

EXHIBIT 3

CQ CONGRESSIONAL TRANSCRIPTS
Congressional Hearings
April 26, 2022 - Final

Senate Appropriations Subcommittee on Commerce, Justice and Science and Related Agencies Holds Hearing on the Fiscal Year 2023 Justice Department Budget Request

LIST OF PANEL MEMBERS

JEANNE SHAHEEN:

When I remember to turn on my mic. And we will take questioners -- just for everybody's information, we will take questioners in order of appearance rather than by seniority today, which I know will make all of you who arrived early very happy. And we are delighted to -- I am delighted to call the order the Subcommittee on Commerce, Justice Science and Related Agencies and welcome the Attorney General, Merrick Garland, who is today's witness for the hearing to review the President's fiscal year 2023 funding request.

It's very good to see you again. And I'm sure as you know, we will have lots of Senators coming in and out as the first real hearing day back after a two week break. There's a lot going on so I hope you will be patient. This year, the President's fiscal year 2023 budget request for the Department of Justice is \$39 billion.

That's an 11 percent increase compared to the fiscal year 2022 enacted level for the department. This budget provides a renewed focus in critically important areas like protecting civil rights, including a request for increased resources for the Civil Rights Division and Community Relations Service to provide for more attorneys and mediators as well as supporting grant programs that address hate crime prevention.

Funding increases are also requested for agencies and programs that strengthen national security, including additional resources to investigate domestic terrorism, combat foreign threats, and prevent gun violence. It was also good to see the department's request for increased funding for many grant programs, including nearly double the resources for the Office on Violence Against Women Programs.

Funding requested for new Programs including those in the Office of Juvenile Justice and Delinquency Prevention seem to be much needed in order to help youth and families, especially after this pandemic. I hope we receive an allocation that allows us to fund long standing as well as newer programs at as high a level as possible.

Increased grant funding also means increased support for our police departments. This budget request does include that, particularly for community or -- oriented policing services, or COPS. But I would like to note that the subcommittee has included strong funding for law enforcement grants over the past several years and I think that is a commitment of this committee.

One area that Senator Moran and I have worked closely on is to ensure that Byrne JAG funding receives steady increases annually. For my state of New Hampshire the majority of Byrne JAG funding supports our state's drug task force which works to keep illegal narcotics including fentanyl out of our communities.

And as we know that epidemic of opioid misuse has dramatically increased during the pandemic. We've also worked together on a bipartisan basis to increase funding for programs that improve relations and strengthen trust between police and the communities they serve. Last year, we provided a total of \$201 million for these programs.

This also includes overhauling the COPS development program to have dedicated funding for mobile crisis teams, police department accreditation, and officer training. I'm pleased to see that the department seems to also like the way we've restructured this COPS program and repackaged it as the just policing program in your budget request this year.

Now before I close, I want to thank the 120,000 career employees of the Department of Justice, including law enforcement personnel and attorneys for their work to keep Americans safe. I know it's been a challenging year with our country facing unprecedented threats from those that are newer and rapidly changing like cyber-crime and those that are sadly familiar like terrorism.

Your employees are meeting these challenges while continuing to work through a global pandemic and we all very much appreciate their work. I also want to thank all of those at the department who investigated and prosecuted the ISIS Beatle terrorists -- the ISIS terrorists known as the Beatles, including El Shafee Elsheikh, who murdered four Americans: James Foley, Kayla Mueller, Steven Sotloff, and Peter Kassig.

The hard work of the US Attorney's Office for this eastern district of Virginia recently resulted in a guilty verdict for Elsheikh. And I think that not only sends a message to terrorists around the world that those who commit heinous crimes against Americans are going to be prosecuted, but it provides some level of closure and justice for the families of those murdered.

So Mr. Attorney General, I look forward to our discussion today. And with that, I'd like to recognize our subcommittee Vice Chair, my colleague Senator Moran.

JERRY MORAN:

Senator Shaheen, thank you for convening this hearing. Before turning to the subject matter of the hearing, I want to express my sincere appreciation for your stewardship of our FY 2022 appropriations process and thank my colleagues who are members of this subcommittee. This subcommittee held seven hearings including a broadband hearing in January that I believe was one of the best we've had in our tenure.

JEANNE SHAHEEN:

Absolutely.

JERRY MORAN:

We produced a strong bipartisan bill in the Senate, even with complicated dynamics that were outside of our control. And in conference despite a very tough allocation, Senator Leahy, a very tough allocation, we secured a final bill that makes critical investments in scientific research, law enforcement, space exploration, economic development, and US competitiveness.

It is a bill this subcommittee can be proud of. Senator Shaheen, thank you for your leadership. I am excited to continue to work with you and my colleagues as we kick off the 2023 appropriations process. General Garland, welcome to this hearing. This budget that is being presented supports DOJ grant programs under the newly reauthorized Violence Against Women Act, which I was a proud -- which I was proud to co-sponsor, and for programs to support local police and sheriff's departments.

I want to highlight these programs as a critical tool to address the shocking increase in violent crime, including a 30 percent surge in US murder rate, the largest single year increase in 50. Unfortunately, violent crime continues to lack the attention it requires. It is absolutely critical the Department of Justice support state and local law enforcement, both through grant programs and through joint law enforcement operations.

The budget includes an increase for FY 22 enacted to -- to FY 22 en -- enacted levels for DOJ. However, rhetoric and behavior from the Administration too often send a different signal. If law enforcement officers are not respected or shown respect from our leaders they will not be respected within the community.

We've also seen an appalling increase in attack on police officers. It is no surprise that the department's police officers -- police departments and sheriff's offices are short staffed and having issues recruiting new police officers. The budget request would undermine the Board of Prison -- Board of Prison, excuse me, the Bureau of Prisons' ability to maintain suitable modern facilities that are capable of delivering educational, vocational, and fellowship programming.

In addition, request proposes new unauthorized grant programs intended to inhibit America's exercise of their Second Amendment rights. A budget request is ultimately a proposed allocation of scarce resources and it's disappointing that these messaging programs were prioritized over the budget's critical missions in fully addressing the surge in violent crime.

The budget request is a first step in the appropriations process and I look forward to working with you, Attorney General, and with Senator Shaheen as we craft the FY 2023 appropriations bill. Thank you.

JEANNE SHAHEEN:

Thank you, Senator Moran. And I realize that the Chair of the Appropriations Committee, Senator Leahy is here. And I forgot to ask if you would like to offer some opening remarks.

PATRICK LEAHY:

No, I just appreciate you and Senator Moran holding -- holding this. I am delighted that the Attorney General is here. I'm delighted the country has the Attorney General. I'll leave it to everybody else.

JEANNE SHAHEEN:

Thank you, Senator Leahy. I will now turn it over to you Attorney General Garland.

MERRICK GARLAND:

Hello. Is this working? Yeah. Good morning --

JEANNE SHAHEEN:

-- [Inaudible] pull it closer.

MERRICK GARLAND:

Yeah. Better?

JEANNE SHAHEEN:

Much.

MERRICK GARLAND:

Okay. Morning -- good morning. Chairwoman Shaheen, Ranking Member Moran, and distinguished members of the subcommittee. Thank you for the opportunity to appear before you today. Over the past 411 days that I have been Attorney General, three co-equal priorities have guided the work of the Justice Department: keeping our country safe, protecting civil rights, and upholding the rule of law.

These priorities reflect the Justice Department's mission and our mission is reflected in the President's FY 23 budget. Our first funding priority is keeping our country safe from all threats foreign and domestic, whether from hostile nation states, terrorists, or common criminals. As our country's chief law enforcement officer, I am committed to supporting members of law enforcement at all levels of government as they work to protect our country while also safeguarding civil liberties and ensuring our own accountability to the American people.

To these ends, the President's FY 23 budget requests more than \$20.2 billion to support the work of the Justice Department's law enforcement components and US Attorneys' offices nationwide as they com -- carry out their complex mission sets. These resources will strengthen the Justice Department's efforts to reduce violent crime and gun violence, to counter the multitude of serious and evolving threats to our country from terrorists, cyber criminals, and hostile nation states, to combat the violent drug trafficking networks that are fueling our nation's overdose epidemic, and to protect our nation's democratic institutions, including the one we sit in today from violent attack.

In addition, the President has proposed a total of more than \$30 billion in new investments over the next decade to support law enforcement by funding the police, preventing crime, and accelerating criminal justice reform. In FY 23 alone, the President's budget requests more than eight billion dollars in grants for states and localities nationwide to fund the police, including by putting more police officers on the beat and to implement community based strategies to prevent crime and gun violence.

The President's FY 23 budget also prioritizes the protection of civil rights. We are seeking a 32 percent increase in funding for the Civil Rights Division as well as additional resources for our US attorneys, the FBI, the Community Relations Service, and our office for access to justice. Our civil rights work remains vital to safeguarding voting rights, prosecuting hate crimes, ensuring constitutional policing and addressing unlawful discrimination.

Another area of environmental focus is safeguard -- economic security, fairness and opportunity. This is reflected in our request for resources to protect the American people from intellectual property crimes to reinvigorate antitrust enforcement and consumer protection, to combat corporate crime, and to bring to justice those who seek to profit unlawfully from the COVID 19 pandemic.

In particular, the department requests a total of \$273 million, an increase of 41.6 percent for the antitrust division to carry out its critical mission of promoting competition in the American economy and protecting workers, consumers, and businesses alike. Finally, we are requesting \$11.7 billion to ensure that just the administration of our nation's immigration courts and federal correctional systems.

This includes \$1.35 billion for the Executive Office for Immigration Review, which I'll be referring to as EOIR to reduce the immigration court backlog by hiring more than 1,200 new staff, including approximately 200 immigration judge teams over the FY 22 enacted level. Our request for \$8.18 billion for the Bureau of Prisons will help ensure the health, safety, and well-being of more than 150,000 individuals in federal custody, as well as the officers who protect them.

This request would allow BOP to hire 1,300 new correctional officers and first step staff and would be used to

support rehabilitative programing and improve conditions of confinement. I respectfully ask for your support for our budget as our Justice Department works to uphold the rule of law to keep our country safe and to protect civil rights for all.

Thank you for the opportunity to speak with you today.

JEANNE SHAHEEN:

Thank you very much. For those people who came in a little later, let me just point out, we will have a five minute questioning period and people will be called on an order of arrival rather than seniority because we are no longer doing any virtual hearing in this committee. So I will begin. Last month, you announced the establishment of Task Force KleptoCapture, which was described as an interagency effort dedicated to enforcing sanctions, export restrictions and economic countermeasures against Russia.

As I understand, this includes targeting the crimes committed by Russian officials, oligarchs and others who aid or conceal unlawful conduct. I know that the country is watching very closely what's happening in the war, the unprovoked war of Russia against Ukraine, and that one huge element in that is being able to reduce the amount of funding for that war that Russia has.

So can you talk a little bit about where you are in terms of the interagency effort and the kind of cooperation you're getting internationally?

MERRICK GARLAND:

Yes, and I second what you said about what we're all seeing on the news almost every day, the incredibly graphic videos of horrible atrocities that are going on in Ukraine. It's not just the war. It's the way in which the war is being prosecuted by the Russian government. The pictures of dead bodies of civilians in the streets abound with their hands behind their backs.

Intentional bombing of civilian residential apartment of -- of a theater in Mariupol. All of those pictures are just horrific and are the kind of things anybody growing up in the 20th century never expected us to see in the 21st again, a land war in Europe. So every part of this government is doing its part.

The Justice Department's role right now is to investigate and prosecute sanctions violations. So we have, as you said, the KleptoCapture task force. Its purpose is to go after the assets that the Treasury Department has sanctioned as well as to go off -- go after assets that have been laundered against the money laundering statutes for criminal behavior by the Russian oligarchs.

So in addition, we are participating in the Treasury Department's repo task force, which is the international task force where I have met with unfortunately virtually the home secretaries, attorneys, general and treasury secretaries of the participating countries. The cooperate -- international cooperation has been superb, really superb and heartwarming for our law enforcement officers who will often have to twist arms and beg for extraditions and other sorts of cooperation abroad.

There is no resistance at all now.

JEANNE SHAHEEN:

Can you talk about how the department is going to be dealing with the proceeds from any recovered assets?

MERRICK GARLAND:

Yes. So the money would go into the asset forfeiture fund. So first thing we have to do is freeze the assets. Second thing is we have to get a forfeiture. Third is has to go in the asset forfeiture fund. The -- we would support legislation that would allow some of that money to go directly to Ukraine. That's not the current circumstance with respect to the fund, but the current circumstances like all forfeited assets that would go into the asset forfeiture fund.

JEANNE SHAHEEN:

Well, thank you. We will take that under advisement in the committee. Let me also just editorialize a minute and say, I hope that these efforts will allow for future follow up that will take a look at how corrupt money is being laundered in the West and produce a real effort to shut that down. Not just in Russia, but wherever it's occurring.

One of the issues that you and I discussed on the Phone in advance of this hearing was my concern about the how long it's taking to get some of the nominees approved for US attorney for marshals, and I understand that there are -- there are two problems. One has been the challenge of getting the background checks done on those nominees.

And I guess I would be interested in hearing whether there are more resources that need to be put toward that. We need to take a look at that process and see if there are changes that need to be made. And then, of course, the other challenge is here in the Senate with individuals who are holding up those nominees.

So can you speak first to what -- what happens when we have US attorneys? In New Hampshire, our US attorney nominee, it's been over a year almost -- I think, over a year now that she has been forwarded to the White House and is on hold. Can you just speak to the challenge with addressing crime around the country when we have US attorneys who are taking that long to get approved?

MERRICK GARLAND:

Yes. So the United States attorneys as well as United States marshals are the tip of the spear of our effort to fight violent crime. They are the ones who convene the task forces in every one of the 94 US attorney's office districts. The task forces are combinations of all of our federal law enforcement, the four law enforcement agencies of the Justice Department, as well as the law enforcement agencies of the Department of Homeland Security and other federal agencies combined with state, local territorial and tribal law enforcement.

These cooperative task forces then also cooperate with the local communities. And that is the way in which the best attack on violent crime is possible to look at what's needed in the local area to identify the primary drivers that is particularly the repeat shooters, to get them off the streets and to get them in jail and to organize those things, we need confirmed United States attorneys.

The work of the acting is excellent, but as everyone knows in order to establish policies and programs in any office, it's important to have a permanent head. So I couldn't -- I couldn't urge more strongly for the Senate to approve as swiftly as possible the US attorney nominees and the marshals nominees.

JEANNE SHAHEEN:

Well, thank you very much. Is it fair to say that the holdup in when people are holding these individuals up for other purposes that that has a negative impact on our ability to fight crime?

MERRICK GARLAND:

Yeah. I don't want to get into the -- to the inner workings of the Senate, But -- but what I will say is that any time we're not getting confirmed law enforcement officers it -- it does have a negative effect on our ability to fight violent crime -- cyber crime, all the responsibilities that the United States, attorneys and marshals have.

JEANNE SHAHEEN:

Well, thank you. I won't quote you at that. I will say it myself, Senator Moran.

JERRY MORAN:

General Garland, thank you. You're aware and we've talked about even yet this morning, the tremendous increase in levels of violent crime. The murder rate has surged 30 percent in 2020. It's the largest increase in over 50 years in any single year. But overall, violent crime, which includes assaults, robberies, and rapes increased -- By 5 percent.

Joint operations between federal law enforcement and local and state law enforcement seem to be successful. We've had Operation Legend and Operation Triple Beam in our state. Director Wray joined me in Kansas earlier this year. We met with our local state law enforcement officials. During that conversation the Chief, Karl Oakman, of the Kansas City, Kansas Police Department expressed his desire, first of all, how valuable those joint operations were and his desire to see more of them.

JERRY MORAN:

And of course that's not unique to the Kansas City region of our state. What -- to what extent are joint law enforcement operations are part of the DOJ's plan to combat violent crimes?

MERRICK GARLAND:

Well, they are the center of our strategy. In May of 2021 after I'd been in office just a couple of months, I saw the same statistics that you're referring to now about the -- the -- the rise in violent crime, the -- the startling rise in 2020, which continued into 2021. And so I launched our first violent crime strategy for the department.

That really includes three pillars, all of which are the ones you're talking about, which is joint task forces among

federal law enforcement, joint task forces between federal and the state and local law enforcement, and involvement of the community. Because it's essential that the community let us know where the bad guys are and who the bad guys are.

So it is the core of what we do. So the money that we're asking for comes in, I would say, two buckets here. We're asking for more than \$20 billion, that's an increase of 8.2 percent for our federal law enforcement in the Justice Department, all of whom participate in these task forces. So that includes the US Attorneys' offices, the FBI, the ATF, the DEA, the US Marshal Services.

Then we're asking for \$8.2 billion, which is an increase in 5.48 billion for grants for state and local law enforcement. For the sheriffs you're talking about, for the police you mentioned in your opening as well. This in -- includes money for COPS hiring, for the Byrne JAG grant that the Chair spoke of which are used for these task forces, for OVW grants, some of which are also used for investigative task forces.

That's the way we are able to create these joint task forces. And so that's -- I completely agree with your assessment.

JERRY MORAN:

General, thank you. I -- you've mentioned the US Marshals. I too would mention the US Marshal Services Regional Fugitive Fugitive Task Force as another valuable combination of local and -- and federal law services. Let me turn to -- in 2021 the DOJ Office of the Inspector General released a report that revealed multiple agents at the FBI had mishandled the investigation into former USA Gymnastics physician Larry Nassar and subsequently lied about their misconduct.

I want to take this moment in your presence to again raise my strong concerns with the fact that it seems these agents have not been held fully accountable for what you described as an institutional failure. I understand that DOJ is reviewing its earlier decision. This is a -- an issue that Senator Blumenthal and I pursued in the Commerce Committee.

But you are reviewing the decision not to criminally charge these agents. Could you provide me a status update as to where this issue lies?

MERRICK GARLAND:

Yeah. So, you are right. This is a horrible institutional failure. I -- I -- it's almost unspeakable -- it is unspeakable what happened to those gymnasts and also unspeakable the way in which the investigation failed to -- to proceed. We have created institutional changes in that regard to make sure it doesn't happen again.

The FBI has revised its procedures and the deputy attorney general has issued memoranda to the field so that whenever a US Attorney's office or federal law enforcement decides not to follow up, that they immediately advise state and local law enforcement so that they can continue. Your description of -- so, the question of -- of the investigation.

So the FBI's internal disciplinary work is still in progress. The question of reopening the earlier declination is in the hands of the Assistant Attorney General for the Criminal Division, Kenneth Polite, who is continuing to review the matter.

JERRY MORAN:

Does that mean that the FBI made a report to the -- to -- to that official who is now reviewing that report?

MERRICK GARLAND:

I think it is the -- the referral came from the Inspector General's report. So it's the report that you are -- that you are aware of that was given to the criminal division to review the earlier decision to decline.

JERRY MORAN:

Thank you.

JEANNE SHAHEEN:

Thank you, Senator Moran. Senator Leahy.

PATRICK LEAHY:

Thank you, Chair. Attorney General, as I mentioned earlier I'm glad you're here this morning. But time is short, so I'll get right to the questions. I'd like to start with the VOCA Fix Act. VOCA signed into law last year. And we passed this -- excuse me -- we passed this legislation to give a much needed steady stream of deposits into the Crime Victims Fund, you know, that helps crime victims all over the country.

PATRICK LEAHY:

A major piece of the legislation requires funds collected under deferred and non-prosecution agreements to be deposited in the Crime Victims Fund. Now I understand there was a sizable deposit in the first month of implementation, but the collections from deferred and non-prosecution agreements have actually been quite low.

PATRICK LEAHY:

Across October and November, for example, the actual total deposit in the Crime Victims Fund was around a million dollars. What accounts for such starkly low deposits from what it used to be? Is the department concerned that this may end up with a zero balance in the Crime Victims Fund?

MERRICK GARLAND:

So this is going to be a complicated answer. I'm going to do the best I can. I may have to refer to Assistant Attorney General Loftus, who knows the details of the numbers far better than I. But I'll see if I can walk you through where we are here. The VOCA Fix, which we greatly supported and are greatly appreciative, allowed the money to include the deferred prosecution agreements which were not available before.

The Deputy Attorney General sent a memorandum to all United States Attorney's Offices and to the FBI and law enforcement to ensure that the money that comes from deferred prosecution agreements is tagged for the victims of crime fund. So we are making those changes. It --

PATRICK LEAHY:

-- Is it making it clear that that's a priority?

MERRICK GARLAND:

Yes. That that -- the money there must be put in and it's a priority to make sure that that happens. In -- you are right that in September -- my figure is \$254 million was deposited, which was the largest monthly deposit in the last four fiscal years. That was immediately after the VOCA Fix came into effect.

In FY 22, the numbers I have for the first six months are \$409 million in the fund. You know, these are cyclical. They go up and down. It depends on whether there was a deferred prosecution agreement, whether there were forfeitures and other seizures during that time. So I don't think we have enough information yet to know what --

PATRICK LEAHY:

-- I -- I would ask only the department to make it clear that it is a priority that it goes there. And because of time, let me mention another thing. The -- been a lot of bipartisan support in the Violence Against Women Reauthorization Act. But what we determined to do, we put it into this committee, the appropriations committee, put it as part of the FY 22 omnibus appropriations package.

Because we're concerned in the normal course of events it might not have gone up for a vote. But the President's FY 23 budget doesn't account for some of the new programs that were included in the Violence Against Women Act. Many of us have worked across the aisle to prove that act and large -- and I know that when I was Chair of Judiciary we added Native Americans, the LGBTQ community, sexual exploitation of minors.

So is the Department going to support the new programs enacted by VAWA? And will you make sure that your budget shows that?

MERRICK GARLAND:

The answer is yes. I'm not sure which programs, I'd like to have our staffs talk about them. Didn't make it in.

PATRICK LEAHY:

Okay, I will. Because --

PATRICK LEAHY:

It's we want -- we came together to get the -- get power through the way we did, but I also want to make sure that we have the funding and that you have what you need there. And lastly, and I would just submit this for the record because I see my time is up, You recently issued Freedom of Information Act guidelines.

I'm concerned about and I am pleased with that, but I'm concerned about the enforcement of it. So I will also submit a letter for the record on that and appreciate your answer, Attorney General.

MERRICK GARLAND:

Thank you.

JEANNE SHAHEEN:

Thank you. Senator Leahy, Senator Collins.

SUSAN COLLINS:

Thank you, Madam Chairman. Welcome Mr. Attorney General. The administration has taken conflicting positions on whether or not the COVID pandemic constitutes a public health emergency. Could you please explain to the subcommittee how the department can justify arguing in court that the pandemic has subsided enough to warrant the termination of Title 42, which will worsen the problem of tens of thousands of unvaccinated migrants illegally entering the country, while at the same time arguing in a separate case that the public health consequences are dire enough to warrant compelled mask usage by Americans on public transportation.

MERRICK GARLAND:

Yes. Thank you, senator. It's just -- and I think important for me to explain the role of the Justice Department, which is not to make judgments about the public health and really not to make judgments about policy in either of the two areas that you're -- that you're raising but rather to make determinations of whether the programs and requests of the agencies that are responsible for those are lawful.

So with respect to the mask mandate on the planes, I think this is quite transparent. The CDC announced its assessment that this was a program that was continued to be necessary in the confines of airplanes and public transportation. The only question for us is that a lawful and they asked us to appeal. The solicitor general concluded it was lawful, and so we have appealed.

With respect to Title 42, it's the same analysis from our side, from the Justice Department's side. The only question here is the CDC's program, if the -- and the CDC announcement and its assessment, and we defend that program as long as it's lawful. We don't make the public health determinations that you're speaking of.

SUSAN COLLINS:

And I understand that. I think that the CDC has put the Justice Department in an untenable position of arguing one position in one case and a completely conflicting position in another case, but I understand that you don't make the public health determination. Let me switch to another consequence of the uncontrolled southern border.

In the year between September 2020 and September 2021, more than 104,000 Americans died from drug overdoses. In Maine, we set a horrific new record. 636 people died from drug overdoses tablets, a 23 percent increase from the previous year. In 2021, the main drug enforcement agency seized more than 10,000 grams of fentanyl.

That's a 67 percent increase from the previous year. Just three months into this year, agents tell me that they have already seized half of last year's total. Law enforcement officials in Maine and elsewhere tell me that these drugs are largely entering the United States through the southern border where resources that could be targeting drug interdiction -- interdiction are instead being diverted to help with the influx of migrants illegally crossing the border.

Do you agree that the government's inability to secure the southern border has led to more drugs coming into our country?

MERRICK GARLAND:

Look, I -- the opioid epidemic and particularly the influx of fentanyl is just horrifying and extraordinarily sad for the large numbers of Americans who are becoming addicted and who have become addicted. We are -- the job of the Justice Department is to fight the large scale drug trafficking organizations that are bringing this money -- these drugs into the country.

And that's the reason we have asked for large increases for all of our anti-drug programs. The DEA has asked for

\$102 million increase, which is for a total of \$3.1 billion to fight the very issues that you're speaking of. The US Marshal Service has asked for \$1 billion for drug trafficking fugitive capture.

The US attorney's offices, \$106 million. The FBI, \$161 million. The Criminal Division for \$46.9 million including regional opioid task forces and the COPS grants, the money that we're giving includes the money for the anti-heroin and anti meth task forces. So we are doing -- we are asking for all the money we can get, and we are not stopping here as you don't know.

I announce the indictment and extradition of the former President of Honduras to the United States to face justice for organizing drug trafficking coming out of the Northern Triangle. We will be persistent in that effort.

SUSAN COLLINS:

Thank you.

UNIDENTIFIED:

Senator Manchin.

JOE MANCHIN:

Thank you, Mr. Chairman. Thank you, sir. Merrick Garland, I want to thank you for your continued supportive of public service. It's been wonderful and we appreciate very much your position. Sir, on voting rights, I've always believed that healthy democracy depends on the voting system that is accessible, free, fair and secure.

While history is going to tell us that we've come a long way in ensuring all individuals regardless of their race, sex, or political affiliation have the ability to cast a vote, we can all agree that we still have a lot of work to do. I'm particularly concerned about the recent opinions and rulings that seem to undercut decades of established legal precedent under the Voting Rights Act. Specifically in February, a federal district court in Arkansas ruled that only the U.S. attorney general has standing to enforce Section 2 of the Voting Rights Act. The court found that it would be inappropriate to imply a private right of action to enforce Section 2 of the Voting Rights Act. So your opinion on that sir with that interpretation or you agree or disagree?

And what impact, if any, could this ruling have on voting rights were dropped -- if this was adopted across the country?

MERRICK GARLAND:

Yes, very good question, senator. On the first question, normally I don't sort of opine. In this case, I've already opined, so I don't think it hurts any to do that. We have filed across the country in a number of these cases. We believe there is a private right of action to enforce the Voting Rights Act. It has always been assumed that that was the case since the act was passed in the mid-sixties and no one has ever questioned it I think until this year.

To the second point, the consequences of the Justice Department being the only ones who can bring -- bring voting rights cases. I'm going to be blunt, You're going to have to give us a lot more money. If the Justice Department has to bring every single case to enforce voting rights, we're going to have to --

JOE MANCHIN:

You know, the argument about that, sir, I'm sorry to interrupt you, but the argument about that, you hear the pros and cons on that. They're saying, well, that'll be too much litigation, you know, and if you had everybody being able to declare that they've been infringed upon. And we don't see that going any further that we're having all these discussions in our committees, but we're trying to get a clarity on that.

But it seemed like to me that the person has that right, but it hasn't been exercised. If it's been frivolous, I haven't seen it go any further. So I don't know how it's -- it's been a strain on the court system.

MERRICK GARLAND:

So I -- you know, I haven't done an analysis of the court system, but this has been the rule that we've had all the way since the mid-sixties. I've never heard any complaints that it is taxing the court system.

JOE MANCHIN:

We haven't either way. Sir, if I could switch a little bit on that, that's very helpful. We're working on that. On the price gouging, we hear a lot about price gouging right now, and we saw that When we first had the first had COVID brought to our attention, a horrible epidemic back in May of 2020--March of 2020, we saw that with N-95 masks,

Clorox wipes, toilet paper at the beginning of the pandemic.

And now we're going to--we're seeing it again this time with fuel prices and food prices and things of that sort. Should there be a criminal price gouging statute?

MERRICK GARLAND:

Well, this is a matter of huge debate and antitrust and economics. I'd like to hold off on that, but our staff would be happy to work with you on that.

JOE MANCHIN:

Right now, what constitutes you all basically taking it under your surveillance, if you will, acceptable prices for scarce products? What constitutes acceptable price for scarce market demands, things of this sort, global pricing?

MERRICK GARLAND:

So for us, the questions are unlawful agreements to fix prices and exclusionary behavior by monopolists and near monopolists. So if we're in either of those circumstances, if they exclude competition, that falls under the antitrust laws and likewise agreements on prices between competitors.

JOE MANCHIN:

And I want to follow up also on Senator Collins concerning on the opioid epidemic. Myself, and Senator Capito, in the state of West Virginia, we've been number one as far as getting slammed with this. Can you speak to the status of DOJ's current efforts to curtail the opioid crisis, including the Appalachian Regional Prescription Opiate, or what we call the ARPO Strike Force?

MERRICK GARLAND:

Yeah, So I think that's--and I hope you agree, I think that's a very effective task force. That money is included in our request for funds. I think it--I'm not sure whether that's the one that comes under the Office of Justice Programs or under the Criminal Division, but those task forces, both the meth and heroin ones that Senator Collins was concerned about the last time we spoke and the opioid one that you're talking about--

JOE MANCHIN:

--we need your support for that, sir.

MERRICK GARLAND:

We support and we support expanding those, and if we get the money requested in the budget--

JOE MANCHIN:

--very quickly, I want to follow up with, I introduced the DEA Enforcement and Authority Act that would amend the immediate suspension order, standard of review from a substantial likelihood of an immediate threat standard to a probable cause standard. That's again, order standard of review from a substantial likelihood of an immediate threat to a probable cause standard.

So what additional authorities do you believe DOJ or FBI need in order to effectively stop the flow of prescription opiates and other illegal drugs? Because the substantial likelihood is pretty darn broad and probable cause, we know exactly what their intent are.

MERRICK GARLAND:

So I haven't been directly involved in the question of the standard here. Our Consumer Protection branch does the work on--

JOE MANCHIN:

--if you could look, we have that piece of legislation. I think all of us have been--our states have been ravaged by this horrible addiction that we have, and drugs continue to flow. It might give us a better chance to fight this opiate onslaught or drug onslaught. But if you could look into that language, if you all could support.

And that's the DEA, it's the Enforcement and Authority Act.

MERRICK GARLAND:
All right.

JERRY MORAN:
Senator Manchin, thank you.

MERRICK GARLAND:
We'll be happy to do that, Senator.

JERRY MORAN:
Senator Kennedy?

JOHN KENNEDY:
Thank you, Mr. Chairman. Thank you, General, for being here. Could you pull that mic closer to you, please, sir?

MERRICK GARLAND:
Oh, I'm sorry. Is that better? Yeah.

JOHN KENNEDY:
Yes, sir. General, I think the Justice Department is losing. I think you're losing on crime. I think you're losing on drugs. I think you're losing on immigration. I think you're losing on Chinese espionage. Let me start with crime. What percentage of cops in America do you think are bad cops?

MERRICK GARLAND:
A very small percentage.

JOHN KENNEDY:
Like how small?

MERRICK GARLAND:
I don't have a number. I think that most police--

JOHN KENNEDY:
--we'll you're the country's chief, one of the country's chief law enforcement officers. Is it less than 10 percent?

MERRICK GARLAND:
Yes, let me just be clear. We believe that most police officers follow the constitution in their practices, most police departments do. And all police officers, I believe, want to work in police departments that follow constitutional policing requirements.

JOHN KENNEDY:
Is it less than five percent?

MERRICK GARLAND:
I don't have the numbers. I think it probably is, but again, I don't have any numbers for you.

JOHN KENNEDY:
Okay. Do you think most cops are racist?

MERRICK GARLAND:
No, I do not.

JOHN KENNEDY:

What percentage of cops do you think, in your judgment, I know you can't give me an exact figure, do you think are racist?

MERRICK GARLAND:

I'm sorry. I'm not resisting because I have a number that I can't give you. I just really--I don't have any way of making that evaluation.

JOHN KENNEDY:

What's your gut tell you, less than five percent?

MERRICK GARLAND:

One thing I've learned is to not give answers from my gut.

JOHN KENNEDY:

Right. Well, you think it's less than five percent?

MERRICK GARLAND:

I don't know the answer, I'm sorry.

JOHN KENNEDY:

Okay. You don't know?

MERRICK GARLAND:

I don't know. No.

JOHN KENNEDY:

Okay. Why doesn't the Justice Department support stop, question and frisk?

MERRICK GARLAND:

I'm not sure what--you mean, stop and frisk? Is that what you mean?

JOHN KENNEDY:

Yeah. Some call it stop and frisk. [Inaudible]

MERRICK GARLAND:

Yeah, I don't know that the Justice Department has a position. This is a state and local role, normally. Look, stop--

JOHN KENNEDY:

--do you think it works?

MERRICK GARLAND:

I'm sorry?

JOHN KENNEDY:

Do you think stop, question and frisk works?

MERRICK GARLAND:

I think in some circumstances it can work, but of course, it can be abused.

JOHN KENNEDY:

Right.

MERRICK GARLAND:

Yeah.

JOHN KENNEDY:

But why doesn't the Justice Department aggressively encourage law enforcement officials to use that technique? It's been declared constitutional, as you know.

MERRICK GARLAND:

Yeah. The Supreme Court has affirmed the constitutionality of stop and frisk That's in the Terry case. That's exactly right, but we don't do that--the federal government doesn't do patrolling. This is work for patrol.

JOHN KENNEDY:

I know you don't, but you're one of the country's chief law enforcement officials, maybe the chief, and what you say matters. And suppose--here's what I'm asking. Let's take Chicago, where you haven't--we haven't made any inroads in stopping the killing. I mean, Chicago is now the world's largest outdoor shooting range.

We know that a lot of the shootings come from gangs. Why wouldn't you want to call the police chief and the mayor in Chicago and saying, look, you know who these gang members are. When you have reasonable suspicion under Terry v. Ohio, and objective standard, more than just a hunch, why don't you aggressively stop, question and frisk these gang members?

You'll get guns off the street, you'll get drugs off the street, and you'll get a lot of gang members off the street, and you'll stop people killing each other. Why won't you do that?

MERRICK GARLAND:

The best way for the federal government to stop violent crime is to work at each local level and determine and let the state and locals determine what the best use of their own--

JOHN KENNEDY:

--judge, I'm sorry to interrupt you, but I'm trying to get some answers.

MERRICK GARLAND:

You're--I'm sorry.

JOHN KENNEDY:

Why won't you do that? Just tell me why you won't do that. Your opinion matters.

MERRICK GARLAND:

Because there is no one solution fits all that the federal government can suggest to state and local law enforcement. We believe state and local law enforcement knows best as to what to do there. We provide--

JOHN KENNEDY:

--well, it's not working.

MERRICK GARLAND:

We provide our technical expertise. We put lots of resources into joint task forces. We pick up--

JOHN KENNEDY:

--well, General, I know, I've got to shut this down. I've only got 15 seconds. Is that why you're asking in the middle of a raging inflation for seven percent more money, \$2.63 billion to provide technical increase--or technical advice? I mean, we're going backwards here on crime General. You're the states--or the country's chief law enforcement officer and you won't even answer my question about how you feel about stop, question, frisk.

Why should we give you more money?

MERRICK GARLAND:

I think it's a resource allocation issue for each local police department. I believe that the Justice Department does the best by putting--the money that we're asking for is increase in law enforcement that can be assisting the state and locals in the best way.

JOHN KENNEDY:

But General, is that what we're supposed to tell the mothers of those kids getting killed in Chicago? You don't understand, it's a resource allocation issue.

MERRICK GARLAND:

No. What you're supposed to tell the mothers in Chicago, and what I told them when I was there, was the Justice Department was there to provide all the resources that this subcommittee will give us to stop violent crime. The more resources you can provide--

JOHN KENNEDY:

But yet, you won't try stop, question and frisk.

MERRICK GARLAND:

That is a question for the state and the local--I'm sorry, for the state and the local law enforcement.

JOHN KENNEDY:

I didn't go over as much as Manchin did, Madam Chairman.

JERRY MORAN:

That's not the standard by which we judge behavior.

JOHN KENNEDY:

Thank you, General.

MERRICK GARLAND:

You're welcome.

JERRY MORAN:

Now, Senator Van Hollen.

CHRIS VAN HOLLEN:

Thank you, Senator Moran and welcome Mr. Attorney General.

MERRICK GARLAND:

Thank you.

CHRIS VAN HOLLEN:

I want to start with some thanks to you and President Biden and your team at the Justice Department for implementing something that many of us have pushed for, for a long time, which is a final rule with respect to ghost guns. These are, of course, are our weapons. You can buy them over the internet in pieces quickly.

-- Assemble them and they shoot and kill people just like a regular firearm. But one major difference: they do not have serial numbers. Which is why they're becoming more of the weapon of choice by criminals in my state of Maryland, places like Baltimore City, and around the country. So I want to applaud you for moving forward on that effort and also applaud the President for nominating a director of ATF, Steven Dettelbach, a good candidate.

And I hope the Senate will confirm that nomination expeditiously. The ATF has gone headless for way too long as you know. And we need a strong ATF to crack down on illegal gun trafficking among other issues. As you know, you know, Congress has brought back Congressionally directed spending so that we can try to target resources where our communities say they're needed the most.

And Senator Cardin and I worked with this committee to channel important resources to address the really serious violent crime problem in Baltimore City. And there's no one solution. But we provided a series of resources for a community based crime and violent prevention programs, community policing. So my question to you, Mr. Attorney General, Baltimore City's waiting on those funds.

How quickly can we get them? Can you give us your commitment that you can get those out the door quickly?

MERRICK GARLAND:

If you give us the money, we can get them out the door quickly. You know, an important part of our ability to fight violent crime in Baltimore and other locations where it is a very serious problem is having more assistant US Attorneys to prosecute these cases. Federal government has stronger --

CHRIS VAN HOLLEN:

-- So, Mr. Attorney General, just one clarification here. So I'm talking about this -- in this question moneys we've -- already have appropriated. These are moneys that we have provided. They're in the custody of either the Department of Justice or Treasury. And we just --

MERRICK GARLAND:

-- I see. I see --

CHRIS VAN HOLLEN:

-- Would like to get the money out the door.

MERRICK GARLAND:

We will do -- as far as I know, our priority is to get the money out the door. It doesn't do us any good to keep it in Main Justice I assure you. So if -- if --

CHRIS VAN HOLLEN:

-- Well, we'd like to -- we'd like to encourage your team to -- to get it out. Because it is a serious situation there. Now to the broader issue you're raising with respect to resources for the US Attorney in -- in Maryland, for the ATF in Maryland, for US Marshal Service in Maryland, we have seen some increases over the last couple of years.

And I -- I want to thank you and your Deputy Attorney General Monaco, who's had a series of phone calls with Senator Cardin and myself. But can you -- we -- we do need more resources. I mean, we have a very serious problem in Baltimore City and we do have good cooperation between the federal government, state, and local jurisdictions.

But can you talk about specifically how resources you're requesting here can strengthen our -- our ability to get more resources to Baltimore City?

MERRICK GARLAND:

Yeah. So through no fault of this subcommittee, we did not get the amount of money for the United States Attorneys that was in the budget request and it was in the marks of the subcommittee. It was a consequence of the omnibus. We received \$120 million less than the FY 22 request. So for that reason, we're asking for increases for the US Attorneys' offices to allow us to hire 157 more Assistant US Attorneys.

Obviously the more Assistant US Attorneys we have the easier it is to allocate them around the country to the places that are in need. The same is true with respect to ATF. We're asking for an increase of 122 agents. Again, the more that we have the more we're able to expand the locations in which we can put people.

CHRIS VAN HOLLEN:

Thank you, Mr. Attorney. I look forward to supporting that -- that budget request for the reasons you've laid out. I hope the committee will as well. My -- my final -- just have a statement here, Mr. Attorney General. The Congress on a bipartisan basis has recognized that the FBI needs a new consolidated headquarters that meets its security requirements.

And before the previous Administration, three sites had been located. And in the last bill passed by the Congress appropriations bill, we directed the General Services Administration to select one of those three earlier identified

sites for the new fully consolidated FBI headquarters. So as the chief law enforcement officer, we expect you to work with us to make sure that the law is followed.

And I -- I'm confident that you will do that. Thank you. Thank you, Madam Chair.

MERRICK GARLAND:

Thank you, Senator Van Hollen. Senator Haggerty.

WILLIAM HAGERTY:

Thank you, Senator Shaheen. And thank you Ranking Member Moran for holding this hearing. Thank you, Attorney General for being back with us today. I want to touch on something that's a great concern to my constituents and I think frankly to the confidence of many people in our system that you control through the Department of Justice.

And that's the matter of the Hunter Biden investigation. It received a great deal of press, but I want to ask you a bit about how the communications have worked within your department with the White House on this. First, have you been briefed on the Hunter Biden investigation matter yourself, General Garland?

MERRICK GARLAND:

So the Hunter Biden investigation, as I said even in my own nomination confirmation hearing, is being run by and supervised by the United States Attorney for the District of Delaware.

WILLIAM HAGERTY:

I'm aware of that. But he reports to you.

MERRICK GARLAND:

He is supervising the investigation. And I'm, you know, I'm not at liberty to talk about internal Justice Department deliberations, but he is in charge of that investigation. There will not be interference of any political or improper kind.

WILLIAM HAGERTY:

And -- and are any senior officials in your department being briefed or?

MERRICK GARLAND:

Again, he is the supervisor of this investigation and, you know, the normal processes of the department occur. But he is the supervisor of this investigation.

WILLIAM HAGERTY:

Well, if -- if you won't be able to say whether there have been communications there, I'd -- I'd like for you to tell me or answer this question, if you would. Would you think it would be approp -- appropriate for the President of the United States to call you into the Oval Office and tell you that his son didn't break the law regarding this matter?

MERRICK GARLAND:

Absolutely not. And the President has not done that. And the President is committed not to interfere not only in that investigation, but any other kind of --

WILLIAM HAGERTY:

-- Well, I agree with you. But --

MERRICK GARLAND:

-- Investigation --

WILLIAM HAGERTY:

-- But I -- I do wonder this then. Why the President is resorting to TV and having his surrogates go on TV to say just that message. Earlier this month White House Chief of Staff Ron Klein stated on national television that quote, "The President is confident that his son didn't break the law."

WILLIAM HAGERTY:

And the White House communications director said that President Biden maintains his position that his son did nothing that was unethical. This is on national television. The President's already told his subordinates clearly -- these are people that he can fire will -- that he and his family did nothing wrong.

How can the American people be confident that his Administration is conducting a serious investigation?

MERRICK GARLAND:

Because we put the investigation in the hands of a Trump appointee from the previous Administration who's the United States Attorney for the District of Delaware. And because you have me as the Attorney General, who is committed to the independence of the Justice Department from any influence from the White House in criminal matters.

WILLIAM HAGERTY:

Well, I think the observation here is terribly critical because there's an obvious conflict of interest here because of those who are investigating the Biden family and their enterprise can be fired by the head of the family who's being investigated. That is, Joe Biden can fire the attorney -- the Attorney General in Delaware.

He can -- he can have an impact on all of your staffing. And I want to ask you this. Under -- under what circumstances do you consider or how do you evaluate whether you would appoint a Special Counsel?

MERRICK GARLAND:

I think this is -- this is a fact and law question in each case determining it and depending upon how cases go forward and the question of whether the Justice Department with its normal processes can -- should continue. I want to be clear though. Special Counsels are also employees of the Justice Department.

We don't have an independent counsel statute anymore. Both the Democrats and the Republicans experimented with this. And I -- I think probably in the end neither side liked it. And that's why we ended up with the law not being reauthorized. But in any event, the Special Counsel is also an employee of the Justice Department.

WILLIAM HAGERTY:

Have you had any consideration about whether to do this or --

MERRICK GARLAND:

-- Again, I think our internal deliberations have to stay within the department.

WILLIAM HAGERTY:

Again, I'll just restate that -- that there's an obvious conflict there that raises concerns amongst my -- amongst my constituents. I'd like to turn to some public evidence though. There are emails and photographs that show that President Biden, while he was Vice President, met several of Hunter Biden's business associates including a Burisma executive.

WILLIAM HAGERTY:

That's the energy company that paid Hunter Biden a million dollars per year to sit on its board. And a Russian billionaire who paid Hunter's firm 3.5 million around the same time. All of this is while President Biden was running portions of the United States foreign policy including Ukraine. There's evidence that Hunter Biden paid for Joe Biden's living expenses while he was Vice President.

A Hunter Biden email from 2010 entitled JRB Bills, Joe R. Biden bills, it discusses paying for the upkeep of Joe Biden's large stake front -- lake -- lakefront home. There's another 2010 email from a Biden confidant to Hunter Biden saying, quote, "Your dad just called me. He could use some positive news about -- -- Future earnings potential.

To me this suggests that Joe Biden's \$231,000 salary is -- taxpayer funded salary and lifestyle as Vice President of United States weren't enough to support his lifestyle. That same confidante of -- and also Joe Biden's business partner made nine visits to the White House between between 2009 and 2013 and met with Joe Biden in the West Wing while Joe Biden was Vice President.

And we have a text message from Hunter Biden to his daughter stating that don't worry. Unlike Pop, meaning Joe Biden, I won't make you give me half your salary. So it seems President Biden was serving as Vice President and

running US foreign policy at the same time that his son Hunter Biden was raking in money from shade -- shady foreign business deals.

And this was money that was being diverted to benefit Vice President Biden. So General Garland, do you have any reason to dispute the evidence that indicates that President Biden was involved with and using money from Hunter Biden's business deals?

MERRICK GARLAND:

Senator, following the longstanding rule of the Justice Department we don't discuss investigations or evidence that maybe -- may or may not be relevant to investigations. That's a matter for the United States Attorney's office that's investigating the case.

WILLIAM HAGERTY:

Well the --

JEANNE SHAHEEN:

-- Thank you, Senator --

WILLIAM HAGERTY:

-- That's great. Thank you.

JEANNE SHAHEEN:

Thank you. Attorney General Garland has requested a break at 11:15. So what we are going to try and do is to get Senator Schatz and Senator Capito in and then we will break -- have a 10 minute break and then we will take up the rest of the questions. Senator Schatz.

BRIAN SCHATZ:

Thank you very much, Chair He -- Chair Shaheen and Vice Chair Moran. Attorney General, thank you for being here. I have -- I'm going to try to get through five questions/ So if I can have quick answers, that'd be great. What if any are the DOJ's plans to reinstate federal prosecutorial distret -- discretion for noninterference in states, territories, and tribes where marijuana is legal?

MERRICK GARLAND:

So as I understand our -- our -- our role with respect there, it's really the same as it is with respect to states. You're talking about marijuana prosecutions right?

BRIAN SCHATZ:

Yes.

MERRICK GARLAND:

And I think I, you know, I laid this out actually also in my confirmation hearing. And my view hasn't really changed since then. And that is that the Justice Department has almost never prosecuted use of marijuana. And it's not going to be -- it's not -- that's not an efficient use of the resources given the opioid and methamphetamine epidemic that we have.

BRIAN SCHATZ:

That's good enough for me. Let's -- let's move on.

MERRICK GARLAND:

Okay.

BRIAN SCHATZ:

I want to talk a little bit about PREA oversight. There have been a number of recent sexual abuse cases at FCI Dublin and other federal prisons across the country. What's the department going to do to address these PREA violations?

MERRICK GARLAND:

Yeah. So this is a, you know, another really terrible set of events. We have prosecuted a number of the individuals responsible now at Dublin for this. We have put in place a new warden at Dublin, I think within the last three weeks. We have -- the Deputy Attorney General has set up a task force to investigate and determine what the procedural failures here were and how these kind of failures can be prevented in the future.

And the matter has been referred to the Inspector General for an internal investigation.

BRIAN SCHATZ:

Thank you. Will the DOJ at least consider -- I don't want you to commit to it now -- but consider supporting the reestablishment of an interagency law enforcement equipment working group to oversee and provide recommendations for federal programs that include the transfer or sales of controlled equipment to law enforcement?

We know this issue comes up periodically. This is a space where this can be done intelligently. I think we've seen the various progra -- 1033 and other programs where -- where equipment is -- is transferred to local departments and it can be very useful or it can be overkill. And the point of a working group like this is to sort of suss out what departments need and what seems to be over arming local police forces.

MERRICK GARLAND:

I appreciate you're not asking for a commitment. But of course any consideration of that issue requires interagency discussion because some of the -- some of the equipment you're talking about is Defense Department equipment. So certainly we'll be happy to consider that.

BRIAN SCHATZ:

This is a Hawaii specific question. We don't have a halfway house in Hawaii since October of 2019. So does the Department have an interim or an emergency set of measures to ensure that Hawaii's halfway house eligible individuals still have access to services?

MERRICK GARLAND:

Yeah. So as you know, Senator, I think we have discussed before, we've -- we've had -- the Bureau of Prisons has had problems expanding the residential reentry center in Hawaii for a number of reasons, not the least of which is the providers are very scarce. B -- BOP I understand has made progress on a day reporting center contract and hopes to make an award within the next few months.

BRIAN SCHATZ:

Great. Final question, easy one. What is your position on clemency for Leonard Peltier?

MERRICK GARLAND:

So this is a matter that goes into applications, go to the pardon attorney, pardon attorney makes recommendations to the Deputy Attorney General to the President. And so I'm not going to comment on that now.

BRIAN SCHATZ:

Can you comment on where we are in the process?

BRIAN SCHATZ:

I don't -- I assume, but don't know that an application has been made. I actually don't even know whether -- I mean, I've read about this in the press. So I don't know anything more about it than what I've read in the press.

BRIAN SCHATZ:

And this doesn't cross your desk?

MERRICK GARLAND:

Certainly not as an initial or even secondary matter. This goes to the pardon Attorney and then the Deputy Attorney General. I'm not saying I wouldn't be involved, but it certainly has not crossed my desk.

BRIAN SCHATZ:

Thank you very much.

JEANNE SHAHEEN:

Thank you, Senator Schatz. Senator Capito.

SHELLEY MOORE CAPITO:

Thank you, Madam Chair and Ranking Member. And thank you, Mr. Attorney General, for being with us today. I'm not going to ask you a question on this. I just wanted to begin with expressing my deep concern about the flow of fentanyl into the country from the southern border. Senator Manchin mentioned West Virginia is at the tip of the spear as you know.

Senator Collins brought this up as a -- as a big issue. We've had meetings over the last two weeks being at home. And fentanyl is the killer. I mean, it is what's coming up through the southern border. So I would impress upon you how absolutely critical is -- it is that the situation at the so -- at the southern border has got to get better.

I understand the demand side is what's driving this in a lot of ways. But if we can cut the supply I think we can cut a lot of tragedy out of a lot of people's lives. And I -- I know you understand that as well. Let me ask a question. According to -- over the pandemic we've seen a significant increase in first time gun owners with almost 60 percent increase in African-American gun owners, 50 percent increase in Hispanic gun owners, 43 percent in Asian American gun owners.

I guess I would ask you if you have a perception as to why this is. But the reason I'm asking the question and I'm interested in, of course I want to see our Second Amendment rights protected. But also the NICS system which runs the background checks goes through West Virginia as you know. So do you have a -- any kind of perception as to why gun ownership is up among different groups?

And during the pandemic I know it's been bigger in all groups. What would you attribute that to and what kind of strain is this having on our NICS system?

MERRICK GARLAND:

So I -- I don't know the answer, I'm sorry, to the first question. This is the kind of analysis I, you know, can't make up and I -- I can't even guess at. I don't know what the causes are. The second question I can answer. You know, the more gun sales the more difficult it is for the NICS system. But that's the job of the NICS system.

So that's why we're asking for an increase in \$6.2 million for -- for the NICS system in the President's budget here to -- to take into account the increase in the number of sales.

SHELLEY MOORE CAPITO:

Right. And -- and they can certainly use it. And we know we want accurate records. We want good records. And I mean they're working 24/7 as you know. Recently FBI Director Christopher Wray stated during an interview that there is a 59 percent increase in police officer killings, that is officers being killed at a rate of almost one every five days.

This is alarming to me. We had one of these incidences in our hometown. It's -- it's occurring at ambushes and attacks. You're asking for more money in \$30 billion in mandatory spending for law enforcement help. What are you looking at in this area to further -- to -- to protect? I know hiring is an issue, but protecting our force.

And this is very concerning to me.

MERRICK GARLAND:

Well, it's extraordinarily concerning to me and to all of the 120,000 members of the Justice Department, most of whom are involved in law enforcement. So these are our brothers and sisters who are sometimes being targeted directly, sometimes being killed in the line of duty, and sometimes as a consequence of suicide.

So we have a -- an overall task force involving investigating threats, which includes in particular threats against law enforcement and -- and --

SHELLEY MOORE CAPITO:

-- Are you seeing the threats go up?

MERRICK GARLAND:

Yes, extraordinarily so. And you're right about the -- I think what -- I don't know the number that Director Wray cited, but I -- it sounds exactly right to me. The number is extremely worst -- worry -- worrying.

SHELLEY MOORE CAPITO:

Well, I'd like to see the focus of some of this new funding go into -- this precise issue. The suicide issue obviously is something that's deeply troubling as well. I think a lot of it is the lack of respect for law enforcement in certain areas of the country around the country. We're having trouble hiring in. We tried to do -- we tried to do reform, couldn't get it across the finish line to try to help our local law enforcement recruit train.

You know Dubai's [ph] training and all kinds of things that we see are issues within -- within our police department, but I'm very, very concerned about this. Let me ask you another question. I noticed in your -- in your statement that you're going to create a division to combat climate crisis. The reason I'm asking -- I'm interested in this is I'm on the EPW Committee, I'm the Ranking Member there, there is a lot of enforcement at EPA and other places on environmental justice, you're going to create a new office for environmental justice.

I mean are these directives coming from the White House? Why now? And -- and why with all of the other efforts that are going on throughout all the different cabinet positions in the -- in -- in the government, is this something that you're putting a high priority on right now?

MERRICK GARLAND:

So I think you -- you rightly noted it's not a division, it's an office within our already existing environment division. The reason is that there is responsibilities both in the environment division and in the Civil Rights Division. And so a coordination of -- particularly on the environmental justice issue requires coordination between --

SHELLEY MOORE CAPITO:

Is that not being handled in other areas? Like for instance in the EPA [ph] enforcement in their Environmental Justice Office?

MERRICK GARLAND:

Well, I'll be honest, I don't know about their environmental justice office, but we have a civil rights division which does prosecutions for civil rights violations. We have the environment division which does the affirmative cases. And we wanted to have some coordination between the two. That's the reason for having this law.

SHELLEY MOORE CAPITO:

Well, I think I've mentioned about three things I would put in front of this. And thank you so much.

JEANNE SHAHEEN:

Thank you, Senator Capito. We will now take a break. We will reconvene at 11:30. Thank you. [Recess] [In progress]

UNIDENTIFIED:

Murkowski, who is next.

LISA MURKOWSKI:

Thank you. Madam Chairman. Mr. Attorney General, welcome. Before I begin asking my questions, I wanted to note that when Senator Leahy was asking you about the VOCA Fix, I know that that's something that we are monitoring very, very, very carefully. We worked hard to make sure that we had \$5 million for the victim's service organizations in Alaska to help.

That was a real panic cry that we heard from the state, and I am concerned. Senator Leahy has emphasized making this a priority, but I want to make sure that we're not in a situation where we're looking again, realizing we're not measuring up here. There's a gap. So if there is any kind of alternative funding our line items to ensure that our victim's organizations are able to receive this, I certainly hope that the department is looking at that.

And he also raised an issue with regards to some of the new grant programs in VAWA, that for reasons known or unknown, have not been reflected in the President's budget, and you indicated--you know, you weren't sure what those might be. Some of the ones that we have looked at are those grant programs, the new grant programs,

focused on expanding access to Sains [ph] as well as to medical forensic examinations.

So my hope is that this was just a matter of timing, not a deliberate choice to overlook those very important, certainly in rural states like Alaska. So we just underscore that when we--when Senator Leahy raises these issues, I am right there with him. So to the issue of VAWA, and as you know, this was something that I've been working on for a long period of time and was very pleased that we were able to advance this, get it signed into law, contained within the VAWA reauthorization is the--and the tribal title.

We have the Alaska Public Safety Empowerment Pilot. What we're really trying to do here is to be able to provide a level of justice in areas in my state where they simply have none. We want to get to these remote, rural villages, not necessarily those on the road systems. What we want to do is empower--is supplement, basically the work that the state is doing with regards to public safety.

We're not creating Indian country. We're not taking jurisdiction away from the state. But as you know, the attorney general in consultation with the Secretary of interior is directed to establish a process to designate those Indian tribes that can participate in the pilot. So the question to you this morning is, what do you anticipate in terms of the Department of Justice plan to begin this process?

How do you see this moving forward? We also direct the creation of an Alaska tribal public safety advisory committee not later than a year. So I'm just asking this morning if you can share how the President's budget will support the Alaska Public Safety Empowerment Pilot, as well as the Public Safety Advisory Committee.

MERRICK GARLAND:

Yeah. So I'm very grateful for everything that you did with respect to getting VAWA reauthorized. Of course, the Justice Department has been full on in support of this all along. So we are in lockstep on this. We support the pilot program. We think it's an important ability of authority to bring the--to prosecute these and investigate these matters.

We can't just leave them undone. So I'm very eager to get the pilot going, to get the villages decided, likewise with the commission. So I don't see any reason why we won't be able to be on time on our marks for this.

LISA MURKOWSKI:

Well, know that we would like to be working with you to understand what those timelines are to help with the expectations of folks back home. Last question for you relates to the Bureau of Prisons. Currently, Alaska does not have any federal facilities to house our federal inmate population within this state.

We have seen considerable-- -- Growth. Over the years, the number of federal inmates has grown from just a few hundred to over a thousand. And what happens then is many of these individuals are sent to serve their sentences at facilities outside the state, sometimes two to 5,000 miles away from their homes.

I have sent you a letter. Sent it back in March of this year asking that you consider a feasibility study working with the Bureau of Prisons to -- to conduct a new feasibility study. It hasn't been done for a period of time. It was -- it was apparently about two decades ago. A lot has changed in Alaska since then.

But I would ask that you -- you look at this. We've not heard a response back. So if you can take a look at this and -- and again try to work with us on a new feasibility study, but also willing to work with the Bureau of Prisons to obtain additional halfway house bed space in Alaska. Currently, we have only 39 beds for the entire state of Alaska.

All of them are located in Anchorage. So if you could perhaps follow up with me on those two asks, it would be greatly appreciated.

MERRICK GARLAND:

I'll be happy to have our team speak to yours or the two of us speak directly. I would be very happy to.

LISA MURKOWSKI:

Very good. Thank you. Thank you, Madam Chair --

JEANNE SHAHEEN:

-- Thank you, Senator Murkowski. Senator Braun.

MIKE BRAUN:

Thank you, Madam Chair. As I was going to another committee hearing and I just talked to Madam Chair, we had three of them at the same time today. It seems like we could organize ourselves a little better. I was listening to your conversation with Senator Hagerty and I did not hear the end result. And I'm assuming he probably asked do we need a special prosecutor to look into the Hunter Biden, you know, affair.

Do you think we need to? And I would then have one follow up question to that. So do we need a special prosecutor to look into that?

MERRICK GARLAND:

So as you know, the investigation is being run and supervised by the United States Attorney in Delaware who is an appointee of the previous Administration and continues on as the United States Attorney. The question of whether to have a special counsel is one that -- it's an internal decision making in the Department.

So I -- I don't want to make any judgments one way or the other. But I'm -- I'm quite comfortable with the United States Attorney for that district continuing in the role that he's playing.

MIKE BRAUN:

So a follow up question that would be of course special prosecutor or prosecutor counsel Mueller, you know, was assigned in that whole Steele dossier issue which now has been debunked. If you had been in that capacity then, do you think a special counsel was needed there as well?

MERRICK GARLAND:

It's hard to put myself back into -- into that circumstances. Then, of course, there would be a different -- for me to be in that position there would have been a different President. So I -- I'm -- I'm not sure I can answer that hypothetical.

MIKE BRAUN:

Well, it's obvious that that would be a question that many would wonder about in terms of what that standard is, what that consistency is. And it seems like it would be the same from one Administration to the next. Got a question that -- that really is probably more pertinent in the sense that what's happening on our southern border is confusing in the sense that the Administration says we don't have enough resources.

It's done things from the beginning that is -- I was down there with 17 other Senators roughly a year ago. And to give you a description of the immensity, it had gone from record low illegal crossings. And I'm one that believes we need to secure the border and then roll our sleeves up and fix all the issues associated with it. We were -- had risen from I think 40,000 to 70,000. This last month it was 212,000. I think 60 some thousand got away.

I mean it has exploded beyond anybody's imagination, I think, self-induced. And then there are conflicting statements that part of it's due to not having enough resources. Are we resourced at the border properly? And that would be how we address any illegal crossings. That seems to be delegated to lower levels of authority.

Isn't that confusing? And in light of the issue in terms of where it's at, do we need to do something differently? And does your office need to be outspoken about trying to fix it?

MERRICK GARLAND:

So I -- I want to be careful about explaining what our -- our role is because we are -- we do need more resources. I think most of the resources you're referring to are Department of Homeland Security resources. So I'll leave that for that Secretary to express what they need. But we have asked for \$1.35 billion for our immigration courts, one billion of which is to reduce the immigration court backlog.

So the thing is that our job is to run the immigration courts after we get referrals from DHS. So we have already onboarded everyone we can as immigration judges. We asked in fiscal year 22 for 100 more. Again, no fault of this committee because you gave us the right mark, but as a consequence of the omnibus that was not funded.

So we're asking for 200 new immigration judge teams, a total of 1,200 new staff for that purpose. That's the -- we've also asked for money for a virtual court initiative so that we can run these court proceedings more efficiently and more effectively and from whatever area. If we get the additional immigration judges, we will move them to the border.

We're already going to be moving them to the border as it is.

MIKE BRAUN:

And can you describe what your request is compared to what it was in prior years? What magnitude of difference?

MERRICK GARLAND:

So yeah, it's -- it's an additional 1,200 staff for --

MIKE BRAUN:

-- In addition to how much before? So we --

MERRICK GARLAND:

-- Well it will bring us to a total of 834 IJs. The staff includes all their clerks, et cetera. So with 200 more we'll get to 834. So 834 minus 200 was 634 is what we had before.

MIKE BRAUN:

And just with the arithmetic I put out there earlier, the problem has quadrupled or quintupled. So it would beg the question are we putting enough resources to it or is it kind of lip service because we know it's become a big issue? I -- I would advise maybe that might not be adequate given the magnitude of the current problem.

It's still predicted to go up even by 50 percent more.

MERRICK GARLAND:

So that's a fair question, Senator. Of course, we didn't get what we asked for the last time so we're trying to be realistic about what we can ask for. But resources are not the only thing we're doing. We've also adopted a new asylum officer rule with DHS so that asylum decisions are made by the asylum officers not by the IJs -- IJs, immigration judges.

So they won't have to do that. And then if there are denials, there'll be a streamlined process which should reduce the amount of time from current four years to six months. We also have a dedicated dockets in order to be able to better distribute the works am -- work among our IJs. So it's a combination of things.

We want more resources and we're trying to streamline the whole process and put more of the work --

MIKE BRAUN:

-- I don't think in the --

JEANNE SHAHEEN:

-- Thank you, Senator Braun.

MIKE BRAUN:

Okay. Thank you.

MERRICK GARLAND:

I'm sorry.

JEANNE SHAHEEN:

I know that Senator Moran and I both have a second round of questions that we would like to do. It's not clear that anyone else is interested. I don't know, Senator Braun, if you also have another round. But mine are relatively brief. So I will go ahead. You were discussing with Senator Capito the horrific issue of police being targeted and also suicides.

As I'm sure you're aware, there's no comprehensive national data collection regarding police suicides. So in FY 2020 we directed the Bureau of Justice Statistics to maintain a dataset and report on police suicides for federal, state, and local law enforcement. Unfortunately, BJS has not moved forward on collecting this data.

We provided stronger directives as well as three million dollars for that data collection effort in the FY 2021 bill. But still nothing. So were you aware of the delays with this project? And -- and what we -- can we do to try and collect this data? Because it's -- as you know, it's really critical to figuring out how do we -- how we respond.

We need to have information so we can think about what we can do to address what is becoming more and more of

a challenge nationwide.

MERRICK GARLAND:

Well, I am aware. I -- I understand that BJS will be submitting its report within the next couple of months. I'm not sure exactly how many months is it? In -- in about eight weeks I'll have an -- Update for you on this--on where they are on this.

JEANNE SHAHEEN:

Good. Well, I look forward to getting that. And we've had--sadly, we've had some high-profile suicides in New Hampshire. And I also look forward to working with the department on what we can do to address the challenge of suicide within our law enforcement agencies. So thank you. I'm pleased to hear that we should expect something soon.

Unfortunately, I missed a couple of the discussions around what's happening with fentanyl, because I had to step out. But I know that on Thursday the administration released their national drug control strategy. Like so many states, New Hampshire is one that has had way too many overdose deaths because of fentanyl.

And I wondered if you could give us a little insight into how resources are being shifted within the department to respond to that strategy and how that might impact small states like New Hampshire, which are struggling with this challenge?

MERRICK GARLAND:

Yeah. So of course--we have been involved in the development of the strategy and in the most simple form, there's two sides to this. There's the enforcement against the drug trafficking organizations and there's the health challenges for those who are addicted to try to get them off of the addiction and take care of them.

So on the drug trafficking side--you know, we're asking for \$9.8 billion across DOJ to counter drug trafficking. The principal agency for us of course is the DEA for \$3.1 billion, which is \$102 million increase for counter drugs. Fentanyl is at the very top of the list of the concerns. When I was at the border, I saw the same problems that everybody else is reporting, of--these are very tiny pills.

And as the DEA administrator makes clear, one pill can kill and the odds--you know, it's like playing Russian roulette because some of these pills are overdose pills. So that's an extraordinary part of what we're doing. We've asked for money for marshals and for the US attorneys and for the FBI. The FBI is particularly targeting fentanyl and opioid trafficking on the dark web.

And as we announced within the last two weeks, we took down the largest dark web drug marketplace to prevent the way in which some people are getting it, which is online at this point. So there's a number of different things here. Criminal Division has money in the budget for the regional opium task--opium strike forces.

And then there are COPS grants under the COPS Program for anti-heroin and anti-meth task forces. So that's on the enforcement side. On the overdose addiction side, we've asked for \$418 million for the Comprehensive Addiction Recovery, the CARA Act grants. We've asked for \$190 million for the COSSA program, that's Comprehensive Opioid Stimulant and Substance Abuse grants, and another \$75 million for mental health and substance use grants.

Money for drug courts, \$95 million for veterans' treatment courts and for our consumer protection branch, which tries to stop those who are over subscribing and improperly over dispensing opioids. So it's a--you know, it's a two-pillar issue here for us. I can't think of anything more important or anything more tragic than what fentanyl is doing to the American people.

JEANNE SHAHEEN:

Well, thank you. I certainly agree with that and hope that as this strategy is rolled out that considerable thought will be given to rural parts of the country and small states like New Hampshire, which may appear positively on lots of scales with respect to income level and resources, but in fact have been very hard hit and really need help.

Thank you very much. Senator Moran?

JERRY MORAN:

Chairwoman, thank you. General, thank you for your presence today. Just a couple more questions, perhaps a follow up to a couple of my colleagues' questions. But first of all, I'd like to start with Title 42 and your conversation

with Senator Braun. I think your answer to him was more prospectively what might transpire in the need for additional resources in the future.

I would like to highlight or focus on this year, your budget request that's in front of us now. I know there's some uncertainty with federal judge in New Orleans in a decision, but it seems to me that, my view, this is a pretty reckless decision, but the--because the estimates are about 14,000 migrants could begin crossing the border per day after Title 42 ends on May the 23rd. That has to have enormous resource consequences for the federal government.

I think Homeland Security is already talking about additional--running out of money and needing additional dollars. ICE and Border Patrol, it's estimated could be out of funds by July of this year. What about the impact on DOJ components, marshals, immigration courts, US attorney's offices, have you prepared any estimates?

Has the department prepared estimates as to what the increasing expenditures may be this year, unaccounted for in your budget request?

MERRICK GARLAND:

I don't know that we have--I don't think we have those numbers now, but we can--I think our staff can work with yours. There's no question that there will be an increase in US attorney resources needed along the southern border. We've hired, with respect to the IJs, as I was telling Senator Braun, we've hired all the way up under the current appropriation.

So without more, we won't be able to increase the numbers. We are doing everything we can to streamline the system and to move people--the IJs to the borders to assist there. But look, we're always happy for more money and I'll be happy to have our staff speak with the subcommittee staff about that.

JERRY MORAN:

Well, General, I mean, the crux of my conversation with you in--earlier in today's hearing generally revolved around violent crime. And my view is that the consequence of what the administration is determined to do with Section 42 can't be compensated for by removing resources, going to fight violent crime.

The border and violent crime are clearly related, significantly related, but you--and I remember visiting the border and what stood out to me is that when we were housing the juveniles on the border, 40 percent of the Border Patrol agents were then in the housing business, not in the Border Patrol business.

And I think there's an analogy there of something the Department of Justice must avoid, which is to take resources away from something that is a crisis already to address the crisis that is going to occur with the removal of 42. That make sense?

MERRICK GARLAND:

Yes, and I assure you, we don't want to remove the money that we need to fight violent crime, to put it anywhere else.

JERRY MORAN:

Has the Department either volunteered or been tasked with providing DOJ personnel to support DHS during this crisis?

MERRICK GARLAND:

I don't know what the--

JERRY MORAN:

--US marshals?

MERRICK GARLAND:

Yeah. Well, yes, but to be clear, we don't do border patrolling. None of our law enforcement is able to do--is trained for that or anything else. The Bureau of Prisons is going to make busses available and--for the transfers that the Border Patrol needs assistants for. And the Marshals Service is going to be providing additional deputy US marshals to assist CBP at the border.

But I don't want to overstate how much that is because our ability to make those contributions is not large.

JERRY MORAN:

Thank you. Senator Shaheen visited with you about drugs in particular, rural and and small states. You and I had a conversation probably as you were being confirmed about rural law enforcement departments. And I ask you and you agreed, and I think you've pursued making certain that rural agencies, small agencies in particular, have a fair shot at getting the federal resources.

Anything that you can do to update or anything that you would request of me to make that more--less onerousome [ph] and more likely?

MERRICK GARLAND:

I think we have been doing that. We've made it easier to make app--for small law enforcement agencies, particularly the rural ones that you're speaking of, to make the applications for the grants. I will tell you that on my recent trip to US attorney's offices to talk to law enforce--joint law enforcement task forces in Colorado and Louisiana in particular, met with rural sheriffs.

And--you know, I wanted to make sure that these task forces were not only focused on the cities but were focused on helping the rural sheriffs as well. And both of those circumstances at least we got considerable affirmation that is working well. That--you know, this is-- The -- the rural law enforcement provides the boots on the ground who know the people in the community and the federal law enforcement, DEA, FBI, ATF, Marshals are able to provide the technology and the skills sets necessary to, you know, find people who cross the border from one jurisdiction into another and to bring them back.

So, this is anecdotal, but my anecdotal work suggests very good cooperation in these joint task forces.

JERRY MORAN:

Thank you. My -- my time is more than expired. I just would mention one other thing and -- and perhaps there could be a follow up by you or your staff. I am surprised that the DOJ's only -- is only requesting -- your budget request is only an additional \$68.6 million to investigate and prosecute cyber-crime, including 52 million at the FBI and 15 million at the US Attorney's Office.

The magnitude of the problem is can't -- I can't imagine be -- can be addressed with that -- with that minimal or modest amount.

MERRICK GARLAND:

Well, I -- I -- maybe my numbers are -- look a little different than yours --

JERRY MORAN:

-- All right --

MERRICK GARLAND:

-- My -- mine show up more than \$1.2 billion to address cybersecurity and cyber-crime across the country. The increases are 15 million for 50 more US Attorneys to bring these cases, for another \$88 million for additional 75 FBI personnel to -- to bring these cases. And then for our own cybersecurity for the Justice Department and all the law enforcement agencies, 115 million.

So I'm not sure why the numbers are --

JERRY MORAN:

-- I -- no, I may have -- I may have misspoken or certainly at -- at minimum was confusing. Those are the increases, not the total amount ex --

MERRICK GARLAND:

-- We -- we did get --

JERRY MORAN:

-- Over enacted levels.

MERRICK GARLAND:

We did get more money in -- in the -- in the recent supplemental because of Ukraine. I can promise you we expect to ask for more money. And part of the money we're going to ask for is cyber defense, because we're -- we're quite worried obviously about that. Other money in there will be for -- I'm -- I'm trying to decide whether to call it KleptoCapture or just our sanctions task force, but it's the Klepto ta -- Capture task force.

So we'll be asking for additional money, but you all -- you did give us more money in the supplemental on this as well.

JERRY MORAN:

General, thank you. Thank you for joining us. And I did agree with Senator Shaheen to -- to help her -- work together with her to see that we get the US Attorney process back under a fashion in which we get some confirmations to conclude.

MERRICK GARLAND:

That would be great. Thank you.

JEANNE SHAHEEN:

Thank you, Senator Moran, on both counts.

JERRY MORAN:

Senator Graham.

LINDSEY GRAHAM:

Thank you. Good morning. So on -- on the Russia front, we had lunch and I really appreciate what you and your team are doing. There's a lot on your plate. You know, you wanted money in the supplemental. Is there any additional authority you need from Congress to be more aggressive in terms of going after the oligarchs and kleptocracy?

Do you need any legal changes?

MERRICK GARLAND:

Yeah. So I'm -- I thank you for asking for -- about that. We have been very carefully examining that question and I expect that there will be requests for legislative changes. These could go particularly in the way in which we do the forfeitures to make it easier for us to do the forfeitures. I -- I think I mentioned earlier also the possibility of taking money out of the forfeiture fund that we collect this way and sending it to Ukraine.

So there -- the answer is yes --

LINDSEY GRAHAM:

-- Okay --

MERRICK GARLAND:

-- And we are hard at work on it. And I expect very soon, within days probably, that the Administration will be able to represent some requests.

LINDSEY GRAHAM:

Well, good, Mr. Attorney General. I think there'll be a receptive audience to give you more money if that's what it needs to go after the -- the people who've profited from destroying the Russian economy. Along that line there's articles in the paper about family members that have been used by Putin to -- to sort of launder money, and talk of a girlfriend in Sweden.

Do you know anything about an effort to bring sanctions against her?

MERRICK GARLAND:

First answer is no. And the second answer, I guess, is if I did know I wouldn't be able to discuss it --

LINDSEY GRAHAM:

-- Okay. Fair enough --

MERRICK GARLAND:

-- This is a Treasury Department issue --

LINDSEY GRAHAM:

-- Yeah. I just -- right. I just -- I would encourage you to put everything on the table. When it comes to Afghanistan, have you been briefed recently about the possibility of terrorism emanating from Afghanistan into the United States? Has that threat level gone up or down or do you know?

MERRICK GARLAND:

Yeah. The details of that I'd have to defer to a classified briefing.

LINDSEY GRAHAM:

Okay. All right. That's fair.

MERRICK GARLAND:

I think it is fair to say that we are constantly concerned about the risk that ISIS-K will try to mount something in the United States. Likewise, continuing with respect to Al-Qaeda. But the FBI is putting all its -- enormous amount of resources into preventing that as our -- as is the intelligence community outside the United States.

LINDSEY GRAHAM:

Okay. Well, let's stay in touch on that. Sort of back to the border. This idea of taking Title 42 out of the toolbox in terms of a way to deal with illegal immigrant crossings. Do you believe if Title 42 is repealed there would be a surge at the border?

MERRICK GARLAND:

I -- as I -- I think it's important for me to explain our role in this. And -- and the Justice Department's only role is when the CDC makes its assessment as it did and asks us to appeal for us to determine whether that would be lawful. And the department concluded that the CDC's --

LINDSEY GRAHAM:

-- But you -- but you're in charge -- I'm sorry. Go ahead, finish your thought.

MERRICK GARLAND:

Yeah. And so that -- that was -- so. I think to answer the other part of your question, I think all intelligence suggests that there will be a large increase in the border. Yes.

LINDSEY GRAHAM:

Now when it comes to drugs, migrants --

MERRICK GARLAND:

-- Yeah, right --

LINDSEY GRAHAM:

-- When it comes to drugs coming into the United States from the southern border, in the last year has that problem gotten better or worse?

MERRICK GARLAND:

I don't know what the numbers are. I mean, it is obviously the case that the -- the -- the transportation of fentanyl particularly has increased. Fentanyl is much easier -- it's much more compact, much smaller, goes a longer way. The smugglers, particularly in the trucks, have developed ways to hide it even from our x-rays.

LINDSEY GRAHAM:

Yeah.

MERRICK GARLAND:

So that problem of fentanyl crossing the border -- border has definitely increased in a way that makes all of us very worried.

LINDSEY GRAHAM:

Okay. So when it comes to -- to your role in all this, if Title 42 is repealed and we get a surge, there's an increase in fentanyl coming across the border and the leading cause of death for Americans from 18 to 45 they tell me is fentanyl overdose. Do you think this budget and the game plan for the Biden Administration is -- will be effective against this increase?

MERRICK GARLAND:

I think that the budget that we've asked for for drug trafficking and drug interdiction, which is \$9.8 billion, is -- is -- is a huge amount and an enormous allocation of America's resources in this respect. But again, our job is different than the Department of Homeland Security's job. So I can't speak --

LINDSEY GRAHAM:

-- No, I -- I got you --

MERRICK GARLAND:

-- I can't speak to their resources.

LINDSEY GRAHAM:

And I'll try to wrap up here. But drug interdictions are dramatically less than they were in FY 2021. We had 913,000. That's how much drugs were -- were interdicted. Now we're at 340,000. It seems to be that interdiction is going down. So my basic question is do you consider the border in a state of crisis?

MERRICK GARLAND:

I think as you rightly pointed out, there's going to be a lot of -- intelligence suggests there'll be a lot of people -- a lot more people migrating at the border.

LINDSEY GRAHAM:

The reason I mention it is I believe it is. I believe that the amount of drugs coming across are unprecedented. The amount of people coming across the border illegally is unprecedented. Seems to be every trend line is getting worse. And to be honest with you, Mr. Attorney General, I think we need to go all in, all hands on deck of controlling our border.

And do you believe that what we have in place through this budget and the system as a whole that we can expect to turn this around?

MERRICK GARLAND:

I think that the money with respect to the Justice Department, which is the only thing I can speak to, I think that if you give us the increased resources that we're asking for we can do our job.

LINDSEY GRAHAM:

Okay. So six months from now we'll -- we'll see. Thank you.

JEANNE SHAHEEN:

Thank you, Senator Graham. If there are no further questions this afternoon, Senators can submit additional questions for the official hearing record. We request the Department's responses within 30 days of receiving those. And the subcommittee stands in recess until Tuesday, May 3rd when we will hold a hearing on the budget requests of NASA and the National Science Foundation.

Thank you very much, Mr. Attorney General, and to all of your staff.

MERRICK GARLAND:
And thank you.

List of Panel Members

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