VICENTE GONZALEZ
15TH DISTRICT, TEXAS

COMMITTEE ON FINANCIAL SERVICES
SUBCOMMITTEE ON CAPITAL MARKETS, SECURITIES, AND INVESTMENT
SUBCOMMITTEE ON HOUSING AND INSURANCE
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Congress of the United States
House of Representatives
Washington, DC 20515–4315

WASHINGTON OFFICE
113 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-2531

EDINBURG OFFICE
2864 W. TRENTON ROAD
EDINBURG, TX 78539
(956) 682-5545

gonzalez.house.gov

January 9, 2018

The Honorable Jeff Sessions
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Sessions:

I write to express my concerns with a letter the Justice Management Division of the Department of Justice mailed to the Census Bureau last month. The letter in question proposed reinstating a citizenship question that has not been a part of the census questionnaire for quite some time. The change was recommended under the guise of voter fraud prevention, but could ultimately have detrimental effects on the 2020 Census.

As the representative for an area known for low response rates, a strong immigrant community, and a history of being undercounted, I worry that this question may have unforeseen consequences on participation in and implementation of the Decennial Census in my district. Reintroducing this question could incite fear among immigrants and potentially deter them from participating. Furthermore, this change would represent a step backward from the recent collaboration between my office, Hidalgo County, and the Census Bureau to address past inaccuracies and better prepare for the Decennial Census. I am also concerned this sudden change could increase the costs of the Census and/or divert much needed funds from efforts intended to improve accuracy.

I am more than willing to support legislation and rules that advance the voting rights and security of Americans, but I truly believe this change would do more harm than good. The reintroduction of this citizenship question is an indirect attack on our immigrant communities, and on historically undercounted communities like those in Hidalgo County. I stand ready to work with the Department of Justice and the Census Bureau to address your concerns, increase participation, and ensure the 2020 Census runs in the best possible way.

Thank you for your attention to this matter. I look forward to hearing from you soon. Please feel free to reach out to me to discuss this matter further at (202) 225-2531.

Sincerely,

Vicente Gonzalez
Member of Congress

CC: Acting Director Ron Jarmin, U.S. Census Bureau

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Vicente Gonzalez
U.S. House of Representatives
Washington, DC 20515

JUN 25 2018

Dear Congressman Gonzalez:

This responds to your letter to the Attorney General dated January 9, 2018, regarding the addition of a question on citizenship to the 2020 Census. We apologize for our delay in responding to your letter.

The Department of Justice (Department) is committed to the vigorous and evenhanded enforcement of Section 2 of the Voting Rights Act, which prohibits voting practices or procedures that discriminate on the basis of race, color, or membership in specified language minority groups. As you noted, the Department sent a letter to the Census Bureau asking that the Census Bureau reinstate a question regarding citizenship on the 2020 Census questionnaire in an effort to obtain the most accurate data to protect against racial discrimination in voting.

Indeed, in vote-dilution cases in which citizenship rates are at issue, federal courts of appeals have repeatedly recognized that citizen voting-age population is the appropriate metric for determining whether a racial group could constitute a majority in a single-member district. *See, e.g.*, *Reyes v. City of Farmers Branch*, 586 F.3d 1019, 1023–24 (5th Cir. 2009); *Barnett v. City of Chicago*, 141 F.3d 699, 704 (7th Cir. 1998); *Negrón v. City of Miami Beach*, 113 F.3d 1563, 1567–69 (11th Cir. 1997); *Romero v. City of Pomona*, 883 F.2d 1418, 1425 (9th Cir. 1990). Consistent with these holdings, the Department believes that census-block-level data obtained through the decennial census questionnaire would be the most appropriate citizenship data for use in redistricting and Section 2 litigation, and best enable the Department to protect all American citizens' voting rights under Section 2.

As you know, the Administration is currently involved in ongoing civil litigation on this subject. Pursuant to longstanding policy, the Department does not provide non-public documents or records of communications that may implicate ongoing litigation. We understand that the Department of Commerce's administrative record has been filed with the court and is available to view in the Department of Commerce's FOIA reading room at: http://www.osec.doc.gov/opog/FOIA/Documents/AR%20-%20FINAL%20FILED%20-%20ALL%20DOCS%20%5bCERTIFICATION-INDEX-DOCUMENTS%5d%206.8.18.pdf.

The Department is committed to the full and robust enforcement of *all* federal voting rights laws within its jurisdiction. That work has continued in earnest since January 20, 2017. For example, the Department has participated as a party in three cases brought under Section 2 of the Voting Rights Act, *United States v. City of Eastpointe* (E.D. Mich.), *Veasey v. Abbott* (S.D. Tex.), and *Perez v. Abbott* (W.D. Tex.), including in appeals in the Fifth Circuit and the Supreme Court. The Department has also successfully resolved litigation under the National Voter Registration Act (NVRA) in *Common Cause v. Board of Elections* (E.D.N.Y.) (Section 8) and *United States v. Louisiana* (M.D. La.) (Section 7), and secured an out-of-court NVRA agreement with the State of New York (Section 5).

In 2018, the Department successfully filed and resolved a case under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), *United States v. Arizona* (D. Ariz.). Throughout 2017 and 2018, the Department also achieved resolution of UOCAVA issues with other states without litigation. Throughout 2017 and 2018, the Department has participated as amicus in voting rights cases such as *Husted v. A. Philip Randolph Institute* (S.Ct.), *Davis v. Guam* (9th Cir.), and *OCA Greater Houston v. Texas* (5th Cir.).

The Department has also continued its nationwide election monitoring program, as well as its outreach and enforcement work in support of the Census Bureau's December 2016 coverage determinations under the minority language requirements of Section 203 of the Voting Rights Act. The Department is actively working to ensure that the 2018 elections will be conducted in accordance with the federal voting rights laws. For example, the Department is working with states across the country to ensure compliance with federal registration and absentee ballot requirements for military and overseas U.S. voters during regular and special elections for federal offices. The Department will continue its efforts ensure that voters' rights are fully protected.

Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

Stephen E. Boyd
Assistant Attorney General

Dykstra, Sam (OIP)

From: McKinney, Suzanna R. (OLA)
Sent: Thursday, October 18, 2018 4:27 PM
To: Thomas, Sheaya (JMD)
Cc: Beechum, Venessa M. (OLA); Wallace, Miriam H. (OLA)
Subject: Closeout Materials_WF #3979411
Attachments: WF3979411_Hearing Transcript.pdf

Hi, all-

Please find the attached hearing transcript corresponding to WF #3979411, wherein AG Sessions testified to the Senate Appropriations Subcommittee on Commerce, Justice, Science, and related agencies.

A DOJ statement could not be located, so OLA retrieved testimony from the referenced hearing from the CQ archive and forwarded a copy to ExecSec to close out the workflow per AAG Boyd's request.

Thanks,

Suzanna R. McKinney
U.S. Department of Justice
Office of Legislative Affairs
Direct: ***(202)305-2072***
Mobile: (b) (6) [redacted]

United States Senate
COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510–6025
http://appropriations.senate.gov

February 5, 2018

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20535-0001

Dear Attorney General Sessions:

I am writing to invite you to testify before the Committee on Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies regarding the Department of Justice's Fiscal Year 2019 budget request.

The hearing will be held in open session in room SD-124 of the Dirksen Senate Office Building at 2:30 pm on Wednesday, April 25, 2018. Please submit your written testimony electronically to Steven_Wall@appro.senate.gov, no later than 5:00 pm on Monday, April 23, 2018, along with electronic copies of any accompanying materials that you wish to have printed in the hearing record. Please deliver 40 double-sided copies of your testimony to the Subcommittee no later than 5:00 pm on Tuesday, April 24, 2018.

Please limit your testimony to seven minutes or fewer, to allow sufficient time for members of the Subcommittee to discuss your views. Your written testimony can contain additional details, and will be placed in the hearing record in its entirety.

If you have any questions concerning the hearing, your staff may contact Steven Wall at (202) 224-6404 or (b) (6) [redacted]. The Subcommittee looks forward to your participation in this hearing.

Sincerely,

Richard Shelby

Richard C. Shelby
Chairman

CQ Congressional Transcripts
Apr. 25, 2018

Apr. 25, 2018 Revised Final

Senate Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies Holds Hearing on the Fiscal 2019 Budget Request for the Justice Department

MORAN:

Good afternoon. I call the hearing to order. Mr. Attorney General, welcome to the committee, the Committee on Commerce, Justice, Science Appropriations subcommittee and we're here to examine the Department of Justice's fiscal year 2019 budget request.

I am pleased to welcome you to the subcommittee, my colleagues and I are very much interested in hearing from you and your -- hearing your testimony, considering your testimony today. Your input is not only helpful but necessary as we review the president's spending priorities for the Justice Department.

While this hearing is about the department's F.Y. 2019 budget request, I would suspect that you will hear about a number of other issues unrelated to the departments resource and funding needs. My focus in this hearing is to better understand your top funding priorities and to emphasized those that are important to our nation.

The Department of Justice is responsible for and involved in many important national priorities. Arguably the greatest responsibility includes keeping Americans safe,

which carries a new meaning given the growing national security threats of today and upholding the rule of law.

This requires that Congress adequately fund our nation's law enforcement efforts, including counterterrorism and cyber security initiatives. In Kansas, the department recently successfully investigated and convicted individuals who conspired to bomb residents of Somali immigrants to our state.

The work done by the FBI, by the liberal Kansas Police Department, the Seward County Sheriff's office, the Ford County Sheriff's office, the Garden City Police Department, the Dodge City Police Department and the Phinney County Sheriff's office along with the Kansas Highway Patrol and the Kansas Bureau of Investigation and the United States attorney's office showed, in my mind, be a model for federal and local partnerships.

I trust the department will seek to replicate the successes of these entities with the funds in this request, the president's F.Y. 2019 budget proposal of $28.4 billion for the Department of Justice. I note that -- however, I note that the many agencies and departments, this budget request was created and produced before the recently enacted fiscal year 2018 bill which was finalized and has recently become law.

For example, both Fix NICS Act and the Stop School Violence Act authorized important safety initiatives that were signed into law in the 2018 omnibus after your F.Y. '19 budget submission. As a cosponsor of both pieces of legislation, I look forward to hearing the departments plan to implement these two important policies.

Furthermore, this administration has made it a priority to combat violent crime, which is reflected as one of the department's highest priorities. Specifically, the administration seeks $109.2 million to enhance ongoing efforts to reduce violent

crime and to combat transnational criminal organizations in the F.Y. '19 budget request.

For example, the department requested increased funding to expand the Project Safe Neighborhood initiative. Project Safe Neighborhood's main focus is the extradition of illegal firearms. I'm sorry, the eradication of illegal firearms and violent gang activity.

MORAN:

The program is designed to improve police and community relations, which is strongly supported by many from law enforcement officials in my state of Kansas.

The subcommittee looks forward to hearing more details about this program. I also look forward to hearing about the impact of emerging technologies, such as those being utilized by the National Integrated Ballistics Information Network known as NIBIN.

NIBIN allows law enforcement officials to share ballistic intelligence across the United States, making law enforcement resources more efficient and effective. The department and administration have also prioritized solving the problem of illegal immigration.

The FY19 request seeks $65.9 million in immigration related program, program enhancements to support border security and enforcement efforts. For example, the 2019 request outlines that this funding would hire 150 attorneys for the Executive Office for Immigration Review, which oversees the nation's immigration courts and the Board of Immigration appeals, and provide $25 million for technology improvements to transform current paper operating system to an electronic filing system.

The department is also involved in helping to combat ongoing opioid epidemic. According to the Center for Disease Control and Prevention, opioid overdoses in the U.S. have surpassed motor vehicle accidents as the number one cause of accidental death in the country.

The crisis needs to be aggressively addressed, and I look forward to working with the department to ensure adequate resources are provided to do just that. Lastly, Mr. Attorney General, I want to thank you for your attention and acknowledgement of a letter than Senator Shaheen and I sent to you exactly one week ago regarding the Executive Office of Immigration Review, legal orientation and immigration help desk programs.

We also spoke on the phone earlier this week and I'd appreciate it if you would address this matter in more detail in this hearing. I know that you would agree that ensuring congressional direction is -- ensuring that congressional direction is followed is extremely important.

Again, I thank you for your service as our attorney general and the important testimony that we will hear from you today as our subcommittee begins its work on the FY2019 budget for the Department of Justice.

I know recognize the -- the Senator from New Hampshire, Senator Shaheen, the Ranking Member.

SHAHEEN:

Well thank you very much, Mr. Chairman. This is our first hearing together so I look forward to working with you on this subcommittee, and I'm very pleased that the

attorney general -- Attorney General Sessions is here with us this afternoon, thank you for being here and thank you for taking time to speak with me last week on the phone.

I want to begin by thanking the 115,000 career employees of the Department of Justice. They are working hard every day to keep Americans safe from crime and terrorism. And the breath of issues that the department handles on a daily basis is vast.

I do have a concern that as I look at the budget proposal for fiscal year 2019, the department has requested addressing these missions with less funding, a reduction of $1.9 billion, which is 6.2 percent less than the (ph) level provided in the omnibus we passed last month.

Now while I was very pleased to see the funding levels preserved for life saving grant programs under the Office of Violence Against Women, I'm concerned about some of those drastic reductions and eliminations that have been proposed for other programs.

As you know very well, the Justice Department is on the front lines fighting the deadly, uncontrolled opioid epidemic, as Senator Moran said and as every member of this subcommittee knows, this is an epidemic that we have seen across this country.

It's an epidemic that is still gaining strength, and I just came from a group of family members from the Addiction Policy Forum who are here to advocate who talked about the challenges that they face, and they reminded me that we lost, as Senator Moran said, about 63,000 Americans last year to the opioid epidemic.

And for every one of those people lost, they have a family who is suffering and is experiencing that loss. So I certainly support enforcement and prosecution efforts, but I believe they should be paired with prevention and treatment responses as well.

This balanced approach is something that I've heard from police chiefs, from judges and from other criminal justice professionals in New Hampshire. The critical need to help children and families grappling with the opioid crisis in their neighborhoods and within their own families is very real, and even the DEA has focused on a comprehensive approach to opioids with their three fold, 360 strategy that targets enforcement, diversion, control and community outreach.

Manchester, New Hampshire, which is our largest city, and I know as attorney general, you've already been there, and we appreciate that. It was one of the first locations chosen for the 360 program, and the DEA has seen real success there, not only in tackling heroin and opioid trafficking, but by partnering with social service and other community groups like the Boys and Girls Clubs of Manchester to provide that prevention and education programs for young people that are so critical.

New Hampshire has also been grappling with the dramatic rise of fentanyl, the synthetic opioid that's approximately 50 times more potent than heroin, 100 times more powerful that morphine, and unfortunately New Hampshire leads this nation in overdose deaths from fentanyl.

Sadly, it's now spreading across the country and it's something that has overwhelmed state crime labs, already backlogged with testing crime scene evidence. We provided a total of $447 million for justice grant programs, $299 million more than we provided in the FY17 budget, to help communities respond to the opioid crisis with a balance of enforcement, treatment and prevention programs.

So I'm interested to hear how the department plans to expand these programs and what your FY19 budget request will do. I'm concerned that right now it calls for

eliminating key programs like the COPS anti-heroin task forces, which we funded at $32 million.

It calls for dramatic cuts in programs like the Coverdell program, which we talked about, and I know it's something that you care a lot about, and I know it's something that you care a lot about because you offered (ph) that legislation.

I'm also concerned about the continued hold on the FY2017 Byrne JAG awards to our states. This program is the backbone for helping states and local law enforcement with crime prevention efforts across the country.

And I know that my police chiefs in New Hampshire are very frustrated waiting to receive funding that they had expected months ago. According to the police chief in Manchester, Nick Willard (ph), a city that responded to 800 overdose calls last year, he now has fewer police officers on the street conducting drug operations without their Byrne JAG funding.

SHAHEEN:

I know you would agree that getting these grant awards to law enforcement for programs like this is critically important. Now when we spoke last week, you indicated that once a decision was reached in the pending Seventh Circuit Court of Appeals case that the Justice Department would release Byrne JAG funding for 2017.

The court did issue its decision on April 19th, so I'm interested to know when these awards will be released and I'm concerned when I see that the Justice Department has filed yet another motion on Monday evening that will further delay these awards. So Mr. Attorney General, thank you again for being here. I look forward to your testimony and to our discussion today.

MORAN:

Senator Shaheen, thank you very much. In the newness of the moment of -- of actually having the gavel in my hand, I failed to acknowledge my desire to work very closely with you and -- and to make certain that this -- this subcommittee does its work in a timely and a bipartisan way. I would tell you that the previous subcommittees I have chaired, both of those bills have passed through the full committee with unanimous vote, and I look forward to seeing if we can accomplish that in this arena as well.

I also would say that I have a high priority of making certain that all 12 appropriation bills, that our full appropriations committee will address march their way across the Senate floor, approved by the House and signed by the president. I want the appropriations process to work and I pledge to you to do everything I can to accomplish that goal.

In that regard, I am honored to recognize the chairman of the full committee who has stated on so many occasions this committee is going to do its work and I look forward to not only hearing a Senator Shelby's remarks today, but in particular, working with him to make sure that we accomplish our goals in the subcommittee. The Senator from Alabama, the chairman of the committee is recognized.

SHELBY:

Thank you, Senator Moran. I will be brief . I just want to welcome former colleague Jeff Sessions, attorney general of the United States to this appropriation hearing. We will be working the Justice Department to help fund the requisite programs. Of course that includes FBI because it has to be done, and I hope under Chairman Moran and

Ranking Member Shaheen, that we can move this bill to the floor as fast as possible and not go from crisis to crisis with some certainty.

With that, I am going to have a number of questions, but I'd like to do then for the record, and I would ask unanimous consent that my opening statement be made part of the record, Mr. Chairman.

MORAN:

Without objection, so ordered. I now have the honor of recognizing the ranking member of the full committee, the Senator from Vermont, Senator Leahy.

LEAHY:

Thank you, Mr. Chairman. And I am glad to hear what you said about regular order. Senator Shelby and I have been working closely on that. We had a long meeting, the two of us, we're the (ph) Republican and Democratic leaders last night and finding out ways to get most of the bills done within the fiscal year. Attorney General Sessions, welcome. Finally we have you in the Appropriations committee.

Its -- sorry it's only the first appearance here in 16 months because we have to make appropriations. Then we have to ask after we make appropriations how -- how the funds are expended. And in my years of this committee, and I think this could be said by members of both sides of the aisle, we consider the oversight operations of this committee very important and operations of your department, there is an urgent need for oversight.

Now let me being with one thing, while you and I may disagree on many policies, I have known you long enough to know if there's one area where you and I are in total agreement, total agreement, and that is that we care deeply about the integrity of the

Justice Department. You and I felt that way whether we've had a Republican or Democrat president. We have both stated so many times in the Judiciary Committee our concern about the integrity of the Justice Department.

And I worry that the walls intended to protect independence and credibility are the risk of crumbling. I am very concerned how the president's relentless and I think baseless attacks on senior DOJ and FBI leadership, including attacking you for your recusal from the Russian investigation, something you are required to do, you just followed the law and you did the right thing and simply not precedent. And I believe it's -- I believe it's wrong.

We've also learned that the president wanted to fire special counsel Robert Mueller last year, the president's allies is now going on television, apparently at the direction of the White House to build a case for firing your second-in-command Rod Rosenstein. Some in the Congress, and I think irresponsibly even talk about impeaching Rod Rosenstein.

Now, I've been in 44 years. I have never seen such attacks, and again, against people -- a Democratic or a Republican administration. I worry that they're being done to interfere with your department, Department of Justice, a place where you and I have always tried to protect. Their ability to complete the investigation into how and with whom Russia attacked our democracy.

And you're at the helm of a Justice Department under siege. This is your chance to talk with us about your going to protect it. And in that regard, don't let the Justice Department turn its back on a proud tradition of being a guardian of equal justice for all, including the most vulnerable in our society, the most disadvantaged.

And be careful, civil rights, voting rights, immigration, who is giving equal protection to all, including the most vulnerable in our society. So Mr. Chairman, those are the areas that I will question because it is the Department of Justice, it is there for all of us, for every American and I want to make sure that the attorney general has the tools and the ability to do that.

MORAN:

Senator Leahy, thank you very much. We now will recognize our witness today. I welcome once again Attorney General Sessions to this the subcommittee hearing and I recognize you for your opening statement.

SESSIONS:

Thank you very much. Chairman Moran and Ranking Member Shaheen, distinguished members of this committee, friends and former colleagues, thank you for the opportunity to be with you. I'm particularly place to be able to congratulate my former senior senator for 20 years, Senator Shelby for being chosen to chair this historic committee. It is a tremendous honor, Senator Shelby and my sincere congratulations to you and you can know for sure how much I've appreciated our good relationship of 20 years.

It's been in honor of a lifetime to serve as the attorney general of the United States and to represent the men and women of the Department of Justice. You can be sure, really sure, that I understand the importance of the office I hold and I will strive to be worthy of it. Every single day the 115,000 men and women of the department work to protect our national security against terrorist threats, reduce violent crime in our communities, stop deadly drug dealers and their organizations and strengthen the rule of law.

So today, I'd like to lay out some of the priorities reflected in our budget request. First of all, the department has rapidly moved to improve partnerships with the 85 percent of law enforcement officers who serve at the state, local and tribal (ph) levels.

We know that we cannot succeed without them to make America safe. And yesterday, we were once again reminded of the sacrifice we ask of our men and women in blue.

Officer Crystal Almeida and Rogelio Santander responded to a routine call at a Home Depot in Dallas. But they did not return home. And today, we mourn with the family of Officer Santander, and pray for the recovery of Officer Almeida.

The men and women of law enforcement deserve our respect. They deserve our support. They deserve our commitment, and our work to reduce crime.

After two decades of declining crime, in 2015 and 2016 the violent crime rate went up by nearly 7 percent. Assaults went up 10 percent, rape went up nearly 11 percent, murder increased in those two years more than 20 percent. That's the largest increases since 1968.

President Trump, our federal officers, our local enforcement partners are determined that this crime rate rise will not continue. Our prosecutions of illicit drugs, gun violators, violent crime, gangs, opioids and immigration offenses are going to go up too.

in 2017, we brought cases against more violent criminals than any year in decades. We charged the most federal firearms prosecutions in a decade. We convicted nearly 500 human traffickers and 1200 gang members.

Your strong support, Congress' support for our work means that we can sustain our Project Safe Neighborhoods program, where our United States attorneys will meet with your local community leaders and law enforcement leaders to develop crime reduction plans based on local needs.

This is a program that has proven to be -- to work scientifically. It's been analyzed, and I feel great support for it when I travel around the country.

Indeed, there are some good signs in the preliminary data, that the increases in murder and violent crime appear to have been slowed, and violent crime may have actually begun to decrease.

We also embrace the president's goal of reducing prescription drugs sold in the United States by one-third over the next three years. This is an important step in reducing addiction and overdose deaths.

We are simply prescribing too many drugs in this country. This department is going after drug companies, doctors, pharmacists and others who violate the law. And we will use civil, criminal and sound regulatory powers to do so.

I've directed every United States attorney's office, establish an opioid coordinator to focus on this dramatic problem. As Senator Shaheen noted, the -- the -- the largest cause of death for Americans under age 50 is -- is overdose -- drug overdose. That is a stunning statistic. We've got to do something about it.

SESSIONS:

We've already charged hundreds of people suspected of contributing to the ongoing opioid crisis, including over 50 doctors, for opioid-related crimes, some very serious

criminals. Sixteen of these doctors prescribed more than 20.3 million pills illegally. Our organized crime drug enforcement task forces have also indicted more than 6,500 defendants in opioid related investigations and forfeited more than $150 million.

With powerful drugs like fentanyl and heroin on our streets, we are experienced overdose deaths the likes of which we've never seen before. This must end. We are out of time. We have to see results now, and I truly believe we can make change to this dynamic.

Amazingly, in the last month alone the DEA seized a total of more than 90 kilograms, 2.2 pounds per kilogram, of suspected fentanyl in cases from Detroit to New York To Boston. Fentanyl is 50 times as powerful as heroin.

And it's so powerful that an amount equivalent to a pinch of salt is powerful enough to be deadly. So we must acknowledge that the vast majority of fentanyl, methamphetamine, heroin and cocaine first come across our southern border.

It almost all is coming across the southern border. And we are working with out Department of Homeland Security partners to reduce and ultimately end illegal immigration, which will also help us to take on transnational criminal organizations and reduce the drugs pouring across the border.

We're streamlining and increasing prosecutions and targeting criminal aliens. Congress has provided us thankfully enough funding for 100 new immigration judges and the recent omnibus, which will help us keep up with the court (ph) case load.

Mr. Chairman, I'd like to address one matter that I know is important to the committee, the legal orientation program. You and Senator Shaheen both raised it

with me. I've reviewed the situation and I have previously expressed some concerns about the program.

And the Executive Office for Immigration Review has expressed its intent to pause two parts of the five part program, pending the results of a formal review of the program. I recognize however that this committee has spoken on this matter.

And out of deference to the committee, I've ordered that there be no pause while the review is being conducted. And I look forward to evaluating such findings as are produced. And we'll be in communication with this committee when they are available.

Our explicit goal for the Department of Justice are to reduce violent crime, reduce the surging increase in homicides, reduce overdose deaths and to reduce prescription opioids. I believe these priorities are the priorities of the American people, and I believe your priorities.

So finally let me say, with all the strength I can muster, no nation has a finer group of law officers than those who comprise the FBI, the DEA, the ATF and the United States Marshal's Service. They are now in 24 hours a day in every corner of America.

Working courageously and faithfully to protect this nation and our people. And when we face criticism, we're not going to be defensive. When questions arise, even if misplaced, we will take necessary action to establish that concerns are either not true, or take strong action against any wrongdoing.

This department, above all others can never get too big for its britches or think itself in any way as above the law, that we must apply to others. We know the government

always wins when justice is done. So Mr. Chairman, I'm looking forward to discussing these matters with you and members of the committee.

MORAN:

Mr. Attorney General, thank you very much. Let me first use this as an opportunity to say how wholeheartedly I agree with your assessment of the law enforcement officials at the Department of Justice and across the country.

And how worthy they are of our respect and support. And I appreciate the sentiments that you expressed on their behalf and I would assume I would join all my colleagues in indicating our full faith and belief in those who work every day to protect the lives and safety of Americans here at home.

So thank you for those strong words and I commend you for them. Secondly, let me thank you for your response. As I indicated in my opening statement, Senator Shaheen and I corresponded with you in regard to the pause of the Legal Orientation Program.

And I want to thank you for your recognition of congressional words, actions. The pause would be in contravention of this subcommittee and the full Appropriations Committee. And actually Congress' direction that no pause occur, and I appreciate you again recognizing the rule of law and your support for members of this committee in our desire to see that program continue.

So thank you for the - the response that you gave us here today, I'm pleased to hear it. Now let me turn to a - turn to my questions. Let me first say that opening statements by other members of the subcommittee can be made part of your seven minutes.

Or could be made as a request, by unanimous consent, to be made part of the record. Let me ask about the census. Mr. Attorney General, this past December the

Department of Justice sent an official letter to the Census Bureau requesting that it re-instate a question on the citizenship status to the 2020 Census forms.

This subcommittee also has jurisdiction over the funding of the census. So just let me give you the opportunity to explain why the department made this request, and will you elaborate on how the data gathered will be used?

SESSIONS:

I'd be pleased to discuss it as much as I can. The matter is in litigation, so I have some handicap in discussing all matters that you might be interested in. The census, I believe, it's common sense and would be appropriate to ask whether or not an individual being surveyed is a citizen of the United States or not.

It had previously been in the census and remains a part of the annual survey that's done. So I think that's where we are. It can help us in determining a number of issues, particularly in our civil rights division. And they - our attorneys have compiled some legal reasons we think that would justify that question.

And would be pleased to send that to you.

MORAN:

General, thank you very much. Let me turn to the COPS program. Your F.Y. '19 request proposes transfer, the COPS office of - to the - I'm sorry, the COPS office to the Department Office of Justice Programs.

But in executing this transfer, the program itself will take a $176 million reduction from F.Y. '18 enacted levels. As you know, the COPS program has received broad

bipartisan support from this committee in the past and Attorney General, could you explain to me, to the committee why this restructuring is useful or necessary?

SESSIONS:

Well it is popular with this committee, and popular with the Congress. Most Presidents often have not been as supportive as the Congress has. So once again, our budget is below the request you had asked.

We do believe that we can save money and be -- provide more money for the grants themselves by consolidating the comps program in the Bureau of Justice -- Office of Justice programs and its subcomponent, Bureau of Justice Statistics. They have the infrastructure, the teamwork, and the capability of managing grants and we think that would be a nice step to improve productivity and efficiency. It would not undermine the program in my view in any way.

It's very popular with our law enforcement officers and we also are creating a circumstance and recommending that more of the money be available as a priority to school resource officers to deal with violence in schools.

MORAN:

Thank you for your response. Let me turn to HIDTA, the High-Intensity Drug Trafficking Areas. Your F.Y. '19 request, you propose to transfer the HIDTA program from the Office of National Drug Control Policy under the executive office of the president to the Drug Enforcement Administration. So HIDTA initiatives provide assistance through federal grants to state, local and tribal law enforcement agencies operating in areas determined to be critical drug trafficking regions of the United States, including unfortunately several in Kansas.

Often these HIDTA initiatives work hand-in-hand with the Drug Enforcement Administration. I understand there are a large number of special agents within the DEA that are solely dedicated to the HIDTA program. While I understand the desire and rationale of supporting the transfer of this program to DEA, I also recognize the concerns expressed by some of my colleagues and by certain law enforcement entities in Kansas that this transfer may hamper an important and successful grant program by moving it to an agency with no grant-making experience.

Can you address these concerns and elaborate on why you believe that this programmatic shift is necessary?

SESSIONS:

Chairman Moran, the president challenged all of us to seek to improve the efficiency and productivity of the government. You are correct that DEA and the HIDTA organization have worked closely together for many, many years. I guess actually since the beginning. I remember when it was created. The HIDTA reports through, or to, the ONDCP, the Office of National Drug Control Policy.

That is a policy function. Bill Bennett was the first, I believe, director. And it was supposed to coordinate the various federal agencies that deal with drugs and to make sure that budgets were properly constructed of all, whether the State Department, Defense Department or Health and Human Services; wherever money's being spent on drugs. So I think it is a better organizational structure that that function of ONDCP remain as its priority and the actual investigating and prosecuting cases be done through the DEA.

But the HIDTA teams, the HIDTA people, the community leaders that form the councils that lead the HIDTAs will remain in effect. The only difference would be

that the grant money would come out of -- be managed from DEA and that would, we hope, engender an even closer relationship.

MORAN:

General, thank you. Now my opportunity to recognize the ranking member of the subcommittee for her question.

SHAHEEN:

Thank you, Mr. Chairman. And thank you, Attorney General Sessions for the decision on the legal orientation program. I'm pleased to hear that you have responded to the concerns that Senator Moran and I raise. I would just point out that one of the other items in that letter was a request for information regarding the methodology of the efficiency study that is underway so I would hope that we would -- that information would be forthcoming to us as soon as that's available.

SESSIONS:

I will make sure that happens.

SHAHEEN:

Thank you. I wanted to follow up on Senator Moran's question about the HIDTA program because that's one that has also been very important in New Hampshire and I'm sure when you were there you heard how helpful it's been in addressing our opioid epidemic and actually capturing some of the drugs that have been coming across the border into New Hampshire.

And I appreciate the interest in efficiency, although I've heard from the folks who participate in HIDTA in New Hampshire that they're very happy where they are. But

my question is, as Senator Moran pointed out, and as you acknowledge, the DEA is not a grantmaking agency. So what is their plan for managing funding with this proposed move?

SESSIONS:

Well, we at the Department of Justice have tremendous experience in grant programs and managing. We will be very supportive of DEA which is our subordinate agency and helping them to establish that kind of activity. But again, I would say the actual funding of course will be Congress' decision. The leadership and the HIDTA community organizations would remain the same but the grant money would be managed from DEA, which I do believe would help make that a tighter and better relationship.

They'd still have their own independence and own leadership teams but the -- I think it could enhance the -- that and I do believe ONDCP probably never was created or expected to be a grant program of this kind.

SHAHEEN:

And so is there any assessment of what the cost of setting up that grantmaking mechanism would be within DEA (ph)?

SESSIONS:

I believe there is some expense in the initial setup but I believe we can be able to do the grant program. It's certainly no more than currently exists and maybe better with our deep experience in grantmaking in the Department of Justice. So it would go from the -- basically the White House ONDC office -- ONDCP to the Department of Justice.

SHAHEEN:

Well, I look forward to hearing more about that. As I said in my opening statement, I am hearing from police chiefs throughout New Hampshire about their concern that the expected funding from the Byrne JAG program has not yet been forthcoming. So the Seventh Circuit released their decision on April 19th that the Justice Department exceeded its legal authority in placing conditions on Byrne JAG.

When you and I discussed this on the phone, you pointed out that, win or lose, those grants would go out. So I just wondered what I should tell the police chiefs in New Hampshire about when they might expect funding.

SESSIONS:

Senator Shaheen, we intend to get that money out sooner is better than later. But the litigation is an important piece of litigation and we placed only the most minor requirements on the grant program. We asked our state and local partners, if you want to get the Byrne Law Enforcement Grant, we asked them to do two things. One was to give us notice 48 hours before an illegal alien who you've arrested for some crime is released, and to allow us to pick that individual up at the detention facility rather than releasing them on the streets and having our ICE officers and others have to try to find a criminal that needs to be arrested and that's a very dangerous thing, places law officers at risk. That's what the Homeland Security officials pleaded with us to ask for. So we pared it down to a minimal thing we ask of them.

We didn't ask the police to interview people. We didn't ask them to give -- arrest people for us or anything like that. Only to give us notice before release and to allow us to pick the individual up more -- far more safely at the detention facility.

SHAHEEN:

Well, this is a long standing congressionally mandated formula grant program. So why does DOJ think it can place conditions on this program that's been operating for so many years based on the mandate that Congress has given it? And could you also address whether you plan to hold on funding for fiscal year '18 in the same way that you've been holding it for '17?

SESSIONS:

Well, to the first part of your question, this is a statue Congress passed 34 U.S. C10102 A6 and it says the assistant attorney general of OJP shall exercise such all the powers and functions as may be vested in the assistant attorney general pursuant to this chapter or by delegation of the attorney general including placing special conditions on all grants and determining priority purposes for formula grants.

So, we felt when we went to court that these minor conditions for receiving a federal grant were very reasonable and we're deeply disappointed that the court has not at least to this moment seen itself able to agree and we'll of course abide by the law. But we do want to review the situation and see if we cannot improve it.

SHAHEEN:

And, I'm out of time but just briefly I know that DOJ filed another motion I the Seventh Circuit on April 23rd. So, do you expect to continue to go all the way up to the Supreme Court with your motions if you're denied again in the Seventh Circuit?

SESSIONS:

I'll have to talk with our lawyers. They worked hard on this case and we've not seen -- so one thing about it, it's one thing that deal with the merits. It's another matter to deal with the preliminary injunction. So we have an injunction that I think went beyond the

law in the sense that the case was first raised in Chicago. It has its own unique set of laws and policies but the judge issued an order that bound the entire United States.

Many of those are perfectly happy to comply with these requirements of the Department of Justice. So it's a frustrating matter. It's a big deal and I just would -- I think -- I have to say I've been appreciative of our law enforcement leaders who, I think, by and large agree that these minimum requirements are legitimate.

So, they've been patient with us but I am worried about it. We're working hard to bring it to a conclusion.

SHAHEEN:

Well, thank you. I appreciate that for states like New Hampshire where we have no sanctuary cities. It puts us at a special disadvantage.

MORAN:

Senator, thank you. I now recognize the vice chairman of the full committee, Senator Leahy.

LEAHY:

Attorney General, last week I sent you a letter regarding your commitment to recuse from any existing or future investigation of any matters related in any way to the campaign for president. Are you recused from the federal investigation of the president's attorney Michael Cohen, which reportedly does involved matters directly related to the campaign, including possible campaign violation?

SESSIONS:

Senator Leahy, I am honoring the recusal in every case and every matter that comes before the department of justice. I committed to that in my confirmation hearing, and I have honored that and will continue to honor that.

LEAHY:

That include Cohen?

SESSIONS:

It is the policy of the Department of Justice that those who've recused themselves not state the -- the details of it or any -- or confirm the existence of a investigation or the scope or nature of that investigation.

LEAHY:

I understand.

SESSIONS:

And so, I feel like following the -- the rules of the department, which I'm trying to teach all of our people to do, that I should not answer that question; it would be inappropriate for me to do so.

LEAHY:

I know the -- I know the question was not a surprise to you. And, nor is your answer a surprise to me. But recusal is not discretionary. It's required by Justice Department regulations when you have a political relationship with the president, which you've already acknowledged, and the president has a specific and substantial interest in the investigation.

Now, the federal judge granted the president's request to formally intervene in this matter, which is here in Judge Kimba Wood's order. And I'll be glad to give you a copy of this, if you'd like. But Judge Wood allows the president to intervene, so he is a -- he is a member -- or, he is part of that investigation. And that would suggest that he has a specific and substantial interest.

So wouldn't, by Justice Department regulations, doesn't that require you to be recused?

SESSIONS:

Senator Leahy, I -- it -- I am required to be recused from any matter involving the substance of the cases of matters you raised in your opening statement, absolutely, and I will comply with that. But to -- it is not -- it is a policy of the department that if you get into discussing the details of those matters, you can reveal the existence, scope, or breadth or nature of a matter that would be inappropriate.

And so, I -- I think the best answer from me, having given it some thought, is to say that I should not announce that. In fact, recusals that happen all the time in the department are not made public; but, they're internally binding.

LEAHY:

Have you sought any advice of career ethics officials about whether you should or should not recuse yourself in the Cohen matter?

SESSIONS:

I have sought advice on those matters, and I have not met with the top ethics person on it but I can assure you I have not violated my recusal.

LEAHY:

And you do -- you do agree that the Justice Department regulations require recusal when you have a political relationship with somebody who has a specific and substantial interest in the investigation? That is -- that is basically the regulation, is it not?

SESSIONS:

That is the regulation, I believe, 600.1 -- but that's the regulation that -- that I felt required me to recuse myself.

LEAHY:

It was reported last weekend that you told the White House counsel you would consider resigning as attorney general if the president fired Deputy Attorney General Rosenstein. I'm not going to ask you about that conversation. But, if the president were to improperly fire either the deputy attorney general, who supervises the Russia investigation, or the special counsel, would you resign in opposition?

SESSIONS:

Senator Leahy, that calls for a speculative answer or a question calls for a speculation, I just -- I'm not able to do that.

LEAHY:

Even though you were surprised by that question? You don't have to answer that; your smile answers the question. And lastly, on the -- you've been asked about LOP, whatever study is being done there, that will be open and transparent, will it not?

SESSIONS:

We will do so. And, look, I have some doubts about that program. The committees believes in that program, we'll talk about it and -- before any action occurs.

LEAHY:

Yes, because we have appropriated the money and we have directed the -- the program to go forward. So, I would hope that you do not take any action on it without being in -- being in touch with the committees, both the Senior Republicans and Senior Democrats of the committees that have instructed it. Thank you, Mr. Chairman.

MORAN:

Mr. Vice Chairman, thank you very much. Senator from Maine, Senator Collins.

COLLINS:

Thank you, Mr. Chairman, and let me first congratulate you. And, I very much look forward to working with you and the ranking member.

Mr. Attorney General, before I turn to my questions, I want to thank you for your leadership on an issue that matters greatly to me, and that is fraud and scams that are directed against our senior citizens. You've really taken a leadership role on this. I know the department announced in February that more than 250 defendants had been charged with scamming more than 1 million Americans for a total amount in excess of $0.5 billion. It's an issue we've been trying to get the Justice Department to pay attention to for years, and I very much appreciate your leadership.

I'd now like to turn to my questions, which may not be quite as pleasing to your ears as my -- thank you. The administration has now lost its third DACA case in federal court. That program and the fate of the group of young people for whom there is a

pretty widespread consensus that we should try to help, continues to be clouded by uncertainty.

Given the repeated failures in court and the fact that the president has repeatedly indicated that border security remains a high priority for him, wouldn't it make sense for the administration to revisit the bipartisan DACA compromise that was proposed earlier this year. That received 54 votes on the Senate floor, which would have funded the president's border security program in its entirety, while providing a pathway to citizenship for DACA young people who have good records.

SESSIONS:

Senator Collins, I do believe there is an opportunity for legislation by Congress. I served 20 years on your side of the table. My good -- my feeling is that that's possible. I've said that in a number of hearings that I've been in since I've been attorney general, so I think that's possible.

I would say that two district courts, one in New York and California, did issue injunctions stopping the simple removal of the -- the memoranda, really, is all it was -- of the Homeland Security to enact DACA. DACA was basically rejected by Congress. Congress did not pass it, and the president had said repeatedly he could not do it on his own. But once he -- it was not passed in Congress, then the president got his Homeland Security team to -- to enact this matter. I think it was unlawful. It's pretty much the finding of the Fifth Circuit in -- in a related case involving DAPA, and there was a court in Maryland that rejected this kind of injunction. So three courts ruled on this DACA; two said it was not sustainable, and one said it was.

So we believe that the right thing is legislation. I would like to see law enforce -- Look, I'll be frank. My view is a plan that will end the illegality, along with some

relief for the DACA young people is possible. It can be done, and the president has laid out a number of options, and it's been unfortunate that it hasn't come together.

COLLINS:

Well, Mr. Attorney Generals, many of us on this this panel worked very hard to try to get that done, and to put DACA in law. And I think that had the Department of Homeland Security not issued a very misleading press release the night before the vote, accompanied by a veto threat by the president, we were there. At one point, I could count the -- the 60 votes.

But we want to legislate in that area. I agree with you that it should be legislated. And I hope that with the court rulings, that there is an extra impetus for the administration to work with us, and it's also an opportunity for the president to get a very high priority of his in strengthening the border, which we also need to do.

SESSIONS:

Yeah.

COLLINS:

So I thank you.

SESSIONS:

Senators, I would -- just let me say, I think this is doable, but it cannot be done if we haven't fixed the illegal immigration flow, and my concern about the bill that you referred to was it did not sufficiently close the loopholes, and fix some of the problems that we have. If we could get that done, I think the -- the possibility of a

successful legislation would be greater. That's what the president said, and I think you -- I think it could be done.

COLLINS:

Thank you, Mr. Chairman.

MORAN:

Senator from Hawaii, Senator Schatz.

SCHATZ:

Thank you, Mr. Chairman.

Congratulations, Mr. Chairman. I'm looking forward to working with you. I will miss you on the MilCon VA subcommittee, but I understand and forgive you.

Mr. Attorney General, thank you for being here. I want to follow up on a question that Chairman Moran asked about the citizenship question on the census. Communities of color advocacies -- excuse me, advocacy organizations around the census are, frankly, worried that the presence of that question is going to discourage participation in immigrant communities. And I understand -- I understand that it's on the long form, and I understand that it's not without precedent that we're doing that. But I have two questions for you.

First, how do you respond to those of communities of color who are worried that this will simply scare people to not respond to the census at all, number one? And number two is you indicated that the Civil Rights Division wants the data, and I'm wondering why.

SESSIONS:

I'll be glad to send you the letter that they -- we've produced regarding this issue, detailing the advantages of it -- having the information.

I do note that -- that it is -- is being asked on the other survey, and I would suggest that I've learned is the twelfth question on the form, the last question, I believe. It shouldn't scare people. They don't have to answer it, and -- really. And so I would think that that's a very reasonable thing, and -- and I believe the concerns of it are overblown.

SCHATZ:

OK. Let's move -- let's move on. I -- I really appreciate what you're doing on opioids, and I am especially pleased that this committee and others are working in a bipartisan fashion to solve this problem. And I -- I want you to interpret the following line of questioning, not in an adversarial way.

I want to ask you about medical marijuana, and I want to tell you that I'm the son of a principal investigator, and I came to the question of medical marijuana with great skepticism. But there are credible scientific studies that show that where medical marijuana is legal, opioid overdose deaths have gone down, and these studies are published in the Journal of the American Medical Association and the Rand Corporation, with the input from the National Institute on Drug Abuse.

The opioid epidemic is a major crisis, and I'm wondering whether you think, given your history as a successful conservative politician with a certain set of beliefs about marijuana in particular, whether given two things happening at once: There's all kinds of new data that shows an inverse correlation between the availability of medical marijuana and -- and opioid deaths, and opioid prescriptions, and opioid illegal activity. And your -- in your commitment to try to reduce this opioid epidemic, do you

have at least an aperture to look at these data and -- and reconsider your opposition to medical marijuana, and marijuana in general?

SESSIONS:

Medical marijuana, as one physician told me, whoever heard of taking a medicine when you have no idea how much medicine you're taking, and ingesting it in the fashion that it is, which is -- is, in itself, unhealthy?

However, I think there can be, there may well be some benefits from medical marijuana, and it's perfectly appropriate to study that. I do not believe at this point that -- I think one study that suggested there's no -- there's some sort of inverse relationship between increased marijuana use and reducing of deaths. I did see that.

I -- I've asked my staff to take a look at it, because science is very important. And I don't believe that will be sustained in the long run. The American Medical Association is absolutely, resolutely opposed to marijuana use.

I think -- so is...

(CROSSTALK)

SCHATZ:

Mr. Attorney General?

SESSIONS:

... Pediatric Association, they've studied...

SCHATZ:

Sir, my final...

SESSIONS:

... it over years. So it's a matter of science...

SCHATZ:

Sure.

SESSIONS:

... and I think we should be...

SCHATZ:

My -- my final question...

SESSIONS:

... free to discuss it.

SCHATZ:

My -- my final question. The DEA, in August of 2016, called for applications to produce more federally approved research-grade marijuana.

Since then, the department of Justice has received 25 applications. But none of them have been responded to, either with an approval or denial. What is the status of those applications?

SESSIONS:

We are moving forward, and we will add -- fairly soon, I believe -- the paperwork. And reviews will be completed, and then we will add additional suppliers of marijuana under the controls circumstances.

But there is -- a lot of people didn't know, I didn't know -- a treaty -- international treaty of which we are a member -- that requires certain controls in that process. And the previous proposal violated that treaty.

We've now gotten language, I believe, complies with the treaty and will allow this process to go forward.

SCHATZ:

If -- if the chair will indulge me one final comment. We're all evolving on this issue, some quicker than others, maybe some too quick. And -- and I -- and I really believe that we have to do this in the proper way.

I think there are good civil rights reasons for decriminalizing and for pursuing a federalist approach around this. But if we're -- if we're narrowly addressing the -- the question of whether or not this is medicine, then we do need the Department of Justice, the FDA and everybody to work together to pursue that question, double-blind studies and all.

And I also think that we need to understand, we are in a humanitarian crisis when it comes to the opioid epidemic, which means that we may have to cast aside some of the things that we believed, all of our lives, as it relates to other drugs, and look at harm reduction.

I appreciate you keeping an open mind along those lines. Thank you.

SESSIONS:

Thank you, Senator Schatz.

MORAN:

Senator, thank you.

The senator from Oklahoma, Senator Lankford?

LANKFORD:

Thank you, Mr. Chairman.

Let -- let me add to that conversation a little bit before we -- before I jump into a line of questions. I -- I am one of the skeptical individuals that, so far, has not evolved on this issue of marijuana.

I have a hard time believing that if only more of our parents smoked more marijuana, our kids would be so much better and our families would be so much better, and employment would be so much better if more of our employees smoked more marijuana. I just have a hard time believing that.

And as far as medicinal issues, this is an area that the NIH has done active work on, and NIH is currently -- has several billion dollars that the Appropriations Committee has allocated to them to be able to study pain medications that are nonaddictive, to try to address that.

And that was entirely appropriate to do. We have an opioid epidemic. I'd rather not swap an opioid epidemic with addiction to marijuana, and just say we solved the problem. We didn't solve the problem long-term.

And so I'd love to be able to continue to maintain this. There are ways to be able to manage all kinds of different things, to be able to manage pain. But my preference would be that our nation doesn't become more and more addicted to marijuana to be able to solve our opioid addiction.

With that, let me mention a couple of things. Budget-related, you have made some recommendations on combining some entities and moving some things around, specifically with ATF.

And I'd like to get a chance to talk to you a little bit more about that. What proposals are you making with ATF in particular, to be able to work on some efficiencies?

SESSIONS:

Well, the Alcohol, Tobacco and Firearms originally came out of the Department of Treasury. And when -- because revenuers collected revenue. The old moonshining-chasing ATF guys collected -- because you weren't paying taxes on your moonshine.

So that's the history of it. But over the years, ATF has shifted far more to being the frontline agents on violent crime, bombs, explosives, arson and firearms. So that's where the trend has gone.

So this agreement, I think, is a smart one. It moves the tax part of ATF, that still exists, back to Treasury and keeps a leaner, more focused ATF on firearms and explosives in the Department of Justice.

LANKFORD:

How long do you think it would take to make that transition?

SESSIONS:

I think we could do it within the year. And we would expect to, if Congress would approve it. ATF has accepted it. They -- their leadership is supportive, so I believe it's something that would be good, be efficient and a smart realignment of resources.

LANKFORD:

OK. Any other areas of realignment of resources that you'd recommend? With the (ph) ATF (ph), FBI, any of those as well that you would recommend that are similar to that?

SESSIONS:

Well, we've made a number of recommendations for consolidation in the Bureau of Prisons. We've made some within some of the regional offices of community relations service, we've had a number of other changes that we are proposing.

LANKFORD:

All right. Well...

SESSIONS:

We believe that every dollar that we can properly expend at the point of the sphere, effectively carrying out the taxpayers' desire rather than feeding a bureaucracy, is good for America, and that's our goal.

LANKFORD:

OK. That'd be helpful. Your predecessor, Eric Holder, and I had multiple conversations over several years about an issue between ATF and FBI and their processes of how they actually do an investigation.

FBI has one set of processes, ATF has another set of processes. It came out (ph) most evident during the Fast and Furious time period around 2010 and '11, when there was a close examination of the processes that AFT went through to be able to do that investigation for Fast and Furious.

And the FBI agents immediately stepped out and said, "We would never be allowed to do what ATF did." So during that time period, a lot of conversations that I had with Eric Holder was, "Is there a study to be able to look at and try to figure out if these two processes need to be aligned, if ATF needs to have more similar structure to what FBI does? How does that work?"

Eric Holder, over and over again, told me, year after year, "We're going to take a look at it," "we're going to take a look at it." But I don't think ever did. I never got a report back, to try to finalize that.

Could you help us take a look at that again? This is not trying to hurt ATF, but trying to figure out if we've got good established processes, why do we have two different sets of processes in two different entities there?

SESSIONS:

I would be glad to discuss that with you...

LANKFORD:

Great.

SESSIONS:

... and see if -- what kind of problems exist. I don't think there are any processes that should have justified Fast and Furious, where assault weapons are allowed to walk...

LANKFORD:

Right.

SESSIONS:

... that (ph) we call it, across the border to...

(CROSSTALK)

LANKFORD:

Well, that was the number one thing I heard from FBI (inaudible).

(CROSSTALK)

SESSIONS:

Oh. Well I don't know what -- how that happened. Yet I know you've dug into it as -- probably as deeply as anybody in Congress, so thank you for that.

LANKFORD:

OK. Let -- let me ask one more strange question. Are we out of crime victim needs? So the Crime Victims Fund is out there. It has about $10 billion sitting in it. Do we have that fully established, all crime victim issues are taken care of and we don't need to allocate additional dollars towards that area?

SESSIONS:

No.

LANKFORD:

Well, that $10 billion has sat there and has been used as -- as what's called a "changes in mandatory (ph) program," year after year.

(CROSSTALK)

LANKFORD:

And it's had this fake spending year after year. I did notice, in your budget, that you're recommending that we not use that as a -- as a pay-for, that we set a -- a ceiling on that spending, save that money for crime victims and not try to shift that over to somewhere else.

SESSIONS:

Our -- our budget would eliminate that procedure. It's something I've opposed, but it's stuck, always been (ph). Perhaps as a member of this committee, something might happen, but it is a -- it's something that's continued for a long time.

We propose fixing that problem (ph).

LANKFORD:

Well I met yesterday with a group of crime victims and they had a real concern that that money is used not for crime victims, but is used for a gimmick in Congress, and they'd love to see that money actually go to crime victim organizations and uses for that.

With that, I yield back.

MORAN:

Senator, thank you. Senator Van Hollen.

VAN HOLLEN:

Thank you, Mr. Chairman, and -- and congratulations to you, look forward to working with you and the ranking member and -- and others. Mr. Attorney General, welcome. And I want to associate myself with the comments of Senator Collins with respect to

DACA, and that's obviously part of an ongoing discussion, but we've got to address this critical issue.

We all have an interest in protecting the integrity of the Justice Department, and as a member of the Senate Judiciary Committee, you made a statement at a hearing that thoroughly agree with, and I'm quoting, the power to pardon is a legitimate power.

It is one that ought to be exercised with great care, and then you end it saying I believe in the role of the pardon attorney, unquote. The pardon attorney is an office within the DOJ, is it not?

SESSIONS:

It is a position in the Department of Justice.

VAN HOLLEN:

And can you think of any pardon during the eight years of the Obama administration that didn't -- that did not go through the Office of the Pardon Attorney?

SESSIONS:

I don't recall, I know they -- a number did do (ph) in the Clinton administration.

VAN HOLLEN:

I'm starting with the Obama administration, two terms, eight years, I don't think there was one.

SESSIONS:

I don't -- I don't know (inaudible).

VAN HOLLEN:

And I -- I don't think there was a single pardon during the presidency of George W. Bush that did not go through the Office -- the -- the Pardon Office. And you're right, the comment you made was in connection with pardons made by President Clinton, but my question to you is do you stand by that statement that you made back during that hearing that the pardon attorney ought -- the pardon power ought to be exercised with great care and that you believe in the role of the pardon attorney in that process?

Do you -- do you stand by that statement?

SESSIONS:

I don't think that statement needs modifying, but it's obviously in context that the president of the United States clearly has the constitutional power to (inaudible) pardon --

VAN HOLLEN:

I understand, Senator. I'm not --

SESSIONS:

-- let me finish -- execute pardons without inquiring of the pardon attorney, and it's been done very frequently in history. That's just (inaudible) --

VAN HOLLEN:

And I'm not -- well (inaudible) I'm not -- I'm not supporting (ph) -- Mr. Attorney General, Mr. Chairman if could -- mister -- I'm not disputing the president's pardon authority, I'm actually -- I'm just quoting a statement you made that I agree with, with respect to the role of the pardon attorney.

And at the time, you made comments in the hearing saying that not going through that process was an abuse of power. So my question to you is whether or not you think not going through the pardon attorney is an abuse of the power, not -- not an unauthorized power, but do you think it's an inappropriate use of that power?

SESSIONS:

I don't know that I used that phrase abuse of power, because clearly not. It's clearly within the power of the president to execute pardons without the pardon attorney. If you're doing a lot of pardons and you want to have a lot of cases and you want to have them reviewed by independent force, the pardon attorney provides a real asset through a chief executive before executing a -- a pardon.

VAN HOLLEN:

Did the pardon of Sheriff Joseph Arpaio go through the pardon attorney office?

SESSIONS:

I don't believe it did. (Inaudible) --

VAN HOLLEN:

Yes, did the pardon of Scooter Libby go through that office?

SESSIONS:

-- they -- I don't believe it did.

VAN HOLLEN:

OK. But do you agree with what you said earlier, that that is the appropriate course of action for a pardon? I'm not asking you what the president's authority is, I'm asking

you what you think the appropriate course of action is to make sure that the public has confidence in the integrity of the process?

SESSIONS:

There are opportunities that the pardon attorney can be utilized very effectively, and it has been over time. But I don't think it's in any way required that any president --

VAN HOLLEN:

I'm --

SESSIONS:

-- seek the opinion of a pardon attorney (ph).

VAN HOLLEN:

It's -- it's not a requirement, I'm just -- you're -- I'm quoting from a statement you made saying it was abuse of process in a particular case made by President Clinton.

Let me ask you about something else that I also think we agree on in part, which is --

SESSIONS:

Well I would just say that pardons that President Clinton made were stunning, shocking and unacceptable on the merits --

VAN HOLLEN:

And what --

SESSIONS:

-- but the two -- Arpaio was 80 some years of age and he was convicted of a misdemeanor --

VAN HOLLEN:

Mr. Attorney General, I'm not (inaudible) substance.

SESSIONS:

-- and Mr. Libby is well known the circumstances of that case (ph).

VAN HOLLEN:

In both cases, as you know, they did not go through what --

SESSIONS:

They contributed greatly to America.

VAN HOLLEN:

What you described was the appropriate process. Let me ask you about the National Public Safety Partnership, PSP, which is a -- a program established by the administration help fight violent crime, one that I support.

The city of Baltimore was invited to apply in a letter from the Justice Department back in 2017, the Justice Department said that the city we've concluded that your jurisdictions have levels of violence that exceed the national average, and that you're ready to receive the intensive assistance from the department.

Then they got these three criteria that were listed by the department with respect to what you referred to as sanctuary cities, and the city's application was denied. Here's

what I want to say at this point in time, Baltimore city does not have jurisdiction over the detention centers in Baltimore city.

That's a state of Maryland decision. So we may have differences on the criteria you set out with, and as Senator Shaheen said, the Seventh Circuit has reviewed this, and I think those decisions are going to apply also to your criteria in the national public safety partnership program.

But setting that aside, I hope you'll work with me on Baltimore city. We have a -- a violent crime problem, and the city of Baltimore does not have the laws or state laws regarding DHS as the -- the access of the (ph) Department of Homeland Security to their jail.

So I -- I -- I just ask for your commitment to see if we can look for a way to see if they can qualify for the funds.

SESSIONS:

I would -- I would be glad to do that. We have had some -- I think more than one, at least one circumstance in which the jail was run by somebody else other than the jurisdiction that appeared to be.

So that created a -- a problem and actually led to the approval of the grant, so I'll be glad to look at that.

VAN HOLLEN:

Thank you.

MORAN:

Senator, thank you. Senator Murkowski.

MURKOWSKI:

Thank you, Mr. Chairman, and to both you and the ranking member know that I look forward to working with you as you execute this -- this appropriations bill through your committee and we'll move it onto the floor, I look forward to that commitment.

Mr. Attorney General, it's good to see you again, thank you for the conversation last week. I wanted to -- to raise again with you the subject of marijuana. Alaska is one of those states that has moved forward, not only with the medical marijuana, but also the sale and cultivation of recreational use, a very aggressive state regulation.

This was not something that I had supported through that -- that statewide initiative, in fact, I -- I worked against it, but it was passed resoundedly (ph) through the state, and my constituents expect me to -- to work to represent them.

Mr. Chairman, I'd like unanimous consent to enter into the record a resolution that was recently passed by the Alaska legislature.

MORAN:

Without objection.

MURKOWSKI:

This is H.J.Res.21. It was passed unanimously out of both houses, and it urges the federal government to respect the authority of the state of Alaska to regulate marijuana use, production and distribution, and generally respect states rights. Mr. Attorney General, we -- we have talked about this in -- in -- in the aftermath of your decision to withdraw the coal memorandum.

I had been disappointed with that and -- and -- and expressed that I was concerned that the Department of Justice was less than a full partner with the states. I do understand that the White House has expressed support for legislation that will respect state supremacy when it comes to regulation.

In the spirit of federalism. I think that that -- the comments that were made by my colleague from Hawaii in terms of members evolving on this is -- is -- is important. But I do think as we're seeing the states move forward, legislation like this is -- is timely.

The states are telling us though that they need the Department of Justice to be a partner in the orderly administration of -- of states regulatory regimes and not standing in the way as an obstacle. So I would -- I understand your position on this.

Again, we've had many conversations. But I would hope that we could have your assurance that within the Department of Justice that the Department will not be an obstacle to the consideration to this sort of legislation that may move forward.

SESSIONS:

Well I can't make a commitment about what position we would take at this time until we know exactly what's involved. But it's not so much on a question of supremacy as a question of simple law. Alaska can pass laws about drugs that -- make certain drugs illegal that Washington does not make illegal.

And therefore can't be prosecuted in federal court, but could be in Alaska. Likewise, the federal government has passed some laws regarding marijuana that I'm not able to remove from the books. They -- Congress, you have passed them.

They're on the books and I just feel like -- that our priorities -- look, I'll be frank. Our priorities are fentanyl, heroin, methamphetamine, cocaine, people are dying by massive amounts as a result of those drugs. We have very few, almost zero -- virtually zero small marijuana cases.

But if they are a big dealer and illegally acting and violating federal law, we -- we -- our federal agents may work that case. I don't feel like I'm able to give a pass -- some protection, some sanctuary for it. That's -- that's maybe the only difference we have at this point on how it'll play out.

MURKOWSKI:

I -- I -- I do understand that. Again, I recognize that if -- if there is a venue or -- or an opportunity for us to advance legislation on this, that -- that there is that -- that open door for -- for conversation about truly the inherent conflicts that we're seeing coming out of the states in working with -- on the federal level.

Let me ...

SESSIONS:

I would be glad to do that.

MURKOWSKI:

... ask you about another -- another issue that I raised with you earlier. And this is regarding support for tribal justice programs. In the F.Y. '18 budget, we were able to include a funding stream for victims of violent -- victims of Crime Act funds for tribes.

It's set aside -- five percent set asides, it's about $130 million, to help for victims on tribal lands. We -- we had completed a study in -- in Alaska -- well actually it was -- was a broader study, it was a 2016 study from the National Institute of Justice.

More than four out of five Alaskan Native and American Indian women report having -- having experienced violence in their lifetime. More than half report having experienced sexual violence in their lifetime.

Nearly 40 percent have experienced violence in the past year. 14 percent who have experienced sexual violence in the last year. Our statistics when it comes to Alaska Native women and -- and American Indian women are horrible when it comes to domestic violence, when it comes to the sexual assault.

And so I think that we're -- we're making a small step forward with this small set aside -- small set aside. And first time ever to see anything going towards -- towards those on tribal -- tribal lands and in Alaska where we -- we have different issues in the sense of not having Indian country.

But a recognition that we must address this. So five percent, I would like to see that increased. I would hope that we'd be able to work with the Department of Justice to address this -- this issue. Because we have not made a difference in -- in reducing these horrible statistics.

SESSIONS:

Senator Murkowski, thank you actually for raising that. I'm hearing -- I heard that before I was confirmed, you and I talked about it. I've traveled to country, meeting with U.S. Attorneys. I hear it a lot in their districts.

Just came back from Albuquerque, and we talked about the Navajo tribal lands and the problems that they have. This budget -- the President's budget actually is frugal compared to -- it's a frugal budget. But it has more for -- for tribal issues than the -- even your 2018 budget.

And it does it the way you suggested, through set asides. A seven percent set aside is recommended for the Office of Justice programs. All those programs, seven percent would be set aside for tribal individuals and five percent of the crime victims fund.

I -- I believe that Congress has not yet got to those numbers. But I do agree with you that it is a very difficult situation. And Alaska has a particularly unusual situation without having specific tribal lands that receive specific funds from the government.

So I will be glad to continue to work with you on it.

MURKOWSKI:

Good. And that's why so many of these funds, whether it's the -- the Byrne grants, the VAWA funding, the DNA backlog, the Victims of Crime Act, the Crimes Against Children, all of these grant fund opportunities are so significant for us.

So wanted (ph) to put that on the list.

SESSIONS:

I did -- let me -- OK. I wouldn't know that just yesterday, I had meeting with United States Attorney in -- here in D.C. Bryan Strother (ph). He's on our -- my 15-member Attorney General's Advisory Committee.

And he and a U.S. Attorney from Oklahoma -- northern Oklahoma share the subcommittee on -- on Indian affairs. And they -- we both talked about this specifically. They would like to see us do some things better than we have in the past.

They're providing strong leadership and I know he'd be glad to share -- share his thoughts with you or your staff.

MURKOWSKI:

Good. They're good guys, thank you. Thank you Mr. Chairman.

MORAN:

Thank you Senator. Senator from California, Senator Feinstein?

FEINSTEIN:

Thank you very much Mr. Chairman. And welcome back Attorney General, I'm sure you miss us terribly. I -- I want to follow up on something that Senator Collins said. Senator Collins and Senator Manchin essentially convened a large group bipartisan Senators on the DACA situation.

To try to see if some proposal could be put together. Virtually everything went down on the floor. And in conversations since what I've learned is that in negotiations with the president, Senator Schumer tried to consummate a deal, where the president essentially got what he wanted with respect to border security, if the DOCA a bill went through. Well, that was clearly not successful.

You referred to certain loopholes in your conversation with Senator Collins. I'm wondering if you could be more precise? Because we are really, very interested in involved in trying to find a solution.

SESSIONS:

Well, thank you. Your support for this would be very important.

I think that as a bipartisan opportunity to join together and say once and for all that we believe we should have a lawful system of immigration, and we're going to support things that actually work to help achieve that.

I not so jokingly said for years that congress will pass anything on immigration, as long as it doesn't work. If it works, somehow it never passes.

But we've got the Flores Consent Decree, that's been in place for 20 years, that's causing monumental problems, particularly in California. We have the situation where you say, as the critics say, magic words and you're in. Backlogged, case systems, people get released on bail, they don't show up for their hearings and all of that -- there's a whole host of problems like that, that I think most members of Congress of both parties would probably work to fix.

FEINSTEIN:

Well, is it the number? In the number in the bill that Senator Graham and Senator Durbin were cosponsors of, I think the total number was 3.3 million. Was that the problem? I don't know what the problem was in the bill.

SESSIONS:

That's a big number. Yes, that's the problem

FEINSTEIN:

Because it was discussed and discussed and discussed, and then it all came a cropper in the votes. So it would be very helpful if you could be helpful to us and just identify some specifics that we could look at and try to put something together.

SESSIONS:

Well, I think...

FEINSTEIN:

Would you do that?

SESSIONS:

That's certainly a fair request. Yes, I will.

FEINSTEIN:

OK, let me go on then to bump stocks. DOJ recently started the rulemaking process to ban bump stocks under the National Firearms Act, and I have it in my assault weapon bill, which has some 29 to 30 cosponsors right now.

But ATF has said for years it can't ban bump stocks, because the National Firearms Act doesn't allow it. ATF repeated this position in April of 2017, and has repeated stated in public that ATF cannot ban bump stocks under current law. That's why we have proposed legislation to do so. How long do you expect this rulemaking to take? And if you find out what we found out, will you support a legal ban?

SESSIONS:

I would need to review the legislation, but we have done intensive legal research. It always seemed to me that a bump stock converts a gun effectively to a fully automatic

weapon -- how can this be a close call? However, I acknowledge that the lawyers at ATF did a lot of research. It's a lot of complicated -- it's a complicated matter. And they concluded it was not. And we've continued to review that. We believe -- we've changed that view in the Department of Justice, and we believe the regulation could be -- could be effective to solve the problem. And it's up for comment now, and made public. Hopefully, that would move forward, and would solve the problem.

FEINSTEIN:

By when do you expect the rule making will conclude?

SESSIONS:

I think it won't be much longer. I'm not sure. But I think in just a few months. Ninety days I believe...

FEINSTEIN:

Thank you.

SESSIONS:

... is what's left on the time.

FEINSTEIN:

OK. Thank you. The Justice Department announced a policy change one month ago indicating that it would remove records of certain fugitives from the FBIs NICS gun background check databases. Now, previously all fugitives were recorded in the NICs database, so they couldn't buy guns.

Now only fugitives who cross state lines are included in the database. I understand that local law enforcement organizations have strongly opposed the change. It's puzzling to me as to why the department would do that? Why you would want armed fugitives?

SESSIONS:

Well, the issue I'm most familiar with is the one involving whether or not a warrant for your arrest, and a person is therefore a fugitive -- they're running from arrest, but haven't been convicted. The statute is pretty clear you have to be convicted before you can have a gun -- your Second Amendment right to possessive a firearm -

FEINSTEIN:

Even in the case that the fugitive had committed a major felony?

SESSIONS:

Apparently, that is the law. In other words, you lose your right if you've been convicted of...

FEINSTEIN:

But these are fugitives who've cross state lines? I don't understand what the Department sees is the need to do this?

SESSIONS:

Well, I am -- I would -- say, I'll review the...

(CROSSTALK).

SESSIONS:

...the state line question. I should know -- be able to answer that. But I'm -- I'm not able to.

But I do know the warrant problem is a product of statuary language.

FEINSTEIN:

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

MORAN:

Thank you, Senator Feinstein. The Senator from -- the Senator from Arkansas.

BOOZMAN:

Thank you, Mr. Chairman.

MORAN:

Oh, sorry. I -- I -- no, I was -- I'm correct.

BOOZMAN:

Thank you, Mr. Chairman. And thank you, Attorney General Sessions for being here. We do appreciate your hard work and the great job that you're doing.

SESSIONS:

Thank you.

BOOZMAN:

I'd like to talk a little bit about the Byrne JAG, also in the sense that -- in Arkansas, we are doing good job of helping -- helping you in your efforts regarding --following the law, you know, being helpful. As I go around the state though, and I've talked to

my county sheriffs, I talk to my local law enforcement, and individuals regarding, you know, the importance of this.

This is not a whole lot of money, but it really is the difference in being able to stand up the drug task force, forces that they have and not. You know, these are small departments. You know, I'm out and about as much as anybody, as were you, you know, when you were a Senator representing your folks.

But when you talk to the people that are on the ground -- again, not having this funding, really is making a -- a big difference in a very negative way. Can you talk about for those states, for those individuals that are doing a good job when it's going to get released?

SESSIONS:

Senator Boozman, it's -- it's just maddening to us that people who totally our ICE officers and allow them to do the minimal things they ask of local law enforcement, can't get this money. So what happened was a -- a suit was filed in Chicago, that said that they may or may not be in violation of our grant conditions and they, not only wanted to block us from denying Chicago, they denied the whole -- the judge issued a nationwide injunction.

And Chicago's law and circumstances are unique, and all these other people who comply with the Department of Justice, all the other people that have other and different laws and backgrounds and joined by the same single federal judge. One out of 600, now the whole process has stopped.

And law enforcement has been impacted and we are determined to try to deal with this issue in appropriate way. It's painful for me not to see the money go out,

particularly, the people -- the people that want to help us and work with us everyday, but they've been pretty supportive and understanding, I gotta say, although I know it's difficult for them. So, I hear you, we're working on it. It's a high priority of mine.

BOOZMAN:

We appreciate that. And it is -- it is an important -- an important issue. Another thing that'd I like to talk to you a little bit about is the -- when we look at the fiscal year 2019 budget request, it will reduce the drug court funding by more than 40 percent, reduce veterans treatment courts by 70 percent.

When you look at the recidivism rate, as a result of being in drug court, it's dramatically lower than those people being incarcerated. Also, when you put somebody in jail, you know, they're required to work when they are drug court, but when you put somebody in jail, not only -- not only are you, you know, your -- your -- the recidivism rate and all that, but also the family is going to wind up, probably, on some sort of public welfare assistance because you've lost an income earner.

And so, I'd really appreciate it if you'd look at that and just kind of review that. Look at the statistics and things. I think those programs -- if there's an answer instead of reducing those programs, I think they should be increased dramatically.

SESSIONS:

Well, congress works its will, and the -- we have a tight budget, and we -- but I do agree with you, Senator Boozman. I helped initiate the establishment of a drug court in Mobile, Alabama in the early 1980s.

BOOZMAN:

Right.

SESSIONS:

One of the first in the country, and it's still in existence, and I think it's positive thing in general. I've kept up with it over the years. It deals with the kind of state cases that are often smaller offenders, addicted offenders, single mothers, single fathers, whatever -- that's just a difficult time. And some of them can work their way through that drug court and stay with their families and save the cost of incarceration.

BOOZMAN:

You're exactly right. And again, have to work, have to stay clean with the drug test, or the judge has the hammer, you know, to actually put them in prison, so.

SESSIONS:

Right. If they misbehave, the judge -- they come before the judge repeatedly, and he addresses them directly. It has a real impact.

BOOZMAN:

Well, thank you very much. Thank you, Mr. Chairman.

SESSIONS:

Thank you.

BOOZMAN:

Madam Chair.

MURKOWSKI:

Thank you, Senator Boozman. Senator Manchin -- yes, Senator Manchin.

MANCHIN:

Thank you, Madam Chairman. Thank you, Mr. Justice. Good to have you here.

Let me say, first of all, I want to thank you. We had a major drug raid and you all were very much involved in that and made it happen, and I, personally, want to thank you for the state of West Virginia. It was a major drug ring between Detroit and Huntington, West Virginia. You all led it, you were involved in it, we had all agencies working together. It made a big, big impression. It made a big help on us so thank you for that, Sir.

SESSIONS:

Thank you.

MANCHIN:

Also, I want to say that the Bureau of Prisons routinely uses a process known as augmentation to assign custodial duties to non correctional staff, teachers, plumbers, fill gaps in staffing and all that. At the Hazelton Federal Correctional Center -- Hazelton Federal Correctional Center in West Virginia there have been over 60 major security incidents since the beginning of this year including one inmate -- inmate's death earlier this month.

I fought to insure that the recently-passed omnibus bill included language directed the Bureau to curtail it's over reliance on augmentation. People didn't have these types of experiences and instead hire additional full time correctional staff before continuing to augment existing staff, so despite all of this, the Director of Bureau of Prisons, Mr. Mark Inch, sent a memo out last week stating that augmentation is an important mechanism used by our agency to operate safely and efficiently. So the only thing I

can ask Mr. Justice, is what do we have to do to get Mr. Inch's attention and ask for some help?

SESSIONS:

Well now augmentation has gone on for a long time Senator Manchin and it's an establish policy and everybody that participates in augmentation is supposed to and I believe is also trained as a -- in incarceration management, number one. So I just...

MANCHIN:

This is a tough one; this is tough prison.

SESSIONS:

...think that that this really...

MANCHIN:

This is a tough prison here.

SESSIONS:

Facts could be different...

MANCHIN:

Sure.

SESSIONS:

...in different situations but the augmentation program to eliminate that would be highly expensive. I mean you would have to hire entirely new guard for one person to spend two hours through the lunch room helping keep an eye on things.

MANCHIN:

Yes Sir. We're just understaffed. I think that's it in a nutshell in that prison with the amount of population base we have, if you just look into that Sir and if your staff could give us the attention we need there, we would be greatly appreciative because they're having serious problems there. And the staff morale is low; we're having a hard time keeping people now because of the danger. That's all we're asking for.

SESSIONS:

All right.

MANCHIN:

And I -- I know you will do that and I appreciate it. I have another one too, which is -- I'm proud to have FBI presence in Clarksburg, West Virginia, as you know, the NICS unit is there. This facility performs a wide variety of functions such as housing the criminal justice information system where the FBI's national instant criminal background check system is located working in conjunction with WVU implementing the cutting edge study of biometrics in the field of criminal justice being a resource for law enforcement, cyber security, and combating cyber crime.

In order to protect the important work conducted at these facilities, there are approximately 75 police officers assigned to the site in Clarksburg. Additionally there are about 173 other officers serving at sites in Washington, D.C., Quantico, Virginia, and New York City. Because of an inadvertent error committed while drafting the legislation, intended to establish the FBI police force, these officers, these 70 -- they're not being receiving the same pay and benefits that they're entitled to with what jobs they are doing.

I think it's a snafu when all of this was written. I mentioned this to Director Wray yesterday so he knows it and his staff has it but I wanted to also put it on your radar screen Sir. So I would just like to have your -- your help, if you will, on this because it's just an unfairness in the system we've been trying to correct. And this was done in 2002. WE have the code, the section, everything else that whoever you want us to work with on your staff too check that out, I'd be happy to do.

SESSIONS:

Well, that's a reasonable request and we'll follow up with Director Wray and if we can be of assistance, we will.

MANCHIN:

All right. The opiate addiction that we have and -- and we've talked about this before, trying to change the law back to where the DEA can do its job. You -- you and I have talked about...

SESSIONS:

Right.

MANCHIN:

... I think we've given and you were telling me you need the language from us to do that or do you have the ability to change that?

SESSIONS:

I appreciate the conversations we've had on it. I thought we were -- had reached an accord on the language, but if not, I'll be glad to follow-up and and see if we can't get that done.

MANCHIN:

Yes, OK.

SESSIONS:

I appreciate your interest and leadership on it.

MANCHIN:

Well, we're Ground Zero. West Virginia's number one; we had 909 deaths out of the population of 1,800,000 people so we're just off the charts. And, but your attention is going to be greatly appreciated but it's helping immensely. This drug raid made a big difference and we can do more.

SESSIONS:

U.S. Attorney Mike Stuart is so excited. I got a letter from him and it reminded me when I was a young U.S. attorney...

MANCHIN:

You got a good...

SESSIONS:

... but he was on steroids I tell him compared to me. He was so excited.

MANCHIN:

We got a good visit...

SESSIONS:

He's really fired up to do -- make some changes there. We're going to support him.

MANCHIN:

Yes, he's well liked. He's well liked and he will do a good job. We're really proud to have Mike. Thank you Sir.

SESSIONS:

Thank you.

MORAN:

Senator from South Carolina, Senator Graham.

GRAHAM:

Thank you Mr. Chairman. Attorney General, I think you're doing a very good job for the country and many of us up here have your back and I want you to know that.

SESSIONS:

Thank you.

GRAHAM:

As to the budget, it's a 6% reduction over FY 18 levels. Do you think now's the time to reduce the Department of Justice's budget given the threats we face?

SESSIONS:

Well, we submitted an approval budget, it comes through the Office of Management and Budget and try to achieve a total number for the government.

GRAHAM:

Let me ask...

SESSIONS:

I would just follow up to say it was submitted before the 2018 appropriations that did in fact raise and spend -- helped this give us some money extra.

GRAHAM:

So the money you got extra you think you can spend it wisely to make...

SESSIONS:

We're going to work very hard to do that.

GRAHAM:

OK, thank you.

SESSIONS:

Absolutely.

GRAHAM:

All right. The Wire Act. I know you have recused yourself from reviewing the Wire Act, is that correct?

SESSIONS:

That's correct.

GRAHAM:

I talked to Mr. Rosenstein about that months ago, and Senator Feinstein and I are very worried that this bizarre interpretation of the Wire Act by the Obama Administration

is going to lead to holy hell ungoverned spaces when it comes to Internet gambling. Could you please tell him to give me an answer or do I have to tell him?

SESSIONS:

Deputy Rosenstein?

GRAHAM:

Rosenstein, yes.

SESSIONS:

I will pass along your request.

GRAHAM:

OK. Other than that one glitch, do you agree with me he's doing a good job?

SESSIONS:

He works every day to do the job that he is called upon to do that got dropped in his...

GRAHAM:

Do you have confidence in him?

SESSIONS:

I do have confidence in him.

GRAHAM:

I do too, thank you. you. Gitmo, the President issued an executive order saying he would use Gitmo when appropriate. Do you agree with that?

SESSIONS:

Yes.

GRAHAM:

Do you think we're ever going to use it in my lifetime?

SESSIONS:

Nobody -- well you and I spent a lot of time working on it together since I've been Attorney General and before.

GRAHAM:

Right.

SESSIONS:

So, I -- I don't know. I'll just have to be honest with you.

GRAHAM:

Well, you have been a terrific...

SESSIONS:

It could be certainly, if we have a surge in arrestees.

GRAHAM:

Well we've got 489 prisoners that we've captured from our operations around Raqqa. They are going to get out of jail. They're in a makeshift prison held by the Syrian Democratic Foces. It's not a nation state and these are really hardcore killers. Some of

them -- two of them or the Beatles, you've heard of the Beatles right? Not the rock group but the beheaders?

SESSIONS:

I do know the Beatles.

GRAHAM:

OK. Well two of these people are in our custody. They're insisting on a fair process. I intend to give them one. But they cut off the heads of American citizens and our allies and I know where you are at, I would appreciate it if you would push the administration to live up to the president's promise to use it wisely when it comes to Gitmo. Would you please do that?

SESSIONS:

I will remain focused on that.

GRAHAM:

OK, now when it comes to the war on terror, Raqqa may have been taken back, but we've got a hold it. From your point of view, the threats screams (ph) that you're aware of, are they growing regarding radical Islam threats toward the whole homeland?

SESSIONS:

We don't think there's any significant reduction. I do believe General Mattis deserves credit for his tactics of crushing ISIS and I think a lot fewer of them got out than perhaps they intended, which means there are fewer of them available to come to

America to kill Americans. But we'll -- I think time will tell how many come out of that war zone and attack us.

GRAHAM:

Is this a priority...

SESSIONS:

There's definitely a meeting that prefers to do that and desire to do that.

GRAHAM:

It this is a priority of your department to make sure that we're up and running when it comes to these threats?

SESSIONS:

It is. The FBI, maybe almost a third of its budget is national security matters. I asked them was that enough sometime ago and I was told the right answer. And the answer was, well we got enough because we'll assign anybody doing anything to focus on terrorism; if it's a threat to us, it's our number one priority.

GRAHAM:

One of the tools they use to recruit out of area, out of theater is the social media outlets like Facebook and other social media devices. They use the app to (ph) recruit. I know you are aware of the recent dust up with Cambridge Analytica, but terrorist organization using social media to recruit terrorism in our own backyard. Would you support Congress weighing in and trying to find some control over this?

SESSIONS:

Senator Graham, I think it's a growing, real problem. FBI has a great deal of insight into this program, we want to encourage them to be forthcoming about ideas to deal with the future. But you are correct, it needs more attention.

GRAHAM:

Congratulations on the CLOUD Act, it really helps out ally, Great Britain, and your office was terrific. Thank you.

SESSIONS:

And Senator Graham, was the number one advocate for that which it was one of our top priorities in the Department of Justice, and without your help, it would not have passed.

MORAN:

Senator Coons.

COONS:

Thank you, Chairman Moran and welcome to your new position here at CJS, I look forward to working with you and with a Ranking Member Shaheen. Mr. Attorney General, welcome. I enjoyed working with Senator Graham and I'm glad we made progress on the CLOUD Act. I do think it was an important step forward.

I have three questions I would like to ask if I might, I think I'm the last man standing, so we'll work through them if we could, and I think we're at the end.

MORAN:

As long as they occur within five minutes.

COONS:

I will do my best. First, as you know attorney general, my home community of Wilmington, has faced some significant levels of gun violence, something the department has worked with us on in the past and I've tried to find ways that we in the federal government can help local law enforcement confront this challenge.

So I'm working with Senator Toomey of Pennsylvania; we have crafted and introduced a bill, the NIX Denial Notification act, which recognizes that if someone who is a person prohibited, convicted felon, adjudicated mentally I'll, convicted of domestic violence, goes into a gun shop, fills out the background check form, says yes I can buy a gun and they're denied, that's information that would be helpful for local law enforcement to know. Would you agree that that's helpful for state and local law enforcement?

SESSIONS:

Yes, it could be.

COONS:

There were 120,000 NIX denials last year. State of Pennsylvania, state of Virginia, they run it through, the state police run it. So they know when there's a NIX denial and they have prosecuted hundreds of people. My home state, about 30 others, it's run independently of state law enforcement.

All this bill would do is to require notification to state law enforcement when there is a denial of a NIX application. Do you think that would be constructive step forward in terms of empowering state and local law enforcement to take timely action or a person prohibited is trying to get access to a weapon?

SESSIONS:

I would be pleased to review that. I'm aware that you are offering something of that nature, but I have not studied it. I think it's got potential and would be pleased to do so. We also are directing our United States attorneys to prosecute more aggressively. People who lie to get a gun and some of those are caught on the -- well, most of them are NIX denials, are basically people who've lied...

COONS:

That's right, these are lie and try offenses.

SESSIONS:

We call it the lie and try, that's correct.

COONS:

Well, I look forward to working with you on that. One other thing I wanted to ask is about HIDTA of the High Intensity Drug Trafficking Areas program, under ONDCP. I worked hard to make sure New Castle County, Delaware, which is our northernmost county, was included in the Philadelphia Camden HIDTA area and I'm concerned about changes you're proposing to the program that, as I understand it, would lead it to focus on enforcement activities, but not combating addiction.

HIDTA and the other ONDCP programs have -- have balanced enforcement with community efforts to try and fight addiction. Why reinvent the wheel when ONDCP, in my view, has been already providing needed assistance to communities across the country?

SESSIONS:

This has been a matter discussed for many years. We have been asked to reorganize the government to make it more effective. The HIDTA investigative teams that are funded through this grant program have been a part of the ONDCP, the Office of Drug Control Policy. It was set up as a policy entity and a little bit like the national Security Council that says we're spending all this money, lets make sure all these departments are doing it the right and a coordinated way.

So we think that ONDCP needs to focus back on that and that the actual management in the field of -- of task forces that prosecute and investigate drug use is better coordinated with the DEA. But the HIDTA officials, the people of the local communities that serve on the HIDTA boards would be retained. The grant money would simply be managed by DEA and I think it would create a closer working relationship.

COONS:

I look for looking into that further. We may disagree on exactly how to manage it, but I agree with you, it's a long-standing debate. Let me close with just a few questions about the U.S. attorney's office in the southern district and the investigation of Michael Cohen.

If I understood correctly your exchange with Senator Leahy earlier, I just want make sure I understand, if you discover any connection between this investigation into Mr. Cohen and the ongoing investigation into allegations of Russian interference or anything related to the 2016 election, would you recuse yourself?

SESSIONS:

Yes.

COONS:

Thank you. And have you discussed that investigation into Mr. Cohen with anyone outside of DOJ, including the president?

SESSIONS:

I don't -- I don't think in any significant -- well, I'll just say this. The communications I might have to anyone in the White House, I believe are the kind of communications that should not be revealed. I believe I have the right and the responsibility to maintain confidence in those. So I just am not able to go down that road.

COONS:

So in exerting executive privilege -- asserting executive privilege there, I'll move forward. Last question; has the president or anyone in the administration discussed with you the possibility of President Trump pardoning Michael Cohen?

SESSIONS:

I am not able to reveal the contents of any communications I might have with the president of the United States or his top staff.

COONS:

Given the previous conversation you had with Senator Van Holland, it's my hope that if President Trump proceeded to pardon Michael Cohen in violation of longstanding policy and did not consult with a pardon attorney, did not consult with DOJ, that you would express strong objection to that and would consider resigning if that step were taken. Hopefully it would not come to that. Thank you for the chance to question you today. Thank you for your service, Mr. Attorney General.

SESSIONS:

Thank you, Senator Coons.

MORAN:

About to conclude our hearing, I was hoping that Senator Coons would leave before I indicated the potential of a second round. Senator Coons, anything you want to add to what you've -- questioned the attorney general?

COONS:

Thank you very much for the opportunity. No, I've completed my questioning.

MORAN:

Very good. I'll recognize Senator Shaheen.

SHAHEEN:

Thank you, Mr. Chairman. I want to follow up on the issue that Senator Graham raised about Guantanamo. And he specifically mentioned the Beatles. On March the 5th, I sent you -- the Justice Department a letter based on discussions that we have been having with families of the Americans who were killed, we think, by the Beatles, one of whom was a constituent of mine, James Foley; also included Steven Sotloff and Kayla Mueller.

And one of the things that we heard very strongly from the families of those Americans murdered by the terrorists, executed really, is that they wanted to see that the people who killed them were brought to justice. And they didn't feel like putting them in Guantanamo, where no one would know and other terrorists would not be

able to see that they were brought to justice and held accountable for their deeds, was an appropriate way to deal with them.

So I wonder if today you can tell me, as the attorney general and the Justice Department, will advocate with this administration that those terrorists be brought to justice either in some international venue or in civilian courts in the United States.

SESSIONS:

Well, I believe I can say with certainty that they will be brought to justice. There has been a discussion. Senator Graham, for example, believes, and he studied this for years, he's actually on his military duty, spent time in prisons in Afghanistan in places, so he's an expert. But he thinks that the normal and best procedure is for people to be brought to Guantanamo where they're not -- they're -- as prisoners of war, that they can be interrogated as normal prisoners of war, they're not provided attorneys and they're not set for trial, and don't get discovery of the government.

And then if a decision is made to bring them to the United States for trial or try by military commission in Guantanamo, that's the best approach. I have advocated that with him when I was in the Senate. So that's my general view on it. We have had success bringing -- trying a lot of these cases in federal court, even though the rules of evidence are stricter, the discovery rules require the government to produce more evidence, sometimes can tend to reveal how they got caught and our techniques of catching them and intelligence that way.

So -- but we're -- there's no dispute about these individuals being brought to trial. I have been disappointed, frankly, that the British -- they were British citizens, they renounced their citizenship or rejected, had it pulled, that they are not willing to try the cases, but tend to want to tell us how to try them. So -- and they have certain

evidence that we need. So it's a complex matter. We are spending a good deal of time on it.

I believe you can say with confidence that we expect to have these individuals tried and held accountable for their horrific acts.

SHAHEEN:

Well, thank you. And as you point out, we've been successful in federal court when we brought those terrorist cases before the court. And in fact, we've been more successful in civilian courts than we have in military tribunals. And I would urge you and the administration to take into account the wishes of the families who lost their loved ones because of those terrorists and not provide another opportunity for terrorists to be able to use Guantanamo as a recruiting tool.

So I certainly hope you will do that. I would like to change the subject now to -- there's been -- there've been a number of questions here relative to your recusal from issues relating to the 2016 presidential campaign and the work of Special Counsel Mueller. And I do have a couple of general questions that I hope you can answer despite your recusal from questions regarding the Mueller investigation.

Outside of misconduct, dereliction of duty, incapacity, conflict of interest, or other good cause, the conditions outlined in 28CFR600 (ph), can the attorney general or his designee fire a special counsel?

SESSIONS:

Well, let me just say this. I expected somebody would press this, but I -- I am recused from that matter. And this thing (ph) one matter at stake and I'm recused from that. So I believe it is not appropriate for me to opine or give my thoughts at this point, given

the fact that I'm recused. So I appreciate your inquiry but I think it is not appropriate for me to comment.

SHAHEEN:

So will you also not comment on whether in your legal view the president can fire a special counsel appointed under the same regulation?

SESSIONS:

I feel the same way about that question.

SHAHEEN:

OK. Mr. Chairman, if I can just ask one more question, I know I'm over my time.

MORAN:

Please continue.

SHAHEEN:

I want to go back to the census questions. Because you have talked about -- and there have been some questions about the citizenship question that is on -- to be included in the next census. Now, my understanding is that the last time this question was included in the Census was in 1950.

And so, I -- I have a question about why now the Justice Department feels like it needs to include that question. I -- the answer that I've been given is that because it's used in enforcing the Voting Rights Act. But, since we haven't used it since 1950, why is it necessary now? And does the Justice Department plan on using the information from the question for immigration enforcement?

SESSIONS:

Well, we've submitted a written statement about that. The matter is under litigation today, and I am reluctant -- and it really wouldn't be appropriate for me to discuss the merits and -- and argue the pros and cons about it, if you'll forgive me on that. But we have a written document to the Census Bureau and they are -- we are representing them in court.

SHAHEEN:

Thank you, Mr. Chairman.

MORAN:

Thank you, Senator Shaheen. Senator from Louisiana, Senator Kennedy.

KENNEDY:

Thank you, Mr. Chairman. General, I think you're doing a wonderful job. I wanted to tell you that, first.

SESSIONS:

Thank you.

KENNEDY:

You're a better man than I am, I can tell you. You've shown a lot of patience. You know, first, they want you to recuse yourself and then they want you to answer questions about it.

You and I have talked about this before, you know, we are a nation of immigrants. It's what -- what we're proud of. You know, I think we let in more folks from other

countries in our -- into our country than any other nation. And it's a -- I'm flattered that people want to come here. I mean, when's the last time you read about somebody trying to sneak into China? No, they want to come here; and that's great.

But, we're a nation of laws and we're not following our laws on immigration. Is there anything that we can do about sanctuary cities, in terms of legislation, that would help you?

SESSIONS:

Absolutely. For example, there -- I think we could authorize explicitly -- I didn't -- I thought it was already sufficiently authorized, but get explicitly authorized or passed legislation that mandates a cooperative relationship with state and local areas. Also --

KENNEDY:

I would have thought that'd be implicit.

SESSIONS:

I --

KENNEDY:

You know, but.

SESSIONS:

You know, Senator Kennedy, there's nothing like the improvement we've seen in law enforcement. You -- you have -- in Louisiana, you've got cities, you've got parishes in -- in cities and all these jurisdiction. They each have their borders and their cart (ph) jails, and we honor each other's hold (ph) and hold people until somebody can come

over and pick them up because they've got charges in another jurisdiction, or another state, or to the federal government.

And this is an ideological open borders, radical policy that a -- a city or a county refuses after they've apprehended somebody who's entered the country unlawfully, who's committed, perhaps, a major crime, they refuse to honor the ICE officers when they come to pick them up. And that means the ICE officers have to go out in the community, place themselves and maybe neighbors at risk to try to apprehend, sometimes dangerous, criminals.

And I cannot agree to that. I cannot accept having our officers placed at that kind of risk. And it's an important matter; it's not a little matter. And I think these cities need to re-evaluate what they're saying. I don't think they know what they're saying.

I don't think they understand the implications of their refusal to cooperate with brother and sister law officers like our ICE officers; we cooperate with them. And that's why we've been so -- that -- that -- that's been a part of the 30-year decline in crime is just partnership between federal and state officers. This is the biggest breach of that relationship I've seen in my 40 years of law enforcement.

KENNEDY:

Well, it just strikes me, I mean, we've talked a lot lately about -- about the rule of law and -- and the Mueller investigation, which I'm not going to ask you to comment on because you did correctly recuse yourself. We talked a lot about the rule of law, but it doesn't seem to apply when we talk about immigration laws.

I mean, there are parts of immigration law I don't agree with, but I'm going to follow it and I'm going to try to help my colleagues in federal, state, or local government to

follow it until we change it; if we ever change it. And -- and, I just don't get it; I'm sorry, I don't.

I mean, I understand the politics of it. But when you have the mayor of a city pick up the phone and, you know, tip-off some folks who are in violation of federal law that they may be arrested, you know, the federal agents are coming in. I don't understand a world like that; I don't.

SESSIONS:

Well if -- if -- if you -- if a person can cross the border on Monday and end up in San Francisco on Wednesday, hauling dope and gets arrested with cocaine or heroin, why would not the city want the ICE, after they've served their time, to take them out of the country like the law contemplates? I find, like you, that's amazing. I also want to thank you --

KENNEDY:

We're -- we're -- we're spending billions and billions, I think I saw a figure of $36 billion, I'm sure that -- that may be inaccurate, my memory's bad, but that we spend on border enforcement. But if you get through -- and I'm sorry, in my state, if you can make it to -- to New Orleans, you're home free. And, I know our mayor disagrees with us on that, but it's an attitude. But anyway, if there's -- I'll call you separately, I want to stay within my time. But, thank you for your service.

SESSIONS:

Thank you. And thank you for being alert to this issue and helping us in raising it.

MORAN:

General Sessions, I think we're about to conclude. Let me ask just a couple of follow-up questions that I have. The -- the department has requested funding for 75 new immigration judges and support staff to help alleviate the immigration court system backlog.

As you would know, this committee provided funding for 100 additional immigration judges in the F.Y. '18 Omnibus. Can you explain how these additions will enable the court to decrease that backlog and also speak to the expedited hearing process that the department has developed?

SESSIONS:

We've had a real problem for a number of years. In 2014, we only had 284 judges. With this funding, we believe we'll hit 559; that still may not be the optimal number, but it is a monumental improvement.

We simply have more and more individuals who are making facial claims for asylum or other relief that -- that justifies hearings, and it just is placing more and more stress on it. We have to be able to have prompt hearings, give people fair adjudication, and really they -- they need to be held in custody until it -- the hearing is over. Because when you release them from custody because you can't bring them to speedy trial that they're entitled to, the -- you can be ordered by the courts to release them and they aren't coming back for trial.

It's a loophole of monumental proportions, and there are number of them. But that's one of the biggest. And the judge -- more judges will -- I can't tell you how appreciative (ph) we are to the Congress for doing that. It also helps the -- legitimate immigrant claimant to get his -- his or her case heard properly

MORAN:

Well, General I have a lot to learn in this new capacity. One of the surprises was to learn that the executive office of immigration review utilizes a management system that's based on paper.

And your request includes $25 million to develop an electronic case management system. Can you tell us about how this will work and what a difference it will make?

SESSIONS:

We are looking to get more productivity in -- and more legitimate and a better decision-making process from our judges, and we think that $25 million will pay for itself many times over. And we would appreciate that reform, and I believe it will help the system considerably.

MORAN:

is this a one-time request, or there'll be requests for additional funding for this purpose in the future?

SESSIONS:

I think the initial cost will be the most significant. Whether we'll have the annual cost in the budget line item or not, I don't know. Probably so.

MORAN:

Are you aware of other places within your department in which you're still operating off -- off of a paper-based system?

SESSIONS:

I think the -- we're working to improve the ATF process by which firearms and their serial numbers are noted. That's not sufficiently computerized either. And it slows that down, and costs money, we think, in the long run.

So we'd like to be able to get a much quicker turnaround on that. And we -- we're -- we're planning to improve that system also.

MORAN:

Let me ask, finally, about a spend plan. I look forward to receiving the department's spend plan that's required by Section 532 of the CJS bill.

As you know, several programs within the department, such as Veterans Courts and Tribal Assistant grants programs, received a significant increase. We talked a bit about that in the conversation that you had with one of my colleagues.

They've received a $14 million increase and $35 million increase, respectively. As we also indicated, there's a Fix NICS and STOP Act were passed in the omnibus bill. And -- which I hope will be outlined in your spend plan, how you intend to spend and implement those laws.

And additionally, the appropriations committee included $3.3 billion to fight against opioid and prescription drug abuse crisis. Of this amount, $299.5 million was specifically included for the department to fund anti-opioid grant programs.

Can you speak to the type of comprehensive planning and initiatives the department has undertaken to ensure those -- these investments will have a maximum benefit?

SESSIONS:

I can. We're excited about that. I will share to you, Chairman and Ranking Member, we are determined to use that money quickly. We don't need New Hampshire waiting without having these (ph) deaths (ph) reduced.

And we've got a series of ideas with DEA, how to improve it. Such as, we can extend people from 57 to 60, age 60. If we just go through the normal hiring process, we may be two or three years before we get to the numbers that we are authorized to get to.

So we could do that. We can take, even, people who have already retired, can work 20 years -- 20 hours a week. We're -- we're thinking about contracting with state and local police departments to -- with people who've retired from them, to experience narcotics officers, many of them highly trained and very experienced.

We could contract with them and the DEA as -- at my request in meeting with Ron Patterson and -- Ron Patterson, he's on top of it. We're going to have 400 added to task forces that we'll be able to fund that.

So I guess what I -- we -- by May 7th, I believe, is the date, we intend to have you a plan. Deputy Rosenstein and I have talked about it. Lee Lofthus, our JMD leader who's behind me and helping me, he's been at this for many years.

We're determined to try to meet that goal and have plans that we can use the money you've given us, and not three years from now, but now. Because we face a crisis.

MORAN:

General, thank you. I'd expected a, perhaps, a more pro forma response to my question. And I'm pleased to see that you're moving with alacrity.

That's a -- that's an encouraging development. Let us know how we can be of help. We want to see the results when we authorize the spending.

SESSIONS:

Thank you.

MORAN:

I think -- oh -- let me -- let me ask just this final question about that. On this opioid battle, how well can you assure me of the cooperation and coordination between Department of Justice and other federal agencies in this battle?

SESSIONS:

Well, the president reached a bipartisan solution, I understand, to spend $6 billion additional dollars on the opioid crisis. That is a sizable increase, no doubt about it.

We are getting only a small part of it. I don't know exactly what percentage, but it's certainly not the major. I expect that the prevention program, which I totally support, will be funded. But it doesn't need an unlimited amount of money. You can run a very good prevention program for reasonable amount of money.

And you've got treatment, which is very expensive. And we -- I'm sure that will get more money. There'll be some research -- and I'm talking about FDA, the Department of Homeland Security, the Department of Health and Human Services. V.A. All of them have roles to play, and others, in the drug matters.

And I would say, you're entitled to keep an eye on all of us. And probably need to because you run a massive department and you get some more money for certain

project, and then secretary's got a million challenges to deal with, and sometimes things don't get done with the alacrity we'd like to see.

MORAN:

We have a -- a funding responsibility as a -- as a Congress. We have an oversight of equal value, in my view, and we need to do both better.

General, thank you very much. I appreciate your testimony. It's been a long afternoon, I'm sure, for you. But I appreciate the responses that you've given.

I've always asked, when I chair a hearing, the witnesses if they have anything they'd like to add for the record, something they want to correct, something they want to add, a question that they didn't feel like they were -- that they'd been asked, that they'd like to answer.

You may feel like you've been asked everything.

SESSIONS:

Well, I'm -- I don't have much to add, except I would appreciate it -- if I have misspoken in any way, I'll try to correct that. And thank you, because really the 2018 appropriations was beneficial, and it provided us additional resources, and we are going to do our best to use 'em as you would like us to.

MORAN:

Attorney general, thank you very much. If there are no further questions this afternoon, the senators may submit additional questions to the subcommittee's office for the -- for the subcommittee's official hearing record. We request the Department of Justice respond within 30 days. The subcommittee now stands adjourned.

List of Panel Members and Witnesses
PANEL MEMBERS:

SEN. JERRY MORAN, R-KAN., CHAIRMAN

SEN. LAMAR ALEXANDER, R-TENN.

SEN. LISA MURKOWSKI, R-ALASKA

SEN. SUSAN COLLINS, R-MAINE

SEN. LINDSEY GRAHAM, R-S.C.

SEN. JOHN BOOZMAN, R-ARK.

SEN. SHELLEY MOORE CAPITO, R-W.VA.

SEN. JAMES LANKFORD, R-OKLA.

SEN. JOHN KENNEDY, R-LA.

SEN. RICHARD C. SHELBY, R-ALA., EX OFFICIO

SEN. JEANNE SHAHEEN, D-N.H., RANKING MEMBER

SEN. PATRICK J. LEAHY, D-VT.

SEN. DIANNE FEINSTEIN, D-CALIF.

SEN. JACK REED, D-R.I.

SEN. CHRIS COONS, D-DEL.

SEN. BRIAN SCHATZ, D-HAWAII

SEN. JOE MANCHIN III, D-W.VA.

SEN. CHRIS VAN HOLLEN, D-MD.

WITNESSES:

ATTORNEY GENERAL JEFF SESSIONS TESTIFIES

LSA SOCIOLOGY
UNIVERSITY OF MICHIGAN

Barbara A. Anderson, Ronald Freedman Collegiate Professor of Sociology and Population Studies

December 9, 2018

To: Jeff Sessions, Attorney General

Arthur E. Gary, General Counsel, Justice Management Division

Wilbur Ross, Secretary of Commerce

Ron Jarmin, Performing the Nonexclusive Functions and Duties of the Director

Enrique Lamas, Performing the Nonexclusive Functions and Duties of the Deputy Director and Chief Operating Officer

We are sending this email in response to the letter of December 12, 2017 from Arthur E. Gary of the Department of Justice to the Census Bureau which requested that citizenship be included as an item on the 2020 Census. We are members of the Census Scientific Advisory Committee, a Congressionally-mandated committee which advises the Census Bureau on all scientific matters. We are sending this letter as an expression of our professional opinion as individuals and do not write as representatives of the Census Bureau or of our individual organizations. We include academics, members of the private sector and members of NGOs.

We hold the strong opinion that including citizenship in the 2020 Census would be a serious mistake which would result in a substantial lowering of the response rate. Producing a high quality census with a very high response rate is in the interest of all Americans.

The United States Census has not encountered the problems with a high level of Census refusal that have been a problem in many other high income countries, including Germany. One reason is that in 2010 there were about 250,000 community partners who encouraged people in their communities to respond to the Census. It is expected that there will be a similar number of community partners for the 2020 Census. Adding a citizenship question to the main Census questionnaire is almost certain to jeopardize the cooperation of at least some community partners and lead to a lower response rate, hurting the reputation of the Census Bureau. We are certain you would not like to see these outcomes occur.

Sincerely,

Dr. Barbara A. Anderson
Ronald Freedman Collegiate Professor of Sociology and Population Studies, University of Michigan, Chair Census Scientific Advisory Committee

Dr. Barbara Buttenfield
Professor of Geography,
University of Colorado

LSA Building, Room 3001 500 S. State Street
Ann Arbor, MI 48109-1382

T: 734 764-6324 F: 734 763-6887
lsa.umich.edu/soc

Dr. Peter W. Glynn
Thomas Ford Professor of Engineering
Stanford University

Dr. D. Sunshine Hillygus
Professor of Political Science
Director, Duke Initiative on Survey Methodology
Duke University

Dr. Juan Pablo Hourcade
Associate Professor of Computer Science
University of Iowa

Ms. Kathryn Pettit
Senior Research Associate
Metropolitan Housing and Communities Policy Center
The Urban Institute

Ms. Allison Plyer
Chief Demographer
The Data Center at Nonprofit Knowledge Works

Dr. Roberto Rigobon
Society of Sloan Fellows Professor of Applied Economics
Massachusetts Institute of Technology

Dr. Andrew Samwick
Professor of Economics
Director, The Nelson A. Rockefeller Center
Dartmouth College

Mr. Kenneth D. Simonson
Chief Economist
The Associated General Contractors of America

Parker, Rachel (OASG)

From: Parker, Rachel (OASG)
Sent: Tuesday, January 2, 2018 8:47 PM
To: O'Malley, Devin (OPA)
Subject: Re: APPROVAL: Statement in Response to Citizenship Question on Census

(b) (5)

On Jan 2, 2018, at 7:04 PM, O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov> wrote:

(b) (5)

OR

(b) (5)

Do you have a preference?

Devin M. O'Malley
Department of Justice
Office of Public Affairs
Office: (202) 353-8763
Cell: (b) (6)

From: O'Malley, Devin (OPA)
Sent: Tuesday, January 2, 2018 4:25 PM
To: Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>; Parker, Rachel (OASG) <racparker@jmd.usdoj.gov>; Bolitho, Zachary (ODAG) <zbolitho@jmd.usdoj.gov>; Hur, Robert (ODAG) <rhur@jmd.usdoj.gov>
Cc: Whitaker, Matthew (OAG) <mwhitaker@jmd.usdoj.gov>; Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>; Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>
Subject: APPROVAL: Statement in Response to Citizenship Question on Census

Hi Zach and Rachel (with Bolitho and Rob Hur on in case Zach is out of pocket)-

WaPo editorial board is looking into this issue after the ProPublica piece. Here are their questions: How does the Department respond to those who take the stated concerns about voting rights as an ominous signal about the administration's intentions in possibly changing Census questions? For purposes of Section 2 cases, how much harder is it to use ACS data? Does the additional hassle really justify changing Census forms in a way that might well drive up costs and deter population counting?

(b) (5)

(b) (5)

Devin M. O'Malley
Department of Justice
Office of Public Affairs
Office: (202) 353-8763
Cell: (b) (6)

Hur, Robert (ODAG)

From:	Hur, Robert (ODAG)
Sent:	Tuesday, January 2, 2018 5:26 PM
To:	O'Malley, Devin (OPA)
Cc:	Terwilliger, Zachary (ODAG); Parker, Rachel (OASG); Bolitho, Zachary (ODAG); Whitaker, Matthew (OAG); Flores, Sarah Isgur (OPA); Prior, Ian (OPA)
Subject:	Re: APPROVAL: Statement in Response to Citizenship Question on Census

Nit below in caps. Good to go.

Sent from my iPhone

On Jan 2, 2018, at 5:15 PM, O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov> wrote:

> Bumping this up for folks. Reporter is pushing me.
>
> **Devin M. O'Malley**
> Department of Justice
> Office of Public Affairs
> Office: (202) 353-8763
> Cell: (b) (6)
>
> **From:** O'Malley, Devin (OPA)
> **Sent:** Tuesday, January 2, 2018 4:25 PM
> **To:** Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>; Parker, Rachel (OASG) <racparker@jmd.usdoj.gov>; Bolitho, Zachary (ODAG) <zbolitho@jmd.usdoj.gov>; Hur, Robert (ODAG) <rhur@jmd.usdoj.gov>
> **Cc:** Whitaker, Matthew (OAG) <mwhitaker@jmd.usdoj.gov>; Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>; Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>
> **Subject:** APPROVAL: Statement in Response to Citizenship Question on Census
>
> Hi Zach and Rachel (with Bolitho and Rob Hur on in case Zach is out of pocket)-
>
> WaPo editorial board is looking into this issue after the ProPublica piece. Here are their questions: How does the Department respond to those who take the stated concerns about voting rights as an ominous signal about the administration's intentions in possibly changing Census questions? For purposes of Section 2 cases, how much harder is it to use ACS data? Does the additional hassle really justify changing Census forms in a way that might well drive up costs and deter population counting?

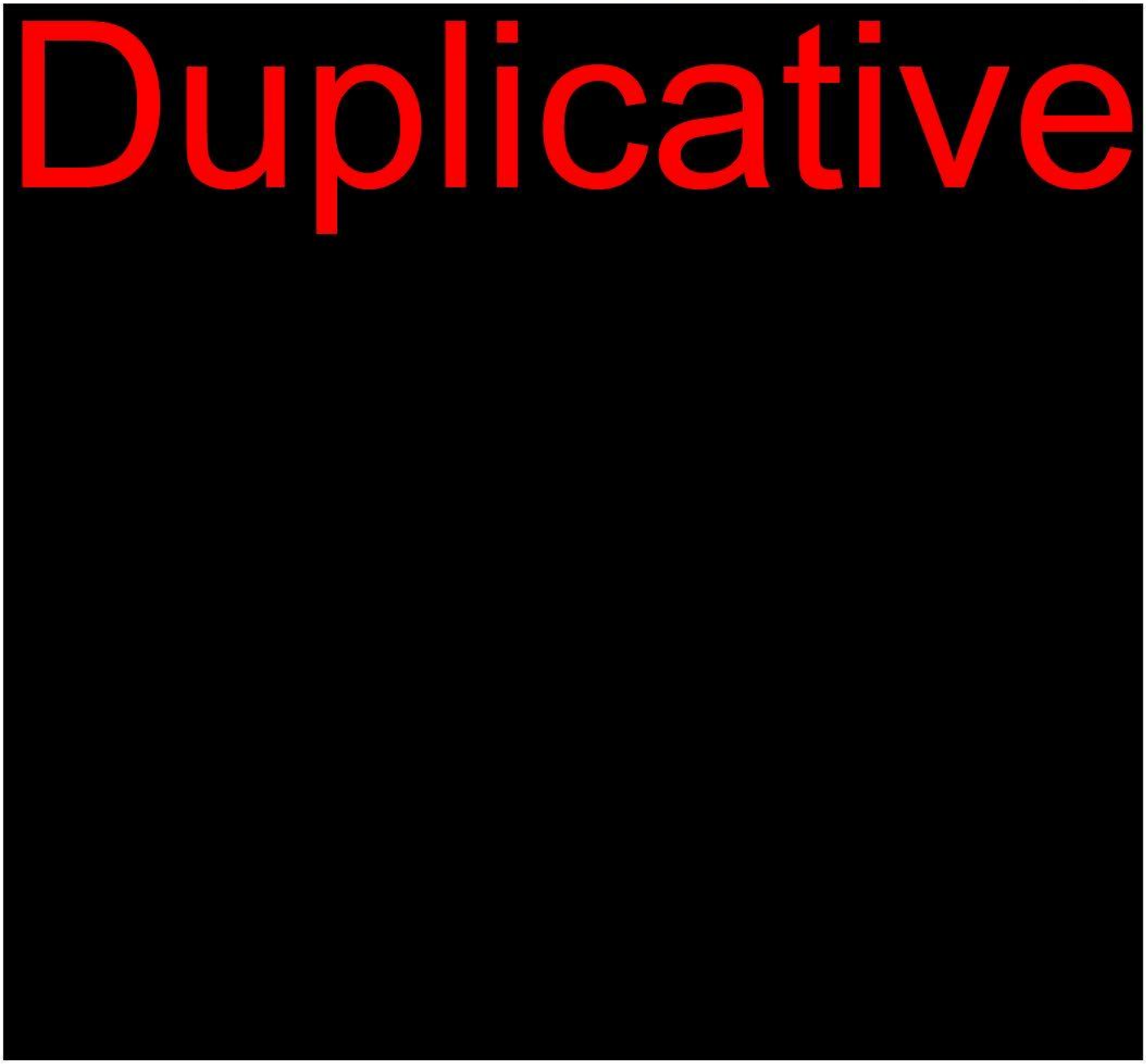
(b) (5)

Terwilliger, Zachary (ODAG)

From:	Terwilliger, Zachary (ODAG)
Sent:	Tuesday, January 2, 2018 5:25 PM
To:	O'Malley, Devin (OPA)
Cc:	Parker, Rachel (OASG); Bolitho, Zachary (ODAG); Hur, Robert (ODAG); Whitaker, Matthew (OAG); Flores, Sarah Isgur (OPA); Prior, Ian (OPA)
Subject:	Re: APPROVAL: Statement in Response to Citizenship Question on Census

Good by odag, but with deference to OASG- given the subject.

On Jan 2, 2018, at 5:15 PM, O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov> wrote:



Flores, Sarah Isgur (OPA)

From:	Flores, Sarah Isgur (OPA)
Sent:	Tuesday, December 19, 2017 9:04 AM
To:	Prior, Ian (OPA); O'Malley, Devin (OPA)
Subject:	Fwd: Dr. Ron Jarmin - US Census Bureau.pdf
Attachments:	Dr. Ron Jarmin - US Census Bureau.pdf; ATT00001.htm

Census will probably release this letter today. (b) (5) (b) (5) -but let me know if y'all feel differently.

Begin forwarded message:

From: "Boyd, Stephen E. (OLA)" <seboyd@jmd.usdoj.gov>
To: "Prior, Ian (OPA)" <IPrior@jmd.usdoj.gov>, "Escalona, Prim F. (OLA)" <pfescalona@jmd.usdoj.gov>, "Flores, Sarah Isgur (OPA)" <siflores@jmd.usdoj.gov>
Subject: FW: Dr. Ron Jarmin - US Census Bureau.pdf

FYSA: Bringing this letter to your attention. I understand from Commerce that it may be made public soon. SB

From: Boyd, Stephen E. (OLA)
Sent: Monday, December 18, 2017 4:07 PM
To: Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov>; Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>
Cc: Whitaker, Matthew (OAG) <mwhitaker@jmd.usdoj.gov>
Subject: FW: Dr. Ron Jarmin - US Census Bureau.pdf

Need to talk briefly with whomever is handling the issues raised in this letter. Timely. SB

SB

From: Mangum, Anela M. (OLA)
Sent: Monday, December 18, 2017 3:55 PM
To: Boyd, Stephen E. (OLA) <seboyd@jmd.usdoj.gov>
Subject: FW: Dr. Ron Jarmin - US Census Bureau.pdf

From: Allen, Michelle M (JMD)
Sent: Monday, December 18, 2017 3:36 PM
To: Mangum, Anela M. (OLA) <amangum@jmd.usdoj.gov>
Subject: Dr. Ron Jarmin - US Census Bureau.pdf

Good Afternoon Anela,

Per our conversation, please find attached Mr. Gary's letter to Dr. Ron Jarmin dated December 12, 2017.

Thank you,

Michelle Allen
Staff Assistant
Office of General Counsel
(202) 514-3452 phone

U.S. Department of Justice

Justice Management Division

Office of General Counsel

Washington, D.C. 20530

DEC 12 2017

VIA CERTIFIED RETURN RECEIPT
7014 2120 0000 8064 4964

Dr. Ron Jarmin
Performing the Non-Exclusive Functions and Duties of the Director
U.S. Census Bureau
United States Department of Commerce
Washington, D.C. 20233-0001

Re: Request To Reinstate Citizenship Question On 2020 Census Questionnaire

Dear Dr. Jarmin:

The Department of Justice is committed to robust and evenhanded enforcement of the Nation's civil rights laws and to free and fair elections for all Americans. In furtherance of that commitment, I write on behalf of the Department to formally request that the Census Bureau reinstate on the 2020 Census questionnaire a question regarding citizenship, formerly included in the so-called "long form" census. This data is critical to the Department's enforcement of Section 2 of the Voting Rights Act and its important protections against racial discrimination in voting. To fully enforce those requirements, the Department needs a reliable calculation of the citizen voting-age population in localities where voting rights violations are alleged or suspected. As demonstrated below, the decennial census questionnaire is the most appropriate vehicle for collecting that data, and reinstating a question on citizenship will best enable the Department to protect all American citizens' voting rights under Section 2.

The Supreme Court has held that Section 2 of the Voting Rights Act prohibits "vote dilution" by state and local jurisdictions engaged in redistricting, which can occur when a racial group is improperly deprived of a single-member district in which it could form a majority. See *Thornburg v. Gingles*, 478 U.S. 30, 50 (1986). Multiple federal courts of appeals have held that, where citizenship rates are at issue in a vote-dilution case, citizen voting-age population is the proper metric for determining whether a racial group could constitute a majority in a single-member district. See, e.g., *Reyes v. City of Farmers Branch*, 586 F.3d 1019, 1023–24 (5th Cir. 2009); *Barnett v. City of Chicago*, 141 F.3d 699, 704 (7th Cir. 1998); *Negrn v. City of Miami Beach*, 113 F.3d 1563, 1567-69 (11th Cir. 1997); *Romero v. City of Pomona*, 883 F.2d 1418, 1426 (9th Cir. 1989), *overruled in part on other grounds by Townsend v. Holman Consulting Corp.*, 914 F.2d 1136, 1141 (9th Cir. 1990); see also *LULAC v. Perry*, 548 U.S. 399, 423–442 (2006) (analyzing vote-dilution claim by reference to citizen voting-age population).

The purpose of Section 2's vote-dilution prohibition "is to facilitate participation ... in our political process" by preventing unlawful dilution of the vote on the basis of race. *Campos v. City of Houston*, 113 F.3d 544, 548 (5th Cir. 1997). Importantly, "[t]he plain language of section 2 of the Voting Rights Act makes clear that its protections apply to United States citizens." *Id.* Indeed, courts have reasoned that "[t]he right to vote is one of the badges of citizenship" and that "[t]he dignity and very concept of citizenship are diluted if noncitizens are allowed to vote." *Barnett*, 141 F.3d at 704. Thus, it would be the wrong result for a legislature or a court to draw a single-member district in which a numerical racial minority group in a jurisdiction was a majority of the total voting-age population in that district but "continued to be defeated at the polls" because it was not a majority of the citizen voting-age population. *Campos*, 113 F.3d at 548.

These cases make clear that, in order to assess and enforce compliance with Section 2's protection against discrimination in voting, the Department needs to be able to obtain citizen voting-age population data for census blocks, block groups, counties, towns, and other locations where potential Section 2 violations are alleged or suspected. From 1970 to 2000, the Census Bureau included a citizenship question on the so-called "long form" questionnaire that it sent to approximately one in every six households during each decennial census. See, e.g., U.S. Census Bureau, *Summary File 3: 2000 Census of Population & Housing*—Appendix B at B-7 (July 2007), *available at* https://www.census.gov/prod/cen2000/doc/sf3.pdf (last visited Nov. 22, 2017); U.S. Census Bureau, Index of Questions, *available at* https://www.census.gov/history/www/through_the_decades/index_of_questions/ (last visited Nov. 22, 2017). For years, the Department used the data collected in response to that question in assessing compliance with Section 2 and in litigation to enforce Section 2's protections against racial discrimination in voting.

In the 2010 Census, however, no census questionnaire included a question regarding citizenship. Rather, following the 2000 Census, the Census Bureau discontinued the "long form" questionnaire and replaced it with the American Community Survey (ACS). The ACS is a sampling survey that is sent to only around one in every thirty-eight households each year and asks a variety of questions regarding demographic information, including citizenship. See U.S. Census Bureau, *American Community Survey Information Guide at* 6, *available at* https://www.census.gov/content/dam/Census/programs-surveys/acs/about/ACS Information Guide.pdf (last visited Nov. 22, 2017). The ACS is currently the Census Bureau's only survey that collects information regarding citizenship and estimates citizen voting-age population.

The 2010 redistricting cycle was the first cycle in which the ACS estimates provided the Census Bureau's only citizen voting-age population data. The Department and state and local jurisdictions therefore have used those ACS estimates for this redistricting cycle. The ACS, however, does not yield the ideal data for such purposes for several reasons:

- Jurisdictions conducting redistricting, and the Department in enforcing Section 2, already use the total population data from the census to determine compliance with the Constitution's one-person, one-vote requirement, see *Evenwel v. Abbott*, 136 S. Ct. 1120 (Apr. 4, 2016). As a result, using the ACS citizenship estimates means relying on two different data sets, the scope and level of detail of which vary quite significantly.

- Because the ACS estimates are rolling and aggregated into one-year, three-year, and five-year estimates, they do not align in time with the decennial census data. Citizenship data from the decennial census, by contrast, would align in time with the total and voting-age population data from the census that jurisdictions already use in redistricting.

- The ACS estimates are reported at a ninety percent confidence level, and the margin of error increases as the sample size—and, thus, the geographic area—decreases. See U.S. Census Bureau, *Glossary: Confidence interval (American Community Survey), available at* https://www.census.gov/glossary/#term_ConfidenceintervalAmericanCommunity Survey (last visited November 22, 2017). By contrast, decennial census data is a full count of the population.

- Census data is reported to the census block level, while the smallest unit reported in the ACS estimates is the census block group. See *American Community Survey Data* 3, 5, 10. Accordingly, redistricting jurisdictions and the Department are required to perform further estimates and to interject further uncertainty in order to approximate citizen voting-age population at the level of a census block, which is the fundamental building block of a redistricting plan. Having all of the relevant population and citizenship data available in one data set at the census block level would greatly assist the redistricting process.

For all of these reasons, the Department believes that decennial census questionnaire data regarding citizenship, if available, would be more appropriate for use in redistricting and in Section 2 litigation than the ACS citizenship estimates.

Accordingly, the Department formally requests that the Census Bureau reinstate into the 2020 Census a question regarding citizenship. We also request that the Census Bureau release this new data regarding citizenship at the same time as it releases the other redistricting data, by April 1 following the 2020 Census. At the same time, the Department requests that the Bureau also maintain the citizenship question on the ACS, since such question is necessary, *inter alia*, to yield information for the periodic determinations made by the Bureau under Section 203 of the Voting Rights Act, 52 U.S.C. § 10503.

Please let me know if you have any questions about this letter or wish to discuss this request. I can be reached at (202) 514-3452, or at Arthur.Gary@usdoj.gov.

Sincerely yours,

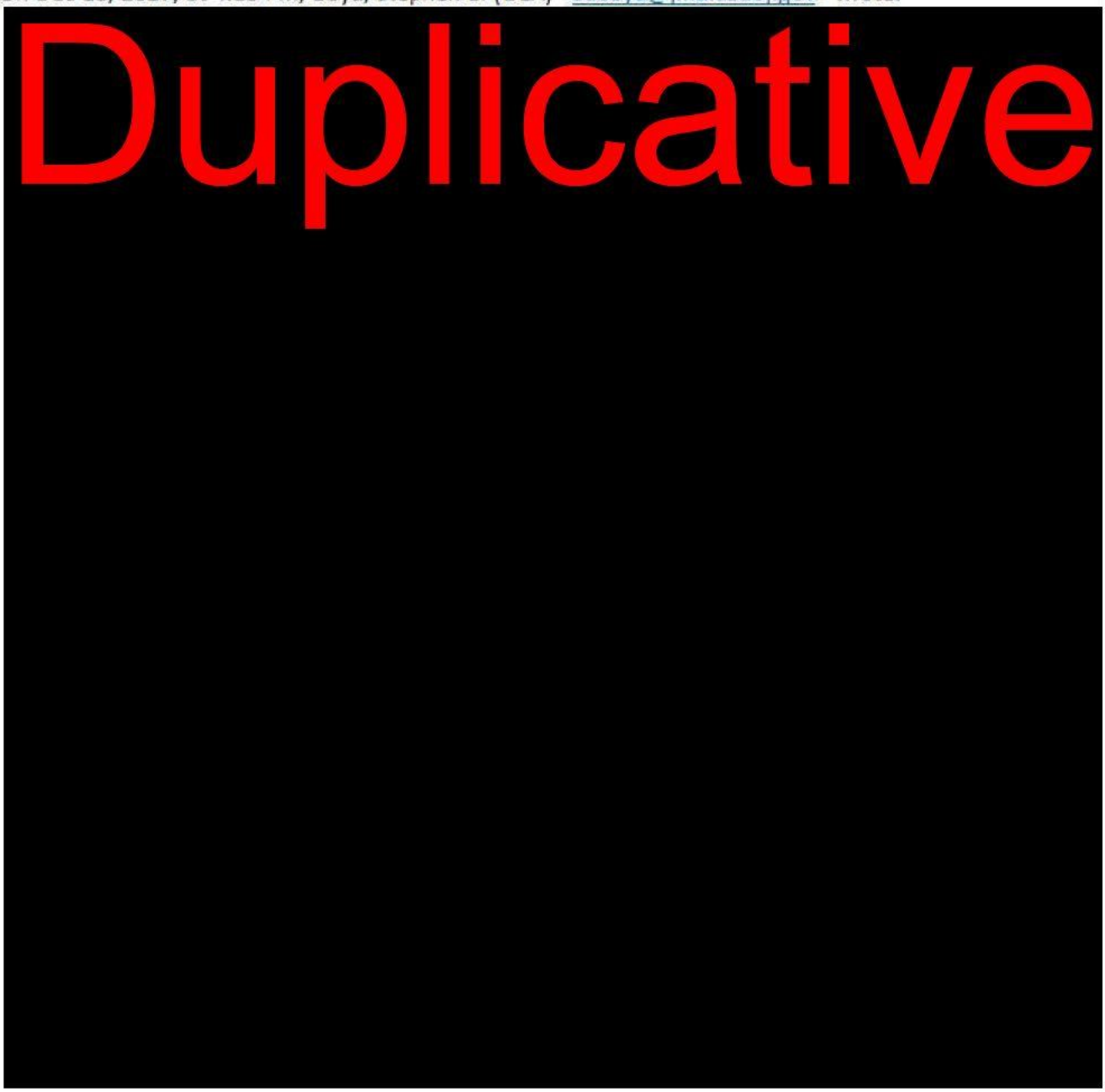
Arthur E. Gary
General Counsel
Justice Management Division

Flores, Sarah Isgur (OPA)

From:	Flores, Sarah Isgur (OPA)
Sent:	Monday, December 18, 2017 4:50 PM
To:	Boyd, Stephen E. (OLA)
Cc:	Prior, Ian (OPA); Escalona, Prim F. (OLA)
Subject:	Re: Dr. Ron Jarmin - US Census Bureau.pdf

I'll dig into this. I'm aware of the issue in a different context.

On Dec 18, 2017, at 4:10 PM, Boyd, Stephen E. (OLA) <seboyd@jmd.usdoj.gov> wrote:



Boyd, Stephen E. (OLA)

From: Boyd, Stephen E. (OLA)
Sent: Monday, December 18, 2017 4:21 PM
To: Tucker, Rachael (OAG)
Subject: RE: Dr. Ron Jarmin - US Census Bureau.pdf

I talked to Gore. Should be ok. SB

From: Tucker, Rachael (OAG)
Sent: Monday, December 18, 2017 4:16 PM
To: Boyd, Stephen E. (OLA) <seboyd@jmd.usdoj.gov>
Subject: Re: Dr. Ron Jarmin - US Census Bureau.pdf

I'm in a meeting with a USA. Can I call in 30 or do I need to a step out?

Sent from my iPhone

On Dec 18, 2017, at 4:11 PM, Boyd, Stephen E. (OLA) <seboyd@jmd.usdoj.gov> wrote:

> Can you call? (b) (6)
>
> ---
>
> **From:** Tucker, Rachael (OAG)
> **Sent:** Monday, December 18, 2017 4:11 PM
> **To:** Boyd, Stephen E. (OLA) <seboyd@jmd.usdoj.gov>
> **Cc:** Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov>; Whitaker, Matthew (OAG) <mwhitaker@jmd.usdoj.gov>
> **Subject:** Re: Dr. Ron Jarmin - US Census Bureau.pdf
>
> I handled it with John Gore.
>
> Sent from my iPhone
>
> On Dec 18, 2017, at 4:07 PM, Boyd, Stephen E. (OLA) <seboyd@jmd.usdoj.gov> wrote:

Cutrona, Danielle (OAG)

From: Cutrona, Danielle (OAG)
Sent: Monday, December 18, 2017 4:09 PM
To: Whitaker, Matthew (OAG)
Subject: RE: Dr. Ron Jarmin - US Census Bureau.pdf

Spoke to him and directed him to the right person

From: Whitaker, Matthew (OAG)
Sent: Monday, December 18, 2017 4:09 PM
To: Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov>
Subject: FW: Dr. Ron Jarmin - US Census Bureau.pdf

From: Boyd, Stephen E. (OLA)
Sent: Monday, December 18, 2017 4:07 PM
To: Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov>; Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>
Cc: Whitaker, Matthew (OAG) <mwhitaker@jmd.usdoj.gov>
Subject: FW: Dr. Ron Jarmin - US Census Bureau.pdf

Tucker, Rachael (OAG)

From: Tucker, Rachael (OAG)
Sent: Tuesday, December 12, 2017 7:11 PM
To: Cutrona, Danielle (OAG)
Subject: FW: U. S. Census Bureau Dr. Jarmin (Revised Dec. 12th).pdf

From: Gore, John (CRT)
Sent: Tuesday, December 12, 2017 6:58 PM
To: Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>
Subject: Re: U. S. Census Bureau Dr. Jarmin (Revised Dec. 12th).pdf

(b) (5) [redacted]

Sent from my iPhone

On Dec 12, 2017, at 6:36 PM, Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov> wrote:

(b) (5) [redacted]

From: Gore, John (CRT)
Sent: Tuesday, December 12, 2017 6:36 PM
To: Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>
Subject: Re: U. S. Census Bureau Dr. Jarmin (Revised Dec. 12th).pdf

(b) (5) [redacted]

Sent from my iPhone

On Dec 12, 2017, at 6:27 PM, Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov> wrote:

(b) (5) [redacted]

From: Gore, John (CRT)
Sent: Tuesday, December 12, 2017 4:02 PM
To: Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>
Subject: Fwd: U. S. Census Bureau Dr. Jarmin (Revised Dec. 12th).pdf

FYI

Sent from my iPhone

Begin forwarded message:

From: "Gore, John (CRT)" <(b) (6) [redacted]>
Date: December 12, 2017 at 4:02:05 PM EST

Date: December 12, 2017 at 4:02:09 PM EST
To: "Gary, Arthur (JMD)" <agary@jmd.usdoj.gov>
Subject: Re: U. S. Census Bureau Dr. Jarmin (Revised Dec. 12th).pdf

Excellent - many thanks!

Sent from my iPhone

On Dec 12, 2017, at 1:44 PM, Gary, Arthur (JMD) <agary@jmd.usdoj.gov> wrote:

> John – this is going out in the mail this afternoon.
>
> Art
>
> From: Allen, Michelle M (JMD)
> Sent: Tuesday, December 12, 2017 1:38 PM
> To: Gary, Arthur (JMD) <agary@jmd.usdoj.gov>
> Subject: U. S. Census Bureau Dr. Jarmin (Revised Dec. 12th).pdf
>
> Art,
>
> As Requested.
>
> Michelle
>
> <U. S. Census Bureau Dr. Jarmin (Revised Dec. 12th).pdf>

Tucker, Rachael (OAG)

From: Tucker, Rachael (OAG)
Sent: Tuesday, December 12, 2017 6:29 PM
To: Cutrona, Danielle (OAG)
Subject: RE: U. S. Census Bureau Dr. Jarmin (Revised Dec. 12th).pdf

I just asked that exact question.

From: Cutrona, Danielle (OAG)
Sent: Tuesday, December 12, 2017 6:29 PM
To: Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>
Subject: RE: U. S. Census Bureau Dr. Jarmin (Revised Dec. 12th).pdf

Did anyone email this to commerce?

From: Tucker, Rachael (OAG)
Sent: Tuesday, December 12, 2017 6:28 PM
To: Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov>
Subject: FW: U. S. Census Bureau Dr. Jarmin (Revised Dec. 12th).pdf

Hamilton, Gene (OAG)

From:	Hamilton, Gene (OAG)
Sent:	Tuesday, December 12, 2017 6:28 PM
To:	Tucker, Rachael (OAG)
Subject:	RE: Letter

I told DC (b) (5) [redacted] So I think she told him

Gene P. Hamilton
Counselor to the Attorney General
U.S. Department of Justice

From: Tucker, Rachael (OAG)
Sent: Tuesday, December 12, 2017 6:27 PM
To: Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov>
Subject: RE: Letter

Did you tell him or do I need to? It went in the mail this afternoon.

From: Hamilton, Gene (OAG)
Sent: Tuesday, December 12, 2017 6:14 PM
To: Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>
Subject: RE: Letter
Importance: High

Did this go out last week? (b) (5) [redacted]

Gene P. Hamilton
Counselor to the Attorney General
U.S. Department of Justice

From: Hamilton, Gene (OAG)
Sent: Friday, December 8, 2017 12:16 PM
To: Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>
Subject: RE: Letter

Okay. Thanks!

Gene P. Hamilton
Counselor to the Attorney General
U.S. Department of Justice

From: Tucker, Rachael (OAG)
Sent: Friday, December 8, 2017 12:10 PM
To: Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov>
Subject: FW: Letter

(b) (5) we're going to send it out today. FYSA.

From: Gore, John (CRT)
Sent: Friday, December 8, 2017 12:00 PM
To: Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>
Subject: Letter

(b) (5)

Let me know if you have any thoughts. Thanks.

John M. Gore
Acting Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
(b) (6)

Tucker, Rachael (OAG)

From:	Tucker, Rachael (OAG)
Sent:	Friday, December 8, 2017 4:27 PM
To:	Gore, John (CRT)
Subject:	RE: Letter
Attachments:	Request for Citizenship Information.Dec 8 REDLINE edits.docx

Thoughts?

From: Gore, John (CRT)
Sent: Friday, December 8, 2017 3:58 PM
To: Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>
Subject: RE: Letter

I have sent the latest version to Art Gary and asked about today. I'm sure we could do Monday in any event. (b) (5) so we might be better off aiming for Monday anyway.

Thanks.

John M. Gore
Acting Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
(202) 353-9430
john.gore@usdoj.gov

From: Tucker, Rachael (OAG)
Sent: Friday, December 8, 2017 3:14 PM
To: Gore, John (CRT) <John.Gore@crt.usdoj.gov>
Subject: RE: Letter

I'm working to review this quickly. Will be back in touch shortly. Can we put the wheels in motion to get this out today? (b) (5)

From: Gore, John (CRT)
Sent: Friday, December 8, 2017 12:00 PM
To: Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>
Subject: Letter

Duplicative

Tucker, Rachael (OAG)

From:	Tucker, Rachael (OAG)
Sent:	Friday, December 8, 2017 4:24 PM
To:	Morrissey, Brian (OAG)
Subject:	RE: Letter

Thank you! (b) (5) Really appreciate your help.

From: Morrissey, Brian (OAG)
Sent: Friday, December 8, 2017 3:58 PM
To: Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>
Subject: RE: Letter

Rachael, Thanks for the chance to take a look. (b) (5)
(b) (5)

From: Tucker, Rachael (OAG)
Sent: Friday, December 8, 2017 2:46 PM
To: Morrissey, Brian (OAG) <bmorrissey@jmd.usdoj.gov>
Subject: FW: Letter

Do you mind looking over this? I'd like another set of eyes on it since I'm rushing. Would like to get it out today. Do you have time? Don't want to inconvenience you.

From: Gore, John (CRT)
Sent: Friday, December 8, 2017 12:00 PM
To: Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>
Subject: Letter

Duplicative

Tucker, Rachael (OAG)

From:	Tucker, Rachael (OAG)
Sent:	Friday, December 8, 2017 3:59 PM
To:	Gore, John (CRT)
Subject:	RE: Letter

Okay sounds good. As long as that's okay with you. Thanks. Will be in touch with comments.

From: Gore, John (CRT)
Sent: Friday, December 8, 2017 3:58 PM
To: Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>
Subject: RE: Letter

Acting Assistant Attorney General

Morrissey, Brian (OAG)

From:	Morrissey, Brian (OAG)
Sent:	Friday, December 8, 2017 2:49 PM
To:	Tucker, Rachael (OAG)
Subject:	RE: Letter

Sure. Will look at it and circle back to you this afternoon.

From: Tucker, Rachael (OAG)
Sent: Friday, December 8, 2017 2:46 PM
To: Morrissey, Brian (OAG) <bmorrissey@jmd.usdoj.gov>
Subject: FW: Letter

Gore, John (CRT)

From: Gore, John (CRT)
Sent: Friday, December 8, 2017 8:45 AM
To: Tucker, Rachael (OAG)
Subject: Re:

Unfortunately I'm booked at noon. I'm free around 11 and from 2-4. Any openings then?

Sent from my iPhone

On Dec 8, 2017, at 8:09 AM, Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov> wrote:

> Do you mind meeting at noon?
>
> Sent from my iPhone
>
> On Dec 7, 2017, at 7:18 PM, Gore, John (CRT) <(b) (6) wrote:
>
> (b) (5)
>
> (b) (5)
>
> I'm happy to discuss further and to explore shortening the letter. Are you free any time tomorrow?
>
> Sent from my iPhone
>
> On Dec 7, 2017, at 7:12 PM, Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov> wrote:
>
> > Just got back. Have some thoughts on letter. (b) (5)
> > (b) (5)
> >
> > Sent from my iPhone

Gore, John (CRT)

From:	Gore, John (CRT)
Sent:	Thursday, November 30, 2017 4:17 PM
To:	Troester, Robert J. (ODAG); Tucker, Rachael (OAG)
Subject:	RE: Census Letter
Attachments:	Request for Citizenship Information.Nov30 CLEAN.docx

Thanks to you both. The attached clean version incorporates your changes (b) (5) (b) (5) Thanks.

John M. Gore
Acting Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
(b) (6)

From: Troester, Robert J. (ODAG)
Sent: Thursday, November 30, 2017 10:19 AM
To: Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>; Gore, John (CRT) <(b) (6)
Subject: RE: Census Letter

No problem.

From: Tucker, Rachael (OAG)
Sent: Thursday, November 30, 2017 10:17 AM
To: Gore, John (CRT) <(b) (6)
Cc: Troester, Robert J. (ODAG) <rtroester@jmd.usdoj.gov>
Subject: RE: Census Letter

I just spoke to John so no need for the 5:15. Bob- I'm going to get this reviewed over the weekend.

From: Gore, John (CRT)
Sent: Thursday, November 30, 2017 10:09 AM
To: Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>
Cc: Troester, Robert J. (ODAG) <rtroester@jmd.usdoj.gov>
Subject: Re: Census Letter

5:15 works for me. I'm also sitting in the airport now for the next 20 minutes or so if anyone wants to talk - (b) (6)

Sent from my iPhone

On Nov 30, 2017, at 9:38 AM, Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov> wrote:

> I can do 4 and 5:15...sorry.
>
> ---
>
> From: Troester, Robert J. (ODAG)

Sent: Thursday, November 30, 2017 9:22 AM
To: Gore, John (CRT) <(b) (6) Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>
Subject: RE: Census Letter

(b) (5) I have proposed a minor edits on page 3 in the attached.

I am available this afternoon from 1:00 – 3:30 and after 4:30.

From: Gore, John (CRT)
Sent: Thursday, November 30, 2017 7:31 AM
To: Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>
Cc: Troester, Robert J. (ODAG) <rtroester@jmd.usdoj.gov>
Subject: Re: Census Letter

I'm flying back this morning and can talk this afternoon. Is there a particular time when you're free?

Sent from my iPhone

On Nov 29, 2017, at 8:47 PM, Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov> wrote:

> This is a little nit. (b) (5) Thanks! Can we talk tomorrow about where we are on this? Curious if you've heard from Commerce recently.
>
> ---
>
> **From:** Gore, John (CRT)
> **Sent:** Monday, November 27, 2017 12:43 PM
> **To:** Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>; Troester, Robert J. (ODAG) <rtroester@jmd.usdoj.gov>
> **Subject:** Census Letter
>
> Rachael and Bob:
>
> Attached please find the near-final draft of the letter to Census on the citizenship issue we discussed a couple of weeks ago. JMD would like to send it out this week, and I agree. (b) (5)
>
> Will you let me know **no later than Wednesday** whether we need to discuss this with anyone in your offices?
>
> Thanks.
>
> John M. Gore
> Acting Assistant Attorney General
> Civil Rights Division
> U.S. Department of Justice
> (b) (6)
>
> <Request for Citizenship Information.Nov26 REDLINE RCT edits.docx>

Troester, Robert J. (ODAG)

From:	Troester, Robert J. (ODAG)
Sent:	Thursday, November 30, 2017 9:22 AM
To:	Gore, John (CRT); Tucker, Rachael (OAG)
Subject:	RE: Census Letter
Attachments:	RE: Census Letter

Tucker, Rachael (OAG)

From:	Tucker, Rachael (OAG)
Sent:	Wednesday, November 29, 2017 8:48 PM
To:	Gore, John (CRT); Troester, Robert J. (ODAG)
Subject:	RE: Census Letter
Attachments:	RE: Census Letter

Hamilton, Gene (OAG)

From: Hamilton, Gene (OAG)
Sent: Wednesday, November 29, 2017 6:30 PM
To: Tucker, Rachael (OAG)
Subject: RE: Census Letter

(b) (5) [redacted]

Gene P. Hamilton
Counselor to the Attorney General
U.S. Department of Justice

From: Tucker, Rachael (OAG)
Sent: Wednesday, November 29, 2017 6:29 PM
To: Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov>
Subject: Re: Census Letter

(b) (5) [redacted]

On Nov 29, 2017, at 6:28 PM, Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov> wrote:

(b) (5) [redacted]

> Gene P. Hamilton
> Counselor to the Attorney General
> U.S. Department of Justice
>
> ---
>
> **From:** Tucker, Rachael (OAG)
> **Sent:** Wednesday, November 29, 2017 6:28 PM
> **To:** Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov>
> **Subject:** Re: Census Letter
>
> I don't (b) (5) [redacted] I made one minor change to reflect a preference in sentence structure but that's it.
>
> On Nov 29, 2017, at 6:03 PM, Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov> wrote:
>
> > I don't think I have anything to add/edit here. Do you?
> >
> > Gene P. Hamilton
> > Counselor to the Attorney General
> > U.S. Department of Justice
> >
> > ---
> >
> > **From:** Tucker, Rachael (OAG)
> > **Sent:** Tuesday, November 28, 2017 7:34 PM
> > **To:** Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov>
> > **Subject:** Census Letter

Gene,

This is a letter requesting a change to the long form census to include a question regarding citizenship. Can you please review? Hoping to have back to John by COB tomorrow. I'm looking at it now too. Thanks!

Rachael

Tucker, Rachael (OAG)

From:	Tucker, Rachael (OAG)
Sent:	Tuesday, November 28, 2017 7:34 PM
To:	Hamilton, Gene (OAG)
Subject:	Census Letter
Attachments:	Request for Citizenship Information.Nov26 REDLINE.docx

Gene,

This is a letter requesting a change to the long form census to include a question regarding citizenship. Can you please review? Hoping to have back to John by COB tomorrow. I'm looking at it now too. Thanks!

Rachael