal Assistance Grants, (6) Juvenile Justice and Delinquency Prevention Title II Grants, (7) Tribal Court Assistance Program Grants, (8) Justice and Mental Health Collaboration Grants, and (9) Adult Drug Court Discretionary Grants - are administered by the DOJ that can be used, but are not required to be used for indigent defense.

   In the most recent records on the distribution of DOJ grants, how much funding from these 9 grants was used to support indigent defense?

3. The May 2012 GAO report described that two-thirds or more of state, local, and tribal respondents reported that they did not use the above referenced 9 grants for indigent defense. In the most recent records on the distribution of DOJ grants, have more state, local, and tribal entities used these 9 grants for indigent defense? Or, have fewer state, local, and tribal entities?

Questions for the record from Representative Doug Collins (GA-09):

1. Ms. Lynch, this Administration has gone to great lengths to refuse to provide information on the conservatorships of Fannie Mae and Freddie Mac.

   In the United States District Court here in Washington, the government produced only 33 documents – comprising 248 pages of previously non-public information – as its Administrative Record showing decision-making by the Federal Housing Finance Agency and Treasury. The District Court issued an opinion based on that woefully inadequate Administrative Record.

   Subsequently, when the U.S. Court of Federal Claims required the government to produce information in discovery, the government gave 725,000 pages of documents under protective seal – completely hidden from public view – and refuses to produce another 180,000 pages of documents citing executive privilege.

   Why are you asserting executive privilege over 180,000 pages of documents?

   Why has the government demanded such extraordinary secrecy in these cases?

   Why won't the government release documents that explain the Administration's controversial decisions on Fannie Mae and Freddie Mac?

2. Despite decades of DEA enforcement actions, it seems that the drug abuse problem continues unabated, whether the problem is heroin, cocaine, morphine, oxycodone, hydrocodone, etc. Don't you think it is long past due to take a step back and bring together a wide variety of stakeholders to agree upon new solutions to combat drug abuse, as has been proposed by H.R. 471 that was passed in the House by voice vote earlier in the year?

3. Earlier this year, GAO issued a report that found that DEA does not adequately communicate with its registrants. Don't you think better communication with registrants would help with efforts to stop prescription drug abuse? Don't you think inadequate communication leads to perceptions that all DEA cares about are the numbers of enforcement actions and not about real solutions to stop drug abuse?

4. Madam AG - In 1979 the Justice Department decided that as a matter of good public policy no consent decree entered into by the Department should last for more than 10 years. I happen to agree that perpetual consent decrees don't make sense and at some point can have significant negative effects on those who are bound by them. Why is it that the 1941 consent decrees governing ASCAP and BMI are not subject to the same sunset policy that applies to modern decrees?

5. I understand that DOJ has been reviewing its consent decrees with performing rights organizations ASCAP and BMI. When can we expect that process to conclude? Given the dynamic nature of the music industry, is the Department contemplating a mechanism for more periodic review of these decrees to ensure they are not impeding innovation in the music marketplace?

6. I've heard from many struggling songwriters who believe that the ASCAP and BMI consent decrees result in them receiving less than market value for their work. What changes to these decrees is the Department considering to help ensure that songwriters receive fair compensation from those who benefit by using their music?

Questions for the record from Representative Mike Bishop (MI-08):

On December 16, 2009, the House Judiciary Committee held a hearing titled "Piracy of Live Sports Broadcasting Over the Internet". The Committee at that time heard from, among others, representatives of the Major League Baseball and the Ultimate Fighting Championship about the problem. The Committee also heard from a representative of ESPN regarding piracy of live sporting events. In the March 2011 "Administration's White Paper on Intellectual Property Enforcement Legislative Recommendations," the Administration supported "Clarify[ing] that, in appropriate circumstances, infringement by streaming, or by means of other similar new technology, is a felony."

Please explain why fixing this gap in the law is important and how making this change would harmonize the penalties regarding "infringement by streaming" consistent with other forms of criminal piracy.

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