

STATEMENT OF LORETTA E. LYNCH  
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BEFORE THE UNITED STATES SENATE

COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED  
AGENCIES

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Good morning, Chairman Shelby, Vice Chairwoman Mikulski, and other distinguished Members of the Subcommittee. It is an honor for me to appear before you today for the first time as Attorney General of the United States. I want to thank you for the trust you have placed in me through your confirmation of my nomination. Throughout my tenure as Attorney General, I will strive to uphold that trust to protect and defend our Constitution, to safeguard our people, and to stand as the leader and public servant that they deserve. I look forward to working with this committee, the United States Senate, and the entire United States Congress to protect and serve the American people. Vice Chairwoman Mikulski, I am particularly honored to work with you in your last two years as a Senator. I would like to thank you personally for your leadership, example, and support to the Department of Justice and the nation.

In my new role as Attorney General, I am here to highlight the President's Fiscal Year (FY) 2016 Budget request for the U.S. Department of Justice (the Department or DOJ). While this budget pre-dates my arrival as Attorney General, I am pleased to say that it is in line with my highest priorities for the agency: the safety of our citizens and our national security; protection of the most vulnerable among us; and strengthened relationships between America's brave law enforcement officers and the communities they are entrusted to serve.

Continuing our focus on the *Smart on Crime* initiative is critical to achieving these priorities because, while the aggressive enforcement of federal criminal statutes remains necessary, we cannot prosecute and incarcerate our way to a safer nation. We must reduce our prison populations by better preventing and deterring crime, improving charging and sentencing, and enhancing rehabilitation and reentry programs that reduce recidivism. We must also invest in improving relationships between communities and the criminal justice system in order to restore faith in our systems.

As we convene this morning, I know we're all still mindful of the situation in Baltimore. I assure you that in the days ahead, the Justice Department will continue to work to ensure justice, restore calm, and resolve unrest.

This budget will further these important goals and allow the dedicated employees of the Department to continue the great work they do every day to reduce crime, reform our criminal justice system, and ensure our safety and security.

Thankfully, as a result of bipartisan efforts, DOJ has been able to implement a process to backfill critical vacant positions resulting from the Department-wide hiring freeze between 2011 and 2014. DOJ brought on approximately 2,500 staff in FY 2014 and we hope to bring on 1,500 more in FY 2015. The FY 2016 Budget provides funding to both sustain these employees and provide for an additional 1,600 positions.

The FY 2016 Budget requests \$28.7 billion in discretionary resources for the Department, including \$26.3 billion for federal programs and \$2.4 billion for state, local, and tribal assistance programs. This represents a 4.8 percent increase over the comparable FY 2015 enacted funding level. The key funding priorities include:

- **Defending U.S. citizens from national security threats.** The budget invests an additional \$107 million to develop the Department's capacity in critical national security areas including: countering violent extremism and domestic radicalization to violence; counterterrorism; cybersecurity; information sharing and collaboration with the Intelligence Community; and training and technical assistance for our foreign partners.
- **Upholding civil and constitutional rights.** The budget includes \$103 million in new investments to better address human trafficking, hate crimes, and sexual violence in our primary and secondary schools as well as higher education. The additional funds would expand civil and criminal enforcement efforts to ensure the rights of our Nation's most vulnerable populations.
- **Investing in improvements to our criminal justice system.** The budget invests \$247 million in the *Smart on Crime* initiative to better deter crime and protect the public. The initiative focuses resources on the most important law enforcement priorities, reduces disparate impacts of the criminal justice system on vulnerable communities, and considers alternatives to incarceration for low-level, non-violent offenses in order to reduce taxpayer expense and prevent recidivism.
- **Maintaining safe and secure federal prisons.** In addition to \$146 million for the Bureau of Prison (BOP) included in the Smart on Crime initiative above, the budget invests an additional \$71 million to increase staffing at high security prisons to improve officer and inmate safety; increase medical beds for severely ill inmates; and undertake essential rehabilitation, modernization, and renovation of aging BOP facilities.
- **Improving the efficiency of the immigration court system.** The budget invests \$126 million to support additional Immigration Judge Teams and Board of Immigration

Appeals attorneys, to expand the successful Legal Orientation Program, to allow for greater representation of unaccompanied children, to modernize information and data sharing systems to improve the efficiency of processing case materials, and to keep pace with workload demands associated with civil cases.

- **Improving responses to violent crime, illicit drugs, and health care fraud.** Simply maintaining existing capacity is not sufficient. The budget requests \$43 million in additional investments to investigate and punish those who break federal laws and harm innocent citizens. This includes preventing the illegal use and trafficking of firearms, addressing the increase in heroin and other emerging drug trends, thwarting international drug trafficking organizations, addressing international piracy of intellectual property, and combating health care fraud and wildlife trafficking.
- **Enhancing state, local, and tribal law enforcement programs.** The budget requests \$154 million in net discretionary program increases to support the ability of our state, local, and tribal partners to counter violent extremism, hire officers, better serve victims of crimes, conduct research to build evidence on best practices, improve indigent defense, and expand re-entry programs.
- **Addressing gaps in critical Department infrastructure.** The budget invests \$27 million in the renovation and repair of prisoner holding spaces in federal courthouses, Department-wide information technology improvements, and oversight of Department policies and procedures.

### **Protecting the American People from Terrorism and other National Security Threats**

Defending U.S. citizens from both internal and external threats remains the Department's highest priority. The Department made significant achievements in this area in FY 2014. The Department's counterterrorism investigations disrupted 214 terrorist threats and the FBI investigated approximately 14,000 national security cases. The FBI, DEA, ATF, Department of Homeland Security, U.S. Secret Service, and the U.S. Postal Inspection Service successfully coordinated on many efforts, including the arrest of multiple vendors involved in online forums, such as Silk Road 2.0, which were trafficking counterfeit currency, narcotics, firearms, explosives, and illicit documents.

The FY 2016 Budget will enable the Department to continue meeting the challenging and ever-changing threats to our national security by providing a total of \$4.6 billion in resources, including \$107 million in program increases for four critical national security issues: (1) countering violent extremism and domestic radicalization to violence; (2) cybersecurity; (3) information sharing and collaboration with the Intelligence Community; and (4) training and technical assistance for our foreign partners.

To counter violent extremism and domestic radicalization to violence, the FY 2016 request provides \$15 million to allow the Department to foster community-led efforts through funding from the Office of Justice Programs (OJP) and the Community Oriented Policing

Services (COPS) to state, local, and tribal law enforcement agencies and community organizations nationwide. At the National Security Division (NSD), \$1 million in additional resources would support its investigative and prosecutorial efforts focused on homegrown violent extremists intent on attacking the United States.

The FY 2016 Budget Request also includes \$775 million in total for cyber-related activities that address cybercrimes and defend the security of critical information networks. This request includes increases of \$27 million for key program enhancements to the FBI, NSD, U.S. Attorneys, and the Criminal Division. The FBI will continue improving its cyber collection and analysis, while extending its centralized cyber capabilities to the field through its Next Generation Cyber initiative. NSD will bring on additional attorneys to help with prevention, detection, investigation and prosecution, and vulnerability management, as well as policy development and program oversight related to cyber threats to national security. To prosecute increased cybercrimes across the country, the U.S. Attorneys require additional attorneys that specialize in cybercrimes, as well as increased training on digital evidence. Enhancements to the Criminal Division would increase the Division's capacity in six key areas: training for attorneys on cybercrime and digital evidence; enhancing digital forensic capacity; providing technical and legal expertise; improving information sharing efforts with the private sector; building and strengthening relationships with foreign law enforcement partners, and developing cyber policy. Finally, in order to protect the Department from increased cyber threats and intrusions, the FY 2016 Budget invests in additional cybersecurity tools and IT infrastructure maintenance and improvements.

Information sharing and collaboration with the Intelligence Community is critical for the success of the Department's efforts to ensure our national security. A program increase of \$3.2 million for NSD will enhance its court-authorized intelligence collection efforts and increase its oversight of information used during national security investigations and prosecutions. Increases for the FBI and DEA will allow both agencies to improve their information technology systems.

Because crime increasingly transcends national borders, the United States must improve its coordination with foreign partners. The Mutual Legal Assistance Treaty (MLAT) is the mechanism that enables the provision of evidence and extradition of persons across borders. Improvements are still needed to reduce the backlog in MLAT requests from our foreign partners and improve MLAT response time. As of January 2015, the Office of International Affairs (OIA) in the Criminal Division had a backlog of over 11,500 pending cases. The Department is working to fully replace its existing, antiquated IT system with an anticipated completion date of mid-2016. The Department has also begun to gather better data from its existing case management tool, such as timelines for the processing of requests, which will generate useful metrics to evaluate the execution of MLAT requests. OIA has made significant progress in filling attorney vacancies that accumulated during the Department's hiring freeze. However, without the \$32 million investment for personnel and technological resources requested in the

FY 2016 Budget, OIA will not be able to accomplish its plans for centralization or process improvement.

Finally, the FY 2016 Budget also invests additional resources for the International Criminal Investigative Training Assistance Program (ICITAP) and the Office of Overseas Prosecutorial Development Assistance and Training (OPDAT). Both agencies further U.S. national security interests by helping stop terrorism and crime before it can reach our shores. ICITAP and OPDAT costs have been generally funded by the State Department, however, as the issues to be addressed grow, so has the need for steady base resources within the Department's budget.

### **Protecting Civil Rights**

The Department must protect not only American citizens but also American values. Accomplishing the Department's mission to uphold the civil and constitutional rights of all Americans, particularly the most vulnerable, requires resources to investigate, litigate, and conduct outreach and technical assistance. As such, the Department is requesting program increases totaling \$103 million across several components. For the Civil Rights Division (CRT), the FY 2016 request includes total enhancements of \$16 million to expand efforts associated with human trafficking, voting rights, and enforcement of Title IX and other laws that address discrimination against students on the basis of sex. The request for CRT also includes additional resources to protect service members and individuals in institutions, and to expand efforts to ensure that all communities have effective and democratically accountable policing. An enhancement of \$7 million would allow for new Assistant U.S. Attorneys to focus exclusively on civil rights law enforcement and work in tandem with CRT on the more complicated and time consuming cases, such as sex and labor trafficking cases.

The Community Relations Service (CRS) has been engaged in forging constructive partnerships to prevent and relieve tensions between law enforcement and communities around the country, including Ferguson, New York City, and most recently Baltimore. The FY 2016 request includes an increase in funding for CRS to help prevent hate crimes and engage local communities and law enforcement departments in dispute resolution activities. Funding will also support the goals of the President's My Brother's Keeper Initiative, which seeks to address persistent opportunity gaps faced by boys and young men of color to ensure that all young people in this country can reach their full potential. The Department requests \$78 million in grant program increases to: improve the public's access to counsel and legal assistance in state, local, and tribal courts and juvenile justice systems; implement the recommendations of the White House Task Force to Protect Students from Sexual Assault; and assist law enforcement agencies on criminal justice issues, including use of force practices and the deployment of crisis intervention teams.

## **Becoming Smarter on Crime**

In early 2013, the Justice Department launched a comprehensive review of the criminal justice system in order to identify reforms that would ensure federal laws are enforced fairly and, in an era of reduced budgets, efficiently. As part of this review, the Department studied all phases of the criminal justice system, including charging, sentencing, incarceration, and reentry, to identify the practices that are successful at deterring crime and protecting the public. The *Smart on Crime* initiative was created to focus federal resources and place the harshest sentences on the most violent offenders rather than prioritizing the sheer number of prosecutions. Considering alternatives to incarceration for low-level, non-violent offenses strengthens our justice system and places a lower financial burden on the budget so that funds can be spent on essential public safety priorities. The *Smart on Crime* initiative will also help contain incarceration costs over the long term by facilitating inmates' successful transition back into society.

Of the \$247 million requested in program increases for the *Smart on Crime* initiative in FY 2016, \$146 million is dedicated to re-entry and recidivism reducing programs at the Bureau of Prisons (BOP). More specifically, the funding would expand sex offender management programs, mental health staff, cognitive behavioral treatment, vocational programs, as well as medically assisted treatment programs for individuals in the justice system dependent on opioids. The request also includes funding for a new, broader reentry program that reaches out to offenders' children and families to strengthen familial bonds, which are critical for helping inmates transitioning back home. At U.S. Attorneys' Offices, \$25 million would support dedicated prevention and reentry coordinators in all 94 districts. OJP will add new resources to its Residential Substance Abuse Treatment program and Second Chance Act Program so that state, local, and tribal governments can address the critical needs of the sub-population of offenders who most need the services and drive most jurisdictions' recidivism rates. Enhancements to OJP's Smart Policing and Smart Prosecution programs encourage the development of data-driven strategies by local law enforcement and prosecutors to address specific crime problems more effectively and economically in their jurisdictions.

## **Maintaining Safe and Secure Prison and Detention Facilities**

To increase safety for officers and inmates, the FY 2016 budget requests \$71 million in program enhancements. For BOP's 17 high security institutions, \$32 million would ensure that there are two correctional officers on duty in each housing unit at all times. The Department is requesting \$5 million to convert Federal Correctional Institution Fort Worth to a Medical Referral Center that will house and treat severely ill inmates currently housed in community hospitals. Finally, the request increases funding for BOP to undertake essential rehabilitation, modernization, and renovation of BOP institutions, one third of which are 50 years old or older. This maintenance and repair will preserve our capital investments and ensure sufficient security within these aging institutions.

## **Enforcing Immigration Laws**

The Department plays an integral role in the immigration system by ensuring the fair, expeditious, and uniform application of the Nation's immigration laws. The Department's Executive Office for Immigration Review (EOIR) oversees the immigration court and Board of Immigrant Appeals. In recent years, EOIR has sought to keep pace with the rising number of immigration cases, in order to maintain the efficiency and effectiveness of its immigration enforcement, adjudication, and detention programs.

To process the increasing workload and improve the efficiency of the immigration court system, the Department requests an increase of \$124 million to support an additional 55 Immigration Judge (IJ) Teams and 28 Board of Immigration Appeals attorneys and provide for other improvements to the immigration system. This enhancement will help IJ Teams and attorneys adjudicate rising immigration caseloads resulting from the increase in Southwest Border crossings. Also included in this program increase is \$50 million to expand legal representation for unaccompanied children and \$10 million to improve efficiencies in immigration court proceedings by expanding the Legal Orientation Program.

The Department's Civil Division, Office of Immigration Litigation (OIL), also plays a crucial role in upholding the immigration enforcement actions of DHS and EOIR. OIL defends the government in district court cases and challenges to removal orders filed in circuit courts. The Department requests an increase of \$1 million to address the growth in class-action immigration cases.

## **Improving Responses to Violent Crime, Illicit Drugs, and Health Care Fraud**

The Department's mission and responsibility is to investigate and punish those who break federal laws and harm innocent citizens. Continued investments are needed to strengthen the Department's ability to uphold those commitments and obligations. Simply maintaining existing law enforcement capacity is not sufficient. For FY 2016, the Department requests \$43 million in additional investments to address violent crime, illicit drugs, and health care fraud.

Investments to combat violent crime include resources for the United States Marshals Service (USMS) to investigate violations of the Adam Walsh Act and assists state, local, tribal, and territorial jurisdictions in locating and apprehending an estimated 100,000 non-compliant sex offenders. Funding is also requested to expand officer safety training for USMS operational officers and task force officers.

The budget supports a strong response to the increase in heroin abuse and other emerging drug trends. This includes additional resources for DEA's information sharing efforts to thwart international drug trafficking organizations as they seek to exploit financial markets, intellectual property, the energy sector, as well as other legitimate sectors and markets. The request also includes resources to pay for state and local clandestine laboratory cleanup program.

For the Department's litigating divisions, the budget requests additional resources to enforce laws that address international piracy of intellectual property), health care and financial fraud, as well as fraud against the military. Each year, industry loses hundreds of billions of dollars due to counterfeiting and global trade of illegitimate goods. In recent years, the Criminal Division has returned billions of dollars to the federal government from its efforts to combat fraud. The Civil Division not only recovers billions of dollars for taxpayers; it also saves billions by defending the U.S. against lawsuits. In FY 2014 alone, the Civil Division defended against suits in which approximately \$100 billion was at issue. To continue successfully safeguarding taxpayer dollars and protecting the healthy, safety and economic security of the American people, the Civil Division needs additional staff to handle the increasing number of cases they receive. Finally, \$2 million would support the multi-national efforts of the Environment and Natural Resources Division to combat wildlife trafficking and related transnational organized crime activities.

### **Investing in State, Local and Tribal Assistance Programs that Work**

Crime and the ability to respond effectively to it continue to be major challenges for many communities across the country. The FY 2016 Budget maintains the Department's commitments to state, local, and tribal partners without reducing the Department's federal operational role. The FY 2016 discretionary request for state, local, and tribal law enforcement assistance is \$2.4 billion with a net discretionary increase of \$154 million. This includes a program increase of \$15 million to implement the Administration's Countering Violent Extremism Initiative that will address domestic terror incidents and the emergence of groups attempting to recruit Americans to take part in ongoing conflicts in foreign countries. The budget also targets \$97 million for the President's new Community Policing Initiative to build and sustain trust between law enforcement and the people they serve. Both the COPS and OJP budgets include enhancements to support these two initiatives.

The FY 2016 request for OJP supports a net increase of \$30 million in grant funding for indigent defense, Second Chance Prisoner Reentry, Justice Reinvestment, and juvenile justice programs. The budget includes the mandatory grants of \$1 billion for the Crime Victims Fund and \$100 million for the Public Safety Officer's Death Benefits.

The FY 2016 request for COPS provides an increase of \$95.5 million, including \$69.5 million for the COPS Hiring Program, with \$5 million targeted towards improving diversity in law enforcement, and \$35 million for Tribal Law Enforcement. The request includes \$20 million as a separate line-item for the Collaborative Reform Initiative which enables the COPS Office to partner with law enforcement agencies that may need assistance on a wide variety of criminal justice issues that range from use-of-force practices and the deployment of crisis intervention teams, to building trust with the communities served. Again, it is efforts like these that may help to prevent situations like those in Ferguson and Baltimore.



The FY 2016 request for the Office on Violence Against Women (OVW) includes a total of \$50 million in enhancements. Protecting students from sexual assault is a top priority for this Administration, and the budget reflects this by including a \$14 million increase to the Campus Violence Program to better meet the need on college campuses. Other increases include \$5 million for a new Tribal Jurisdiction program, \$21 million for a new program to improve law enforcement and prosecutorial response to sexual assault, and \$10 million for enhancements to the Legal Assistance to Victims Program.

### **Addressing Gaps in Critical Department Infrastructure**

In order to maintain an effective and efficient organization, the Department must invest in its physical and non-physical infrastructure. The infrastructure resources requested for FY 2016 are focused in three categories: information technology (IT) improvements; facility construction and maintenance; and oversight functions.

The resources requested for facility construction and maintenance total \$5 million to renovate and repair USMS prisoner holding cells in federal courthouses. This funding will significantly reduce the repair backlog so the USMS can better provide for the safety and security of judges, court personnel, and others in federal court facilities.

For IT improvements, \$15 million is requested for the Department to continue its data center consolidation efforts, provide the public greater access to the Department's data, and increase automated litigation services. With every passing year, a healthy IT infrastructure becomes more critical to ensuring that DOJ operations remain effective. Consolidation of data centers is one of the ways the Department is saving and avoiding costs while increasing data security.

Finally, \$10 million is requested to enhance oversight functions such as increased funding for contract oversight by the Inspector General and increased staff for Department leadership to strengthen policy analysis and compliance efforts.

### **Conclusion**

Chairman Shelby, Vice Chairwoman Mikulski, and Members of the Subcommittee, it is my pleasure to highlight recent DOJ successes as well as the resources identified for FY 2016 to maintain and build upon such successes. The Department clearly understands the need for fiscal restraint and has achieved as many cost savings as possible without jeopardizing its mission. The increases requested in the President's Budget are those necessary to address the most pressing criminal justice needs of our country. As my father always reminded me, we all gain the most when we act in service to others. It will be my honor to work together with each of you in service to the American people and in the spirit of mutual respect and Constitutional balance. I would be happy to answer any questions you may have.