

## Hunt, Jody (OAG)

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**From:** Hunt, Jody (OAG)  
**Sent:** Thursday, February 23, 2017 1:32 PM  
**To:** Hankey, Mary Blanche (OAG); Bressack, Leah (ODAG); Crowell, James (ODAG)  
**Subject:** FW: Followup to Recommendations  
**Attachments:** Willard Cover Letter (USMS).pdf; Chief Willard Resume.pdf; Scott Murray Resume.pd (b) (6) Resume February 2017.pd (b) (6) .pdf

FYI from Senator Ayotte . . .

**From:** Kelly Ayotte [mailto: (b) (6) ]  
**Sent:** Thursday, February 23, 2017 12:42 PM  
**To:** Jody.Hunt@usdoj.gov  
**Subject:** Followup to Recommendations

Dear Jody,

I apologize I accidentally prematurely hit send on my prior email. Please ignore that email as it is incomplete. Thank you for your important service to the country. I am thrilled to see Jeff serving as Attorney General. I wanted to write for your and General Sessions consideration, some recommendations for positions in NH and for ATF. I have three recommendations for your consideration:

- (1) US Marshall Manchester Police Chief, Nick Willard
- (2) County Attorney Scott Murray
- (3) (b) (6) ATF Director

First, I want to forward to you the resume of Chief Nick Willard for US Marshall. Nick was a vocal and loyal supporter to President Trump throughout the campaign, including having President Trump visit his police department and meet his men and women in uniform during the campaign. He is chief of the largest department in NH and is a leader on addressing our heroin epidemic. He is also incredibly well respected by law enforcement and the public in NH. When I was Attorney General, I worked directly with him prosecuting the only successful death penalty case in NH in 60 years, where we prosecuted a career criminal for murdering a decorated police officer in the line of duty.

Second, Merrimack County Attorney Scott Murray for US Attorney. I have included his resume. Scott is a conservative and an experienced and aggressive prosecutor who is very well respected by law enforcement in NH. He understands our heroin epidemic and knows how to address it. He also understands where our US Attorneys office could frankly be more aggressive in the enforcement of our laws against child predators and drug dealers.

Thir (b) (6) who is also a solid conservative. I have also attache (b) resum (b) understands the importance of enforcing our laws while protecting peoples Second Amendment rights (b) is someone who I believe could gain approval in the Senate and have support from groups like the NRA focused on protecting our constitutional rights (b) (6)

(b) (6)

Thank you very much for your consideration. Please don't hesitate to call me if you have any questions.

Sincerely,  
Senator Kelly Ayotte

(b) (6)

## Hunt, Jody (OAG)

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**From:** Hunt, Jody (OAG)  
**Sent:** Thursday, February 23, 2017 1:34 PM  
**To:** Hanrahan, Peggi (OAG)  
**Subject:** FW: Followup to Recommendations

JBS may wish to know about this communication. I have forwarded the resumes and recommendation to Mary Blanche, Leah Bressack, and Jim Crowell. . .

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**From:** Kelly Ayotte [mail (b) (6)]  
**Sent:** Thursday, February 23, 2017 1:29 PM  
**To:** Hunt, Jody (OAG) <Jody.Hunt@usdoj.gov>  
**Subject:** Re: Followup to Recommendations

Dear Jody,  
Thank you very much. Please also let me know if I can help the Attorney General or you in any way.  
Best wishes, Kelly

Sent from my iPhone

On Feb 23, 2017, at 1:24 PM, Hunt, Jody (OAG) <[Jody.Hunt@usdoj.gov](mailto:Jody.Hunt@usdoj.gov)> wrote:

Dear Senator Ayotte,

Thank you for the kind note and for the recommendations. I will see to it that the Attorney General is made aware of this, and I will endeavor to get the resumes (along with your recommendations) into the right hands for consideration.

It was a pleasure meeting you last week. Let us know if we can do anything to be helpful.

Warmest regards,  
Jody

**From:** Kelly Ayotte [[mail](#) (b) (6)]  
**Sent:** Thursday, February 23, 2017 12:42 PM  
**To:** [Jody.Hunt@usdoj.gov](mailto:Jody.Hunt@usdoj.gov)  
**Subject:** Followup to Recommendations

Duplicative Material



**Bressack, Leah (ODAG)**

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**From:** Bressack, Leah (ODAG)  
**Sent:** Thursday, February 23, 2017 1:35 PM  
**To:** Hunt, Jody (OAG)  
**Subject:** Re: Followup to Recommendations

Thanks for passing along Jody.

> On Feb 23, 2017, at 1:32 PM, Hunt, Jody (OAG) <johunt@jmd.usdoj.gov> wrote:  
>

Duplicative Material





**Tucker, Rachael (OAG)**

---

**From:** Tucker, Rachael (OAG)  
**Sent:** Monday, March 13, 2017 9:35 AM  
**To:** Henry C. Whitaker (OLC [REDACTED] (b)(6) per OLC  
**Subject:** FW: !DUE BY 10AM, MONDAY, 3/13/2017! (OLA WF 115056) FW: LRM [TM-115-13] SAP on HR1181 - Veterans 2nd Amendment Protection Act  
**Attachments:** SAP- HR1181 - Vets 2nd Amdt- CIRC DRAFT.DOCX; BILLS-115hr1181ih.pdf; 115056 Control Sheet.DOC; Veterans Second Amendment Protection Act, H.R. 1181.docx

Are you working on this?

---

**From:** Flentje, August (CIV)  
**Sent:** Monday, March 13, 2017 9:23 AM  
**To:** Francisco, Noel (OSG) <nfrancisco@jmd.usdoj.gov>; Panuccio, Jesse (OASG) <jpanuccio@jmd.usdoj.gov>; Aminfar, Amin (ODAG) <amaminfar@jmd.usdoj.gov>; Bachman, Bryson (OASG) <bbachman@jmd.usdoj.gov>; Bylund, Jeremy (OASG) <jbylund@jmd.usdoj.gov>; McHenry, James (OASG) <jmchenry@jmd.usdoj.gov>; Murray, Brian (OASG) <bmurray@jmd.usdoj.gov>; Murray, Michael (ODAG) <mmurray@jmd.usdoj.gov>; Parker, Rachel (OASG) <racparker@jmd.usdoj.gov>; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>  
**Cc:** Readler, Chad A. (CIV) <creadler@CIV.USDOJ.GOV>  
**Subject:** FW: !DUE BY 10AM, MONDAY, 3/13/2017! (OLA WF 115056) FW: LRM [TM-115-13] SAP on HR1181 - Veterans 2nd Amendment Protection Act

Are you guys aware of this [REDACTED] (b) (5)

[REDACTED]

**From:** "Brooks, Roshelle (OLA)"  
<[Roshelle.Brooks@usdoj.gov](mailto:Roshelle.Brooks@usdoj.gov)>  
**Date:** March 10, 2017 at 5:06:26 PM EST  
**To:** [REDACTED] (b)(6) per ATF >,  
ATF <[ATFExecSec2@atf.gov](mailto:ATFExecSec2@atf.gov)>, ATF Intergov Affairs  
<[IntergovernmentalAffairs@atf.gov](mailto:IntergovernmentalAffairs@atf.gov)> [REDACTED] (b)(6) per ATF .  
(ATF) [REDACTED] (b)(6) per ATF [REDACTED] (b)(6) per ATF  
(ATF) [REDACTED] (b)(6) per ATF "Policy, CRT (CRT)"  
<[CRT.Policy@usdoj.gov](mailto:CRT.Policy@usdoj.gov)>, "Bullock, Bob (A2J)"  
<[Bob.Bullock@usdoj.gov](mailto:Bob.Bullock@usdoj.gov)>, "policy, civil (CIV)"  
<[civil.policy@usdoj.gov](mailto:civil.policy@usdoj.gov)>, "USAE0-Legislative (USA)"  
<[USAE0.Legislative](mailto:USAE0.Legislative) [REDACTED] (b)(6) per EOUSA, "Brink, David"  
[REDACTED] (b)(6) per CRM >, "Hendley, Scott"  
[REDACTED] (b)(6) per CRM >, "Lofton, Betty"  
[REDACTED] (b)(6) per CRM >, "Morales, Michelle"  
[REDACTED] (b)(6) per CRM >, "Opl, Legislation"  
[REDACTED] (b)(6) per CRM >, "Wroblewski, Jonathan"  
[REDACTED] (b)(6) per CRM >, [REDACTED] (b)(6) per NSD  
[REDACTED] (b)(6) per NSD

(b)(6) per NSD >, (b)(6) per NSD  
(b)(6) per NSD  
(b)(6) per NSD  
(b)(6) per NSD  
(b)(6) per NSD  
"NSD LRM  
Mailbox (NSD)" <[NSD.LRM.Mailbox@usdoj.gov](mailto:NSD.LRM.Mailbox@usdoj.gov)>,  
"Forrester, Nate (OLC)" (b)(6) per OLC,  
"Guarnieri, Matthew (OLC)"  
(b)(6) per OLC >, "Koffsky, Daniel L  
(OLC) (b)(6) per OLC", "Tutt, Andrew  
(OLC) (b)(6) per OLC", "Whitaker, Henry C.  
(OLC) (b)(6) per OLC >, "Davis, Valorie A  
(OLP)" <[Valorie.A.Davis@usdoj.gov](mailto:Valorie.A.Davis@usdoj.gov)>, "Matthews, Matrina  
(OLP)" <[Matrina.Matthews@usdoj.gov](mailto:Matrina.Matthews@usdoj.gov)>, "White, Cleo  
(OLP)" <[Cleo.White2@usdoj.gov](mailto:Cleo.White2@usdoj.gov)>  
Cc: "Ramer, Sam (OLA)" <[Sam.Ramer@usdoj.gov](mailto:Sam.Ramer@usdoj.gov)>,  
"Cheng, Ivy (OLA)" <[Ivy.Cheng@usdoj.gov](mailto:Ivy.Cheng@usdoj.gov)>, "Brown,  
Hunter D. (OLA)" <[Hunter.D.Brown@usdoj.gov](mailto:Hunter.D.Brown@usdoj.gov)>,  
"Barnett, Gary (ODAG)" <[Gary.Barnett2@usdoj.gov](mailto:Gary.Barnett2@usdoj.gov)>,  
"Swanson, Matthew L. (ODAG)"  
<[Matthew.L.Swanson@usdoj.gov](mailto:Matthew.L.Swanson@usdoj.gov)>, "Bachman, Bryson  
(OASG)" <[Bryson.Bachman2@usdoj.gov](mailto:Bryson.Bachman2@usdoj.gov)>, "Gunn, Currie  
(OASG)" <[Currie.Gunn@usdoj.gov](mailto:Currie.Gunn@usdoj.gov)>, "Parker, Rachel  
(OASG)" <[Rachel.Parker@usdoj.gov](mailto:Rachel.Parker@usdoj.gov)>  
Subject: !DUE BY 10AM, MONDAY, 3/13/2017! (OLA  
WF 115056) FW: LRM [TM-115-13] SAP on HR1181 -  
Veterans 2nd Amendment Protection Act

**PLEASE PROVIDE  
COMMENTS TO  
IVY CHENG/OLA,  
BY NO LATER  
THAN 10am,  
MONDAY,  
3/13/2017.**

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**From:** Messenger, Thad T. EOP/OMB  
[mailto: (b)(6) per OMB]  
**Sent:** Friday, March 10, 2017 4:04 PM  
**To:** 'DEFENS (b)(6) per DOD >;  
'HHS' <[lrn@hhs.gov](mailto:lrn@hhs.gov)>; 'DHS'  
(b)(6) per DHS >; 'JUSTICE'  
<[justice.lrm@usdoj.gov](mailto:justice.lrm@usdoj.gov)>; 'VA (b)(6) per VA >  
**Cc:** Sandy, Mark S. EOP/OMB  
(b)(6) per OMB; DL-OMB-NSP-NSD-  
VAD (b)(6) per OMB >; DL-  
OMB-NSP-NSD-OP (b)(6) per OMB  
>; Overstreet, Tyler J. EOP/OMB  
(b)(6) per OMB; August, Lisa L.  
EOP/OM (b)(6) per OMB; Tatham,  
Steph J. EOP/OM (b)(6) per OMB;  
Moncada, Kirsten J. EOP/OMB  
(b)(6) per OMB >; Neuman, Melissa K.  
EOP/OM (b)(6) per OMB >; DL-  
OVP-LR (b)(6) per OMB >; DL-WHO-  
WHGC-LR (b)(6) per OMB >; Nusraty, Tim  
H. EOP/OM (b)(6) per OMB >; Vaeth,  
Matt J. EOP/OM (b)(6) per OMB;  
Menard, Barbara A. EOP/OMB  
(b)(6) per OMB >; Messenger, Thad T.  
EOP/OMB < (b)(6) per OMB >;  
Anderson, Jessica C. EOP/OMB  
(b)(6) per OMB  
**Subject:** LRM [TM-115-13] SAP on HR1181 - Veterans  
2nd Amendment Protection Act

**DEADLINE: 12:00 Noon, Monday, March 13, 2017**

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**LRM ID: TM-115-13**

**EXECUTIVE OFFICE OF THE PRESIDENT**

**OFFICE OF MANAGEMENT AND BUDGET**

**LEGISLATIVE REFERRAL MEMORANDUM**

**Friday, March 10, 2017**

2020-002031 - #0007

**TO: Legislative Liaison Officer - See Distribution**

**FROM: Menard, Barbara (for) Assistant Director for Legislative Reference**

**OMB CONTACT: Thad Messenger**

**E-Mail** (b)(6) per OMB

**PHONE** (b)(6) per OMB

**SUBJECT: LRM [TM-115-13] OMB Statement of Administration Policy on HR1181 Veterans 2nd Amendment Protection Act**

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COMMENTS: Attached for your review, please find our draft SAP on H.R. 1181, the Veterans 2nd Amendment Protection Act. For your convenience, we also attach a copy of the bill text.

The bill was approved by the House Veterans Affairs Committee this week, and is expected to be considered on the House floor next week. This deadline is firm, and no extensions will be granted.

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. By the deadline above, please reply by e-mail or telephone, using the OMB Contact information above. Please also advise us if this item will affect direct spending or receipts for the purposes of the Statutory Pay-as-You-Go Act of 2010.

Thank you.

115TH CONGRESS  
1ST SESSION

# H. R. 1181

To amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2017

Mr. ROE of Tennessee (for himself, Mr. CONAWAY, and Mr. WENSTRUP) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

1 *Be it enacted by the Senate and House of Representa*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans 2nd Amend-  
5 ment Protection Act”.

1 **SEC. 2. CONDITIONS FOR TREATMENT OF CERTAIN PER-**  
2 **SONS AS ADJUDICATED MENTALLY INCOM-**  
3 **PETENT FOR CERTAIN PURPOSES.**

4 (a) IN GENERAL. Chapter 55 of title 38, United  
5 States Code, is amended by inserting after section 5501A  
6 the following new section:

7 **“§ 5501B. Conditions for treatment of certain persons**  
8 **as adjudicated mentally incompetent for**  
9 **certain purposes**

10 “Notwithstanding any determination made by the  
11 Secretary under section 5501A of this title, in any case  
12 arising out of the administration by the Secretary of laws  
13 and benefits under this title, a person who is mentally in-  
14 capacitated, deemed mentally incompetent, or experi-  
15 encing an extended loss of consciousness shall not be con-  
16 sidered adjudicated as a mental defective under subsection  
17 (d)(4) or (g)(4) of section 922 of title 18 without the order  
18 or finding of a judge, magistrate, or other judicial author-  
19 ity of competent jurisdiction that such person is a danger  
20 to himself or herself or others.”.

21 (b) CLERICAL AMENDMENT. The table of sections  
22 at the beginning of chapter 55 of such title is amended  
23 by inserting after the item relating to section 5501A the  
24 following new item:

“5501B. Conditions for treatment of certain persons as adjudicated mentally in competent for certain purposes.”.



**Terwilliger, Zachary (ODAG)**

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**From:** Terwilliger, Zachary (ODAG)  
**Sent:** Tuesday, March 14, 2017 6:32 PM  
**To:** Swanson, Matthew L. (ODAG); Cutrona, Danielle (OAG); Rybicki, David (OAG)  
**Cc:** Hunt, Jody (OAG); Crowell, James (ODAG)  
**Subject:** FW: (OLA WF 115056) FW: LRM [TM-115-13] SAP on HR1181 - Veterans 2nd Amendment Protection Act  
**Attachments:** BILLS-115hr1181ih.pdf; DOJ Comments on H.R. 1181 (Veterans 2nd Am. Protection Act).docx  
**Importance:** High

Matt,

Thank you for sending our way. I know we are on deadline

(b) (5)

Danielle or David, can you take a look at the 2 page comment document? I know this came up while the Attorney General was on the hill and want to ensure we are executing as he would see fit.

Thanks,  
Zach

---

**From:** Swanson, Matthew L. (ODAG)  
**Sent:** Tuesday, March 14, 2017 2:12 PM  
**To:** Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>; Michalic, Mark (ODAG) <mmichalic@jmd.usdoj.gov>; Murray, Michael (ODAG) <mmurray@jmd.usdoj.gov>; Sheehan, Matthew (ODAG) <msheehan@jmd.usdoj.gov>; Aminfar, Amin (ODAG) <amaminfar@jmd.usdoj.gov>; Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>  
**Cc:** Barnett, Gary (ODAG) <gbarnett@jmd.usdoj.gov>  
**Subject:** FW: (OLA WF 115056) FW: LRM [TM-115-13] SAP on HR1181 - Veterans 2nd Amendment Protection Act  
**Importance:** High

Hello all,

ATF, OLP, CIV, and FBI had comments on the Veterans Second Amendment Protection Act. See Ivy's email below for a detailed description of what has happened so far relating to this bill. OMB requested our comments ASAP today, and no later than COB. Let me know if I can be of assistance.

Best,  
Matt

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**From:** Cheng, Ivy (OLA)  
**Sent:** Tuesday, March 14, 2017 1:46 PM  
**To:** Swanson, Matthew L. (ODAG) <[mswanson@jmd.usdoj.gov](mailto:mswanson@jmd.usdoj.gov)>  
**Cc:** Barnett, Gary (ODAG) <[gbarnett@jmd.usdoj.gov](mailto:gbarnett@jmd.usdoj.gov)>; Bachman, Bryson (OASG) <[bbachman@jmd.usdoj.gov](mailto:bbachman@jmd.usdoj.gov)>; Parker, Rachel (OASG) <[racparker@jmd.usdoj.gov](mailto:racparker@jmd.usdoj.gov)>; Ramer, Sam (OLA) <[sramer@jmd.usdoj.gov](mailto:sramer@jmd.usdoj.gov)>; May, M. Benjamin (OLA) <[mbemay@jmd.usdoj.gov](mailto:mbemay@jmd.usdoj.gov)>; Wilson, Karen L (OLA) <[kwilson@jmd.usdoj.gov](mailto:kwilson@jmd.usdoj.gov)>; Beechum, Venessa M. (OLA) <[Venessa.M.Beechum2@jmd.usdoj.gov](mailto:Venessa.M.Beechum2@jmd.usdoj.gov)>  
**Subject:** RE: (OLA WF 115056) FW: LRM [TM-115-13] SAP on HR1181 - Veterans 2nd Amendment Protection Act  
**Importance:** High



ODAG:

Attached please find comments from ATF, OLP, CIV, and FBI on H.R. 1181, the "Veterans Second Amendment Protection Act." The bill was circulated together with a draft SA (b) (5)

and OMB was advised that DOJ's substantive comments on the bill itself were forthcoming. OMB stressed this morning that policy officials need the substantive comments soon in order to properly weigh the draft SAP, and has indicated that it needs DOJ comments ASAP today, and no later than COB.

To that extent, please advise as soon as possible whether these views are cleared to provide to OMB, or if you have any edits/concerns. ATF comments serve as the baseline text of this document, but OLP, CIV, and FBI have reviewed and agree with many of ATF's points and I have indicated with comment bubbles throughout the document where that is the case or they have added to ATF's language.

CRT, ATJ, CRM, NSD and OLC also reviewed the bill and had no comment. EOUSA did not respond.

Thank you,  
Ivy

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**From:** Brooks, Roshelle (OLA)

**Sent:** Friday, March 10, 2017 5:06 PM

**T** (b)(6) per ATF >; ATF <ATFExecSec2@atf.gov>; ATF Intergov Affairs <IntergovernmentalAffairs@atf.gov> (b)(6) per ATF (ATF) <Larysa.A.Simms@usdoj.gov> (b)(6) per (ATF) (b)(6) per ATF >; Policy, CRT (CRT) <CRT.Policy@crt.usdoj.gov>; Bullock, Bob (A2J) <bbullock@jmd.usdoj.gov>; policy, civil (CIV) <cpolicy@CIV.USDOJ.GOV>; USAEO-Legislative (USA) <USAEO.Legislative@usdoj.gov>; Brink, David (b)(6) per CRM @CRM.USDOJ.GOV>; Hendley, Scott (b)(6) per CRM @CRM.USDOJ.GOV>; Lofton, Bett (b)(6) per CRM @CRM.USDOJ.GOV>; Morales, Michelle (b)(6) per CRM @CRM.USDOJ.GOV>; Opl, Legislatio (b)(6) per CRM @CRM.USDOJ.GOV>; Wroblewski, Jonathan (b)(6) per CRM @CRM.USDOJ.GOV (b)(6) per NSD (b)(6) per NSD (b)(6) per NSD (b)(6) per NSD (b)(6) per NSD (b)(6) per NSD NSD LRM Mailbox (NSD) <Ex\_NSDLrmMailbox@jmd.usdoj.gov>; Forrester, Nate (OLC (b)(6) per OLC >; Guarnieri, Matthew (OL (b)(6) per OLC > Koffsky, Daniel L (OLC (b)(6) per OLC >; Tutt, Andrew (OLC (b)(6) per OLC >; Whitaker, Henry C. (OLC (b)(6) per OLC >; Davis, Valorie A (OLP) <vadavis@jmd.usdoj.gov>; Matthews, Matrina (OLP) <mmatthews@jmd.usdoj.gov>; White, Cleo (OLP) <clwhite@jmd.usdoj.gov>  
**Cc:** Ramer, Sam (OLA) <sramer@jmd.usdoj.gov>; Cheng, Ivy (OLA) <ICheng@jmd.usdoj.gov>; Brown, Hunter D. (OLA) <hbrown@jmd.usdoj.gov>; Barnett, Gary (ODAG) <gbarnett@jmd.usdoj.gov>; Swanson, Matthew L. (ODAG) <mswanson@jmd.usdoj.gov>; Bachman, Bryson (OASG) <bbachman@jmd.usdoj.gov>; Gunn, Currie (OASG) <cgunn@jmd.usdoj.gov>; Parker, Rachel (OASG) <racparker@jmd.usdoj.gov>  
**Subject:** !DUE BY 10AM, MONDAY, 3/13/2017! (OLA WF 115056) FW: LRM [TM-115-13] SAP on HR1181 - Veterans 2nd Amendment Protection Act  
**Importance:** High

Duplicative Material

2020-002031 - #0017

Cutrona, Danielle (OAG)

---

**From:** Cutrona, Danielle (OAG)  
**Sent:** Tuesday, March 14, 2017 6:50 PM  
**To:** Terwilliger, Zachary (ODAG)  
**Subject:** RE: (OLA WF 115056) FW: LRM [TM-115-13] SAP on HR1181 - Veterans 2nd Amendment Protection Act

I see what you're sayin (b) (5)

---

**From:** Terwilliger, Zachary (ODAG)  
**Sent:** Tuesday, March 14, 2017 6:48 PM  
**To:** Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov>  
**Subject:** FW: (OLA WF 115056) FW: LRM [TM-115-13] SAP on HR1181 - Veterans 2nd Amendment Protection Act

FYI- (b) (5)  
(b) (5)

Zach

---

**From:** Cheng, Ivy (OLA)  
**Sent:** Tuesday, March 14, 2017 6:46 PM  
**To:** Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>  
**Subject:** RE: (OLA WF 115056) FW: LRM [TM-115-13] SAP on HR1181 - Veterans 2nd Amendment Protection Act

Hi Zach,

(b) (5)  
(b) (5)  
(b) (5)  
(b) (5)  
(b) (5)

I hope this helps but please let me know if you have any further questions.

Ivy

---

**From:** Terwilliger, Zachary (ODAG)  
**Sent:** Tuesday, March 14, 2017 6:34 PM  
**To:** Cheng, Ivy (OLA) <lCheng@jmd.usdoj.gov>  
**Subject:** FW: (OLA WF 115056) FW: LRM [TM-115-13] SAP on HR1181 - Veterans 2nd Amendment Protection Act  
**Importance:** High

Ivy,  
(b) (5)

(b) (5)  
(b) (5)  
(b) (5)

(b) (5) . Does that make sense?

Feel free to tell me otherwise, I have not been through this process too many times.

Zach

---

**From:** Swanson, Matthew L. (ODAG)

**Sent:** Tuesday, March 14, 2017 2:12 PM

**To:** Terwilliger, Zachary (ODAG) <[zterwilliger@jmd.usdoj.gov](mailto:zterwilliger@jmd.usdoj.gov)>; Michalic, Mark (ODAG) <[mmichalic@jmd.usdoj.gov](mailto:mmichalic@jmd.usdoj.gov)>; Murray, Michael (ODAG) <[mmurray@jmd.usdoj.gov](mailto:mmurray@jmd.usdoj.gov)>; Sheehan, Matthew (ODAG) <[msheehan@jmd.usdoj.gov](mailto:msheehan@jmd.usdoj.gov)>; Aminfar, Amin (ODAG) <[amaminfar@jmd.usdoj.gov](mailto:amaminfar@jmd.usdoj.gov)>; Lan, Iris (ODAG) <[irlan@jmd.usdoj.gov](mailto:irlan@jmd.usdoj.gov)>

**Cc:** Barnett, Gary (ODAG) <[gbarnett@jmd.usdoj.gov](mailto:gbarnett@jmd.usdoj.gov)>

**Subject:** FW: (OLA WF 115056) FW: LRM [TM-115-13] SAP on HR1181 - Veterans 2nd Amendment Protection Act

**Importance:** High

Duplicative Material



**Tucker, Rachael (OAG)**

---

**From:** Tucker, Rachael (OAG)  
**Sent:** Tuesday, March 14, 2017 7:18 PM  
**To:** Cutrona, Danielle (OAG)  
**Subject:** RE: (OLA WF 115056) FW: LRM [TM-115-13] SAP on HR1181 - Veterans 2nd Amendment Protection Act

I think the points are valid

(b) (5)

Call me to

discuss.

---

**From:** Cutrona, Danielle (OAG)  
**Sent:** Tuesday, March 14, 2017 6:40 PM  
**To:** Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>  
**Subject:** FW: (OLA WF 115056) FW: LRM [TM-115-13] SAP on HR1181 - Veterans 2nd Amendment Protection Act  
**Importance:** High

Did you ever work on this when we dealt with it in the Senate?

---

**From:** Terwilliger, Zachary (ODAG)  
**Sent:** Tuesday, March 14, 2017 6:32 PM  
**To:** Swanson, Matthew L. (ODAG) <[mswanson@jmd.usdoj.gov](mailto:mswanson@jmd.usdoj.gov)>; Cutrona, Danielle (OAG) <[dcutrona@jmd.usdoj.gov](mailto:dcutrona@jmd.usdoj.gov)>; Rybicki, David (OAG) <[drybicki@jmd.usdoj.gov](mailto:drybicki@jmd.usdoj.gov)>  
**Cc:** Hunt, Jody (OAG) <[johunt@jmd.usdoj.gov](mailto:johunt@jmd.usdoj.gov)>; Crowell, James (ODAG) <[jcrowell@jmd.usdoj.gov](mailto:jcrowell@jmd.usdoj.gov)>  
**Subject:** FW: (OLA WF 115056) FW: LRM [TM-115-13] SAP on HR1181 - Veterans 2nd Amendment Protection Act  
**Importance:** High

Duplicative Material



**Terwilliger, Zachary (ODAG)**

---

**From:** Terwilliger, Zachary (ODAG)  
**Sent:** Wednesday, March 15, 2017 11:09 PM  
**To:** Tucker, Rachael (OAG)  
**Cc:** Cutrona, Danielle (OAG); Swanson, Matthew L. (ODAG)  
**Subject:** Revised comments  
**Attachments:** DOJ Comments on H.R. 1181 (Veterans 2nd Am. Protection Act)\_Edits.docx

Rachael,  
What do you think about the comments as revised in tracked changes?

Thanks very much,

Zach

---

Zachary Terwilliger  
Associate Deputy Attorney General  
Office of the Deputy Attorney General  
[Zachary.Terwilliger2@usdoj.gov](mailto:Zachary.Terwilliger2@usdoj.gov)  
(202) 307-1045 (Desk)  
(b) (6) (Mobile)

**Tucker, Rachael (OAG)**

---

**From:** Tucker, Rachael (OAG)  
**Sent:** Thursday, March 16, 2017 7:05 AM  
**To:** (b)(6) - Rachael Tucker Email Address  
**Attachments:** DOJ Comments on H.R. 1181 (Veterans 2nd Am. Protection Act)\_Edits.docx;  
ATT00001.txt

ratucker@jmd.usdoj.gov

---

**From:** ratucker@jmd.usdoj.gov  
**Sent:** Thursday, March 16, 2017 7:42 AM  
**To:** Cutrona, Danielle (OAG)  
**Subject:** Fwd: Revised comments  
**Attachments:** DOJ Comments on H.R. 1181 (Veterans 2nd Am. Protection Act)\_Edits.docx;  
ATT00001.htm

(b) (5)

Begin forwarded message:

**From:** "Terwilliger, Zachary (ODAG)" <[zterwilliger@jmd.usdoj.gov](mailto:zterwilliger@jmd.usdoj.gov)>  
**Date:** March 15, 2017 at 11:08:32 PM EDT  
**To:** "Tucker, Rachael (OAG)" <[ratucker@jmd.usdoj.gov](mailto:ratucker@jmd.usdoj.gov)>  
**Cc:** "Cutrona, Danielle (OAG)" <[dcutrona@jmd.usdoj.gov](mailto:dcutrona@jmd.usdoj.gov)>, "Swanson, Matthew L. (ODAG)" <[mswanson@jmd.usdoj.gov](mailto:mswanson@jmd.usdoj.gov)>  
**Subject:** Revised comments

Duplicative Material



**Tucker, Rachael (OAG)**

---

**From:** Tucker, Rachael (OAG)  
**Sent:** Friday, March 17, 2017 7:48 AM  
**To:** Barnett, Gary (ODAG)  
**Subject:** Fwd: Revised comments  
**Attachments:** DOJ Comments on H.R. 1181 (Veterans 2nd Am. Protection Act)\_Edits.docx; ATT00001.htm

From Zach- do you mind taking a loo (b) (5) .

Begin forwarded message:

**From:** "Terwilliger, Zachary (ODAG)" <[zterwilliger@jmd.usdoj.gov](mailto:zterwilliger@jmd.usdoj.gov)>  
**Date:** March 15, 2017 at 11:08:32 PM EDT  
**To:** "Tucker, Rachael (OAG)" <[ratucker@jmd.usdoj.gov](mailto:ratucker@jmd.usdoj.gov)>  
**Cc:** "Cutrona, Danielle (ODAG)" <[dcutrona@jmd.usdoj.gov](mailto:dcutrona@jmd.usdoj.gov)>, "Swanson, Matthew L. (ODAG)" <[mswanson@jmd.usdoj.gov](mailto:mswanson@jmd.usdoj.gov)>  
**Subject:** Revised comments

Duplicative Material





**Barnett, Gary (ODAG)**

---

**From:** Barnett, Gary (ODAG)  
**Sent:** Friday, March 17, 2017 11:27 AM  
**To:** Tucker, Rachael (OAG)  
**Subject:** RE: Revised comments  
**Attachments:** DOJ Comments on H.R. 1181 (Veterans 2nd Am. Protection Act)\_Edits.docx

Hope it's helpful. Let me know if you want to chat about it.

---

**From:** Tucker, Rachael (OAG)  
**Sent:** Friday, March 17, 2017 7:48 AM  
**To:** Barnett, Gary (ODAG) <gbarnett@jmd.usdoj.gov>  
**Subject:** Fwd: Revised comments

Duplicative Material



## Tucker, Rachael (OAG)

---

**From:** Tucker, Rachael (OAG)  
**Sent:** Friday, March 17, 2017 5:06 PM  
**To:** Terwilliger, Zachary (ODAG)  
**Cc:** Cutrona, Danielle (OAG); Swanson, Matthew L. (ODAG); Barnett, Gary (ODAG)  
**Subject:** RE: Revised comments  
**Attachments:** DOJ Comments on H.R. 1181 (Veterans 2nd Am. Protection Act)\_Edits RT 5.04p 3.17.docx

Adding Gary and attaching edits from him that I've reviewed. This is going in a better direction. Thoughts on his comments/edits?

---

**From:** Terwilliger, Zachary (ODAG)  
**Sent:** Wednesday, March 15, 2017 11:09 PM  
**To:** Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>  
**Cc:** Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov>; Swanson, Matthew L. (ODAG) <mswanson@jmd.usdoj.gov>  
**Subject:** Revised comments

Duplicative Material



## Terwilliger, Zachary (ODAG)

---

**From:** Terwilliger, Zachary (ODAG)  
**Sent:** Friday, March 17, 2017 7:08 PM  
**To:** Tucker, Rachael (OAG); Swanson, Matthew L. (ODAG)  
**Cc:** Barnett, Gary (ODAG); Cutrona, Danielle (OAG)  
**Subject:** FW: Revised comments  
**Attachments:** DOJ Comments on H.R. 1181 (Veterans 2nd Am. Protection Act)\_Edits RT 5.04p 3.17.docx

Rachael,

I was trying to run this down. Were you good with Gary's changes? I wanted to make sure OAG was comfortable with the attached so we could clear and I was under the impression this was cleared, but Gary seemed to indicate otherwise.

Thanks for any update so we can get this out,

Zach

---

**From:** Swanson, Matthew L. (ODAG)  
**Sent:** Friday, March 17, 2017 6:06 PM  
**To:** Terwilliger, Zachary (ODAG) <[zterwilliger@jmd.usdoj.gov](mailto:zterwilliger@jmd.usdoj.gov)>  
**Cc:** Barnett, Gary (ODAG) <[gbarnett@jmd.usdoj.gov](mailto:gbarnett@jmd.usdoj.gov)>  
**Subject:** FW: Revised comments

Hi Zach,

I'm sure you've had a busy week, but could you let Gary and me know when you have a chance to review the edits Gary made to the attached doc? It would be much appreciated.

Enjoy your weekend,  
Matt

---

**From:** Tucker, Rachael (OAG)  
**Sent:** Friday, March 17, 2017 5:06 PM  
**To:** Terwilliger, Zachary (ODAG) <[zterwilliger@jmd.usdoj.gov](mailto:zterwilliger@jmd.usdoj.gov)>  
**Cc:** Cutrona, Danielle (OAG) <[dcutrona@jmd.usdoj.gov](mailto:dcutrona@jmd.usdoj.gov)>; Swanson, Matthew L. (ODAG) <[mswanson@jmd.usdoj.gov](mailto:mswanson@jmd.usdoj.gov)>; Barnett, Gary (ODAG) <[gbarnett@jmd.usdoj.gov](mailto:gbarnett@jmd.usdoj.gov)>  
**Subject:** RE: Revised comments

Duplicative Material



## Tucker, Rachael (OAG)

---

**From:** Tucker, Rachael (OAG)  
**Sent:** Friday, March 17, 2017 7:17 PM  
**To:** Barnett, Gary (ODAG); danielle.cutrona@usdoj.gov  
**Subject:** Fwd: Revised comments  
**Attachments:** DOJ Comments on H.R. 1181 (Veterans 2nd Am. Protection Act)\_Edits RT 5.04p 3.17.docx; ATT00001.htm

These are not substantial edits.

Begin forwarded message:

**From:** "Terwilliger, Zachary (ODAG)" <[zterwilliger@jmd.usdoj.gov](mailto:zterwilliger@jmd.usdoj.gov)>  
**Date:** March 17, 2017 at 7:16:12 PM EDT  
**To:** "Thiemann, Robyn (OLP)" <[rthiemann@jmd.usdoj.gov](mailto:rthiemann@jmd.usdoj.gov)>  
**Cc:** "Barnett, Gary (ODAG)" <[gbarnett@jmd.usdoj.gov](mailto:gbarnett@jmd.usdoj.gov)>, "Cutrona, Danielle (OAG)" <[danielle.cutrona@usdoj.gov](mailto:danielle.cutrona@usdoj.gov)>, "Swanson, Matthew L. (ODAG)" <[mswanson@jmd.usdoj.gov](mailto:mswanson@jmd.usdoj.gov)>, "Tucker, Rachael (OAG)" <[ratucker@jmd.usdoj.gov](mailto:ratucker@jmd.usdoj.gov)>  
**Subject:** FW: Revised comments

Robyn,

This has gone through ODAG and OAG and substantial edits were requested (b) (5)  
(b) (5). However, we need your expertise on the edits made to ensure th (b) (5)  
(b) (5)  
(b) (5)

Can you lend your expertise?

Thank you very much,  
Zach

---

**From:** Swanson, Matthew L. (ODAG)  
**Sent:** Friday, March 17, 2017 6:06 PM  
**To:** Terwilliger, Zachary (ODAG) <[zterwilliger@jmd.usdoj.gov](mailto:zterwilliger@jmd.usdoj.gov)>  
**Cc:** Barnett, Gary (ODAG) <[gbarnett@jmd.usdoj.gov](mailto:gbarnett@jmd.usdoj.gov)>  
**Subject:** FW: Revised comments

Duplicative Material



**Barnett, Gary (ODAG)**

---

**From:** Barnett, Gary (ODAG)  
**Sent:** Sunday, March 19, 2017 4:47 PM  
**To:** danielle.cutrona@usdoj.gov; Tucker, Rachael (OAG)  
**Subject:** Fwd: (OLA WF 115056) FW: LRM [TM-115-13] SAP on HR1181 - Veterans 2nd Amendment Protection Act  
**Attachments:** DOJ Comments on H.R. 1181 (Veterans 2nd Am. Protection Act)\_Edits RT 5.04p 3.17 RT edits.docx; ATT00001.htm

FYI.

Begin forwarded message:

**From:** "Thiemann, Robyn (OLP)" <[rthiemann@jmd.usdoj.gov](mailto:rthiemann@jmd.usdoj.gov)>  
**Date:** March 19, 2017 at 4:21:44 PM EDT  
**To:** "Terwilliger, Zachary (ODAG)" <[zterwilliger@jmd.usdoj.gov](mailto:zterwilliger@jmd.usdoj.gov)>, "Lan, Iris (ODAG)" <[irlan@jmd.usdoj.gov](mailto:irlan@jmd.usdoj.gov)>, "Swanson, Matthew L. (ODAG)" <[mswanson@jmd.usdoj.gov](mailto:mswanson@jmd.usdoj.gov)>  
**Cc:** "Barnett, Gary (ODAG)" <[gbarnett@jmd.usdoj.gov](mailto:gbarnett@jmd.usdoj.gov)>  
**Subject:** RE: (OLA WF 115056) FW: LRM [TM-115-13] SAP on HR1181 - Veterans 2nd Amendment Protection Act

Team

Please see attached. I explained everything I did in comment bubbles, highlighted in yellow.

Don't hesitate to let me know if you have any questions.

RT

(b) (6)

PS Taking my computer with me, so can work on this later if needed.

---

**From:** Terwilliger, Zachary (ODAG)  
**Sent:** Sunday, March 19, 2017 4:09 PM  
**To:** Lan, Iris (ODAG) <[irlan@jmd.usdoj.gov](mailto:irlan@jmd.usdoj.gov)>; Swanson, Matthew L. (ODAG) <[mswanson@jmd.usdoj.gov](mailto:mswanson@jmd.usdoj.gov)>  
**Cc:** Barnett, Gary (ODAG) <[gbarnett@jmd.usdoj.gov](mailto:gbarnett@jmd.usdoj.gov)>; Thiemann, Robyn (OLP) <[rthiemann@jmd.usdoj.gov](mailto:rthiemann@jmd.usdoj.gov)>  
**Subject:** RE: (OLA WF 115056) FW: LRM [TM-115-13] SAP on HR1181 - Veterans 2nd Amendment Protection Act

Matt,

You will get edits from Robyn Theimann on this and that should be it from ODAG.

Thanks,  
Zach

---

**From:** Lan, Iris (ODAG)  
**Sent:** Sunday, March 19, 2017 3:55 PM  
**To:** Swanson, Matthew L. (ODAG) <[mswanson@jmd.usdoj.gov](mailto:mswanson@jmd.usdoj.gov)>; Terwilliger, Zachary (ODAG) <[zterwilliger@jmd.usdoj.gov](mailto:zterwilliger@jmd.usdoj.gov)>  
**Cc:** Barnett, Gary (ODAG) <[gbarnett@jmd.usdoj.gov](mailto:gbarnett@jmd.usdoj.gov)>  
**Subject:** RE: (OLA WF 115056) FW: LRM [TM-115-13] SAP on HR1181 - Veterans 2nd Amendment Protection Act

Cleared as to the FBI pieces, which appear to concur with ATF views. Defer to Zach on ATF aspects of course. Thanks.

---

**From:** Swanson, Matthew L. (ODAG)  
**Sent:** Tuesday, March 14, 2017 2:12 PM  
**To:** Terwilliger, Zachary (ODAG) <[zterwilliger@jmd.usdoj.gov](mailto:zterwilliger@jmd.usdoj.gov)>; Michalic, Mark (ODAG) <[mmichalic@jmd.usdoj.gov](mailto:mmichalic@jmd.usdoj.gov)>; Murray, Michael (ODAG) <[mmurray@jmd.usdoj.gov](mailto:mmurray@jmd.usdoj.gov)>; Sheehan, Matthew (ODAG) <[msheehan@jmd.usdoj.gov](mailto:msheehan@jmd.usdoj.gov)>; Aminfar, Amin (ODAG) <[amaminfar@jmd.usdoj.gov](mailto:amaminfar@jmd.usdoj.gov)>; Lan, Iris (ODAG) <[irlan@jmd.usdoj.gov](mailto:irlan@jmd.usdoj.gov)>  
**Cc:** Barnett, Gary (ODAG) <[gbarnett@jmd.usdoj.gov](mailto:gbarnett@jmd.usdoj.gov)>  
**Subject:** FW: (OLA WF 115056) FW: LRM [TM-115-13] SAP on HR1181 - Veterans 2nd Amendment Protection Act  
**Importance:** High

Duplicative Material



2020-002031 - #0044

## Terwilliger, Zachary (ODAG)

---

**From:** Terwilliger, Zachary (ODAG)  
**Sent:** Sunday, March 19, 2017 5:30 PM  
**To:** Thiemann, Robyn (OLP)  
**Cc:** Swanson, Matthew L. (ODAG); Barnett, Gary (ODAG); Tucker, Rachael (OAG); Cutrona, Danielle (OAG)  
**Subject:** FW: (OLA WF 115056) FW: LRM [TM-115-13] SAP on HR1181 - Veterans 2nd Amendment Protection Act  
**Attachments:** DOJ Comments on H.R. 1181 (Veterans 2nd Am. Protection Act)\_Edits RT 5.04p 3.17 RT edits.docx

Robyn,

Thank you for your work on this and helpful commentary that guides the reader through your changes.

Rachael, can you take a look at this round of edits? I think we are tried very effectively to find a balance between the first and most recent versions and now have the attached.

Welcome your thoughts with the idea that if we can get approval, we would like to get out as soon as possible.

Thanks,  
Zach

---

**From:** Thiemann, Robyn (OLP)  
**Sent:** Sunday, March 19, 2017 4:22 PM  
**To:** Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>; Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>; Swanson, Matthew L. (ODAG) <mswanson@jmd.usdoj.gov>  
**Cc:** Barnett, Gary (ODAG) <gbarnett@jmd.usdoj.gov>  
**Subject:** RE: (OLA WF 115056) FW: LRM [TM-115-13] SAP on HR1181 - Veterans 2nd Amendment Protection Act

Duplicative Material



**Barnett, Gary (ODAG)**

---

**From:** Barnett, Gary (ODAG)  
**Sent:** Monday, March 20, 2017 4:21 PM  
**To:** Tucker, Rachael (OAG)  
**Subject:** FW: hr 1181  
**Attachments:** DOJ Comments on H.R. 1181 (Veterans 2nd Am. Protection Act)\_Edits RT 5.04p 3.20.docx

fyi

---

**From:** Barnett, Gary (ODAG)  
**Sent:** Monday, March 20, 2017 4:20 PM  
**To:** Thiemann, Robyn (OLP) <rthiemann@jmd.usdoj.gov>  
**Subject:** hr 1181

A couple comments and edits. Probably easier to have a conversation at this point.

Let me know if you have a second to chat. Be happy to swing by your office.

Gary Barnett  
5-0091



**Barnett, Gary (ODAG)**

---

**From:** Barnett, Gary (ODAG)  
**Sent:** Monday, March 20, 2017 5:34 PM  
**To:** Cutrona, Danielle (OAG); Tucker, Rachael (OAG)  
**Subject:** FW: Checking in  
**Attachments:** DOJ Comments on H.R. 1181 (Veterans 2nd Am. Protection Act)\_3.20.17.docx

FYI

---

**From:** Barnett, Gary (ODAG)  
**Sent:** Monday, March 20, 2017 5:33 PM  
**To:** Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>  
**Cc:** Swanson, Matthew L. (ODAG) <mswanson@jmd.usdoj.gov>  
**Subject:** RE: Checking in

Zach,

I made some minor edits (final version attached) which I ran by Robyn and we are now both good with it.

Matt, I will send this to Ivy so she can get it to OMB.

Gary

---

**From:** Terwilliger, Zachary (ODAG)  
**Sent:** Monday, March 20, 2017 3:33 PM  
**To:** Barnett, Gary (ODAG) <[gbarnett@jmd.usdoj.gov](mailto:gbarnett@jmd.usdoj.gov)>  
**Cc:** Swanson, Matthew L. (ODAG) <[mswanson@jmd.usdoj.gov](mailto:mswanson@jmd.usdoj.gov)>  
**Subject:** Checking in

Gary,

I believe the attached strikes the right tone. Rachael wanted you to have eyes on the final version. I am good with this. Will you review quickly? If you are good with it, please email Matt and me.

Matt, once Gary clears, if you would please remove all comments and send along.

Zach

---

Zachary Terwilliger  
Associate Deputy Attorney General  
Office of the Deputy Attorney General  
[Zachary.Terwilliger2@usdoj.gov](mailto:Zachary.Terwilliger2@usdoj.gov)  
(202) 307-1045 (Desk)  
(b) (6) (Mobile)

**Boyd, Stephen (JMD)**

---

**From:** Boyd, Stephen (JMD)  
**Sent:** Thursday, March 30, 2017 6:32 PM  
**To:** Murray, Michael (ODAG); Sheehan, Matthew (ODAG)  
**Cc:** Cox, Stephen (OASG); Morrissey, Brian (OAG)  
**Subject:** OLP Weekly Report 6 (30 MAR 17)

Matt & Michael:

Please find below the 30 March 2017 Weekly Report for the Office of Legal Policy.

Let me know if you have any questions.

Thank you,

Stephen

Not Responsive Record

Not Responsive Records

|  |      |                              |                   |
|--|------|------------------------------|-------------------|
| <b>Veterans Second Amendment Protection Act</b> –OLP contributed to the Department’s analysis of HR 1181, the Veterans Second Amendment Protection Act, which was provided to OMB. The Bill has passed the House and is expected to pass the Senate, and OLP, along with other components, is considering whether to recommend (b) (5) | None | OLP: Robyn Thiemann (4-8356) | None at this time |
|--|------|------------------------------|-------------------|

**Stephen E. Boyd**  
Chief of Staff  
Office of Legal Policy  
U.S. Department of Justice  
Room 4234 Main Justice Building  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

202-353-3069

2020-002031 - #0059

**Cutrona, Danielle (OAG)**

---

**From:** Cutrona, Danielle (OAG)  
**Sent:** Thursday, May 25, 2017 4:28 PM  
**To:** Tucker, Rachael (OAG)  
**Subject:** Fw [REDACTED] (b) (5)  
**Attachments:** [REDACTED] (b) (5)

Can you take a look?

Begin forwarded message:

**From:** "Zadrozny, John A. EOP/WHO" [REDACTED] (b) (6) >  
**Date:** May 25, 2017 at 3:28:20 PM EDT  
**To:** "Cutrona, Danielle (OAG)" <[Danielle.Cutrona@usdoj.gov](mailto:Danielle.Cutrona@usdoj.gov)>  
**Subject:** [REDACTED] (b) (5)

Danielle:

Per our conversation, please see attached.

Happy to discuss all of this material further offline.

Thanks in advance,

John A. Zadrozny  
Justice and Homeland Security  
Domestic Policy Council  
Executive Office of the President

[REDACTED] (b) (6)  
[REDACTED] (b) (6)

**Zadrozny, John A. EOP/WHO**

---

**From:** Zadrozny, John A. EOP/WHO  
**Sent:** Tuesday, May 30, 2017 1:42 PM  
**To:** Cutrona, Danielle (OAG)  
**Subject:** RE (b) (5)  
**Attachments:** (b) (5)

Danielle:

Hope you had a good weekend.

Following up on th (b) (5) Any thoughts or feedback?

JZ

(b) (6)

(b) (6)

---

**From:** Zadrozny, John A. EOP/WHO  
**Sent:** Thursday, May 25, 2017 3:28 PM  
**To:** 'Cutrona, Danielle (OAG)' <Danielle.Cutrona@usdoj.gov>  
**Subje** (b) (5)

Duplicative Material



## White House Press Office

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**From:** White House Press Office  
**Sent:** Friday, July 28, 2017 3:46 PM  
**To:** Hankey, Mary Blanche (OAG)  
**Subject:** Remarks by President Trump to Law Enforcement Officials on MS-13

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

July 28, 2017

REMARKS BY PRESIDENT TRUMP  
TO LAW ENFORCEMENT OFFICIALS  
ON MS-13

Van Nostrand Theatre  
Ronkonkoma, New York

2:09 P.M. EDT

THE PRESIDENT: Well, thank you very much. This is certainly being home for me. I spent a lot of time right here. I was in Queens, so I'd come here, and this was like the luxury location for me. And I love it. I love the people here. Even coming in from the airport, I sat with Nikki Haley, who's here someplace. Where's our Nikki? Ambassador Nikki Haley, who is so incredible. (Applause.) And she's seen crowds in her life, and she said, boy, those are really big crowds. Crowds of people all lining the streets, all the way over to here. And it's really a special place. And so when I heard about this, I said, I want to do that one.

But I really wanted to do it not because of location, but because, as you know, I am the big, big believer and admirer of the people in law enforcement, okay? From day one. (Applause.) From day one. We love our police. We love our sheriffs. And we love our ICE officers. And they have been working hard. (Applause.) Thank you. They have been working hard.

Together, we're going to restore safety to our streets and peace to our communities, and we're going to destroy the vile criminal cartel, MS-13, and many other gangs. But MS-13 is particularly violent. They don't like shooting people because it's too quick, it's too fast. I was reading -- one of these animals was caught -- in explaining, they like to knife them and cut them, and let them die slowly because that way it's more painful, and they enjoy watching

2020-002031 - #0072

that much more. These are animals.

We're joined today by police and sheriffs from Suffolk, Nassau, Dutchess and Ulster counties; state police from New York and New Jersey -- many of you I know, great friends; Immigration and Customs Enforcement officers; and law enforcement personnel from a number of federal agencies. So we're loaded up with great people -- that's what I call it.

And I want to just tell you all together, right now, the reason I came -- this is the most important sentence to me: On behalf of the American people, I want to say, thank you. Thank you very much. (Applause.) Thank you.

And I don't think you know how much the public respects and admires you. You're saving American lives every day, and we have your backs -- believe me -- we have your backs 100 percent. Not like the old days. Not like the old days. (Applause.)

You know, when you wanted to take over and you used military equipment -- and they were saying you couldn't do it -- you know what I said? That was my first day: You can do it. (Laughter.) In fact, that stuff is disappearing so fast we have none left. (Laughter.) You guys know -- you really knew how to get that. But that's my honor. And I tell you what -- it's being put to good use.

I especially want to thank ICE Director Tom Homan, who has done an incredible job in just a short period of time. Tom, get up here. I know you just -- (applause) -- Tom is determined to rid our nation of cartels and criminals who are preying on our citizens. And I can only say to Tom: Keep up the great work. He's a tough guy. He's a tough cookie. Somebody said the other day, they saw him on television, and somebody -- they were interviewed after that; they said, he looks very nasty, he looks very mean. I said, that's what I'm looking for. (Laughter.) That's exactly what I was looking for.

And for that, I want to congratulate John Kelly, who has done an incredible job of Secretary of Homeland Security. Incredible. (Applause.) One of our real stars. Truly, one of our stars. John Kelly is one of our great stars. You know, the border is down 78 percent. Under past administrations, the border didn't go down -- it went up. But if it went down 1 percent, it was like this was a great thing. Down 78 percent. And, in fact, the southern border of Mexico, we did them a big favor -- believe me. They get very little traffic in there anymore, because they know they're not going to get through the border to the United States.

So that whole group has been incredible, led by General Kelly.

Let me also express our gratitude to the members of the New York Delegation here today: Congressman Chris Collins. Where's Chris? Oh, Chris, right from the beginning he said, "Trump is going to win. Trump is going to win." So I like him. (Laughter.) I didn't like him that much before; now I love him. (Laughter and applause.) Dan Donovan -- thanks, Dan. (Applause.) Thank you, Dan. And Lee Zeldin, who I supported right from the beginning, when they said he didn't

have a chance of beating a pretty popular incumbent. (Applause.)

And I saw him in a debate. I said, I think this guy is going to win. But he fought a pretty popular guy, and I said, I think he's going to win and went heavy for him, and he won. And he won pretty easily, didn't you? Pretty good. I'm proud of you. Great job.

And, of course, a legend, somebody that we all know very well, sort of my neighbor -- because I consider him a neighbor -- but he's really a great and highly respected man in Washington, Congressman Peter King. (Applause.) Very respected guy. He is a respected man that people like to ask opinions of. I do.

Congressman King and his colleagues know the terrible pain and violence MS-13 has inflicted upon this community -- and this country. And if you remember just a little more than two years ago, when I came down the escalator with Melania, and I made the speech -- people coming into this country. Everyone said, what does he know? What's he talking about?

And there was bedlam. Remember bedlam? And then about two months later, they said, you know, he's right. So I'm honored to have brought it to everybody's attention. But the suffering and the pain that we were going through -- and now you can look at the numbers -- it's a whole different world.

And it will get better and better and better because we've been able to start nipping it in the bud. We've nipped it in the bud -- let's call it start nipping in the bud.

And MS-13, the cartel, has spread gruesome bloodshed throughout the United States. We've gotten a lot of them out of here. Big, big percentage. But the rest are coming -- they'll be out of here quickly, right? Quickly. Good. (Applause.)

So I asked Tom on the plane -- he was never on Air Force One -- I said, how do you like it? He said, I like it. (Laughter.) But I said, hey, Tom, let me ask you a question -- how tough are these guys, MS-13? He said, they're nothing compared to my guys. Nothing. And that's what you need. Sometimes that's what you need, right?

For many years, they exploited America's weak borders and lax immigration enforcement to bring drugs and violence to cities and towns all across America. They're there right now because of weak political leadership, weak leadership, weak policing, and in many cases because the police weren't allowed to do their job. I've met police that are great police that aren't allowed to do their job because they have a pathetic mayor or a mayor doesn't know what's going on. (Applause.)

Were you applauding for someone in particular? (Laughter.) It's sad. It's sad. You look at what's happening, it's sad.



But hopefully -- certainly in the country, those days are over. You may have a little bit longer to wait.

But from now on, we're going to enforce our laws, protect our borders, and support our police like our police have never been supported before. We're going to support you like you've never been supported before. (Applause.)

Few communities have suffered worse at the hands of these MS-13 thugs than the people of Long Island. Hard to believe. I grew up on Long Island. I didn't know about this. I didn't know about this. And then all of a sudden, this is like a new phenomenon. Our hearts and our nation grieve for the victims and their families.

Since January '16 -- think of this -- MS-13 gang members have brutally murdered 17 beautiful, young lives in this area on Long Island alone. Think of it. They butcher those little girls. They kidnap, they extort, they rape and they rob. They prey on children. They shouldn't be here. They stomp on their victims. They beat them with clubs. They slash them with machetes, and they stab them with knives. They have transformed peaceful parks and beautiful, quiet neighborhoods into bloodstained killing fields. They're animals.

We cannot tolerate as a society the spilling of innocent, young, wonderful, vibrant people -- sons and daughters, even husbands and wives. We cannot accept this violence one day more. Can't do it, and we're not going to do it. Because of you, we're not going to be able to do it. You're not going to allow it to happen, and we're backing you up 100 percent. Remember that -- 100 percent. (Applause.)

It is the policy of this administration to dismantle, decimate and eradicate MS-13 at every other -- and I have to say, MS-13, that's a name; rough groups -- that's fine. We got a lot of others. And they were all let in here over a relatively short period of time. Not during my period of time, believe me. But we're getting them out. They're going to jails, and then they're going back to their country. Or they're going back to their country, period.

One by one, we're liberating our American towns. Can you believe that I'm saying that? I'm talking about liberating our towns. This is like I'd see in a movie: They're liberating the town, like in the old Wild West, right? We're liberating our towns. I never thought I'd be standing up here talking about liberating the towns on Long Island where I grew up, but that's what you're doing.

And I can tell you, I saw some photos where Tom's guys -- rough guys. They're rough. I don't want to be -- say it because they'll say that's not politically correct. You're not allowed to have rough people doing this kind of work. We have to get -- just like they don't want to have rich people at the head of Treasury, okay? (Laughter.) Like, I want a rich guy at the head of Treasury, right? Right? (Applause.)

I want a rich guy at the head of Commerce. Because we've been screwed so badly on trade deals, I want people that made a lot of money now to make a lot of money for our country.

And, by the way, as I was walking up, they just gave me the numbers. Our numbers just came out this morning. GDP is up double from what it was in the first quarter. (Applause.) 2.6 percent. We're doing well. We're doing really well. And we took off all those restrictions. And some we're statutorily stuck with a for a little while, but eventually that statute comes up, and we're going to be able to cut a lot more. But we've sort of liberated the world of creating jobs like you're liberating us and the people that live in areas.

But I have to say, one by one, we are indeed freeing up these great American towns and cities that are under siege from gang violence.

Look at Los Angeles. Look at what's going on in Los Angeles. Look at Chicago. What is going on? Is anybody here from Chicago? We have to send some of you to Chicago, I think. (Laughter.) What's going on?

I mean, you see what's happening there? There's no -- do we agree? Is there something maybe -- (applause) -- is there something -- I have to tell you one Chicago story.

So Chicago is having this unbelievable violence; people being killed -- four, five, six in a weekend. And I'm saying, what is going on?

And when I was running, we had motorcycle brigades take us to the planes and stuff. And one of the guys, really good -- you could see a really respected officer, police officer. He was at the head. He was the boss. And you could see he was the boss. He actually talked like the boss. "Come on, get lined up." Because I'd always take pictures with the police because I did that. My guys said, don't do it. Don't do it. (Applause.)

Other candidates didn't do it that I was beating by 40 points, can you believe it? But I did it. Maybe that's why I was winning by 40 points. But other candidates wouldn't do it, but I always took the pictures with the police.

But we're in Chicago, and we had massive motorcycle bridges, and you know those people have to volunteer. I don't know if you know that, but from what I understand, they have to volunteer. And I had the biggest brigades. I had brigades sometimes with almost 300 motorcycles. Even I was impressed. I'd look ahead and it was nothing but motorcycles because they'd volunteer from all over various states.

But this one guy was impressive. He was a rough cookie and really respected guy. I could see he was respected. And he said,

"All right, come on, get over here. Get over here. He's got to get to work. Get over here." And I said, "So let me tell -- you're from Chicago?" "Yes, sir." I said, "What the hell is going on?" And he said, "It's a problem; it can be straightened out." I said, "How long would it take you to straighten out this problem?" He said, "If you gave me the authority, a couple of days." (Laughter.) I really mean it. I said, "You really think so?" He said, "A couple of days. We know all the bad ones. We know them all." And he said, the officers -- you guys, you know all the bad ones in your area. You know them by their names. He said, "We know them all. A couple of days."

I said, "You got to be kidding." Now, this is a year and a half ago. I said, "Give me your card." And he gave me a card. And I sent it to the mayor. I said, "You ought to try using this guy." (Laughter.)

Guess what happened? Never heard. And last week they had another record. It's horrible.

But we're just getting started. We will restore law and order on Long Island. We'll bring back justice to the United States. I'm very happy to have gotten a great, great Justice of the United States Supreme Court, not only nominated, but approved. And, by the way, your Second Amendment is safe. (Applause.) Your Second Amendment is safe. I feel very good about that. It wasn't looking so good for the Second Amendment, was it, huh? If Trump doesn't win, your Second Amendment is gone. Your Second Amendment would be gone.

But I have a simple message today for every gang member and criminal alien that are threatening so violently our people: We will find you, we will arrest you, we will jail you, and we will deport you. (Applause.)

And, you know, we had some problems with certain countries. Still do with a couple, but we'll take care of them -- don't worry about it. Anytime we have a trade deficit, it's very easy -- which is almost everywhere. We have trade deficits with almost every country because we had a lot of really bad negotiators making deals with other countries. So it's almost everywhere, so that takes care of itself.

But we had certain countries in South America where they wouldn't take the people back. And I said, that's okay, no more trade. All of a sudden they started taking their people back. It's amazing, isn't it? They used to send to the former Secretary of State of the country, "Please call. Would you please work it so that we can take" -- and they used to just tell her, "No, we won't take back." They take back with us, every single time. We're having very little problem. Are we having any problem right now with that? Huh? You better believe it. Give me the names of the few problems. We'll take care of it, I'm telling you. (Laughter and applause.) It's unbelievable.

One of the old people -- one of the people that represented the other administration -- I said, why didn't you use that, the power of

economics? "Sir, we think one thing has nothing to do with another." I said, oh, really? So we'll have big deficits and they won't take back these criminals that came from there and should be back there? Well, believe me, to me, everything matters. But they're all taking them back.

ICE officers recently conducted the largest crackdown on criminal gangs in the history of our country. In just six weeks, ICE and our law enforcement partners arrested nearly 1,400 suspects and seized more than 200 illegal firearms and some beauties, and nearly 600 pounds of narcotics.

The men and women of ICE are turning the tide in the battle against MS-13. But we need more resources from Congress -- and we're getting them. Congress is actually opening up and really doing a job. They should have approved healthcare last night, but you can't have everything. Boy, oh, boy. They've been working on that one for seven years. Can you believe that? The swamp. But we'll get it done. We're going to get it done.

You know, I said from the beginning: Let Obamacare implode, and then do it. I turned out to be right. Let Obamacare implode. (Applause.)

Right now, we have less than 6,000 Enforcement and Removal Officers in ICE. This is not enough to protect a nation of more than 320 million people. It's essential that Congress fund another 10,000 ICE officers -- and we're asking for that -- so that we can eliminate MS-13 and root out the criminal cartels from our country.

Now, we're getting them out anyway, but we'd like to get them out a lot faster. And when you see these towns and when you see these thugs being thrown into the back of a paddy wagon -- you just see them thrown in, rough -- I said, please don't be too nice. (Laughter.) Like when you guys put somebody in the car and you're protecting their head, you know, the way you put their hand over? Like, don't hit their head and they've just killed somebody -- don't hit their head. I said, you can take the hand away, okay? (Laughter and applause.)

It's essential that Congress fund hundreds more federal immigration judges and prosecutors -- and we need them quickly, quickly -- if we're going to dismantle these deadly networks. And I have to tell you, you know, the laws are so horrendously stacked against us, because for years and years they've been made to protect the criminal. Totally made to protect the criminal, not the officers. If you do something wrong, you're in more jeopardy than they are. These laws are stacked against you. We're changing those laws. But in the meantime, we need judges for the simplest thing -- things that you should be able to do without a judge. But we have to have those judges quickly. In the meantime, we're trying to change the laws.

We're also working with Chairman Bob Goodlatte on a series of enforcement measures -- and he's a terrific guy -- to keep our country safe from crime and terrorism -- and in particular, radical Islamic terrorism. (Applause.) A term never uttered by the past administration. Never uttered. Did anybody ever hear that term? I

don't think so. But you heard it from me.

That includes cracking down on sanctuary cities that defy federal law, shield visa overstays, and that release dangerous criminals back into the United States' communities. That's what's happening. They're releasing them. So many deaths where they release somebody back into the community, and they know it's going to end that way. That's the sad -- they know it's going to end that way. We're ending those procedures. (Applause.) Thank you.

We have to secure -- I spoke to parents, incredible parents. I got to know so many parents of children that were so horribly killed -- burned to death, beaten to death, just the worst kind of death you can ever -- stuffed in barrels. And the person that did it was released, and you'd look at the file, and there were letter after letter after letter of people begging not to let this animal back into society; that this would happen, it would happen quickly. It wasn't even like it would happen over a long period of time. They were saying it would happen quickly. It's total violence. He's a totally violent person. You cannot let this person out.

They let the person out, and sometimes it would happen like on the first day. And then you have to talk to the parents and hold the parents and hug them. And they're crying so -- I mean crying. Their lives are destroyed. And nobody thinks about those people. They don't think about those people. They're devastated.

But we're ending so much of that. We're ending hopefully all of that. The laws are tough. The laws are stacked against us, but we're ending that. (Applause.)

So we're going to secure our borders against illegal entry, and we will build the wall. That I can tell you. (Applause.)

In fact, last night -- you don't read about this too much, but it was approved -- \$1.6 billion for the phase one of the wall, which is not only design but the start of construction over a period of about two years, but the start of construction for a great border wall. And we're going to build it. The Wall is a vital, and vital as a tool, for ending the humanitarian disaster brought -- and really brought on by drug smugglers and new words that we haven't heard too much of -- human traffickers.

This is a term that's been going on from the beginning of time, and they say it's worse now than it ever was. You go back a thousand years where you think of human trafficking, you go back 500 years, 200 years, 100 years. Human trafficking they say -- think of it, but they do -- human trafficking is worse now maybe than it's ever been in the history of this world.

We need a wall. We also need it, though, for the drugs, because the drugs aren't going through walls very easily -- especially the walls that I build. I'm a very good builder. You people know that better than most because you live in the area. That's why I'm here. (Applause.) We'll build a good wall.

Now, we're going to build a real wall. We're going to build a wall that works, and it's going to have a huge impact on the inflow of

drugs coming across. The wall is almost -- that could be one of the main reasons you have to have it. It's an additional tool to stop the inflow of drugs into our country.

The previous administration enacted an open-door policy to illegal migrants from Central America. "Welcome in. Come in, please, please."

As a result, MS-13 surged into the country and scoured, and just absolutely destroyed, so much in front of it. New arrivals came in and they were all made recruits of each other, and they fought with each other, and then they fought outside of each other. And it got worse and worse, and we've turned that back.

In the three years before I took office, more than 150,000 unaccompanied alien minors arrived at the border and were released all throughout our country into United States' communities -- at a tremendous monetary cost to local taxpayers and also a great cost to life and safety.

Nearly 4,000 from this wave were released into Suffolk County -- congratulations -- including seven who are now indicted for murder. You know about that.

In Washington, D.C. region, at least 42 alien minors from the border surge have been recently implicated in MS-13-related violence, including 19 charged in killings or attempted killings.

You say, what happened to the old days where people came into this country, they worked and they worked and they worked, and they had families, and they paid taxes, and they did all sorts of things, and their families got stronger, and they were closely knit? We don't see that.

Failure to enforce our immigration laws had predictable results: drugs, gangs and violence. But that's all changing now.

Under the Trump administration, America is once more a nation of laws and once again a nation that stands up for our law enforcement officers. (Applause.)

We will defend our country, protect our communities, and put the safety of the American people first. And I'm doing that with law enforcement, and we're doing that with trade, and we're doing that with so much else. It's called America First. It's called an expression I'm sure you've never heard of: Make America Great Again. Has anybody heard that expression? (Applause.)

That is my promise to each of you. That is the oath I took as President, and that is my sacred pledge to the American people.

Thank you everyone here today. You are really special, special Americans. And thank you in particular to the great police, sheriffs, and ICE officers. You do a spectacular job. The country loves you. The country respects you. You don't hear it, but believe me, they respect you as much as they respect anything. There is the respect about our country. You are spectacular people. (Applause.)

AUDIENCE: USA! USA! USA!

THE PRESIDENT: Because of the danger of your job, which people also understand fully, I leave you with the following: Thank you and may God bless you. May God bless the United States of America. Thank you very much. (Applause.)

END

2:43

P.M. EDT

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## House Judiciary Press

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**From:** House Judiciary Press  
**Sent:** Wednesday, November 29, 2017 5:51 PM  
**To:** Cutrona, Danielle (OAG)  
**Subject:** House Judiciary Committee Approves Bills to Protect the Second Amendment and Curb Gun Violence

FOR IMMEDIATE RELEASE | House Judiciary Committee



**FOR IMMEDIATE RELEASE**  
November 29, 2017  
[Permalink](#)

**CONTACT:**  
[Kathryn Rexrode](#) or [Jessica Collins](#)  
(202) 225-3951

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**House Judiciary Committee Approves Bills to**

2020-002031 - #0082



## Protect the Second Amendment and Curb Gun Violence

**Washington, D.C.** The House Judiciary Committee today approved two bills to protect the Second Amendment and curb gun violence, the *Concealed Carry Reciprocity Act of 2017* and the *Fix NICS Act of 2017*. House Judiciary Committee Chairman Bob Goodlatte (R-Va.) applauded today's Committee approval of these bills in the statement below.

**Chairman Goodlatte:** "Today the House Judiciary Committee took action to protect Americans' constitutional right to bear arms and enhance public safety. The *Concealed Carry Reciprocity Act* ensures that law-abiding citizens' Second Amendment right does not end when they cross state lines. Citizens with a state-issued concealed carry license or permit, or individuals who are citizens of states that do not require a permit to carry a concealed firearm, should not have to worry about losing these rights when entering another state that may have different rules and regulations.

"Further, the *Fix NICS Act* strengthens our nation's existing laws by ensuring criminals are reported to the National Instant Criminal Background Check System. Tragically, our nation has all too often witnessed heinous acts of violence by criminals who should never have been able to purchase a firearm. We must ensure that both federal and state authorities are properly and accurately reporting criminals to NICS so that we prevent crime and protect lives.

"I thank Representatives Hudson and Culberson for their work on these important bills and look forward to the House of Representatives taking them up in the coming weeks."

The House Judiciary Committee first approved by a vote of 19-11 the *Concealed Carry Reciprocity Act of 2017* (H.R. 38), sponsored by Representative Richard Hudson (R-N.C.). This bill allows people with a state-issued concealed carry license or permit, or individuals who are citizens of states that do not require a permit to carry a concealed firearm, to conceal a handgun in any other state that allows concealed carry, as long as the individual follows the laws of that state.

"My bill is a simple, common sense solution to the confusing hodgepodge of concealed carry reciprocity agreements between states," said **Representative Hudson** on today's Committee vote on H.R. 38. "It will affirm that law-abiding

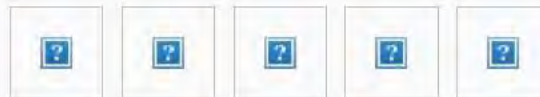


citizens who are qualified to carry concealed in one state can also carry in other states that allow residents to do so. I am pleased to see such strong support in committee, and I look forward to continuing this momentum and bringing the bill to the House floor as soon as possible.”

The Committee also approved by a vote of 17-6 the *Fix NICS Act of 2017* (H.R. 4477), sponsored by Representative John Culberson (R-Texas). This bipartisan, bicameral bill ensures federal and state authorities comply with existing law and report criminal history records to the National Instant Criminal Background Check System (NICS). The *Fix NICS Act* also penalizes federal agencies that fail to report relevant criminal records to the FBI, incentivizes states to improve their reporting, and directs federal funding to make sure domestic violence records are accurately reported to the FBI. Further, the bill requires the Bureau of Justice Statistics to report to Congress within 180 days the number of times that a bump stock has been used in the commission of a crime in the United States.

“Had existing law been enforced, the terrible tragedy in Sutherland Springs, Texas would have never occurred,” said **Representative Culberson**. “There is simply no excuse for the ongoing negligence of criminal history reporting into the National Instant Criminal Background Check System (NICS). I’m greatly encouraged by this bipartisan effort to ensure federal and state authorities enforce existing law. I urge my colleagues in Congress to support this lifesaving piece of legislation.”

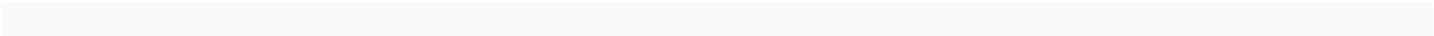
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Washington, DC 20515

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**Cox, Stephen (OASG)**

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**From:** Cox, Stephen (OASG)  
**Sent:** Thursday, November 30, 2017 4:26 PM  
**To:** Barnett, Gary E. (OAG); Thiemann, Robyn (OLP); Mizelle, Chad (ODAG); Scherer, Kyle E. (OASG)  
**Subject:** [REDACTED] (b) (5)  
**Attachments:** Deliberative [REDACTED] (b) (5).docx

GARY/ROBYN/CHAD: Attached is a draft list [REDACTED] (b) (5) for your review. As I've mentioned before, if OAG, ODAG, OASG, and OLP can vet this, I think it could be useful for [REDACTED] (b) (5), which are already in the process [REDACTED] (b) (5). The sooner we can get something like this to them, the easier it will be for them to run with the ideas. And of course, if you can indicate which specific topics (or categories) are of most importance to the AG and the DAG (like we've done for the ASG), that would be really helpful, too.

KYLE: I know you've been in touch with [REDACTED] (b) (5) so the components may not need much further direction. But to the extent you can add to the [REDACTED] (b) (5) list in this document, that would be all the better.

Thanks!

-sjc  
x40129

**Cutrona, Danielle (OAG)**

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**From:** Cutrona, Danielle (OAG)  
**Sent:** Tuesday, December 19, 2017 2:19 PM  
**To:** Barnett, Gary E. (OAG)  
**Subject:** FW: Strategic Planning Chart  
**Attachments:** Strategic Planning Chart (2017.12.18) (Draft To Review).docx

Any chance you can cover this meeting? I asked Katie to reschedule it but apparently it is still going on.

---

**From:** Crytzer, Katherine (OLP)  
**Sent:** Monday, December 18, 2017 9:02 PM  
**To:** Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov>; Whitaker, Matthew (OAG) <mwhitaker@jmd.usdoj.gov>; Hur, Robert (ODAG) <rhur@jmd.usdoj.gov>; Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>; Boyd, Stephen E. (OLA) <seboyd@jmd.usdoj.gov>; Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>; Panuccio, Jesse (OASG) <jpanuccio@jmd.usdoj.gov>; Parker, Rachel (OASG) <racparker@jmd.usdoj.gov>  
**Cc:** Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>; Williams, Beth A (OLP) <bawilliams@jmd.usdoj.gov>  
**Subject:** Strategic Planning Chart

Team,

Attached please find a draft Strategic Planning chart for discussion at our 2:00 strategy meeting tomorrow. This document is a product of previous strategy meetings and your contributions. Thanks.

Katie

**Katie Crytzer**  
**Chief of Staff**  
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Cel (b) (6)  
[Katherine.Crytzer2@usdoj.gov](mailto:Katherine.Crytzer2@usdoj.gov)

## Staff Secretary

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**From:** Staff Secretary  
**Sent:** Wednesday, May 2, 2018 8:39 PM  
**To:** Bolton, John R. EOP/WHO; Ayers, Nick N. EOP/OVP; McGahn, Donald F. EOP/WHO; DeStefano, John J. EOP/WHO; Short, Marc T. EOP/WHO; Kudlow, Larry A. EOP/WHO; Kushner, Jared C. EOP/WHO (b)(6) - Ivanka Trump Email Address; Lighthizer, Robert E. EOP/USTR; Liddell, Christopher P. EOP/WHO; Donaldson, Annie M. EOP/WHO; Bremberg, Andrew P. EOP/WHO; Leggitt, Lance B. EOP/WHO; Kudlow, Larry A. EOP/WHO; (b)(6) per DOD; Whitaker, Matthew (OAG); Sanders, Sarah H. EOP/WHO; Ditto, Jessica E. EOP/WHO; Schlapp, Mercedes V. EOP/WHO  
**Subject:** FOR REVIEW: NRA Leadership Forum Remarks  
**Attachments:** NRA Leadership Forum.docx  
**Importance:** High

Good evening:

(b) (5)



Thank you,  
Staff Secretary

## Staff Secretary

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**From:** Staff Secretary  
**Sent:** Thursday, May 3, 2018 9:37 PM  
**To:** Bolton, John R. EOP/WHO; Ayers, Nick N. EOP/OVP; McGahn, Donald F. EOP/WHO; DeStefano, John J. EOP/WHO; Short, Marc T. EOP/WHO; Kudlow, Larry A. EOP/WHO; Kushner, Jared C. EOP/WHO; Miller, Stephen EOP/WHO; Liddell, Christopher P. EOP/WHO; Bremberg, Andrew P. EOP/WHO; Leggitt, Lance B. EOP/WHO [REDACTED] (b)(6) per DOD Hoelscher, Douglas L. EOP/WHO; Stepien, William EOP/WHO; Shah, Raj S. EOP/WHO; Clark, Justin R. EOP/WHO; Whitaker, Matthew (OAG); Sanders, Sarah H. EOP/WHO; Ditto, Jessica E. EOP/WHO; Schlapp, Mercedes V. EOP/WHO; Venable, Joshua; Walters, Lindsay E. EOP/WHO  
**Cc:** Staff Secretary  
**Subject:** UPDATED: NRA Leadership Forum Remarks  
**Attachments:** NRA Leadership ForumREVISED2.docx

All:

(b) (5)

Thank you,

Staff Sec

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**From:** Staff Secretary  
**Sent:** Wednesday, May 2, 2018 8:39:14 PM (UTC 05:00) Eastern Time (US & Canada)  
**To:** Bolton, John R. EOP/WHO; Ayers, Nick N. EOP/OVP; McGahn, Donald F. EOP/WHO; DeStefano, John J. EOP/WHO; Short, Marc T. EOP/WHO; Kudlow, Larry A. EOP/WHO; Kushner, Jared C. EOP/WH (b)(6) - Ivanka Trump Email Address; Lighthizer, Robert E. EOP/USTR; Liddell, Christopher P. EOP/WHO; Donaldson, Annie M. EOP/WHO; Bremberg, Andrew P. EOP/WHO; Leggitt, Lance B. EOP/WHO; Kudlow, Larry A. EOP/WHO [REDACTED] (b)(6) per DOD [REDACTED]; 'Whitaker, Matthew (OAG)'; Sanders, Sarah H. EOP/WHO; Ditto, Jessica E. EOP/WHO; Schlapp, Mercedes V. EOP/WHO  
**Subject:** FOR REVIEW: NRA Leadership Forum Remarks

Duplicative Material

**Thiemann, Robyn (ODAG)**

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**From:** Thiemann, Robyn (ODAG)  
**Sent:** Friday, September 7, 2018 10:53 AM  
**To:** Barnett, Gary E. (OAG)

1. **NICS/VA issue.** The Department of Veterans Affairs (VA) has been required to report the names of all beneficiaries determined to be unable to manage their financial affairs to the FBI for inclusion in the NICS as a result of a 1998 request from the then Attorney General Janet Reno, pursuant to the 1993 Brady Handgun Violence Prevention Act. It is my understanding that the VA's decisions in these cases are determined by a VA disability rating specialist without any consideration of whether the person is considered to have a propensity for violence or is considered a threat to himself or herself or others. This is very troubling given the potential for veterans to have their second amendment rights restricted, despite the absence of any evidence that their condition would impair their ability to safely own or handle a firearm, or that they are a threat.
  - a. It is my understanding that you could eliminate this requirement for the VA to supply information about their beneficiaries to the FBI; is that correct?

**RESPONSE** (b) (5)

[REDACTED]

- b. I request that you review this matter promptly and consider suspending this requirement until you have received information from the VA regarding their process and whether the second amendment rights of our veterans are being protected. Can you provide an initial response to the Committee in 90 days?

**RESPONSE** (b) (5)

[REDACTED]

*Robyn L. Thiemann*



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**The Honorable John Culberson**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**  
**Department of Justice FY 2019 Budget Request**

1. Since you have been Attorney General, the House has sent two criminal referrals for contempt of Congress to the Department of Justice. However, I understand no action has been taken on them. It is important for the Department of Justice to carry out its responsibility to act on such referrals. Could you please review this matter, and report to the Committee on the status of the Department's response to the referrals?

(b) (5)

**RESPONSE:** (b) (5)

**The Honorable Robert B. Aderholt**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**  
**Department of Justice FY 2019 Budget Request**

1. **Violent Crime.** Thank you for your work deporting dangerous illegal aliens.
- a. With the recent Supreme Court decision regarding the definition, or application, of the category “violent crime,” what do you need in order to continue common sense deporting of dangerous illegal aliens? For example, actions such as rape, and murder, as well as physical assaults resulting in injury, are violent crimes.
  - b. Do you need legislative language or simply a restatement of your policy?

**RESPONSE:** (b) (5)

[REDACTED]

2. **Uncollected debt.**
- a. How much uncollected debt, for which the Department has obtained judgments, is currently owed to the government?

**RESPONSE:** (b) (5)

[REDACTED]

- b. How much of that would be collectible if the Department were given adequate resources?

RESPONSE:

(b) (5)

c. What additional resources does the Department need to collect these judgments?

RESPONSE:

(b) (5)

(b) (5)

d. How many attorney hours were spent obtaining judgments which the Department now deems uncollectable?

RESPONSE:

(b) (5)

3. **Banking services for gun manufacturers.** On the Citigroup blog, CEO Mark Corbat stated that Citigroup would coordinate with other businesses regarding restrictions on the sale or manufacture of certain guns, and sales of guns to persons under the age of 21. Bank of America has also announced their intent to implement similar trade constraining policies in legal products as well as refuse banking services to manufacturers and/or sellers of legal products.

- a. What reviews have been initiated by the Department of Justice regarding the legality of this multi-company dialogue to restrain the sale of a legal product to a person of legal age? If the answer is none, please initiate one.
- b. If it is determined that Bank of America has announced their policies as a result of Mr. Corbat's initiation of dialogue among a consortium of banking executives, does that behavior qualify as the kind of action described in the Sherman Anti-Trust Act? (15 USC 1). Specifically, the phrase, "conspire to restrain trade."

**RESPONSE:** (b) (5)

[REDACTED]

4. **NICS/VA issue.** The Department of Veterans Affairs (VA) has been required to report the names of all beneficiaries determined to be unable to manage their financial affairs to the FBI for inclusion in the NICS as a result of a 1998 request from the then Attorney General Janet Reno, pursuant to the 1993 Brady Handgun Violence Prevention Act. It is my understanding that the VA's decisions in these cases are determined by a VA disability rating specialist without any consideration of whether the person is considered to have a propensity for violence or is considered a threat to himself or herself or others. This is very troubling given the potential for veterans to have their second amendment rights restricted, despite the absence of any evidence that their condition would impair their ability to safely own or handle a firearm, or that they are a threat.

- a. It is my understanding that you could eliminate this requirement for the VA to supply information about their beneficiaries to the FBI; is that correct?

**RESPONSE:** (b) (5)

[REDACTED]

- b. I request that you review this matter promptly and consider suspending this requirement until you have received information from the VA regarding their process

and whether the second amendment rights of our veterans are being protected. Can you provide an initial response to the Committee in 90 days?

**RESPONSE**

(b) (5)

(b) (5)

(b) (5)

**5. Special Counsel and other ongoing investigations within DOJ.**

- a. What is the current status of U.S. Attorney John Huber's investigation of allegations of abuse within the FBI?

(b) (5)

- b. What is the scope of his investigation?

(b) (5)

- c. Will Mr. Huber's investigation include alleged wrongdoing such as the mishandling of classified information by Sec. Hillary Clinton and Huma Abedin (as well as the simultaneous public sector and private sector salaries received by her, as investigated by Senator Grassley), as well as the Uranium One deal?

(b) (5)

d. If not, why?

(b) (5)

e. Do you anticipate the appointment of a second special?

(b) (5)

f. Is there any effort to ensure that Mr. Mueller's staff is not biased politically?

(b) (5)

g. How many of Mueller's staff are registered Republicans? How many of Mueller's staff are registered Democrats?

(b) (5)

h. What is a standard timeline for an investigation conducted by a special counsel?

(b) (5)

(b) (5)

(b) (5)

**6. Status of appointments.**

a. Please list all non-career appointment slots that do not require Senate approval and which are currently vacant.

(b) (5)

(b) (5)

a. Please identify all matters to which 16 or more attorneys are assigned.

**RESPONSE:** (b) (5)

(b) (5)

**9.8. Senior Executive Service.**

- a. How many SES slots are there at the Department of Justice?

**RESPONSE:** (b) (5)

- b. How many SES personnel received the highest possible rating this past performance rating cycle?

**RESPONSE:** (b) (5)

- c. How did that impact salary costs?

**RESPONSE:** (b) (5)

- d. How many SES personnel were removed from SES service?

**RESPONSE:** .

**10.9. DOJ/ED Policy – “Rethink School Discipline”.** In the wake of the shooting at Parkland’s Marjory Stoneman Douglas High School, there have been reports that under the “Rethink School Discipline” guidance, Broward County law enforcement officials may have made an agreement with school officials under the NOT to arrest students [REDACTED], even if violent crimes were being committed. The apparent intent of this Obama Administration policy was to reduce crime statistics and thereby enable school systems to qualify for more grants. Failing to arrest violent students exposes innocent students to further violence.

- a. Are applicants for DOJ grants using this program to refuse to arrest violent students?

**RESPONSE:** [REDACTED]

- b. Do these refusals to arrest students include incidents which occur off school property?

**RESPONSE:** [REDACTED]



- c. It is my understanding that the Department of Education is reviewing this policy for possible elimination. Is the Department of Justice participating in this review?

**RESPONSE:** [REDACTED] (b) (5)

**The Honorable Steven Palazzo**  
**Committee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**  
**Department of Justice FY 2019 Budget Request**

1. The recent DOJ Inspector General report on the San Bernardino investigation lays bare some very troubling facts. For instance, the report finds that the FBI's lead forensics team working the shooter's iPhone did not consult with other FBI experts or third-party vendors to determine what capabilities or relationships could be leveraged to unlock the phone. In addition, and most surprising, the report finds that some FBI officials were more interested in litigating against Apple than unlocking Farook's iPhone. What changes have you made to ensure this lack of coordination and candor do not happen again?

(b) (5)

[illegible]

2. The recent DOJ OIG report on the San Bernardino investigation finds that senior FBI personnel made misstatements to Congress about the bureau's efforts to unlock the shooter's iPhone. Though the IG stopped short of stating that FBI personnel intentionally misled Congress, it appears that material information was not disclosed to them by FBI investigators. Are you considering disciplinary action against those implicated by the report?

**RESPONSE:** (b) (5)

**RESPONSE:**

(b) (5)

(b) (5)

**The Honorable José E. Serrano**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**  
**Department of Justice FY 2019 Budget Request**

Travel by the Attorney General

1. Please list all travel by the Attorney General from his first day in office through the date of receipt of this question, including both official and political travel and categorizing each trip (or segments of a trip) as official or political.

**RESPONSE:** (b) (5)

2. Please indicate the date of departure and return to Washington, D.C., for each trip; the purpose of trip; the number of DOJ staff persons accompanying the Attorney General; the total cost of the trip, including all costs incurred by all persons accompanying the Attorney General; the total cost for all trips by person; and whether the cost of the trip was borne by DOJ, another agency, or a non-governmental entity.

**RESPONSE:** (b) (5)

3. If the trip was paid by DOJ, indicate from which DOJ account the funding was drawn.

**RESPONSE:** (b) (5)

4. If any costs were initially borne by DOJ or another federal agency for a political trip, please indicate when DOJ or the other agency was reimbursed for its expenditures, by whom, and whether reimbursement in full has been received.

**RESPONSE:** (b) (5)

Travel by the Political Appointees

5. Please provide the same travel information as in the first question for all political appointees, by name, on the DOJ roster as of the date of receipt of this question.

**RESPONSE:** (b) (5)

Immigration Judges

6. Please list any other court or judges that have been subjected to the quotas as a basis for their personal performance evaluations.

**RESPONSE:** (b) (5)

7. Please provide all communication to immigration judges relating to new performance standards.

**RESPONSE:** (b) (5)

8. Please provide all applicable circuit court case law that could prohibit immigration judges from denying a continuance based on any performance measures.

**RESPONSE:** (b) (5)

9. Please provide the analysis for proposed case completion performance goals for judges?

**RESPONSE:** (b) (5)

United States Attorneys

10. Please provide the funding requirement for fiscal years 2019 and 2020 to convert Assistant U.S. Attorney's to the General Schedule scale.

**RESPONSE:** (b) (5)

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Legal Orientation Program

11. Please provide the methodology for the ongoing cost-benefit analysis for the Legal Orientation Program and the Help Desk Pilot program.

**RESPONSE:** [REDACTED]

(b) (5)

(b) (5)

**The Honorable Derek Kilmer**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**  
**Department of Justice FY 2019 Budget Request**

1. President Trump recently reassured Senator Corey Gardner from Colorado that the Department's rescission of the Cole Memo would not target Colorado, a state that has legalized adult use of marijuana. Does this pledge apply equally to all states with legalized marijuana laws, including Washington?

(b) (5)



(b) (5)



2. Is the Department of Justice respecting the President's pledge to Senator Gardner? If it is, has the pledge had any effect on the Department's formal position on legal state marijuana programs?

(b) (5)



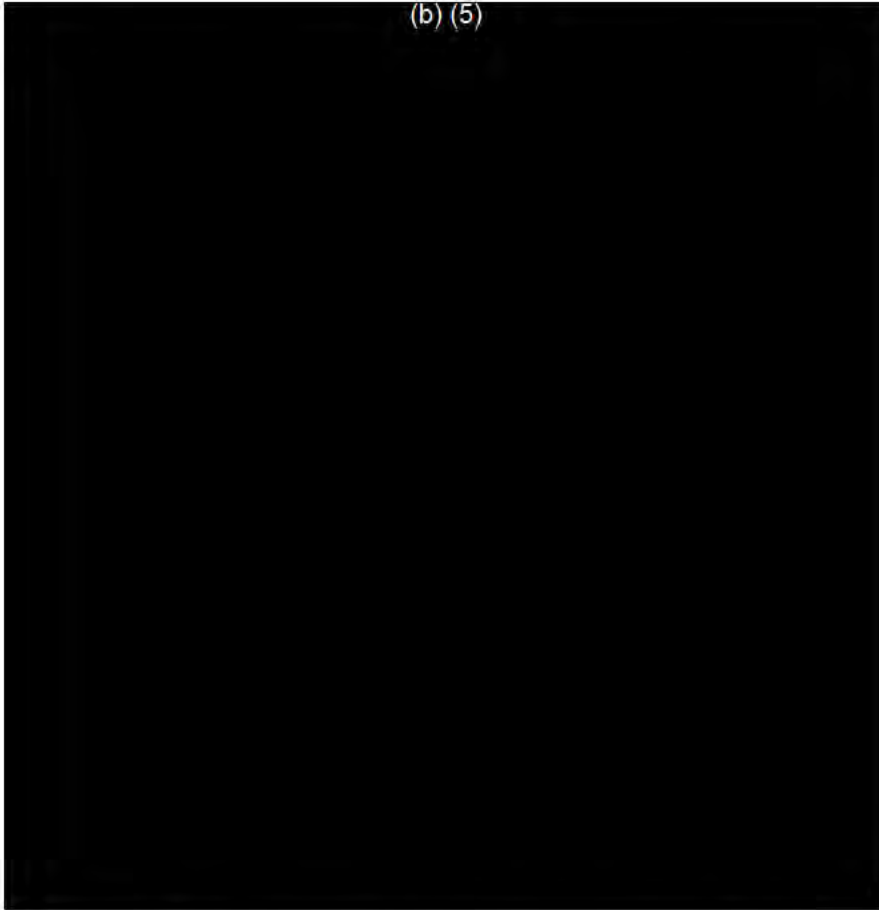
(b) (5)



3. The Department of Justice has stated that in fiscal year 2017, the FBI was unable to access the content of approximately 7800 mobile devices. But without any additional information, it's hard to know what that figure means. Can you tell us how many of those

devices had associated cloud backups or cloud data? Did you consult with the provider or third party vendors like Cellebrite or Grayshift to try and unlock all of those devices? If not, why?

(b) (5)



(b) (5)

4. How do you view the role of mentoring as a prevention tool that can make a real and credible impact on at-risk youth in the United States?

**RESPONSE:** (b) (5)





5. As reflected by the increased funding for the Youth Mentoring Grant, the subcommittee is taking steps to address the impact of the opioid epidemic on our communities, especially our youth. How does the Department intend to prioritize youth opioid prevention with the additional dollars appropriated in FY 18 and ensure it gets to community groups doing this important work, such as Boys & Girls Clubs?

**RESPONSE:** (b) (5)

[REDACTED]

6. The Department of Justice recently introduced rules that changed how applications for COPS grants would be scored; awarding additional points to police departments that agree to cooperate with federal immigration officials. In effect, withholding this money from jurisdictions that do not comply with these rules. At the same time, the Department continues to propose sweeping cuts to the COPS hiring program, which funds new positions for law enforcement officers across the country. At a time when our country is reeling from instance after instance of mass violence, why is the Department making it harder for communities in need to access these grants? Rather than picking winners and losers, shouldn't we be focused on making sure these valuable resources go to the communities that need them most?

**RESPONSE:** (b) (5)

[REDACTED]

7. Face recognition technology has become prevalent in criminal justice systems across the United States, both at a state and federal level. While this technology has the potential to

**RESPONSE:** (b) (5)

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

**The Honorable Matt Cartwright**  
**Committee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**  
**Department of Justice FY 2019 Budget Request**

## 1. CIVIL RIGHTS

Despite the growing salience and bipartisan support for a wide array of civil rights issues, you have steered the DOJ away from prioritizing civil rights issues. This has led a number of states, including my own, to sue the DOJ.

The most recent suit against you was after you revoked legal guidance designed to protect the disabled, minorities, and the poor. At the time, Reuters quoted you as saying that this guidance was “unnecessary, inconsistent with existing law, or otherwise improper.” But part of this guidance was intended to ensure state and local governments accommodate disabled employees and integrate them into the work place. DOJ’s FY17 budget proposal made no mention whatsoever of fighting discrimination against people with disabilities.

As a matter of fact, your proposed budget request would eliminate 27 positions, including 11 attorneys, from the Civil Rights Division. And by incorporating the Community Relations Service into the Civil Rights Division with no additional funding, you are exacerbating the burden placed on the Civil Rights Division. You are doing all of this at a time when the FBI reported a rise in hate crime incidents each of its past 3 annual reports. I am troubled by this.

Furthermore, by closing the Office for Access to Justice, you have diminished criminal justice reform efforts to ensure that poor people are not incarcerated merely because they are unable to pay fines and fees.

- a) Why – when it comes to Civil Rights – would you want to cut corners in the budget and eliminate guidance which addresses issues that are growing more problematic each year?

**RESPONSE:** [REDACTED] (b) (5)

[illegible]

\_\_\_\_\_

\_\_\_\_\_

(b) (5)

- b) What specific actions is the DOJ taking in order to guarantee that the poor, minorities, and the disabled are treated with the same dignity and justice as any other U.S. citizen?

RESPONSE: (b) (5)

## 2. LGBTQ CIVIL RIGHTS

You have a record that demonstrates how you believe the law ought to treat LGBTQ Americans.

- You opposed the repeal of the Don't Ask, Don't Tell policy that forbids LGBTQ Americans from openly and bravely serving our country in our armed forces.
- You criticized the Supreme Court decision in *Lawrence v. Texas* that struck down laws banning same-sex relations.
- And as recently as 3 years ago, you also decried the Supreme Court decision in *Obergefell v. Hodges* that legalized same-sex marriage.

Your actions as Attorney General have continued to demonstrate how you believe the law ought to treat LGBTQ Americans.

- When you took over the Department of Justice, one of your first actions was withdrawing protections for transgender students in public schools.
- In October of last year, you announced a reversal in policy and stated that Title VII of the Civil Rights Act does not protect LGBTQ Americans.
  - This is deeply troubling to me because transgender children are especially vulnerable to discrimination, bullying, and threats of violence.

- In fact, the entire American LGBTQ community faces higher rates of discrimination, homelessness, depression, physical violence, and suicide.
  - And over 70% of Americans want their LGBTQ family and friends to be protected from harm and discrimination.
- a) The DOJ and Equal Employment Opportunity Commission (EEOC) both enforce Title VII. The EEOC continues to enforce Title VII against those who discriminate against LGBTQ individuals, even though Justice does not.
- Did Justice consult with EEOC before changing course?
  - In 2015 Justice filed a brief in *Obergefell* citing unequal treatment by law enforcement, hate crimes, and significant workplace discrimination against LGBTQ individuals to support the argument in favor of legal protections for LGBTQ Americans. Have the facts changed to support a different approach in 2018?

RESPONSE: (b) (5)

- b) Last year you issued guidance on religious liberty. You wrote “except in the narrowest circumstances, no one should be forced to choose between living out his or her faith and complying with the law.” I am concerned that this guidance could be twisted and used as a tool of discrimination against LGBTQ individuals, persons of color, interracial couples, and members of religious minorities.
- Could this guidance permit a FEMA employee to refuse to provide disaster relief to a same-sex married couple because that employee believes that homosexuality is a sin and marriage should be between one man and one woman?
  - How would you direct the DOJ to respond if a complaint was made to the civil rights division about this hypothetical denial of assistance?

RESPONSE: (b) (5)

- c) The EEOC isn’t the only federal body that has afforded Title VII protections to LGBTQ Americans. Numerous federal district and circuit courts have held that Title VII protects individuals from workplace discrimination on the basis of sexual orientation and gender identity.
- Why did your agency file amicus briefs in *Zarda v. Altitude Express* and *Masterpiece Cakeshop v. Colorado Civil Rights Commission*? The court did not solicit an amicus in either case, and neither case directly involved the DOJ.
  - What actions has DOJ taken to ensure it continues to protect LGBTQ Americans, consistent with the laws of the United States as interpreted by our Federal Courts?

**RESPONSE:** (b) (5)

[REDACTED]

### 3. OFFICE OF VIOLENCE AGAINST WOMEN

The DOJ's Inspector General revealed that department officials are mishandling sexual harassment complaints and this issue requires "high level action." DOJ gave some perpetrators little discipline and, surprisingly, later awarded bonuses or performance awards to those same perpetrators. This problem involves people from presidential appointees to U.S. attorneys, and a deputy assistant attorney general.

- a) While the IG's office investigates these allegations, the Department decides which disciplinary actions to take. Are you satisfied with DOJ's response thus far? What steps will you take to achieve a "zero-tolerance" environment within the DOJ?

**RESPONSE:** (b) (5)

[REDACTED]

[REDACTED]

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- b) The Director of the Office of Violence Against Women (OVW) runs a budget of more than \$450 million and is supposed to be the Administration's leading voice on domestic and sexual violence, here in the U.S. and abroad. This position remains unfilled to this day. This vacancy is especially glaring against the backdrop of assault allegations within the Administration and throughout the United States.
- o What has led to the delay in nominating someone for this position and when will you fill this vacancy?

**RESPONSE:** [REDACTED] (b) (5)

[REDACTED]

[REDACTED]

(b) (5)

#### 4. ELECTION INTEGRITY

Virtually all Americans are concerned that the Russian government interfered in the 2016 election. The January 2017 National Intelligence Council's declassified version of "Assessing Russian Activities and Intentions in Recent US Elections" described how – through disinformation – Russia amplified political division between Americans. It also asserts that Russia will likely use the lessons learned from 2016 to deploy even more effective methods of undermining the U.S. elections in 2018.

Furthermore, the Director of the National Security Agency (NSA) Admiral Rogers acknowledged that the response so far has been insufficient in deterring Russian electoral interference. “They haven’t paid a price, at least, that has significantly changed their behavior,” Rogers said.

In this year’s election, we could be subject to a wide range of attacks including:

- denial-of-service attacks on state election systems;
- website defacements;
- manipulation of vulnerable voting machines and precinct electoral computers;
- distortion of vote tallies sent from counties to states;
- vast manipulation of social media and the spread false information, as we saw in 2016;
- And the alteration of names or birthdates on voter rolls.

The last one could lead to true chaos. Small and hard-to-detect changes in the rolls would lead to massive confusion when voters would be turned away en mass on Election Day. It is hard for any of us to truly comprehend the threat to our democracy if millions of voters could not cast a ballot because of hacking.

- a) With the mid-term election less than a year away, what concrete steps is DOJ taking to protect the integrity of our electoral system? Which of these threats is most concerning to you and what contingencies have you put in place to address it?

**RESPONSE:** (b) (5)  
[Redacted text block]

[Redacted text block]



(b) (5)

- b) Would you advise that Congress legislate certain minimum federal standards for the cybersecurity of our election systems to address these myriad threats?

**RESPONSE:** (b) (5)

Maintaining an election's integrity requires not just exclusion of voter fraud but inclusion of all willing voters. Voting should be more secure and more accessible.

Since your appointment as Attorney General, the DOJ has taken a number of stances that directly and indirectly suppress the vote of the poor and minorities.

- Under your leadership, the DOJ withdrew its opposition to a Texas' voter ID law that was ruled by a judge to effectively disenfranchise poor and minority voters who face difficulties obtaining IDs.
- Under your leadership, the DOJ withdrew its objections to Ohio purging voters from the rolls for missing an election.
- And, under your leadership, voters' time and money was wasted on a "Voter Fraud Commission" that was ultimately disbanded because the evidence shows over and over again that voter fraud in this country is negligible.

Since the year 2000 this country has only seen 633 alleged cases of voter fraud and investigations of voter fraud have shown that one is more likely to be struck by lightning than impersonate another person at the polls. Voter suppression, on the other hand, is a very real issue. On Election Day in 2016, there were more than 5,500 calls reporting voter intimidation by 9:30am.

- c) Why did you decide to withdraw the DOJ's opposition in both of these cases, especially when it is strikingly apparent that each of these voting restrictions will drastically hinder the vote, especially for those Americans in minority groups that have had their vote restricted in the past?

**RESPONSE:** (b) (5)

After the Supreme Court struck down Article 5 of the VRA, many states took measures to tighten restrictions on voters.

- d) Can we count on the DOJ to support Congressional efforts to strengthen the VRA, and prevent racially or politically motivated coercion at the polls?

**RESPONSE:** [REDACTED] (b) (5)

5. BUREAU OF PRISONS: UNFILLED POSITIONS AND UNDERSTAFFING

Upon taking office on January 20, 2017, the Trump Administration instituted a hiring freeze across the federal government. The Department of Justice has since lifted the moratorium for other DOJ agencies, but has maintained the hiring freeze for BOP. Earlier this year, BOP notified its installations that it is eliminating more than 6,000 unfilled congressionally authorized positions, which they contend have been vacant for a while. However, since BOP has been under a DOJ self-imposed hiring freeze, BOP has not been able to fill any vacancies for more than a year, which has resulted in thousands of additionally funded positions being left unfilled.

Additionally, the inmate to correctional officer ratio is currently 8.3 to 1, a level that is unsafe for staff. While the 8.3:1 ratio is Agency-wide, at some medium-, low-, and minimum-security facilities staff are supervising hundreds of inmates alone. Staffing needs also vary widely across the 122 federal prisons operated by BOP, and the needs at medium- and high- security institutions are different from those at low security facilities. The hiring freeze has limited BOP's ability to appropriately staff its facilities across the United States, particularly hiring of correctional officers at medium- and high-security facilities, which has resulted in large scale contraband introductions (e.g. cellphones, K-2, etc.). For example, more than 1,100 cell phones were confiscated at Ft. Dix, NJ, and dozens of inmates brazenly walk away from camps to bring contraband on federal property daily.

- a) I understand that the Bureau of Prisons notified installations earlier this year to expect a cut of 6,000 positions. Why is BOP planning to cut this positions given the existing, unsafe inmate to correctional officer ratio of 8.3 to 1?

**RESPONSE:** [REDACTED] (b) (5)

- b) Why is DOJ seeking to eliminate 989 FTEs—actual filled positions—in the FY 19 Budget request for BOP when that same request shows a projected increase in the inmate population?

**RESPONSE:** (b) (5)

- c) Given the current unsafe inmate to correctional officer ratio, when can you definitively ensure that all authorized positions will be filled?

**RESPONSE:** (b) (5)

- d) What hasn't the internal hiring freeze been lifted for BOP, as it has been for most other law enforcement agencies across the Department of Justice?

**RESPONSE:** (b) (5)

#### 6. BUREAU OF PRISONS: INMATE ESCAPES

There are countless examples of inmate on inmate assaults and inmate on staff assaults at federal prisons. There is widespread evidence of escapes from the high security facility USP Atwater in California where the Warden didn't timely notify local authorities or the FBI of a high security inmate escape. Two dangerous inmates were caught between the fences at U.S. Penitentiary Lee in Virginia. An inmate walked away from FCI Lompoc in March 2018, Three inmates have escaped from federal penitentiaries in the first three months of 2018, and 12 have escaped since 2015.

- a) What are you doing regarding staffing of funded positions to put a stop to this threat to public safety?

**RESPONSE:** (b) (5)

(b) (5)

- b) Are these escapes and other incidents a direct result of the cutting of staff, closing of gun towers, and cutting back of perimeter patrols? If not, to what can they be attributed?

**RESPONSE:** (b) (5)

#### 7. BUREAU OF PRISONS: AUGMENTATION

BOP routinely uses a process known as augmentation, in which non-correctional staff such as a teacher, plumber, or other prison staff are assigned custody responsibilities to meet staffing needs. This is unsafe for these non-correctional officers who were not hired to work in custodial duties daily. It takes them away from their assigned duties and leaves those jobs undone for the day. It also reduces access to programming, recreation, and education initiatives, which are key to maintaining safe facilities and reducing recidivism.

Report language in the FY18 omnibus funding bill says, "The Committee directs the BOP to curtail its overreliance on augmentation and instead hire additional full-time correctional staff before continuing to augment existing staff. BOP is further directed to submit quarterly reports to the Committee on the inmate-to-correctional officer ratios at each facility."

- a) In the House Appropriations Committee Report on the FY18 CJS Appropriations bill, the Committee directed the BOP to curtail its overreliance on augmentation and hire additional full-time correctional staff. What is DOJ doing to ensure BOP fully complies with the Congressional directive to curtail augmentation?

**RESPONSE:** (b) (5)

- b) The omnibus appropriations bill was signed into law on March 23, 2018. What direction has the DOJ given to BOP to ensure their wardens fully comply with the Congressional directive to curtail augmentation and hire additional full-time correctional staff?

**RESPONSE:** (b) (5)

(b) (5)

(b) (5)

8. BUREAU OF PRISONS: INCREASING UNIT OFFICER STAFF AT HIGH SECURITY INSTITUTIONS

Correctional officer Eric Williams was brutally murdered at USP Canaan, when he was stabbed by an inmate over 200 times while locking inmates into their cells on the evening of February 25, 2013. He was working in the housing unit alone, supervising more than 120 dangerous felons by himself. The FY16 appropriations bill that was signed into law included language directing BOP to use \$32,000,000 to add an additional correctional officer in each high security housing unit during all three shifts.

- a) Despite this language, there are still high-security housing units that only have one officer at a time. Why has BOP not complied with the law to ensure there are at least two correctional officers in each security housing unit during every shift?

**RESPONSE:** (b) (5)

- b) What steps are is BOP taking to full comply with the directive that every high-security housing unit has two officers on duty at all times?

**RESPONSE:** (b) (5)

(b) (5)

#### 9. BUREAU OF PRISONS: BOP USE OF CONTRACT PRISONS

In August 2016, the DOJ Inspector General issued a report entitled, “Review of the Federal Bureau of Prisons Monitoring of Contract Prisons.” The report found, “that in a majority of the categories we examined, contract prisons incurred more safety and security incidents per capita than comparable BOP institutions” and “that the BOP needs to improve the way it monitors contract prisons.” For example, none of BOP’s procedures for monitoring contract compliance with regard to health services measured whether inmates actually received basic medical care. The OIG cited numerous incidents and made four recommendations to improve monitoring and oversight of contract prisons.

On April 3, the *New York Times* published a story exposing the conditions inside a private prison in Mississippi entitled, “Inside a Private Prison: Blood, Suicide and Poorly Paid Guards.” The *New York Times* published another story on April 10, “Escapes, Riots and Beatings. But States Can’t Seem to Ditch Private Prisons.” Both of these reports shined light on the terrible conditions in which inmates are housed, the lack of medical care given, and the lack of corrections staff, which results in a lack of basic safety and security being provided. These reports are similar to a 2016 story in *Mother Jones* about the deplorable conditions in federally contracted private prisons. These stories highlight the result of privatizing an inherent government function, and the negative consequences of introducing a profit motive into the care and housing of inmates. While the prison profiled in the first story is a state prison, the company that operates it, Management and Training Corporation, operates two federal prisons: CI Giles W. Dalby in Texas and CI Taft in California.

- a) Given the findings of the August 2016 DOJ IG report on contract prisons and the recent stories in the *New York Times*, why do you think it’s a good idea to continue increasing the use of private prisons—as directed in the memo Assistant BOP Director Frank Lara issued on January 24, in response to your rescission of the August 18, 2016 memo from then-Deputy Attorney General Sally Yates directing the Bureau of Prisons to reduce and ultimately eliminate the use of privately operated prisons?

**RESPONSE:** (b) (5)

- b) What are you doing to ensure that safe and humane conditions exist in the private federal prisons contracted by BOP?

**RESPONSE:** (b) (5)

(b) (5)

- c) BOP has available bed-space at many of its facilities, and private prisons are only to be used to reduce overcrowding. Why hasn't BOP started bringing inmates back to BOP facilities given this available bed space, including more than a dozen closed buildings and housing units in BOP facilities?

**RESPONSE:**

(b) (5)

- d) The FY 2018 omnibus appropriations bill included report language directing BOP to provide Congress with a detailed report on its use of private prisons:
- i. "Within 90 days of enactment of this act...to provide a report to the Committee describing BOP's use of contract facilities for fiscal years 2016 and 2017. The report shall include the number of contract facilities utilized by BOP, to include the companies providing these services, the status of these contracts explaining any terminations or renewals during the periods under review, and compliance status of any remedial or corrective actions recommended by BOP or OIG for each company and contract; details of inspections, evaluations, or incident reports, including the number of safety and security incidents at each facility, whether these incidents resulted in injury or death, and any evaluations of incidents conducted in response to the OIG recommendation, issued by BOP or OIG regarding any of these facilities during the period under review, including a current analysis of the condition of each facility under contract and whether BOP believes that such facilities remain suitable for use; the percentage of both U.S. citizens and foreign nationals housed in each facility; verification of whether each facility is providing basic medical services such as medical exams and immunizations; verification of actual correctional officer staffing levels as compared to contracted levels; a detailed accounting of the progress made in addressing the OIG's recommendations; and any information regarding announced changes in contract specifications for current or future contracts for each facility, including bed capacity limits, and the justification for and budgetary impact of such change."

The report is due on June 23, 2018 describing your use of contract prisons over the last two years. Will BOP be in compliance with the law and provide that report and all the data Congress is seeking by the June 23, 2018 deadline?

**RESPONSE:**

(b) (5)

#### 10. ROLE OF THE FBI

In December, the President wrote in a tweet: “After years of Comey, with the phony and dishonest Clinton investigation (and more), running the FBI, its reputation is in Tatters - worst in History!”

As we know, this is just one of many tweets and comments coming out of the administration that directly and undeniably attacks and undermines the credibility of the FBI.

Constant attacks like these tweets undoubtedly affect morale at the FBI. Morale levels are at the lowest point in years at the Justice Department as a whole and specifically the FBI, according to a survey conducted by the nonpartisan Partnership for Public Service. The Partnership’s CEO said that when an agency’s morale goes up or down, it is “always about the leadership of the organization.” The current FBI Director, Christopher Wray, insisted that the FBI’s reputation is not “in tatters.”

- a) It is vital to the morale of your employees and the success of the FBI that you, as head of the Department of Justice, support them and defend them from any baseless attack. They need the Attorney General to have their back. Whose assessment of the FBI is correct? Is it in tatters?

**RESPONSE:** (b) (5)

- b) Would you say that the FBI’s reputation is the worst it has been in the history of the Bureau?

**RESPONSE:** (b) (5)

#### 11. OPIOID EPIDEMIC

I’d like to commend you for some of the work you have been doing to combat the opioid crisis, which takes 116 American lives every day. My home state of Pennsylvania has borne a disproportionate share of tragedy. We lost nearly 5,000 lives last year. I know your Justice Department has been doing what they can to crack down on illicit drug dealers and unscrupulous doctors and pharmacists. I am especially happy to see the results of your 45-day enforcement surge, and your announcement last week to put limits on national opioid production. There is a lot more work that we can do, and I hope we can work together to end this tragic epidemic.

- a) We agree that high-level drug dealers of heroin and fentanyl belong behind bars for a very long time. However, a long term study across all 50 states showed that increased incarceration did not decrease drug addiction or overdose rates.
  - o How are you equipping our law enforcement agencies to distinguish between drug dealers and drug users? Between those who should be prosecuted, and those who simply need help and treatment?
  - o Incarceration does not help people who are addicted to opioids. Convictions lead to reduced employment and housing opportunities after leaving the criminal justice system, making it harder for opioid addicts to recover and lead productive lives. In order to end the opioid epidemic, we must punish wrong-doers while helping their victims.



- What efforts have you made to divert opioid users and addicts out of the criminal justice system and toward treatment?
- Have you talked to the CDC or NIH about treatment and rehabilitation programs? What concrete steps can you commit to that will help people struggling with opioid addictions instead of criminalizing them?

(b) (5)

(b) (5)

(b) (5)

(b) (5)

- b) Naloxone is a safe, easy to administer medication that reverses opioid overdoses and saves lives. One life is saved for every 160 naloxone kits. I know that the President's Commission on Combating Drug Addiction and the Opioid Epidemic recommended that every law-enforcement officer in the country should be equipped with naloxone, and I fully agree with this suggestion.
- What steps have you taken to ensure that federal, state, and local law enforcement officers have the tools, training, and support to accomplish this goal?

RESPONSE: (b) (5)

- c) One harm-reduction approach that has worked in other countries is creating safe injection sites. These sites provide sterile needles, clean facilities, HIV and Hepatitis C



while cutting programs like COPS that focus on giving local police good paying jobs, encouraging community policing, and combatting the most relevant threats to our society.

- a) Last September, you spoke to a group of local police officers in Harrisburg, Pennsylvania which included the Police Chiefs from Scranton and Wilkes-Barre. You said, that the opioid epidemic was “a top priority” and “If we are going to reverse this kind of trend it will have to come...from state and local efforts.” Will eliminating funding for the COPS’ Anti-Heroin Task Force and Active Shooter Situations programs help them complete this mission?

**RESPONSE:**

(b) (5)

(b) (5)

### 13. MICHAEL COHEN

In March 2017, you recused yourself from the investigation into Russian interference and said that you would steer clear of “any matters arising from the campaigns” for president. I applaud your dedication to avoiding conflicts of interest, especially in the face of excoriation from a President who would have had you act otherwise.

But, I am puzzled why – when you have clearly drawn a line in the sand about not participating in campaign investigation matters – you have declined to recuse yourself from the investigation into Michael Cohen, President Trump’s personal lawyer.

- a) By staying involved in the Cohen probe are you entitled to briefings on the status of the investigation?
- b) Are you entitled to weigh in on specific decisions by prosecutors, including whether to pursue subpoenas and indictments?
- c) Did the Cohen investigation originate from a referral from Robert Mueller’s work examining Russian interference? If so, wouldn’t that make this a “matter arising from the campaign”?
- d) Did the President speak with you at any point about recusing yourself or remaining involved with the Cohen investigation?
- e) Mr. Cohen’s investigation has clear ties to the Russian interference investigation and by remaining involved in this case, you are putting yourself in a potentially problematic ethical position. If the president asked you to divulge the information you have received via the briefings what would you do?
- f) What specifically makes this investigation an exception to all other investigations with ties to the Russian interference that you have recused yourself from?

**RESPONSE:**

(b) (5)

**The Honorable Grace Meng  
Subcommittee on Commerce, Justice, Science, and Related Agencies  
Questions for the Record  
Department of Justice FY 2019 Budget Request**

1. Following reports earlier this month that you intended to terminate the Legal Orientation Program, on April 11th, I sent you a letter requesting:
  - a. all documents and communications relating to the halting or eliminating of LOP;
  - b. all existing analyses of the effectiveness of LOP;
  - c. all communications between or among officials from the Department of Justice, and any other office or entity inside or outside of the government regarding the halting or elimination of LOP; and
  - d. all documents, communications, and analyses relating to the impact that halting or eliminating LOP will have on detained foreign nationals.

Although I was pleased with your announcement yesterday that the Legal Orientation Program will continue while the DOJ conducts a review of the program, I still have serious concerns with how this decision was made in the first place, and what your future plans are for this program. Can you commit to producing the documents I've requested?

**RESPONSE:** (b) (5)

[REDACTED]

[REDACTED]

2. The White House Legal Aid Interagency Roundtable was created from the work of the DOJ Office of Access to Justice. In the past, the Attorney General has been a co-chair of this roundtable. Do you plan to continue the work of this roundtable, and do you plan to continue as co-chair?

**RESPONSE:** (b) (5)

3. The number of immigrants going through the immigration court system with access to counsel is so low, that in my opinion, it constitutes a crisis. What steps are you taking to ensure that more immigrants are represented by counsel in their immigration court hearings?

**RESPONSE:** (b) (5)

4. The immigration judges union has spoken out forcefully against the imposition of case completion quotas on immigration judges, as have numerous former immigration judges. They state that the pressure on judges to meet quotas will *almost certainly* result in the infringement of on due process rights and will in fact worsen the backlog of pending immigration cases rather than mitigate it. How do you respond to these criticisms from your own judges? Also, if these quotas are imposed, what steps will you take to ensure that judges are not penalized for ensuring due process and access to counsel rights are protected when necessary?

**RESPONSE:** (b) (5)

5. Two weeks ago, DOJ proposed removing questions regarding sexual orientation and gender identity for 16 and 17 year olds from the National Crime Victimization Survey, which is an important tool for collecting data on crimes against the LGBTQ community, which suffers from high rates of violence. LGBTQ-focused organizations have largely opposed this change. Which organizations and stakeholders did DOJ consult when



making this change to the survey? And, given the lack of support from the organizations that actually provide direct services to LGBTQ victims, will you reconsider this change to the survey?

**RESPONSE:** (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

6. In the FY2018 omnibus, Congress awarded additional funds for the Missing and Exploited Children's Program, or MEC, and requested a spend plan for these funds due within 45 days of enactment. DOJ's Internet Crimes Against Children Taskforce, also known as ICAC, is funded under MEC. It does important work assisting state and local enforcement cyber units in investigating online child sexual exploitation. There is high unmet demand from local law enforcement agencies to receive ICAC's training. With the new increase in funds to MEC, will the DOJ allocate additional funding for the ICAC Task Force program in its spend plan?

**RESPONSE:** (b) (5)

[REDACTED]

[REDACTED]

(b) (5)



**The Honorable John Culberson**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**  
**Department of Justice FY 2019 Budget Request**

1. Since you have been Attorney General, the House has sent two criminal referrals for contempt of Congress to the Department of Justice. However, I understand no action has been taken on them. It is important for the Department of Justice to carry out its responsibility to act on such referrals. Could you please review this matter, and report to the Committee on the status of the Department's response to the referrals?

(b) (5)

**RESPONSE:** (b) (5)

**The Honorable Robert B. Aderholt**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**  
**Department of Justice FY 2019 Budget Request**

1. **Violent Crime.** Thank you for your work deporting dangerous illegal aliens.
- a. With the recent Supreme Court decision regarding the definition, or application, of the category “violent crime,” what do you need in order to continue common sense deporting of dangerous illegal aliens? For example, actions such as rape, and murder, as well as physical assaults resulting in injury, are violent crimes.
  - b. Do you need legislative language or simply a restatement of your policy?

**RESPONSE:** (b) (5)

[REDACTED]

2. **Uncollected debt.**
- a. How much uncollected debt, for which the Department has obtained judgments, is currently owed to the government?

**RESPONSE:** (b) (5)

[REDACTED]

- b. How much of that would be collectible if the Department were given adequate resources?

RESPONSE:

(b) (5)

c. What additional resources does the Department need to collect these judgments?

RESPONSE:

(b) (5)

(b) (5)

d. How many attorney hours were spent obtaining judgments which the Department now deems uncollectable?

RESPONSE:

(b) (5)

3. **Banking services for gun manufacturers.** On the Citigroup blog, CEO Mark Corbat stated that Citigroup would coordinate with other businesses regarding restrictions on the sale or manufacture of certain guns, and sales of guns to persons under the age of 21. Bank of America has also announced their intent to implement similar trade constraining policies in legal products as well as refuse banking services to manufacturers and/or sellers of legal products.

- a. What reviews have been initiated by the Department of Justice regarding the legality of this multi-company dialogue to restrain the sale of a legal product to a person of legal age? If the answer is none, please initiate one.
- b. If it is determined that Bank of America has announced their policies as a result of Mr. Corbat's initiation of dialogue among a consortium of banking executives, does that behavior qualify as the kind of action described in the Sherman Anti-Trust Act? (15 USC 1). Specifically, the phrase, "conspire to restrain trade."

**RESPONSE:** (b) (5)

[REDACTED]

4. **NICS/VA issue.** The Department of Veterans Affairs (VA) has been required to report the names of all beneficiaries determined to be unable to manage their financial affairs to the FBI for inclusion in the NICS as a result of a 1998 request from the then Attorney General Janet Reno, pursuant to the 1993 Brady Handgun Violence Prevention Act. It is my understanding that the VA's decisions in these cases are determined by a VA disability rating specialist without any consideration of whether the person is considered to have a propensity for violence or is considered a threat to himself or herself or others. This is very troubling given the potential for veterans to have their second amendment rights restricted, despite the absence of any evidence that their condition would impair their ability to safely own or handle a firearm, or that they are a threat.

- a. It is my understanding that you could eliminate this requirement for the VA to supply information about their beneficiaries to the FBI; is that correct?

**RESPONSE:** (b) (5)

[REDACTED]

- b. I request that you review this matter promptly and consider suspending this requirement until you have received information from the VA regarding their process

and whether the second amendment rights of our veterans are being protected. Can you provide an initial response to the Committee in 90 days?

**RESPONSE:**

(b) (5)

(b) (5)

(b) (5)

**5. Special Counsel and other ongoing investigations within DOJ.**

- a. What is the current status of U.S. Attorney John Huber's investigation of allegations of abuse within the FBI?

(b) (5)

- b. What is the scope of his investigation?

(b) (5)

- c. Will Mr. Huber's investigation include alleged wrongdoing such as the mishandling of classified information by Sec. Hillary Clinton and Huma Abedin (as well as the simultaneous public sector and private sector salaries received by her, as investigated by Senator Grassley), as well as the Uranium One deal?

(b) (5)

d. If not, why?

(b) (5)

e. Do you anticipate the appointment of a second special?

(b) (5)

f. Is there any effort to ensure that Mr. Mueller's staff is not biased politically?

(b) (5)

g. How many of Mueller's staff are registered Republicans? How many of Mueller's staff are registered Democrats?

(b) (5)

h. What is a standard timeline for an investigation conducted by a special counsel?

(b) (5)

(b) (5)

**6. Status of appointments.**

a. Please list all non-career appointment slots that do not require Senate approval and which are currently vacant.

(b) (5)

(b) (5)

a. Please identify all matters to which 16 or more attorneys are assigned.



**RESPONSE:** (b) (5)

**9.8. Senior Executive Service.**

- a. How many SES slots are there at the Department of Justice?

**RESPONSE:** (b) (5)

- b. How many SES personnel received the highest possible rating this past performance rating cycle?

**RESPONSE:** (b) (5)

- c. How did that impact salary costs?

**RESPONSE:** (b) (5)

- d. How many SES personnel were removed from SES service?

**RESPONSE:** (b) (5)

**10.9. DOJ/ED Policy – “Rethink School Discipline”.** In the wake of the shooting at Parkland’s Marjory Stoneman Douglas High School, there have been reports that under the “Rethink School Discipline” guidance, Broward County law enforcement officials may have made an agreement with school officials under the NOT to arrest students (b) (5) even if violent crimes were being committed. The apparent intent of this Obama Administration policy was to reduce crime statistics and thereby enable school systems to qualify for more grants. Failing to arrest violent students exposes innocent students to further violence.

- a. Are applicants for DOJ grants using this program to refuse to arrest violent students?

**RESPONSE:** (b) (5)

- b. Do these refusals to arrest students include incidents which occur off school property?

**RESPONSE:** [REDACTED] (b) (5)

- c. It is my understanding that the Department of Education is reviewing this policy for possible elimination. Is the Department of Justice participating in this review?

**RESPONSE:** [REDACTED] (b) (5)

**The Honorable Steven Palazzo**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**  
**Department of Justice FY 2019 Budget Request**

1. The recent DOJ Inspector General report on the San Bernardino investigation lays bare some very troubling facts. For instance, the report finds that the FBI's lead forensics team working the shooter's iPhone did not consult with other FBI experts or third-party vendors to determine what capabilities or relationships could be leveraged to unlock the phone. In addition, and most surprising, the report finds that some FBI officials were more interested in litigating against Apple than unlocking Farook's iPhone. What changes have you made to ensure this lack of coordination and candor do not happen again?

(b) (5)

(b) (5)

2. The recent DOJ OIG report on the San Bernardino investigation finds that senior FBI personnel made misstatements to Congress about the bureau's efforts to unlock the shooter's iPhone. Though the IG stopped short of stating that FBI personnel intentionally misled Congress, it appears that material information was not disclosed to them by FBI investigators. Are you considering disciplinary action against those implicated by the report?

**RESPONSE:** (b) (5).

**RESPONSE:**

(b) (5)

(b) (5)

**The Honorable José E. Serrano**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**  
**Department of Justice FY 2019 Budget Request**

Travel by the Attorney General

1. Please list all travel by the Attorney General from his first day in office through the date of receipt of this question, including both official and political travel and categorizing each trip (or segments of a trip) as official or political.

**RESPONSE:** (b) (5)

2. Please indicate the date of departure and return to Washington, D.C., for each trip; the purpose of trip; the number of DOJ staff persons accompanying the Attorney General; the total cost of the trip, including all costs incurred by all persons accompanying the Attorney General; the total cost for all trips by person; and whether the cost of the trip was borne by DOJ, another agency, or a non-governmental entity.

**RESPONSE:** (b) (5)

3. If the trip was paid by DOJ, indicate from which DOJ account the funding was drawn.

**RESPONSE:** (b) (5)

4. If any costs were initially borne by DOJ or another federal agency for a political trip, please indicate when DOJ or the other agency was reimbursed for its expenditures, by whom, and whether reimbursement in full has been received.

**RESPONSE:** (b) (5)

Travel by the Political Appointees

5. Please provide the same travel information as in the first question for all political appointees, by name, on the DOJ roster as of the date of receipt of this question.

**RESPONSE:** (b) (5)

Immigration Judges

6. Please list any other court or judges that have been subjected to the quotas as a basis for their personal performance evaluations.

**RESPONSE:** (b) (5)

7. Please provide all communication to immigration judges relating to new performance standards.

**RESPONSE:** (b) (5)

8. Please provide all applicable circuit court case law that could prohibit immigration judges from denying a continuance based on any performance measures.

**RESPONSE:** (b) (5)

9. Please provide the analysis for proposed case completion performance goals for judges?

**RESPONSE:** (b) (5)

United States Attorneys

10. Please provide the funding requirement for fiscal years 2019 and 2020 to convert Assistant U.S. Attorney's to the General Schedule scale.

**RESPONSE:** (b) (5)

(b) (5)

Legal Orientation Program

11. Please provide the methodology for the ongoing cost-benefit analysis for the Legal Orientation Program and the Help Desk Pilot program.

**RESPONSE:** (b) (5)

**The Honorable Derek Kilmer**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**  
**Department of Justice FY 2019 Budget Request**

1. President Trump recently reassured Senator Corey Gardner from Colorado that the Department's rescission of the Cole Memo would not target Colorado, a state that has legalized adult use of marijuana. Does this pledge apply equally to all states with legalized marijuana laws, including Washington?

(b) (5)

(b) (5)

2. Is the Department of Justice respecting the President's pledge to Senator Gardner? If it is, has the pledge had any effect on the Department's formal position on legal state marijuana programs?

(b) (5)

(b) (5)

(b) (5)

3. The Department of Justice has stated that in fiscal year 2017, the FBI was unable to access the content of approximately 7800 mobile devices. But without any additional information, it's hard to know what that figure means. Can you tell us how many of those



devices had associated cloud backups or cloud data? Did you consult with the provider or third party vendors like Cellebrite or Grayshift to try and unlock all of those devices? If not, why?

(b) (5)

(b) (5)

(b) (5)

4. How do you view the role of mentoring as a prevention tool that can make a real and credible impact on at-risk youth in the United States?

**RESPONSE:** (b) (5)

5. As reflected by the increased funding for the Youth Mentoring Grant, the subcommittee is taking steps to address the impact of the opioid epidemic on our communities, especially our youth. How does the Department intend to prioritize youth opioid prevention with the additional dollars appropriated in FY 18 and ensure it gets to community groups doing this important work, such as Boys & Girls Clubs?

**RESPONSE:** (b) (5)

[REDACTED]

6. The Department of Justice recently introduced rules that changed how applications for COPS grants would be scored; awarding additional points to police departments that agree to cooperate with federal immigration officials. In effect, withholding this money from jurisdictions that do not comply with these rules. At the same time, the Department continues to propose sweeping cuts to the COPS hiring program, which funds new positions for law enforcement officers across the country. At a time when our country is reeling from instance after instance of mass violence, why is the Department making it harder for communities in need to access these grants? Rather than picking winners and losers, shouldn't we be focused on making sure these valuable resources go to the communities that need them most?

**RESPONSE:** (b) (5)

[REDACTED]

7. Face recognition technology has become prevalent in criminal justice systems across the United States, both at a state and federal level. While this technology has the potential to

**RESPONSE:** (b) (5)

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

**The Honorable Matt Cartwright**  
**Committee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**  
**Department of Justice FY 2019 Budget Request**

## 1. CIVIL RIGHTS

Despite the growing salience and bipartisan support for a wide array of civil rights issues, you have steered the DOJ away from prioritizing civil rights issues. This has led a number of states, including my own, to sue the DOJ.

The most recent suit against you was after you revoked legal guidance designed to protect the disabled, minorities, and the poor. At the time, Reuters quoted you as saying that this guidance was “unnecessary, inconsistent with existing law, or otherwise improper.” But part of this guidance was intended to ensure state and local governments accommodate disabled employees and integrate them into the work place. DOJ’s FY17 budget proposal made no mention whatsoever of fighting discrimination against people with disabilities.

As a matter of fact, your proposed budget request would eliminate 27 positions, including 11 attorneys, from the Civil Rights Division. And by incorporating the Community Relations Service into the Civil Rights Division with no additional funding, you are exacerbating the burden placed on the Civil Rights Division. You are doing all of this at a time when the FBI reported a rise in hate crime incidents each of its past 3 annual reports. I am troubled by this.

Furthermore, by closing the Office for Access to Justice, you have diminished criminal justice reform efforts to ensure that poor people are not incarcerated merely because they are unable to pay fines and fees.

- a) Why – when it comes to Civil Rights – would you want to cut corners in the budget and eliminate guidance which addresses issues that are growing more problematic each year?

**RESPONSE:** (b) (5)

\_\_\_\_\_

(b) (5)

- b) What specific actions is the DOJ taking in order to guarantee that the poor, minorities, and the disabled are treated with the same dignity and justice as any other U.S. citizen?

RESPONSE: (b) (5)

## 2. LGBTQ CIVIL RIGHTS

You have a record that demonstrates how you believe the law ought to treat LGBTQ Americans.

- You opposed the repeal of the Don't Ask, Don't Tell policy that forbids LGBTQ Americans from openly and bravely serving our country in our armed forces.
- You criticized the Supreme Court decision in *Lawrence v. Texas* that struck down laws banning same-sex relations.
- And as recently as 3 years ago, you also decried the Supreme Court decision in *Obergefell v. Hodges* that legalized same-sex marriage.

Your actions as Attorney General have continued to demonstrate how you believe the law ought to treat LGBTQ Americans.

- When you took over the Department of Justice, one of your first actions was withdrawing protections for transgender students in public schools.
- In October of last year, you announced a reversal in policy and stated that Title VII of the Civil Rights Act does not protect LGBTQ Americans.
  - This is deeply troubling to me because transgender children are especially vulnerable to discrimination, bullying, and threats of violence.

- In fact, the entire American LGBTQ community faces higher rates of discrimination, homelessness, depression, physical violence, and suicide.
  - And over 70% of Americans want their LGBTQ family and friends to be protected from harm and discrimination.
- a) The DOJ and Equal Employment Opportunity Commission (EEOC) both enforce Title VII. The EEOC continues to enforce Title VII against those who discriminate against LGBTQ individuals, even though Justice does not.
- Did Justice consult with EEOC before changing course?
  - In 2015 Justice filed a brief in *Obergefell* citing unequal treatment by law enforcement, hate crimes, and significant workplace discrimination against LGBTQ individuals to support the argument in favor of legal protections for LGBTQ Americans. Have the facts changed to support a different approach in 2018?

RESPONSE: (b) (5)

- b) Last year you issued guidance on religious liberty. You wrote “except in the narrowest circumstances, no one should be forced to choose between living out his or her faith and complying with the law.” I am concerned that this guidance could be twisted and used as a tool of discrimination against LGBTQ individuals, persons of color, interracial couples, and members of religious minorities.
- Could this guidance permit a FEMA employee to refuse to provide disaster relief to a same-sex married couple because that employee believes that homosexuality is a sin and marriage should be between one man and one woman?
  - How would you direct the DOJ to respond if a complaint was made to the civil rights division about this hypothetical denial of assistance?

RESPONSE: (b) (5)

- c) The EEOC isn’t the only federal body that has afforded Title VII protections to LGBTQ Americans. Numerous federal district and circuit courts have held that Title VII protects individuals from workplace discrimination on the basis of sexual orientation and gender identity.
- Why did your agency file amicus briefs in *Zarda v. Altitude Express* and *Masterpiece Cakeshop v. Colorado Civil Rights Commission*? The court did not solicit an amicus in either case, and neither case directly involved the DOJ.
  - What actions has DOJ taken to ensure it continues to protect LGBTQ Americans, consistent with the laws of the United States as interpreted by our Federal Courts?

RESPONSE: (b) (5)

[REDACTED]

### 3. OFFICE OF VIOLENCE AGAINST WOMEN

The DOJ's Inspector General revealed that department officials are mishandling sexual harassment complaints and this issue requires "high level action." DOJ gave some perpetrators little discipline and, surprisingly, later awarded bonuses or performance awards to those same perpetrators. This problem involves people from presidential appointees to U.S. attorneys, and a deputy assistant attorney general.

- a) While the IG's office investigates these allegations, the Department decides which disciplinary actions to take. Are you satisfied with DOJ's response thus far? What steps will you take to achieve a "zero-tolerance" environment within the DOJ?

RESPONSE:

(b) (5)

[REDACTED]

[REDACTED]

(b) (5)

( [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- b) The Director of the Office of Violence Against Women (OVW) runs a budget of more than \$450 million and is supposed to be the Administration's leading voice on domestic and sexual violence, here in the U.S. and abroad. This position remains unfilled to this day. This vacancy is especially glaring against the backdrop of assault allegations within the Administration and throughout the United States.
- o What has led to the delay in nominating someone for this position and when will you fill this vacancy?

**RESPONSE:** [REDACTED] (b) (5)

[REDACTED]

(b) (5)

#### 4. ELECTION INTEGRITY

Virtually all Americans are concerned that the Russian government interfered in the 2016 election. The January 2017 National Intelligence Council's declassified version of "Assessing Russian Activities and Intentions in Recent US Elections" described how – through disinformation – Russia amplified political division between Americans. It also asserts that Russia will likely use the lessons learned from 2016 to deploy even more effective methods of undermining the U.S. elections in 2018.



Furthermore, the Director of the National Security Agency (NSA) Admiral Rogers acknowledged that the response so far has been insufficient in deterring Russian electoral interference. “They haven’t paid a price, at least, that has significantly changed their behavior,” Rogers said.

In this year’s election, we could be subject to a wide range of attacks including:

- denial-of-service attacks on state election systems;
- website defacements;
- manipulation of vulnerable voting machines and precinct electoral computers;
- distortion of vote tallies sent from counties to states;
- vast manipulation of social media and the spread false information, as we saw in 2016;
- And the alteration of names or birthdates on voter rolls.

The last one could lead to true chaos. Small and hard-to-detect changes in the rolls would lead to massive confusion when voters would be turned away en mass on Election Day. It is hard for any of us to truly comprehend the threat to our democracy if millions of voters could not cast a ballot because of hacking.

- a) With the mid-term election less than a year away, what concrete steps is DOJ taking to protect the integrity of our electoral system? Which of these threats is most concerning to you and what contingencies have you put in place to address it?

**RESPONSE:** (b) (5)  
[Redacted text block]

[Redacted text block]

(b) (5)

- b) Would you advise that Congress legislate certain minimum federal standards for the cybersecurity of our election systems to address these myriad threats?

**RESPONSE:** (b) (5)

Maintaining an election's integrity requires not just exclusion of voter fraud but inclusion of all willing voters. Voting should be more secure and more accessible.

Since your appointment as Attorney General, the DOJ has taken a number of stances that directly and indirectly suppress the vote of the poor and minorities.

- Under your leadership, the DOJ withdrew its opposition to a Texas' voter ID law that was ruled by a judge to effectively disenfranchise poor and minority voters who face difficulties obtaining IDs.
- Under your leadership, the DOJ withdrew its objections to Ohio purging voters from the rolls for missing an election.
- And, under your leadership, voters' time and money was wasted on a "Voter Fraud Commission" that was ultimately disbanded because the evidence shows over and over again that voter fraud in this country is negligible.

Since the year 2000 this country has only seen 633 alleged cases of voter fraud and investigations of voter fraud have shown that one is more likely to be struck by lightning than impersonate another person at the polls. Voter suppression, on the other hand, is a very real issue. On Election Day in 2016, there were more than 5,500 calls reporting voter intimidation by 9:30am.

- c) Why did you decide to withdraw the DOJ's opposition in both of these cases, especially when it is strikingly apparent that each of these voting restrictions will drastically hinder the vote, especially for those Americans in minority groups that have had their vote restricted in the past?

**RESPONSE:** (b) (5)

After the Supreme Court struck down Article 5 of the VRA, many states took measures to tighten restrictions on voters.

- d) Can we count on the DOJ to support Congressional efforts to strengthen the VRA, and prevent racially or politically motivated coercion at the polls?

**RESPONSE:** (b) (5)

5. BUREAU OF PRISONS: UNFILLED POSITIONS AND UNDERSTAFFING

Upon taking office on January 20, 2017, the Trump Administration instituted a hiring freeze across the federal government. The Department of Justice has since lifted the moratorium for other DOJ agencies, but has maintained the hiring freeze for BOP. Earlier this year, BOP notified its installations that it is eliminating more than 6,000 unfilled congressionally authorized positions, which they contend have been vacant for a while. However, since BOP has been under a DOJ self-imposed hiring freeze, BOP has not been able to fill any vacancies for more than a year, which has resulted in thousands of additionally funded positions being left unfilled.

Additionally, the inmate to correctional officer ratio is currently 8.3 to 1, a level that is unsafe for staff. While the 8.3:1 ratio is Agency-wide, at some medium-, low-, and minimum-security facilities staff are supervising hundreds of inmates alone. Staffing needs also vary widely across the 122 federal prisons operated by BOP, and the needs at medium- and high- security institutions are different from those at low security facilities. The hiring freeze has limited BOP's ability to appropriately staff its facilities across the United States, particularly hiring of correctional officers at medium- and high-security facilities, which has resulted in large scale contraband introductions (e.g. cellphones, K-2, etc.). For example, more than 1,100 cell phones were confiscated at Ft. Dix, NJ, and dozens of inmates brazenly walk away from camps to bring contraband on federal property daily.

- a) I understand that the Bureau of Prisons notified installations earlier this year to expect a cut of 6,000 positions. Why is BOP planning to cut this positions given the existing, unsafe inmate to correctional officer ratio of 8.3 to 1?

**RESPONSE:** (b) (5)

- b) Why is DOJ seeking to eliminate 989 FTEs—actual filled positions—in the FY 19 Budget request for BOP when that same request shows a projected increase in the inmate population?

**RESPONSE:** (b) (5)

- c) Given the current unsafe inmate to correctional officer ratio, when can you definitively ensure that all authorized positions will be filled?

**RESPONSE:** (b) (5)

- d) What hasn't the internal hiring freeze been lifted for BOP, as it has been for most other law enforcement agencies across the Department of Justice?

**RESPONSE:** (b) (5)

#### 6. BUREAU OF PRISONS: INMATE ESCAPES

There are countless examples of inmate on inmate assaults and inmate on staff assaults at federal prisons. There is widespread evidence of escapes from the high security facility USP Atwater in California where the Warden didn't timely notify local authorities or the FBI of a high security inmate escape. Two dangerous inmates were caught between the fences at U.S. Penitentiary Lee in Virginia. An inmate walked away from FCI Lompoc in March 2018, Three inmates have escaped from federal penitentiaries in the first three months of 2018, and 12 have escaped since 2015.

- a) What are you doing regarding staffing of funded positions to put a stop to this threat to public safety?

**RESPONSE:** (b) (5)

(b) (5)

- b) Are these escapes and other incidents a direct result of the cutting of staff, closing of gun towers, and cutting back of perimeter patrols? If not, to what can they be attributed?

**RESPONSE:** (b) (5)

#### 7. BUREAU OF PRISONS: AUGMENTATION

BOP routinely uses a process known as augmentation, in which non-correctional staff such as a teacher, plumber, or other prison staff are assigned custody responsibilities to meet staffing needs. This is unsafe for these non-correctional officers who were not hired to work in custodial duties daily. It takes them away from their assigned duties and leaves those jobs undone for the day. It also reduces access to programming, recreation, and education initiatives, which are key to maintaining safe facilities and reducing recidivism.

Report language in the FY18 omnibus funding bill says, "The Committee directs the BOP to curtail its overreliance on augmentation and instead hire additional full-time correctional staff before continuing to augment existing staff. BOP is further directed to submit quarterly reports to the Committee on the inmate-to-correctional officer ratios at each facility."

- a) In the House Appropriations Committee Report on the FY18 CJS Appropriations bill, the Committee directed the BOP to curtail its overreliance on augmentation and hire additional full-time correctional staff. What is DOJ doing to ensure BOP fully complies with the Congressional directive to curtail augmentation?

**RESPONSE:** (b) (5)

- b) The omnibus appropriations bill was signed into law on March 23, 2018. What direction has the DOJ given to BOP to ensure their wardens fully comply with the Congressional directive to curtail augmentation and hire additional full-time correctional staff?

**RESPONSE:** (b) (5)

(b) (5)

(b) (5)

8. BUREAU OF PRISONS: INCREASING UNIT OFFICER STAFF AT HIGH SECURITY INSTITUTIONS

Correctional officer Eric Williams was brutally murdered at USP Canaan, when he was stabbed by an inmate over 200 times while locking inmates into their cells on the evening of February 25, 2013. He was working in the housing unit alone, supervising more than 120 dangerous felons by himself. The FY16 appropriations bill that was signed into law included language directing BOP to use \$32,000,000 to add an additional correctional officer in each high security housing unit during all three shifts.

- a) Despite this language, there are still high-security housing units that only have one officer at a time. Why has BOP not complied with the law to ensure there are at least two correctional officers in each security housing unit during every shift?

**RESPONSE:** (b) (5)

- b) What steps are is BOP taking to full comply with the directive that every high-security housing unit has two officers on duty at all times?

**RESPONSE:** (b) (5)

(b) (5)

#### 9. BUREAU OF PRISONS: BOP USE OF CONTRACT PRISONS

In August 2016, the DOJ Inspector General issued a report entitled, “Review of the Federal Bureau of Prisons Monitoring of Contract Prisons.” The report found, “that in a majority of the categories we examined, contract prisons incurred more safety and security incidents per capita than comparable BOP institutions” and “that the BOP needs to improve the way it monitors contract prisons.” For example, none of BOP’s procedures for monitoring contract compliance with regard to health services measured whether inmates actually received basic medical care. The OIG cited numerous incidents and made four recommendations to improve monitoring and oversight of contract prisons.

On April 3, the *New York Times* published a story exposing the conditions inside a private prison in Mississippi entitled, “Inside a Private Prison: Blood, Suicide and Poorly Paid Guards.” The *New York Times* published another story on April 10, “Escapes, Riots and Beatings. But States Can’t Seem to Ditch Private Prisons.” Both of these reports shined light on the terrible conditions in which inmates are housed, the lack of medical care given, and the lack of corrections staff, which results in a lack of basic safety and security being provided. These reports are similar to a 2016 story in *Mother Jones* about the deplorable conditions in federally contracted private prisons. These stories highlight the result of privatizing an inherent government function, and the negative consequences of introducing a profit motive into the care and housing of inmates. While the prison profiled in the first story is a state prison, the company that operates it, Management and Training Corporation, operates two federal prisons: CI Giles W. Dalby in Texas and CI Taft in California.

- a) Given the findings of the August 2016 DOJ IG report on contract prisons and the recent stories in the *New York Times*, why do you think it’s a good idea to continue increasing the use of private prisons—as directed in the memo Assistant BOP Director Frank Lara issued on January 24, in response to your rescission of the August 18, 2016 memo from then-Deputy Attorney General Sally Yates directing the Bureau of Prisons to reduce and ultimately eliminate the use of privately operated prisons?

**RESPONSE:** (b) (5)

- b) What are you doing to ensure that safe and humane conditions exist in the private federal prisons contracted by BOP?

**RESPONSE:** (b) (5)

(b) (5)

- c) BOP has available bed-space at many of its facilities, and private prisons are only to be used to reduce overcrowding. Why hasn't BOP started bringing inmates back to BOP facilities given this available bed space, including more than a dozen closed buildings and housing units in BOP facilities?

**RESPONSE:** (b) (5)

- d) The FY 2018 omnibus appropriations bill included report language directing BOP to provide Congress with a detailed report on its use of private prisons:
- i. "Within 90 days of enactment of this act...to provide a report to the Committee describing BOP's use of contract facilities for fiscal years 2016 and 2017. The report shall include the number of contract facilities utilized by BOP, to include the companies providing these services, the status of these contracts explaining any terminations or renewals during the periods under review, and compliance status of any remedial or corrective actions recommended by BOP or OIG for each company and contract; details of inspections, evaluations, or incident reports, including the number of safety and security incidents at each facility, whether these incidents resulted in injury or death, and any evaluations of incidents conducted in response to the OIG recommendation, issued by BOP or OIG regarding any of these facilities during the period under review, including a current analysis of the condition of each facility under contract and whether BOP believes that such facilities remain suitable for use; the percentage of both U.S. citizens and foreign nationals housed in each facility; verification of whether each facility is providing basic medical services such as medical exams and immunizations; verification of actual correctional officer staffing levels as compared to contracted levels; a detailed accounting of the progress made in addressing the OIG's recommendations; and any information regarding announced changes in contract specifications for current or future contracts for each facility, including bed capacity limits, and the justification for and budgetary impact of such change."

The report is due on June 23, 2018 describing your use of contract prisons over the last two years. Will BOP be in compliance with the law and provide that report and all the data Congress is seeking by the June 23, 2018 deadline?

**RESPONSE:** (b) (5)

#### 10. ROLE OF THE FBI



In December, the President wrote in a tweet: “After years of Comey, with the phony and dishonest Clinton investigation (and more), running the FBI, its reputation is in Tatters - worst in History!”

As we know, this is just one of many tweets and comments coming out of the administration that directly and undeniably attacks and undermines the credibility of the FBI.

Constant attacks like these tweets undoubtedly affect morale at the FBI. Morale levels are at the lowest point in years at the Justice Department as a whole and specifically the FBI, according to a survey conducted by the nonpartisan Partnership for Public Service. The Partnership’s CEO said that when an agency’s morale goes up or down, it is “always about the leadership of the organization.” The current FBI Director, Christopher Wray, insisted that the FBI’s reputation is not “in tatters.”

- a) It is vital to the morale of your employees and the success of the FBI that you, as head of the Department of Justice, support them and defend them from any baseless attack. They need the Attorney General to have their back. Whose assessment of the FBI is correct? Is it in tatters?

**RESPONSE:** (b) (5)

- b) Would you say that the FBI’s reputation is the worst it has been in the history of the Bureau?

**RESPONSE:** (b) (5)

#### 11. OPIOID EPIDEMIC

I’d like to commend you for some of the work you have been doing to combat the opioid crisis, which takes 116 American lives every day. My home state of Pennsylvania has borne a disproportionate share of tragedy. We lost nearly 5,000 lives last year. I know your Justice Department has been doing what they can to crack down on illicit drug dealers and unscrupulous doctors and pharmacists. I am especially happy to see the results of your 45-day enforcement surge, and your announcement last week to put limits on national opioid production. There is a lot more work that we can do, and I hope we can work together to end this tragic epidemic.

- a) We agree that high-level drug dealers of heroin and fentanyl belong behind bars for a very long time. However, a long term study across all 50 states showed that increased incarceration did not decrease drug addiction or overdose rates.
  - o How are you equipping our law enforcement agencies to distinguish between drug dealers and drug users? Between those who should be prosecuted, and those who simply need help and treatment?
  - o Incarceration does not help people who are addicted to opioids. Convictions lead to reduced employment and housing opportunities after leaving the criminal justice system, making it harder for opioid addicts to recover and lead productive lives. In order to end the opioid epidemic, we must punish wrong-doers while helping their victims.

- What efforts have you made to divert opioid users and addicts out of the criminal justice system and toward treatment?
- Have you talked to the CDC or NIH about treatment and rehabilitation programs? What concrete steps can you commit to that will help people struggling with opioid addictions instead of criminalizing them?

**RESPONSE:**

(b) (5)

(b) (5)

(b) (5)

(b) (5)



(b) (5)

- b) Naloxone is a safe, easy to administer medication that reverses opioid overdoses and saves lives. One life is saved for every 160 naloxone kits. I know that the President's Commission on Combating Drug Addiction and the Opioid Epidemic recommended that every law-enforcement officer in the country should be equipped with naloxone, and I fully agree with this suggestion.
- What steps have you taken to ensure that federal, state, and local law enforcement officers have the tools, training, and support to accomplish this goal?

**RESPONSE:** (b) (5)

[REDACTED]

[REDACTED]

- c) One harm-reduction approach that has worked in other countries is creating safe injection sites. These sites provide sterile needles, clean facilities, HIV and Hepatitis C



while cutting programs like COPS that focus on giving local police good paying jobs, encouraging community policing, and combatting the most relevant threats to our society.

- a) Last September, you spoke to a group of local police officers in Harrisburg, Pennsylvania which included the Police Chiefs from Scranton and Wilkes-Barre. You said, that the opioid epidemic was “a top priority” and “If we are going to reverse this kind of trend it will have to come...from state and local efforts.” Will eliminating funding for the COPS’ Anti-Heroin Task Force and Active Shooter Situations programs help them complete this mission?

**RESPONSE:**

(b) (5)

(b) (5)

### 13. MICHAEL COHEN

In March 2017, you recused yourself from the investigation into Russian interference and said that you would steer clear of “any matters arising from the campaigns” for president. I applaud your dedication to avoiding conflicts of interest, especially in the face of excoriation from a President who would have had you act otherwise.

But, I am puzzled why – when you have clearly drawn a line in the sand about not participating in campaign investigation matters – you have declined to recuse yourself from the investigation into Michael Cohen, President Trump’s personal lawyer.

- a) By staying involved in the Cohen probe are you entitled to briefings on the status of the investigation?
- b) Are you entitled to weigh in on specific decisions by prosecutors, including whether to pursue subpoenas and indictments?
- c) Did the Cohen investigation originate from a referral from Robert Mueller’s work examining Russian interference? If so, wouldn’t that make this a “matter arising from the campaign”?
- d) Did the President speak with you at any point about recusing yourself or remaining involved with the Cohen investigation?
- e) Mr. Cohen’s investigation has clear ties to the Russian interference investigation and by remaining involved in this case, you are putting yourself in a potentially problematic ethical position. If the president asked you to divulge the information you have received via the briefings what would you do?
- f) What specifically makes this investigation an exception to all other investigations with ties to the Russian interference that you have recused yourself from?

**RESPONSE:**

(b) (5)

**The Honorable Grace Meng**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**  
**Department of Justice FY 2019 Budget Request**

1. Following reports earlier this month that you intended to terminate the Legal Orientation Program, on April 11th, I sent you a letter requesting:
  - a. all documents and communications relating to the halting or eliminating of LOP;
  - b. all existing analyses of the effectiveness of LOP;
  - c. all communications between or among officials from the Department of Justice, and any other office or entity inside or outside of the government regarding the halting or elimination of LOP; and
  - d. all documents, communications, and analyses relating to the impact that halting or eliminating LOP will have on detained foreign nationals.

Although I was pleased with your announcement yesterday that the Legal Orientation Program will continue while the DOJ conducts a review of the program, I still have serious concerns with how this decision was made in the first place, and what your future plans are for this program. Can you commit to producing the documents I've requested?

**RESPONSE:** (b) (5)

[REDACTED]

[REDACTED]

2. The White House Legal Aid Interagency Roundtable was created from the work of the DOJ Office of Access to Justice. In the past, the Attorney General has been a co-chair of this roundtable. Do you plan to continue the work of this roundtable, and do you plan to continue as co-chair?



**RESPONSE:** (b) (5)

3. The number of immigrants going through the immigration court system with access to counsel is so low, that in my opinion, it constitutes a crisis. What steps are you taking to ensure that more immigrants are represented by counsel in their immigration court hearings?

**RESPONSE:** (b) (5)

4. The immigration judges union has spoken out forcefully against the imposition of case completion quotas on immigration judges, as have numerous former immigration judges. They state that the pressure on judges to meet quotas will *almost certainly* result in the infringement of on due process rights and will in fact worsen the backlog of pending immigration cases rather than mitigate it. How do you respond to these criticisms from your own judges? Also, if these quotas are imposed, what steps will you take to ensure that judges are not penalized for ensuring due process and access to counsel rights are protected when necessary?

**RESPONSE:** (b) (5)

5. Two weeks ago, DOJ proposed removing questions regarding sexual orientation and gender identity for 16 and 17 year olds from the National Crime Victimization Survey, which is an important tool for collecting data on crimes against the LGBTQ community, which suffers from high rates of violence. LGBTQ-focused organizations have largely opposed this change. Which organizations and stakeholders did DOJ consult when

making this change to the survey? And, given the lack of support from the organizations that actually provide direct services to LGBTQ victims, will you reconsider this change to the survey?

**RESPONSE:** (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

6. In the FY2018 omnibus, Congress awarded additional funds for the Missing and Exploited Children's Program, or MEC, and requested a spend plan for these funds due within 45 days of enactment. DOJ's Internet Crimes Against Children Taskforce, also known as ICAC, is funded under MEC. It does important work assisting state and local enforcement cyber units in investigating online child sexual exploitation. There is high unmet demand from local law enforcement agencies to receive ICAC's training. With the new increase in funds to MEC, will the DOJ allocate additional funding for the ICAC Task Force program in its spend plan?

**RESPONSE:** (b) (5)

[REDACTED]

[REDACTED]

(b) (5)



**Barnett, Gary E. (OAG)**

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**From:** Barnett, Gary E. (OAG)  
**Sent:** Sunday, September 9, 2018 5:03 PM  
**To:** Thiemann, Robyn (ODAG)  
**Subject:** Re: House CJS QFRs

Yes

On Sep 9, 2018, at 4:56 PM, Thiemann, Robyn (ODAG) <[rothiemann@jmd.usdoj.gov](mailto:rothiemann@jmd.usdoj.gov)> wrote:

See below. Ok?

(b) (5)  
[Redacted]  
[Redacted]  
[Redacted].

---

**From:** Barnett, Gary E. (OAG)  
**Sent:** Sunday, September 9, 2018 4:16 PM  
**To:** Thiemann, Robyn (ODAG) <[rothiemann@jmd.usdoj.gov](mailto:rothiemann@jmd.usdoj.gov)>  
**Subject:** Re: House CJS QFRs

Let's just do it

On Sep 9, 2018, at 2:28 PM, Thiemann, Robyn (ODAG) <[rothiemann@jmd.usdoj.gov](mailto:rothiemann@jmd.usdoj.gov)> wrote:

I don't recall the provenance of the Word document (OLP, maybe?) but it sets out the VA and SSA incompetency procedures. The one titled "Social Security and VA mental determinations Opinion Final" is ATF's opinion. Th [Redacted] (b) (5) is just that. And the 1997 federal register document reflects that at the time of ATF finalizing the regulation defining "adjudicated a mental defective", VA reviewed its process and determined that they may qualifying adjudications, and we agreed with their assessment.

---

**From:** Barnett, Gary E. (OAG)  
**Sent:** Sunday, September 9, 2018 2:24 PM  
**To:** Thiemann, Robyn (ODAG) <[rothiemann@jmd.usdoj.gov](mailto:rothiemann@jmd.usdoj.gov)>  
**Subject:** Re: House CJS QFRs

Can you send me the materials?

On Sep 9, 2018, at 2:02 PM, Thiemann, Robyn (ODAG) <[rothiemann@jmd.usdoj.gov](mailto:rothiemann@jmd.usdoj.gov)> wrote:

If we can't get the time, do you want to try to reach someone by phone today? I have some historical materials I can send them.

**From:** Escalona, Prim F. (OLA)  
**Sent:** Sunday, September 9, 2018 2:00 PM  
**To:** Thiemann, Robyn (ODAG) <[rothiemann@jmd.usdoj.gov](mailto:rothiemann@jmd.usdoj.gov)>  
**Cc:** Boyd, Stephen E. (OLA) <[seboyd@jmd.usdoj.gov](mailto:seboyd@jmd.usdoj.gov)>; Hankey, Mary Blanche (OLA) <[mhankey@jmd.usdoj.gov](mailto:mhankey@jmd.usdoj.gov)>; Barnett, Gary E. (OAG) <[gebarnett@jmd.usdoj.gov](mailto:gebarnett@jmd.usdoj.gov)>  
**Subject:** Re: House CJS QFRs

That's for us internally, but I'm not sure if OMB will give us that time. MB - thoughts?

We have to have it completely cleared by OMB by Friday morning.

Prim Escalona

(b) (6)

On Sep 9, 2018, at 1:46 PM, Thiemann, Robyn (ODAG) <[rothiemann@jmd.usdoj.gov](mailto:rothiemann@jmd.usdoj.gov)> wrote:

+ Gary

(b) (5)  
? I've included  
that language in the attached.

**From:** Escalona, Prim F. (OLA)  
**Sent:** Sunday, September 9, 2018 10:02 AM  
**To:** Boyd, Stephen E. (OLA) <[seboyd@jmd.usdoj.gov](mailto:seboyd@jmd.usdoj.gov)>; Lasseeter, David F. (OLA) <[dlasseter@jmd.usdoj.gov](mailto:dlasseter@jmd.usdoj.gov)>; Johnson, Joanne E. (OLA) <[jojohnson@jmd.usdoj.gov](mailto:jojohnson@jmd.usdoj.gov)>; Munro, Shannon L. (JMD) <[smunro@jmd.usdoj.gov](mailto:smunro@jmd.usdoj.gov)>; Thiemann, Robyn (ODAG) <[rothiemann@jmd.usdoj.gov](mailto:rothiemann@jmd.usdoj.gov)>  
**Cc:** Hankey, Mary Blanche (OLA) <[mhankey@jmd.usdoj.gov](mailto:mhankey@jmd.usdoj.gov)>; Lucas, Daniel (JMD) <[dlucas@jmd.usdoj.gov](mailto:dlucas@jmd.usdoj.gov)>  
**Subject:** House CJS QFRs

All,  
I hate to email you with work on a Sunday morning, but if we are going to get the House CJS QFR responses to OMB tomorrow morning (in an effort to clear by Friday), we've got to finalize them today (b) (5)

(b) (5)

(b) (5). I'm happy to circulate the

original redline (pre-my acceptances) if anyone wants to see it, but in the interest of time (and your resources on a Sunday), I wanted to highlight the things that required some action on your part.

I need to get these back to OAG this afternoon at some point. If you aren't able to turn these around by around 4:00, please give me a heads up. Again, I apologize for encroaching on your weekend.

Thanks,  
Prim

Prim Escalona  
Principal Deputy Assistant Attorney General  
Office of Legislative Affairs  
(202) 305-4573

<HOUSE CJS AG QFR Response - PFE edits to OAG  
edits rt.docx>

<VA and SSA Mental Adjudications procedures 2-25-18.docx>

<Social Security and VA Mental Determinations Opinion - final.PDF>

(b) (5)

<1997 Federal Register - definition of adjudicated as a mental defective.pdf>

**Congress of the United States**  
**Washington, DC 20515**

January 17, 2019

The Honorable Matthew Whitaker  
Acting United States Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

Dear Acting Attorney General Whitaker:

We write today to express our dire and time sensitive concerns regarding the lack of processing of National Firearms Act (NFA) applications by the NFA Division of the Bureau of Alcohol, Tobacco, Firearms and Explosives during the government shutdown. The manufacture and sale of all NFA items must be manually approved by examiners at the NFA Division. As these examiners are not currently excepted personnel, per the guidelines of the U.S. Department of Justice FY 2019 Contingency Plan, industry operations have halted to a complete standstill. Currently there are 11,000 federally licensed businesses that make and sell NFA items are in immediate jeopardy of going out of business. Because the existence of these businesses, who supply essential tools to our armed forces and law enforcement agencies, is entirely dependent upon ATF's ability to process the required forms, we write today to ask that you to designate excepted status to NFA examiners.

The National Firearms Act categorizes and regulates certain types of firearms, including suppressors, short-barreled rifles, short-barreled shotguns, machine guns, and destructive devices. These items are essential tools that assist the military and law enforcement agencies in their mission to ensure public safety against threats foreign and domestic. Most state and local law enforcement agencies purchase NFA items through distributors or local dealers. In order to stock any serialized NFA item, the distributor and/or dealer must receive an approved Form 3 application from ATF before said item can be transferred.

When Form 3's are submitted to ATF, there is no way to make a distinction between NFA items that are being transferred for future sale to government entities versus the civilian marketplace. Hindering the ability for federally licensed manufacturers to transfer NFA items to federally licensed distributors and dealers, all of whom have paid the mandatory Special Occupational Tax (SOT) required to make or sell NFA items, constitutes a threat to public safety due to the lack of availability for the military and law enforcement agencies.

This will be especially true if the processing of applications does not begin before the commencement of the Shooting, Hunting, Outdoor Trade (SHOT) Show on Tuesday, January 22<sup>nd</sup>. As the largest industry trade show of the year, military units and law



enforcement agencies from across the country travel to and rely on SHOT Show to procure NFA items for official use. If procurement officials are unable to fully conduct business at SHOT Show, the ability of our armed forces and law enforcement agencies to procure these essential tools will be compromised.

Furthermore, the welfare of nearly every business within the NFA industry relies on these sales, especially since orders were not processed during any of the major distributor conferences held in January. With no ability to complete sales, revenue streams for the industry have remained gridlocked since the start of the government shutdown in December. Simply put, there has been no cash flow within the industry since December 21<sup>st</sup>. If immediate action is not taken, the entire industry will quickly collapse as a direct result of the lapse in appropriations.

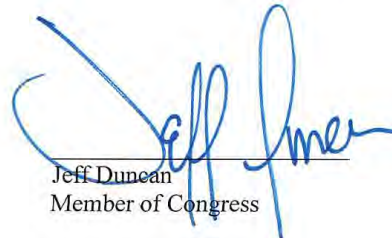
Although NFA examiners at ATF are not currently considered excepted personnel, their counterparts at FBI who administer the National Instant Criminal Background Check System are. According to DOJ's FY 2019 Contingency Plan, "excepted personnel also include nearly all federal employees supporting the National Instant Criminal Background Check System (NICS)." While we concur that the processing of NICS applications is essential to upholding the Second Amendment rights of the citizens of the United States, we ask why DOJ considers the processing of applications for NFA firearms outside of the purview of the Second Amendment? After all, items such as suppressors are classified by law as firearms. With over 1,500,000 in circulation, suppressors are undeniably in "common use", and should thus be protected under the Second Amendment.

We believe that the reasons outlined above constitute a threat to the safety of human life or the protection of property. For these reasons, we ask that you do everything in your power to immediately reclassify NFA examiners as excepted personnel. Should you have any further questions, please do not hesitate to contact our offices. We thank you for your time and consideration and look forward to your prompt response.

Sincerely,



John R. Carter  
Member of Congress



Jeff Duncan  
Member of Congress



**Rabbitt, Brian (OAG)**

---

**From:** Rabbitt, Brian (OAG)  
**Sent:** Monday, February 25, 2019 7:57 PM  
**To:** Moran, John (OAG)  
**Cc:** Bumatay, Patrick (OAG)  
**Subject:** FW: URGENT FW: LRM [RD-116-9] DUE TODAY 2/22 @ 4:00PM OMB Statement of Administration Policy on (1) HR8 - Bipartisan Background Checks Act of 2019; and (2) HR1112 – Enhanced Background Checks Act of 2019  
**Attachments:** Draft SAP HR 8 and HR 1112 Clean RD Edits - DOJ edits.docx; DOJ Comments to SAP for H.R.8 and H.R. 1112 (003)\_ODAG edits.docx  
**Importance:** High

I assume this got staffed out?

---

**From:** Peterson, Andrew (ODAG) <anpeterson@jmd.usdoj.gov>  
**Sent:** Monday, February 25, 2019 10:59 AM  
**To:** Moran, John (OAG) <jomoran@jmd.usdoj.gov>; Rabbitt, Brian (OAG) <brrabbitt@jmd.usdoj.gov>  
**Cc:** Ellis, Corey F. (ODAG) <cfellis@jmd.usdoj.gov>; O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>; Braverman, Adam L. (ODAG) <albraverman@jmd.usdoj.gov>  
**Subject:** FW: URGENT FW: LRM [RD-116-9] DUE TODAY 2/22 @ 4:00PM OMB Statement of Administration Policy on (1) HR8 - Bipartisan Background Checks Act of 2019; and (2) HR1112 Enhanced Background Checks Act of 2019  
**Importance:** High

Gents Attached are draft DOJ comments to a draft Administration SAP on two pieces of legislation, HR 8 and HR 1112. Both bills concern commercial purchases of firearms.

As you can see by the draft comment (b) (5) Given the political nature of the issue, we wanted to flag for your awareness.

Comments on the SAP were due last Friday at 330, and we received these for clearance this morning. OMB has requested comments ASAP today.

My inclination would be (b) (5)

(b) (5) but defer to you guys for additional guidance (b) (5)

Andy

---

**From:** Leeman, Gabrielle (ODAG) <gleeman@jmd.usdoj.gov>  
**Sent:** Monday, February 25, 2019 10:47 AM  
**To:** Ellis, Corey F. (ODAG) <cfellis@jmd.usdoj.gov>; Peterson, Andrew (ODAG) <anpeterson@jmd.usdoj.gov>  
**Cc:** Thiemann, Robyn (ODAG) <rothiemann@jmd.usdoj.gov>; Braverman, Adam L. (ODAG) <albraverman@jmd.usdoj.gov>  
**Subject:** FW: URGENT FW: LRM [RD-116-9] DUE TODAY 2/22 @ 4:00PM OMB Statement of Administration Policy on (1) HR8 - Bipartisan Background Checks Act of 2019; and (2) HR1112 Enhanced Background Checks Act of 2019  
**Importance:** High

Hi Corey and Andy,

I've spoken with Adam and Robyn on this item, and they proposed the few edits in the attached DOJ Comments to SAP. However, they wanted you to also have a chance to review this item prior to clearing. Adam is available to speak with you, if needed. Please review and clear as soon as possible.

FY [REDACTED] (b)(5) per OMB [REDACTED]. The target release is today so I don't know if there is much time to incorporate DOJ views at this stage.

Thank you!

-Gabi

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**From:** Leeman, Gabrielle (ODAG)  
**Sent:** Monday, February 25, 2019 9:29 AM  
**To:** Thiemann, Robyn (ODAG) <[rothiemann@jmd.usdoj.gov](mailto:rothiemann@jmd.usdoj.gov)>; Braverman, Adam L. (ODAG) <[albraverman@jmd.usdoj.gov](mailto:albraverman@jmd.usdoj.gov)>  
**Cc:** Paul Perkins (ODAG) (<[pperkins@jmd.usdoj.gov](mailto:pperkins@jmd.usdoj.gov)> <[pperkins@jmd.usdoj.gov](mailto:pperkins@jmd.usdoj.gov)>  
**Subject:** FW: URGENT FW: LRM [RD-116-9] DUE TODAY 2/22 @ 4:00PM OMB Statement of Administration Policy on (1) HR8 - Bipartisan Background Checks Act of 2019; and (2) HR1112 Enhanced Background Checks Act of 2019  
**Importance:** High

Hi Robyn and Adam,

Please review and clear the comments on the attached draft Statement of Administration Policy on HR. 8 "*Bipartisan Background Checks Act of 2019*", and HR. 1112 "*Enhanced Background Checks Act of 2019*", as soon as possible.

[REDACTED] (b)(5) per OMB [REDACTED]

Thank you!

-Gabi

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**From:** Riley, Ann J. (OLA) <[ariley@jmd.usdoj.gov](mailto:ariley@jmd.usdoj.gov)>  
**Sent:** Monday, February 25, 2019 9:22 AM  
**To:** Hall, Jeffrey (OASG) <[jehall@jmd.usdoj.gov](mailto:jehall@jmd.usdoj.gov)>; Pandya, Brian (OASG) <[bpandya@jmd.usdoj.gov](mailto:bpandya@jmd.usdoj.gov)>; Cox, Stephen (OASG) <[scox@jmd.usdoj.gov](mailto:scox@jmd.usdoj.gov)>; Leeman, Gabrielle (ODAG) <[gleeman@jmd.usdoj.gov](mailto:gleeman@jmd.usdoj.gov)>; Perkins, Paul (ODAG) <[pperkins@jmd.usdoj.gov](mailto:pperkins@jmd.usdoj.gov)>  
**Cc:** Antell, Kira M. (OLA) <[kimantell@jmd.usdoj.gov](mailto:kimantell@jmd.usdoj.gov)>; Rubens, William B. (OLA) <[wbrubens@jmd.usdoj.gov](mailto:wbrubens@jmd.usdoj.gov)>; Escalona, Prim F. (OLA) <[pfescalona@jmd.usdoj.gov](mailto:pfescalona@jmd.usdoj.gov)>; Lasseter, David F. (OLA) <[dlasseter@jmd.usdoj.gov](mailto:dlasseter@jmd.usdoj.gov)>  
**Subject:** RE: URGENT FW: LRM [RD-116-9] DUE TODAY 2/22 @ 4:00PM OMB Statement of Administration Policy on (1) HR8 - Bipartisan Background Checks Act of 2019; and (2) HR1112 Enhanced Background Checks Act of 2019  
**Importance:** High

ODAG

ATF and FBI provided more extensive comments on the SAP over the weekend and this morning. Please see attached and advise if these comments are clear to submit to OMB **ASAP.**

Thank you,  
Ann

---

**From:** Riley, Ann J. (OLA) <[ariley@jmd.usdoj.gov](mailto:ariley@jmd.usdoj.gov)>

**Sent:** Friday, February 22, 2019 6:16 PM

**To:** Hall, Jeffrey (OASG) <[jehall@jmd.usdoj.gov](mailto:jehall@jmd.usdoj.gov)>; Pandya, Brian (OASG) <[bpandya@jmd.usdoj.gov](mailto:bpandya@jmd.usdoj.gov)>; Cox, Stephen (OASG) <[scox@jmd.usdoj.gov](mailto:scox@jmd.usdoj.gov)>; Leeman, Gabrielle (ODAG) <[gleeman@jmd.usdoj.gov](mailto:gleeman@jmd.usdoj.gov)>; Perkins, Paul (ODAG) <[pperkins@jmd.usdoj.gov](mailto:pperkins@jmd.usdoj.gov)>; Spolar, Ellen S. (ODAG) <[esspolar@jmd.usdoj.gov](mailto:esspolar@jmd.usdoj.gov)>

**Cc:** Antell, Kira M. (OLA) <[kimantell@jmd.usdoj.gov](mailto:kimantell@jmd.usdoj.gov)>; Rubens, William B. (OLA) <[wbrubens@jmd.usdoj.gov](mailto:wbrubens@jmd.usdoj.gov)>;

Escalona, Prim F. (OLA) <[pfescalona@jmd.usdoj.gov](mailto:pfescalona@jmd.usdoj.gov)>; Lassetter, David F. (OLA) <[dlasseter@jmd.usdoj.gov](mailto:dlasseter@jmd.usdoj.gov)>

**Subject:** RE: URGENT FW: LRM [RD-116-9] DUE TODAY 2/22 @ 4:00PM OMB Statement of Administration Policy on (1) HR8 - Bipartisan Background Checks Act of 2019; and (2) HR1112 Enhanced Background Checks Act of 2019

See attached PDF showing OLC's redlines.

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**From:** Riley, Ann J. (OLA) <[ariley@jmd.usdoj.gov](mailto:ariley@jmd.usdoj.gov)>

**Sent:** Friday, February 22, 2019 6:10 PM

**To:** Hall, Jeffrey (OASG) <[jehall@jmd.usdoj.gov](mailto:jehall@jmd.usdoj.gov)>; Pandya, Brian (OASG) <[bpandya@jmd.usdoj.gov](mailto:bpandya@jmd.usdoj.gov)>; Cox, Stephen (OASG) <[scox@jmd.usdoj.gov](mailto:scox@jmd.usdoj.gov)>; Leeman, Gabrielle (ODAG) <[gleeman@jmd.usdoj.gov](mailto:gleeman@jmd.usdoj.gov)>; Perkins, Paul (ODAG) <[pperkins@jmd.usdoj.gov](mailto:pperkins@jmd.usdoj.gov)>; Spolar, Ellen S. (ODAG) <[esspolar@jmd.usdoj.gov](mailto:esspolar@jmd.usdoj.gov)>

**Cc:** Antell, Kira M. (OLA) <[kimantell@jmd.usdoj.gov](mailto:kimantell@jmd.usdoj.gov)>; Rubens, William B. (OLA) <[wbrubens@jmd.usdoj.gov](mailto:wbrubens@jmd.usdoj.gov)>;

Escalona, Prim F. (OLA) <[pfescalona@jmd.usdoj.gov](mailto:pfescalona@jmd.usdoj.gov)>; Lassetter, David F. (OLA) <[dlasseter@jmd.usdoj.gov](mailto:dlasseter@jmd.usdoj.gov)>

**Subject:** FW: URGENT FW: LRM [RD-116-9] DUE TODAY 2/22 @ 4:00PM OMB Statement of Administration Policy on (1) HR8 - Bipartisan Background Checks Act of 2019; and (2) HR1112 Enhanced Background Checks Act of 2019

**Importance:** High

ODAG

OMB circulated a SAP on HR 8 and HR 1112, for interagency review. The SAP was circulated to CRM, EOUSA, OLP, CIV, FBI, USMS, NSD, and ATF who all reviewed and have provided no comments.

OLC provided edits and comments in the attached. Please advise if you clear this submission to OMB, as soon as possible. The bills are expected to be voted on early next week and (b)(5) per OMB

Thank you,  
Ann

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**From:** Forrester, Nate (OLC) (b)(6) per OLC >

**Sent:** Friday, February 22, 2019 5:48 PM

**To:** Riley, Ann J. (OLA) <[ariley@jmd.usdoj.gov](mailto:ariley@jmd.usdoj.gov)>

**Cc:** Hardy, Liam P. (OLC) (b)(6) per OLC >; Clarke, Conor (OLC) (b)(6) per OLC >; Mitchell, Dyone (OLC) (b)(6) per OLC

**Subject:** FW: URGENT FW: LRM [RD-116-9] DUE TODAY 2/22 @ 4:00PM OMB Statement of Administration Policy on (1) HR8 - Bipartisan Background Checks Act of 2019; and (2) HR1112 Enhanced Background Checks Act of 2019

Ann, here are our proposed edits to the SAP, along with explanatory comments in bubbles.

— Nate

**Nathan A. Forrester**

Attorney Adviser, Office of Legal Counsel

U.S. Department of Justice, RFK 5268

W (b)(6) per OLC | (b)(6) per OLC  
(b)(6) per OLC



Attached for your review is a draft Statement of Administration Policy (SAP) on: (1) H.R. 8, the Bipartisan Background Checks Act of 2019; and (2) H.R.1112, Enhanced Background Checks Act of 2019.

Please review the draft SAP and provide any comments/edits by no later than 4:00PM, TODAY. Thank you.

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LRM ID: RD-116-9

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET

LEGISLATIVE REFERRAL MEMORANDUM  
Friday, February 22, 2019

TO: Legislative Liaison Officer - See Distribution

FROM: Ventura, Alexandra (for) Assistant Director for Legislative Reference  
SUBJECT: LRM [RD-116-9] DUE 02/22 @ 4:00PM OMB Statement of Administration Policy on HR8 Bipartisan Background Checks Act of 2019

OMB CONTACT: **Damis, Rody**

E-Mail (b)(6) per OMB

PHON (b)(6) per OMB

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. By the deadline above, please reply by e-mail or telephone, using the OMB Contact information above.

Please advise us if this item will affect direct spending or receipts for the purposes of the Statutory Pay-as-You-Go Act of 2010.

Thank you.





February 20, 2019

Hon. William P. Barr  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Re: Request to Extend Effective Date of DOJ/ATF Final Rule Criminalizing Private  
Ownership of Bump Fire Stocks

Dear Attorney General Barr:

Congratulations on your confirmation as the nation's 85<sup>th</sup> Attorney General, and on your swearing in last Thursday, February 14, 2019.

I am the Executive Director of Gun Owners of America ("GOA"). I am writing to you on behalf of many thousands of GOA's nationwide members who own so-called bump fire stocks, and also on behalf of at least a half-million Americans who lawfully purchased and currently own so-called bump fire stocks, probably most of whom voted for President Trump based on his promise to defend the Second Amendment.

These gun owners found it extremely disappointing that the President ordered the U.S. Department of Justice to issue regulations reversing the long-standing ATF position and banning private ownership of bump fire stocks on December 26, 2018 (83 *Fed. Reg.* 66514). These regulations are now scheduled to go into effect on March 26, 2019 — 90 days after they were published by your Acting predecessor. In view of several developments since then, I am writing to you to ask you to use your statutory authority to restart the clock on the 90-day notice period for the reasons set out below. 5 U.S.C. § 705 provides that "[w]hen an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review."

On the same day these regulations were published, GOA, along with Gun Owners Foundation, Virginia Citizens Defense League, and several individual plaintiffs, brought suit in United States District Court for the Western District of Michigan (Case No. 1:18-cv-1429), challenging the Final Rulemaking by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF").<sup>1</sup> Other challenges to these bump stock regulations were filed in other courts as well.

Delaying implementation of the Final Rule would preserve the status quo while gun owners have their day in court, both in U.S. District Court for the Western District of Michigan, the U.S.

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<sup>1</sup> The papers filed in that case are collected at this website: <http://lawandfreedom.com/wordpress/bump-stock-litigation/>.

Court of Appeals for the Sixth Circuit, and likely the U.S. Supreme Court, and would protect Americans, who present no threat to anyone, from being forced to either destroy their bump stocks, turn them in to ATF, or risk felony prosecution, by March 26, 2019.

President Trump directed the issuance of these regulations on February 20, 2018, and the government took 10 months to develop a theory on which to reverse its long-standing position. Then it rushed to issue those regulations during a long-anticipated partial government shutdown which began on Saturday, December 22, 2018. Of course, the shutdown affected both the ability of the Department of Justice to litigate civil cases and the ability of courts to hear them. That shutdown lasted 35 days — the longest ever in U.S. history — during which the challenges to the bump stock regulations were delayed.

To allow for a reasonable period for district courts to issue opinions and for appeals of any district court order, we would ask that the effective date of the regulations be delayed by 90 days, making the regulations effective June 24, 2019. If this proposal is rejected, certainly an extension of at least the 35 days should be made, by the same length of time the government was in shutdown mode.

Additionally, the Justice Department must consider the position of the American people who own bump stocks. According to ATF estimates, there are over 500,000 bump stocks owned by Americans nationwide, with a total value in excess of \$100 million. The actual numbers may be considerably higher. All of these bump stocks were acquired in good faith reliance on a series of unequivocal ATF rulings that bump stocks were not machineguns and could be lawfully owned. Indeed, they were not even considered firearms.

As you would no doubt anticipate, the publication of this regulation, has caused great consternation within a large component of the firearms community in America. A delay would postpone the date on which law-abiding American gun owners would be forced to surrender or destroy their property before their rights can be adjudicated in court. Of course, we are asking the Court to grant a preliminary injunction to prevent the law from going into effect while the courts consider the merits of our challenge, but we believe that the Justice Department, and you as its head, now have a duty to protect the right of these Americans to their day in court as well. The same is true for manufacturers who would be required to destroy their remaining inventory of bump stocks.

Consider how you would feel if you lawfully purchased an item for \$300 — only to then see the government reverse its position and declare such items to be contraband after someone else misused an item of that type, and then you were ordered by your government to destroy your property or risk becoming a felon. That is exactly the situation here. A delay in the effective date would preserve the status quo, would not prejudice the government, and would permit GOA's members and thousands of other Americans to avoid the destruction of



their bump stocks — or the risk of felony prosecution — before meaningful court review of the Final Rule can be obtained. Surely the Justice Department would not want to put Americans to such a Hobson's choice, punishing 500,000 Americans for the actions of one deranged individual who may have used a bump stock.

There is certainly no health or safety reason to rush the effective date of these regulations, as the Department of Justice has no evidence that bump stocks are used in crime, and even the information about their possible use in the Las Vegas Shooting of November 1, 2017 is, at best, vague and imprecise.

In one of the other pending challenges to the bump stock regulations, there was a suggestion put on the record that because of questions raised as to whether they are valid due to concerns about the authority of Acting Attorney General Whitaker to issue them, you may decide to "ratify" or "re-issue" them. While we would prefer the regulations be withdrawn, we can see good reason for you to re-issue them, and this would start the clock on another 90-day period, which would provide the opportunity for the judicial review which we are seeking. On the other hand, you should know that we do not believe that you have the legal authority to ratify these regulations, because you had no authority to act as Attorney General on December 26, 2018. Ratification, therefore, would not imbue these regulations with the authority of having been issued by the Attorney General.

Please do not hesitate to contact us if we can provide any more information or can be of assistance in your consideration of our request. Moreover, due to the significance of this matter, we would like to meet with you this week to underscore the inherent justice of maintaining the status quo and extending the date on which ATF's regulation becomes effective.

Sincerely yours,

A handwritten signature in black ink that reads "Erich Pratt". The signature is written in a cursive, flowing style.

Erich Pratt  
Executive Director

EP:ls



**DuCharme, Seth (OAG)**

---

**From:** DuCharme, Seth (OAG)  
**Sent:** Thursday, April 25, 2019 1:58 PM  
**To:** Engel, Steven A. (OLC)  
**Subject:** FW: For Quick Review: NRA Draft Remarks  
**Attachments:** NRA 2019.docx; ATT00001.htm

(b) (5)

– this is the only part that touches on the issue we discussed yesterday, just let me know if you have any concerns, thanks Steve.

(b) (5)

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**From:** Moran, John (OAG) <jomoran@jmd.usdoj.gov>  
**Sent:** Thursday, April 25, 2019 12:39 PM  
**To:** DuCharme, Seth (OAG) <sducharme@jmd.usdoj.gov>  
**Subject:** Fwd: For Quick Review: NRA Draft Remarks

Seth,

Can you review and let them know if we clear by **5 PM Today**? Thanks.

John

Begin forwarded message:

**From:** Staff Secretar (b) (6)  
**Date:** April 25, 2019 at 12:35:59 PM EDT  
**To:** DL Chief of Staff Offic (b) (6), "DL WHO PRESS SECRETARY Press Secretaries (b) (6), "Kennedy, Adam R. EOP/WHO" (b) (6), "Ditto, Jessica E. EOP/WHO" (b) (6), "Schlapp, Mercedes V. EOP/WHO (b) (6)", "Knight, Shahira E. EOP/WHO (b) (6)", "Greenwood, Daniel Q. EOP/WHO" (b) (6), "Eisenberg, John A. EOP/NSC" (b) (6), "Philbin, Patrick F. EOP/WHO (b) (6)", "Grogan, Joseph (b) (6)", "Collins, Rachel E. EOP/WHO" (b) (6), "Wiggins, Jeremy G. EOP/WHO" (b) (6), DL NSC PaperDeputie (b) (6), White House Clearances <[WhiteHouseClearances@state.gov](mailto:WhiteHouseClearances@state.gov)>, "Rabbitt, Brian (OAG)" <[Brian.Rabbitt@usdoj.gov](mailto:Brian.Rabbitt@usdoj.gov)>, "Moran, John (OAG)" <[John.Moran@usdoj.gov](mailto:John.Moran@usdoj.gov)>, "Sullivan, Joseph W. EOP/CEA (b) (6)", "Miller, Julie L. EOP/OMB (b) (6) per OMB", "Rollins, Brooke L. EOP/WHO (b) (6)", "Dumbauld, Cassidy M. EOP/WHO"

(b) (6), "Radford, Julie T. EOP/WHO" (b) (6)  
"Hudson, Renee R. EOP/WHO" (b) (6), "Pataki, Tim A. EOP/WHO"  
(b) (6) >, "Hoelscher, Douglas L. EOP/WHO"  
(b) (6), "Veletsis, Alexandra E. EOP/WHO"  
(b) (6) >, "Jack, Brian T. EOP/WHO" (b) (6)  
"Liddell, Christopher P. EOP/WHO" (b) (6) >, "Davis, May M. EOP/WHO"  
(b) (6), DL WHO COMMS Speechwrite (b) (6)  
**Cc:** Staff Secretar (b) (6) >  
**Subject: For Quick Review: NRA Draft Remarks**

All,

(b) (5)

Thank you,  
Staff Secretary

## Shea, Timothy (OAG)

---

**From:** Shea, Timothy (OAG)  
**Sent:** Wednesday, August 21, 2019 4:06 PM  
**To:** Metcalf, David (ODAG)  
**Subject:** FW: Schedule for Policy Book  
**Attachments:** ERPO Bill - Summary DRAFT.docx

Can you give me a call about this.

Tim

---

**From:** Moran, John (OAG) <jomoran@jmd.usdoj.gov>  
**Sent:** Wednesday, August 21, 2019 3:35 PM  
**To:** Rabbitt, Brian (OAG) <brrabbitt@jmd.usdoj.gov>; Williams, Beth A (OLP) <bawilliams@jmd.usdoj.gov>; Murray, Claire M. (OASG) <cmmurray@jmd.usdoj.gov>; Boyd, Stephen E. (OLA) <seboyd@jmd.usdoj.gov>; Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>; O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>; Benczkowski, Brian (CRM) (b)(6) per CRM @CRM.USDOJ.GOV>; Champoux, Mark (OLP) <mchampoux@jmd.usdoj.gov>; Hovakimian, Patrick (ODAG) <phovakimian4@jmd.usdoj.gov>; Cronan, John (CRM) (b)(6) per CRM @CRM.USDOJ.GOV>; Shea, Timothy (OAG) <tshea@jmd.usdoj.gov>; Bissex, Rachel (OAG) <rabissex@jmd.usdoj.gov>; Wong, Candice (CRM) (b)(6) per CRM @CRM.USDOJ.GOV>; Miner, Matthew (CRM) (b)(6) per CRM @CRM.USDOJ.GOV>; Allen, Katherine T. (OASG) <ktallen@jmd.usdoj.gov>; Braverman, Adam L. (ODAG) <albraverman@jmd.usdoj.gov>; Metcalf, David (ODAG) <dmetcalf@jmd.usdoj.gov>; Demers, John C. (NSD) (b)(6) per NSD; Burns, David P. (NSD) (b)(6) per NSD  
**Subject:** RE: Schedule for Policy Book

All:

For simplicity, folks can use Mark's summary of the ERPO proposal (attached here) as a template for formatting. We can then make adjustments globally tomorrow, if needed.

John

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**From:** Rabbitt, Brian (OAG) <brrabbitt@jmd.usdoj.gov>  
**Sent:** Wednesday, August 21, 2019 3:32 PM  
**To:** Williams, Beth A (OLP) <bawilliams@jmd.usdoj.gov>; Murray, Claire M. (OASG) <cmmurray@jmd.usdoj.gov>; Boyd, Stephen E. (OLA) <seboyd@jmd.usdoj.gov>; Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>; O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>; Benczkowski, Brian (CRM) (b)(6) per CRM @CRM.USDOJ.GOV>; Champoux, Mark (OLP) <mchampoux@jmd.usdoj.gov>; Hovakimian, Patrick (ODAG) <phovakimian4@jmd.usdoj.gov>; Cronan, John (CRM) (b)(6) per CRM @CRM.USDOJ.GOV>; Moran, John (OAG) <jomoran@jmd.usdoj.gov>; Shea, Timothy (OAG) <tshea@jmd.usdoj.gov>; Bissex, Rachel (OAG) <rabissex@jmd.usdoj.gov>; Wong, Candice (CRM) (b)(6) per CRM @CRM.USDOJ.GOV>; Miner, Matthew (CRM) (b)(6) per CRM @CRM.USDOJ.GOV>; Allen, Katherine T. (OASG) <ktallen@jmd.usdoj.gov>; Braverman, Adam L. (ODAG) <albraverman@jmd.usdoj.gov>; Metcalf, David (ODAG) <dmetcalf@jmd.usdoj.gov>; Demers, John C. (NSD) (b)(6) per NSD; Burns, David P. (NSD) (b)(6) per NSD >  
**Subject:** Schedule for Policy Book

All Following today's meeting, John Moran and I spoke with the White House. They would like to get our policy recommendations **by Friday**, if possible, so that they can convene meetings early next week to discuss the various

options. In light of that, I think we need to accelerate our schedule somewhat so that we have a binder for review by the AG early Friday that can be sent over to the White House by the end of the day, or over the weekend. Thanks  
BR

Brian C. Rabbitt  
Chief of Staff & Sr. Counselor to the Attorney General  
U.S. Department of Justice  
T: (202) 514-3893  
M (b) (6)  
[Brian.Rabbitt@usdoj.gov](mailto:Brian.Rabbitt@usdoj.gov)

**Champoux, Mark (OLP)**

---

**From:** Champoux, Mark (OLP)  
**Sent:** Wednesday, August 21, 2019 10:24 PM  
**To:** Rabbitt, Brian (OAG); Williams, Beth A (OLP); Murray, Claire M. (OASG); Boyd, Stephen E. (OLA); Escalona, Prim F. (OLA); O'Callaghan, Edward C. (ODAG); Benczkowski, Brian (CRM); Hovakimian, Patrick (ODAG); Cronan, John (CRM); Moran, John (OAG); Shea, Timothy (OAG); Bissex, Rachel (OAG); Wong, Candice (CRM); Miner, Matthew (CRM); Allen, Katherine T. (OASG); Braverman, Adam L. (ODAG); Metcalf, David (ODAG); Demers, John C. (NSD); Burns, David P. (NSD)  
**Subject:** ERPO proposal  
**Attachments:** ERPO - model state legislation & analysis - 2019.08.21.docx; ERPO - one-page summary - 2019.08.21.docx; ERPO - federal legislation - 2019.08.21.docx

All,

Attached is the latest version of the ERPO proposal. It includes:

- One-page summary (previously circulated, with minor edits since circulation)
- Model state legislation (previously circulated)
- Proposed federal grant incentive legislation (not previously circulated)

Thanks,

**Mark Champoux**

Principal Deputy Assistant Attorney General  
Office of Legal Policy  
U.S. Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 20530  
Office: (202) 514-6131  
[Mark.Champoux@usdoj.gov](mailto:Mark.Champoux@usdoj.gov)

**Moran, John (OAG)**

---

**From:** Moran, John (OAG)  
**Sent:** Thursday, August 22, 2019 10:11 PM  
**To:** Gramley, Shannon (OAG)  
**Cc:** Rabbitt, Brian (OAG); Shea, Timothy (OAG)  
**Subject:** DOJ Gun Policy Binder  
**Attachments:** DOJ Gun Policy Binder.pdf

Shannon,

Attached is a PDF Portfolio containing the files for the DOJ Gun Policy Binders that the AG wants to send to the WH tomorrow. Expect for the materials for the last tab of (b) (5) (which OLA should hopefully send by the morning).

We can send over the WH in electronic format in part, but I know that we will want to have at least 4 copies of the binder for OAG. Defer to Brian on whether we want to make hard copies to send to the WH as well.

(b) (6). But we should be able to get the binders started and then finish them with what OLA sends for the last piece. As we did the last time, I envision a numbered tab for each of the 12 sections, and then color-paper sheets to divide the sections within each tab.

Thanks,

John S. Moran  
Deputy Chief of Staff & Counselor to the Attorney General  
U.S. Department of Justice  
(202) 616-2372 (W)  
(b) (6) (C)  
john.moran@usdoj.gov

**Moran, John (OAG)**

---

**From:** Moran, John (OAG)  
**Sent:** Thursday, August 22, 2019 10:26 PM  
**To:** Gramley, Shannon (OAG)  
**Cc:** Rabbitt, Brian (OAG); Shea, Timothy (OAG)  
**Subject:** RE: DOJ Gun Policy Binder  
**Attachments:** DOJ Gun Policy Binder.pdf

Shannon,

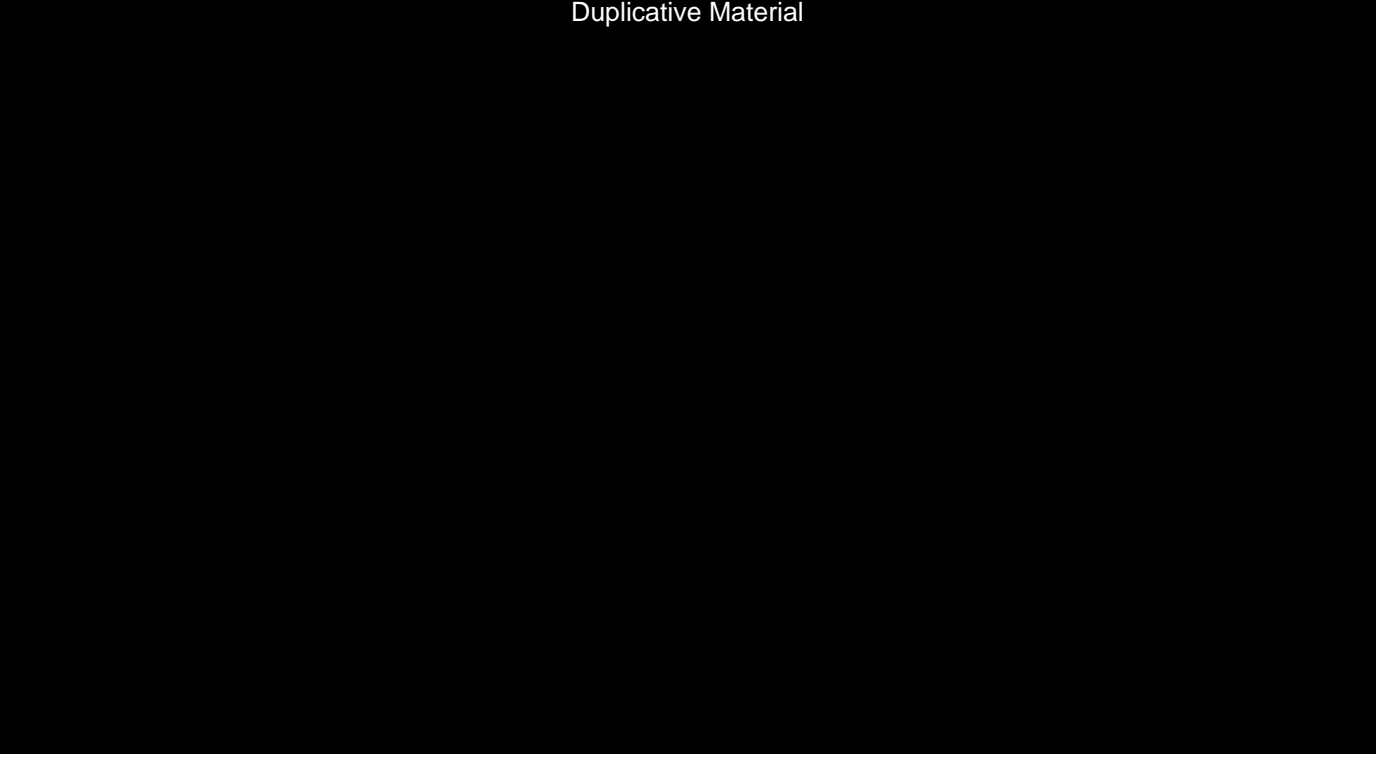
With apologies, let's use this version which includes some additional edits t (b) (5).

Thanks,  
John

---

**From:** Moran, John (OAG)  
**Sent:** Thursday, August 22, 2019 10:11 PM  
**To:** Gramley, Shannon (OAG) <sgramley@jmd.usdoj.gov>  
**Cc:** Rabbitt, Brian (OAG) <brrabbitt@jmd.usdoj.gov>; Shea, Timothy (OAG) <tshea@jmd.usdoj.gov>  
**Subject:** DOJ Gun Policy Binder

Duplicative Material



**Moran, John (OAG)**

---

**From:** Moran, John (OAG)  
**Sent:** Friday, August 23, 2019 2:26 PM  
**To:** Rabbitt, Brian (OAG)  
**Cc:** Gramley, Shannon (OAG)  
**Subject:** DOJ Gun Policy Binder  
**Attachments:** DOJ Gun Policy Binder - August 23 2019.pdf

Brian,

Attached is the finalized electronic version of the binder. Many thanks to Shannon for pulling together the hard copies.

Regards,

John S. Moran  
Deputy Chief of Staff & Counselor to the Attorney General  
U.S. Department of Justice  
(202) 616-2372 (W)  
[REDACTED] (b) (6) (C)  
john.moran@usdoj.gov



**Moran, John (OAG)**

---

**From:** Moran, John (OAG)  
**Sent:** Friday, August 23, 2019 5:18 PM  
**To:** Rabbitt, Brian (OAG)  
**Cc:** Gramley, Shannon (OAG)  
**Subject:** FINAL Binder  
**Attachments:** DOJ Binder - Law-Enforcement Policy Proposals & Options - August 23 2019.pdf

Brian,

Here is the final PDF binder, including the AG's letter. I figured you will want to send it over to WHCO, but let me know if you would like me to do so.

John S. Moran  
Deputy Chief of Staff & Counselor to the Attorney General  
U.S. Department of Justice  
(202) 616-2372 (W)  
[REDACTED] (b) (6) (C)  
john.moran@usdoj.gov

**Rabbitt, Brian (OAG)**

---

**From:** Rabbitt, Brian (OAG)  
**Sent:** Friday, August 23, 2019 6:23 PM  
**To:** Philbin, Patrick F. EOP/WHO  
**Cc:** Horning, Liz A. EOP/WHO; Moran, John (OAG)  
**Subject:** DOJ Law-Enforcement Policy Proposals and Options  
**Attachments:** DOJ Binder - Law-Enforcement Policy Proposals & Options - August 23 2019.pdf

Deliberative & Pre-Decisional  
Privileged & Confidential

Pat,

Attached, please find an electronic copy of a binder DOJ has assembled containing a number of law-enforcement policy proposals and options for the Administration to consider. Hard copies will follow Monday. These proposals are in draft form, and we expect that they will be the subject of further refinement following discussions and deliberations with the White House and others in the Administration. Please distribute as you see fit.

BR

Brian C. Rabbitt  
Chief of Staff & Sr. Counselor to the Attorney General  
U.S. Department of Justice  
T: (202) 514-3893  
(b) (6)  
[Brian.Rabbitt@usdoj.gov](mailto:Brian.Rabbitt@usdoj.gov)

**Escalona, Prim F. (OLA)**

---

**From:** Escalona, Prim F. (OLA)  
**Sent:** Monday, August 26, 2019 5:01 PM  
**To:** Rabbitt, Brian (OAG); Moran, John (OAG); Champoux, Mark (OLP); Williams, Beth A (OLP); Benczkowski, Brian (CRM); Wong, Candice (CRM); Hovakimian, Patrick (ODAG)  
**Subject:** DOJ Gun Policy Clearance  
**Attachments:** OLA WF 120167 Expedited Clearance with all comments clean.docx

All,

As you know, given the expedited timeline to get the gun policy proposals to the White House, we were unable to run a full clearance process on the legislative items. We did run an expedited and abbreviated clearance of several of the proposals. We have received component comment on those proposals. Usually we would work through the comments with the home component of the proposal before circulating more broadly. However, given the expedited nature of this project, we thought it might be best to share the comments quickly with this group. We are happy to help facilitate any additional clearance or work through the comment process in any way helpful.

I am attaching the current component comments.

Thanks,  
Prim

Prim Escalona  
Principal Deputy Assistant Attorney General  
Office of Legislative Affairs  
(202) 305-4573

## Champoux, Mark (OLP)

---

**From:** Champoux, Mark (OLP)  
**Sent:** Wednesday, September 4, 2019 9:46 PM  
**To:** Metcalf, David (ODAG); Moran, John (OAG)  
**Cc:** Hovakimian, Patrick (ODAG); Braverman, Adam L. (ODAG); Rabbitt, Brian (OAG); Shea, Timothy (OAG); Williams, Beth A (OLP)  
**Subject:** RE: (OLA WF 120183) LRM: [KLM-116-100] -- OMB Request for Views on S2376 - Stop Illegal Trafficking in Firearms Act of 2019

A few points:

- In general, the bill creates new criminal offenses specifically to address straw purchasing (buying a firearm with an intent to transfer to someone else)—which evades the background check system and otherwise puts guns in criminals' hands—and trafficking in firearms. Currently, federal prosecutors go after straw purchasers using 922(a)(6) and 924(a)(1)(A)—basically, making false statements in purchasing a firearm (on ATF Form 4473, which you fill out when purchasing, you have to state that you are the transferee and that you're not buying on behalf of someone else). (b) (5)  
The legislation would create specific charging offenses with significant sentences.
- (b) (5)
- (b) (5)
- (b) (5)
- (b) (5)
- (b) (5)
- (b) (5)

MC

(202) 514-6131

---

**From:** Metcalf, David (ODAG) <dmetcalf@jmd.usdoj.gov>  
**Sent:** Wednesday, September 4, 2019 9:27 PM  
**To:** Moran, John (OAG) <jomoran@jmd.usdoj.gov>  
**Cc:** Hovakimian, Patrick (ODAG) <phovakimian4@jmd.usdoj.gov>; Champoux, Mark (OLP) <mchampoux@jmd.usdoj.gov>; Braverman, Adam L. (ODAG) <albraverman@jmd.usdoj.gov>; Rabbitt, Brian (OAG)

2020-002031 - #0609

<brrabbitt@jmd.usdoj.gov>; Shea, Timothy (OAG) <tshea@jmd.usdoj.gov>

**Subject:** RE: (OLA WF 120183) LRM: [KLM-116-100] -- OMB Request for Views on S2376 - Stop Illegal Trafficking in Firearms Act of 2019

- I. I would hold off on sending the component comments right now. (b) (5)  
[REDACTED]  
[REDACTED]  
[REDACTED] – hopefully we'll have an answer tomorrow. If not, I'll circle back with you to discuss how to message DOJ's clearance of this item.
- II. I can send you later this evening a brief primer on the bill. (b) (5)  
[REDACTED]  
[REDACTED]  
[REDACTED]

**\*\* Deliberative, Pre-Decisional, Attorney Work Product, Privileged \*\***

David Metcalf  
Counsel to the Deputy Attorney General  
Office of the Deputy Attorney General  
950 Pennsylvania Avenue, NW, Room 4226  
Washington, D.C. 20530  
Office: (202) 305-0620  
Cell: (b) (6)  
[David.Metcalf2@usdoj.gov](mailto:David.Metcalf2@usdoj.gov)

---

**From:** Moran, John (OAG) <[jomoran@jmd.usdoj.gov](mailto:jomoran@jmd.usdoj.gov)>  
**Sent:** Wednesday, September 4, 2019 8:16 PM  
**To:** Metcalf, David (ODAG) <[dmetcalf@jmd.usdoj.gov](mailto:dmetcalf@jmd.usdoj.gov)>  
**Cc:** Hovakimian, Patrick (ODAG) <[phovakimian4@jmd.usdoj.gov](mailto:phovakimian4@jmd.usdoj.gov)>; Champoux, Mark (OLP) <[mchampoux@jmd.usdoj.gov](mailto:mchampoux@jmd.usdoj.gov)>; Braverman, Adam L. (ODAG) <[albraverman@jmd.usdoj.gov](mailto:albraverman@jmd.usdoj.gov)>; Rabbitt, Brian (OAG) <[brrabbitt@jmd.usdoj.gov](mailto:brrabbitt@jmd.usdoj.gov)>; Shea, Timothy (OAG) <[tshea@jmd.usdoj.gov](mailto:tshea@jmd.usdoj.gov)>  
**Subject:** Re: (OLA WF 120183) LRM: [KLM-116-100] -- OMB Request for Views on S2376 - Stop Illegal Trafficking in Firearms Act of 2019

Looping in Brian and Tim. This is the first I have heard of this. I assume we should send back any component comments we have, but we obviously can't say that the AG has signed off on them (or the legislation) at this point.

Mark and I are meeting at 8:30 AM tomorrow with WH folks on these issues. If someone can send a couple bullet points on this—what it is and what our concerns are, if any—that would be very helpful.

John

On Sep 4, 2019, at 7:31 PM, Metcalf, David (ODAG) <[dmetcalf@jmd.usdoj.gov](mailto:dmetcalf@jmd.usdoj.gov)> wrote:

John,

FYSA given your/our work in the internal firearm working group – OMB has requested DOJ comments on a Senate bill that would expressly prohibit straw purchases and otherwise strengthen the firearm penal regime. The bill is not new (you were probably already aware of it), but (b) (5)  
[REDACTED]

[REDACTED] I've already looped in Adam Braverman and Mark, who have worked

the closest on this subject matter, but I thought you should be aware as well.

To complicate matters, OMB is asking for a quick turn around on this (they wanted clearance tonight), so we are responding as fast to harmonize component comments and also review ourselves. Let me know if you have any thought. If you don't, this is just a FYSA.

David Metcalf  
Counsel to the Deputy Attorney General  
Office of the Deputy Attorney General  
950 Pennsylvania Avenue, NW, Room 4226  
Washington, D.C. 20530  
Office: (202) 305-0620  
Cell: (b) (6)  
[David.Metcalf2@usdoj.gov](mailto:David.Metcalf2@usdoj.gov)

---

**From:** Lawrie, Heather (OLA) <[helawrie@jmd.usdoj.gov](mailto:helawrie@jmd.usdoj.gov)>  
**Sent:** Wednesday, September 4, 2019 11:37 AM  
**To:** Riley, Patrick W. (ODAG) <[pwriley@jmd.usdoj.gov](mailto:pwriley@jmd.usdoj.gov)>; Lee, Steffanie G. (ODAG) <[sglee@jmd.usdoj.gov](mailto:sglee@jmd.usdoj.gov)>; Metcalf, David (ODAG) <[dmetcalf@jmd.usdoj.gov](mailto:dmetcalf@jmd.usdoj.gov)>; Cox, Stephen (OASG) <[scox@jmd.usdoj.gov](mailto:scox@jmd.usdoj.gov)>; Hall, Jeffrey (OASG) <[jehall@jmd.usdoj.gov](mailto:jehall@jmd.usdoj.gov)>  
**Cc:** Escalona, Prim F. (OLA) <[pfescalona@jmd.usdoj.gov](mailto:pfescalona@jmd.usdoj.gov)>; Hankey, Mary Blanche (OLA) <[mhankey@jmd.usdoj.gov](mailto:mhankey@jmd.usdoj.gov)>; Lassetter, David F. (OLA) <[dlassetter@jmd.usdoj.gov](mailto:dlassetter@jmd.usdoj.gov)>; Goldschmidt, Lauren (OLA) <[lgoldschmidt@jmd.usdoj.gov](mailto:lgoldschmidt@jmd.usdoj.gov)>  
**Subject:** FW: (OLA WF 120183) LRM: [KLM-116-100] -- OMB Request for Views on S2376 - Stop Illegal Trafficking in Firearms Act of 2019  
**Importance:** High

Good Morning ODAG and OASG,

Attached here you will find S. 2376 the Stop Illegal Trafficking of Firearms Act of 2019 and the Davis-Dimaya-Johnson Fix (from CRM, which is noted in the comments). This is the second of the two bills the White House is asking to be cleared expeditiously.

This has been circulated to ATF, OLP, OLC, CIV, CRM, FBI, USMS, EOUSA, NSD, and CRT. ATF, OLC, OLP, CRM, CIV and EOUSA provided comments that are in the attached document. Can you please take a look and let me know if this is cleared by 4:00 pm today? If you have any questions, please feel free to contact me.

Thank you,  
Heather

---

**From:** Beechum, Venessa M. (OLA) <[Venessa.M.Beechum2@jmd.usdoj.gov](mailto:Venessa.M.Beechum2@jmd.usdoj.gov)>  
**Sent:** Wednesday, August 28, 2019 1:08 PM  
**To:** (b)(6) per ATF > (b)(6) per ATF >; (b)(6) per ATF >; (b)(6) per ATF >; Davis, Valorie A (OLP) <[vadavis@jmd.usdoj.gov](mailto:vadavis@jmd.usdoj.gov)>; Jones, Lisha (OLP) <[ljones@jmd.usdoj.gov](mailto:ljones@jmd.usdoj.gov)>; Matthews, Matrina (OLP) <[mmatthews@jmd.usdoj.gov](mailto:mmatthews@jmd.usdoj.gov)>; Forrester, Nate (OLC) <(b)(6) per OLC>; Hardy, Liam P. (OLC) <(b)(6) per OLC>; Mascott, Jennifer (OLC) <(b)(6) per OLC>; Wallace, Benjamin (OLC) <(b)(6) per OLC>; Perkins, Paul R. (CIV) <[pperkins@CIV.USDOJ.GOV](mailto:pperkins@CIV.USDOJ.GOV)>; policy, civil (CIV) <[cpolicy@CIV.USDOJ.GOV](mailto:cpolicy@CIV.USDOJ.GOV)>; Toplin, Jessica (CIV) <[JToplin@civ.usdoj.gov](mailto:JToplin@civ.usdoj.gov)>; Brink, David (CRM) <(b)(6) per CRM>; <[@CRM.USDOJ.GOV](mailto:@CRM.USDOJ.GOV)>; Hendley, Scott (CRM) <(b)(6) per CRM>; <[@CRM.USDOJ.GOV](mailto:@CRM.USDOJ.GOV)>; Lofton, <(b)(6) per CRM>



A. EOP/OMB (b)(6) per OMB >; Finer, Jonathan K. EOP/OMB  
(b)(6) per OMB >; McIntyre, Natalie M. EOP/OMB (b)(6) per OMB >; DL-  
ONDCP-LRM (b)(6) >; Goad, Robert T. EOP/WHO  
(b)(6) >; Baehr, James S. EOP/WHO (b)(6) >; Gray,  
John W. EOP/OVP (b)(6) >; Swonger, Amy H. EOP/WHO  
(b)(6) >; DL-WHO-WHGC-LRM (b)(6) >; DL  
NSC Legal (b)(6) >; DL NSC Legislative (b)(6) >; Wold, Theo J.  
EOP/WHO (b)(6) >; Smith, Ja'Ron K. EOP/WHO  
(b)(6) >; Newman, Emily P. EOP/WHO (b)(6) >;  
Vaeth, Matt J. EOP/OMB (b)(6) per OMB >; Ventura, Alexandra EOP/OMB  
(b)(6) per OMB >; Damis, Rody EOP/OMB (b)(6) per OMB >; Matsuo,  
Kimie L. EOP/OMB (b)(6) per OMB  
**Subject:** LRM: [KLM-116-100] Due 09/03/2019 Tuesday at 10AM -- OMB Request for Views on S2376  
- Stop Illegal Trafficking in Firearms Act of 2019

**DEADLINE: 10AM Tuesday, Sep 03 2019**

S. 2376, the "Stop Illegal Trafficking in Firearms Act of 2019," was introduced on July 31, 2019 and referred to the Senate Committee on the Judiciary. A copy of the bill text is attached for your reference. The bill would set certain restrictions on the purchase of a firearm by a person, other than a licensed importer, manufacturer, collector, or dealer, on behalf of any other person. The bill would establish penalties for violating these restrictions, and would carve out exceptions for firearms that are lawfully purchased and given as certain types of gifts, prizes, gratuities, bonuses, or awards. The bill would also prohibit trafficking in firearms and establish the penalty for violating this prohibition. Please review the bill and provide your agency's views by the deadline above. Thank you.

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LRM ID: KLM-116-100  
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET

Legislative Liaison Officer - See Distribution

FROM: Ventura, Alexandra (for) Assistant Director for Legislative Reference  
SUBJECT: LRM: [KLM-116-100] Due 09/03/2019 Tuesday at 10AM -- OMB Request for Views on S2376 -  
Stop Illegal Trafficking in Firearms Act of 2019

OMB CONTACT: Kimie Matsuo(OMB)  
E-Mail: (b)(6) per OMB  
PHONE: (b)(6) per OMB  
FAX: (b)(6) per OMB

In accordance with [OMB Circular No. A-19](#), OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President.

Please advise us if this item will affect direct spending or receipts for the purposes of the Statutory Pay-as-You-Go Act of 2010.

<BILLS-116s2376is.pdf>

<Davis-Dimaya-Johnson fix.pdf>

<DOJ Comments on S. 2376 Stop Illegal Trafficking of Firearms Act of 2019.docx>



**Escalona, Prim F. (OLA)**

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**From:** Escalona, Prim F. (OLA)  
**Sent:** Wednesday, September 11, 2019 5:43 PM  
**To:** Metcalf, David (ODAG); Champoux, Mark (OLP); Moran, John (OAG)  
**Subject:** DOJ Comments on draft Graham ERPO bill  
**Attachments:** DOJ Comments on draft Graham ERPO bill.docx

Attached are the initial comments on the Graham/Blumenthal ERPO discussion draft. I defer to OAG about how to move forward and whether we should share these outside the Department. There will likely be additional comments.

Thanks!

**Moran, John (OAG)**

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**From:** Moran, John (OAG)  
**Sent:** Friday, September 27, 2019 2:48 PM  
**To:** Shea, Timothy (OAG)  
**Subject:** Fwd: FOR REVIEW - DOI Remarks, NRA  
**Attachments:** Draft\_DLB NRAWLF Remarks.docx; ATT00001.htm

Tim,

FYI, Interior Secretary Bernhardt is going to be speaking to an NRA Women's group. We should review this to make sure it does not raise any concerns for our ongoing policy efforts. But on an initial skim, I didn't see any obvious problems.

John

Begin forwarded message:

**From:** Staff Secretar (b) (6) >  
**Date:** September 27, 2019 at 2:41:57 PM EDT  
**To:** "Eisenberg, John A. EOP/WHO" (b) (6) >, "Horning, Liz A. EOP/WHO" (b) (6) >, "Wiggins, Jeremy G. EOP/WHO" (b) (6) >, "Troutman, Joel D. EOP/WHO" (b) (6) >, "Williams, Michael B. EOP/WHO" (b) (6) >, "Wold, Theo J. EOP/WHO" (b) (6) >, "Rollins, Brooke L. EOP/WHO" (b) (6) >, "Pataki, Tim A. EOP/WHO" (b) (6) >, "Deere, Judd P. EOP/WHO" (b) (6) >, "Groves, Steven A. EOP/WHO" (b) (6) >, "Gidley, Hogan H. EOP/WHO" (b) (6) >, "Ditto, Jessica E. EOP/WHO" (b) (6) >, "Grisham, Stephanie A. EOP/WHO" (b) (6) >, "Kennedy, Adam R. EOP/WHO" (b) (6) >, DL OMB ExecSec (b)(6) per OMB >, "Berkowitz, Avrahm J. EOP/WHO" (b) (6) >, "Dumbauld, Cassidy M. EOP/WHO" (b) (6) >, "Conway, Kellyanne E. EOP/WHO" (b) (6) >, "Hudson, Renee R. EOP/WHO" (b) (6) >, "Chalkey, Richard J. EOP/WHO" (b) (6) >, "Neumayr, Mary B. EOP/CEQ" (b) (6) >, "Seale, Viktoria Z. EOP/CEQ" (b) (6) >, "Hoelscher, Douglas L. EOP/WHO" (b) (6) >, "Moran, John (OAG)" <[John.Moran@usdoj.gov](mailto:John.Moran@usdoj.gov)>  
**Cc:** Staff Secretar (b) (6)  
**Subject:** FOR REVIEW - DOI Remarks, NRA

Attached are the Secretary of the Interior's remarks for the NRA Women's Leadership Forum Summit in San Antonio.

If you have any edits or comments, please send by **COB today, 9/27**.

STAFF SEC

**QUESTIONS FOR THE RECORD**  
**UNITED STATES ATTORNEY GENERAL WILLIAM P. BARR**  
**SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED**  
**AGENCIES**  
**DEPARTMENT OF JUSTICE FY 2020 BUDGET REQUEST**

**The Honorable Nita M. Lowey**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*National Instant Criminal Background Check System (NICS) Firearm Retrieval Referrals*

1. "Firearm retrieval" is the term for the action recommended after a background check is unresolved within the "three business day" timeframe, and a Federal Firearms Licensee proceeds with a firearms transfer, but subsequently learns such request should have been denied. FBI NICS Section then notifies ATF that a "*prohibited person*" is in possession of a firearm, and ATF can undertake action to "retrieve" the firearm.

You testified that "data I have heard is that there are about 6,000 of these delayed responses...and that ... approximately 2,000 of those, a third, are people that would have flunked the background check and ATF goes out and gets the weapon, retrieves, the weapon." However, FBI's 2017 NICS Operations Report states that in 2017, 6,004 persons failed the NICS background check not 2,000 because they were found to be prohibited persons *after* the 3 period had passed. Is that report accurate, and if so, will you correct your testimony?

**RESPONSE:** (b) (5)  
[REDACTED]

2. Based on the 2017 FBI report, of those 6,004 firearm transactions, 4,864 were confirmed to have been transferred to "prohibited persons," which included: 1,245 to persons convicted of a crime punishable by more than one year; 1,002 to persons convicted of misdemeanor crimes of domestic violence; 1,012 who were under indictment or fugitives from justice; and 118 who were subject to protection or restraining orders or domestic violence. Do you agree with these figures?

**RESPONSE** (b) (5).

3. The same 2017 FBI report also noted that of the 6,004 cases where retrieval was sought, ATF could not determine whether a transaction occurred in 1,140 cases because

“definitive data was unattainable.” Does “unattainable” mean that it is possible 1,140 firearms were transferred to prohibited persons but the Department cannot document the fact, one way or the other? Is there a process to follow up on such retrieval cases to resolve them?

**RESPONSE:** (b) (5)

[Redacted text block]

[Redacted text block]

4. How much longer would the current three business day timeframe need to be extended to significantly reduce or eliminate the number of such potential transfers to prohibited persons? Would extending the waiting period to ten days be likely to prevent 6,000, or even 4,864, firearms from getting into the wrong hands?

**RESPONSE** (b) (5)  
[REDACTED]

5. In his March 27, 2019, letter to you, Special Counsel Mueller wrote:

“As we stated in our meeting of March 5 and reiterated to the Department early in the afternoon of March 24, the introductions and executive summaries of our two volume report accurately summarize this Office’s work and conclusions. The summary letter the Department sent to Congress and released to the public late in the afternoon of March 24 did not fully capture the context, nature, and substance of this Office’s work and conclusions. We communicated that concern to the Department on the morning of March 25. There is now public confusion about critical aspects of the results of our investigation. This threatens to undermine a central purpose for which the Department appointed the Special Counsel: to assure full public confidence in the outcome of the investigations. See Department of Justice, Press Release (May 17, 2017).”

During the hearing with the Subcommittee on April 9, 2019, you were asked by Representative Crist the following question:

“Reports have emerged recently, General, that members of the Special Counsel’s team are frustrated at some level with the limited information included in your March 24<sup>th</sup> letter, that it does not adequately or accurately necessarily portray the report’s findings. Do you know what they are referencing with that?”

You replied:

“No, I don’t”

Is that statement accurate, in light of the March 27, 2019, letter from Special Counsel Mueller, which your office records as having been received on March 28, 2019? And if not, will you correct or clarify your testimony?

**RESPONSE** (b) (5)  
[REDACTED]

(b) (5)

**The Honorable José E. Serrano**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*Homegrown Violent Extremism*

1. At the hearing you testified that the Department does “not have a separate category for violent extremism.” It is noteworthy that on April 4<sup>th</sup> the FBI Director told the Subcommittee that the FBI has seen an increase in the number hate crimes, and that “the danger...of white supremacists, violent extremism or another kind of extremism is of course significant...a persistent, pervasive threat. We tackle it both through our joint terrorism task forces on the domestic terrorism side as well as through our civil rights program on the civil side through hate crime enforcement.” The Director has also publicly stated that of about 5,000 terrorism cases under investigation, 1,000 are homegrown violent extremists, in all 50 States. While it is not a regular budget category, could you please provide a rough estimate of the resources the Department is devoting to investigations and prosecution of domestic violent extremism whether under the category of terrorism, violent crime, or hate crimes?

**RESPONSE**

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]



(b) (5)

*Southwest border law enforcement*

- 2. Southwest Border county crime rates are lower, in all categories, than in the rest of the country. Furthermore, U.S. Customs and Border Protection has recorded significantly lower arrests of individuals with criminal histories each year from fiscal year 2016 to the present. On the other hand, the Justice Department has been shortchanging important work to pursue its so called “zero tolerance” policy. For example, a USA Today study released in October 2018 found that Federal drug trafficking prosecutions along the border had declined 30 percent because resources were diverted to prosecute minor immigration violations. How

many personnel in the U.S. Attorneys offices, U.S. Marshals, Bureau of Prisons, and other DOJ agencies were employed in the ramped up immigration enforcement efforts, and how much funding was used for such purposes in fiscal year 2018?

RESPONSE (b) (5)

[REDACTED]

3. How many fewer drug trafficking cases were filed in judicial districts along our southern border since the 'zero tolerance' policy was implemented?

RESPONSE (b) (5)

[REDACTED]

(b) (5)

[REDACTED]

(b) (5)

[REDACTED]

(b) (5)

4. What are the comparable estimates for personnel and funding to implement zero tolerance policies in fiscal years 2019 and 2020?

RESPONSE (b) (5)

*Executive Office for Immigration Review (EOIR)*

5. In March Executive Office for Immigration Review Director McHenry testified before the Subcommittee. The night before the hearing, he sent a memo to staff saying that, despite a significant 2019 funding increase, a budgetary shortfall for interpreter costs would require the immigration court system to cut back judge hiring, cancel trainings, and delay IT improvements. This is deeply troubling, both from a due process perspective, and a budgetary one. Why was this committee not told about these problems?

RESPONSE: (b) (5)

(b) (5)

6. What impact has this funding shortfall had on the caseload backlog?

RESPONSE (b) (5)

*Border Wall/Eminent Domain*

7. To support the Administration’s proposed hardening and expansion of border walls on the Southwest border, the Department has been taking legal action to gain access to or acquire private land. This entails legal workload and years of litigation. How many cases, including those seeking to acquire land through assertion of eminent domain, did the Department handle in fiscal year 2018, and how many do you expect to pursue in fiscal years 2019 and 2020 to force owners to sell or grant access to land?

RESPONSE (b) (5)

8. For those years, how many landowners were or will be forced to sell their land or have it seized via eminent domain?

RESPONSE (b) (5)

[REDACTED]

9. How much funding and full time equivalent staff effort did the Department expend in fiscal year 2018 to pursue such actions broken out by the U.S. Attorneys' offices, the Environment and Natural Resources Division, and the Civil Division and how much does it plan to use for such purposes in fiscal years 2019 and 2020?

RESPONSE (b) (5)

[REDACTED]

*Civil Rights Division Alabama State Prisons*

10. The 8<sup>th</sup> Amendment to the Constitution prohibits "cruel and unusual punishment..." On April 2, the Civil Rights Division and the U.S. Attorney for Alabama released the results of its investigation of Alabama prisons and reported its findings. How will the Department ensure immediate relief from the unacceptable conditions now present in the prison system?

RESPONSE (b) (5)

[REDACTED]

11. One way to ensure corrections in such cases has been through a judicially enforced consent decree. Former Attorney General Sessions said such decrees interfere with States' rights and placed restrictions on them. Will the Department seek or consider seeking a consent decree in this case?

**RESPONSE** (b) (5)

12. What is the Department doing to ensure all States and territories are protecting the human and constitutional rights of persons in their custody? Is there a process to monitor facilities and ensure such deplorable conditions described in the April 2 report are not permitted anywhere in this country?

**RESPONSE** (b) (5)

*Community Relations Service Termination*

13. The fiscal year 2020 Budget proposes to eliminate the Community Relations Service and fold its functions into the Civil Rights Division, with no additional funding or positions assigned to this purpose. Historically, the Community Relations Service plays a key role in helping prevent and resolve community conflicts based on civil rights issues. The proposal threatens to undermine the confidentiality and neutrality essential to this critical mission. How will you protect the independence and confidentiality of the mediation work if it is done within the division responsible for enforcement?

**RESPONSE:** (b) (5)

14. How will the Civil Rights Division perform this additional responsibility with no new resources or personnel?

**RESPONSE** (b) (5)

(b) (5)

*Policing Reform*

15. Under former Attorney General Sessions, the Department effectively changed course on police reform, abandoning efforts in cities such as Baltimore and Chicago. It also moved the focus away from the Collaborative Reform program in the COPS office, which sought to work with police departments to implement changes to improve police community relationships and build trust. What is the Department doing now to address ongoing distrust between minority communities and local law enforcement a serious issue in urban communities across this nation? What resources are included in your 2020 budget for such purposes?

**RESPONSE:** (b) (5)

(b) (5)

(b) (5)

(b) (5)

*Environment and Natural Resource Division*

16. The Environment and Natural Resources Division (ENRD) has a broad portfolio. It prosecutes those who violate pollution control laws; defends the U.S. from environmental challenges and in its stewardship of public lands and resources; wildlife protection; and Indian rights and claims. It also leads on Federal acquisition of property through eminent domain such as on the Rio Grande where the Administration yearns to build a wall. Your fiscal 2020 ENRD request for ENRD is flat \$110.5 million the same as in fiscal 2018.

During the shutdown, we heard ENRD was suffering an “exodus” of its most experienced attorneys on the cusp of a slew of major EPA cases. Your request indicates you expect to double the number of full time permanent reimbursable positions from 41 to 82. Is the Division facing a shortage of experienced staff, and is it trying to make up for that by using reimbursable positions?

**RESPONSE** (b) (5)

17. There is growing concern about the presence of so called “PFAS” chemicals in groundwater and drinking water. These chemicals are in consumer products like Teflon and Scotchguard, and in firefighting foam used at military airfields and facilities around the country and world. They are associated with higher rates of cancer. What do you expect, in terms of workload and budgetary impact on ENRD, from litigation to monitor and clean up water from PFAS contamination, to include supporting the Environmental Protection Agency and defending the Defense Department against lawsuits?



RESPONSE: (b) (5)

[Redacted text block]

*Wildlife Protection*

18. Wildlife protection and trafficking remains a significant environmental and economic crime, and a source of funding for organized crime and terrorist groups, particularly in developing countries. How many Environment and Natural Resources Division personnel and how much funding were used to investigate and prosecute wildlife trafficking in fiscal year 2018? What is budgeted for this in fiscal years 2019 and 2020?

RESPONSE: (b) (5)

[Redacted text block]

(b) (5)

[REDACTED]

19. The impetus for appointing a Special Counsel was to investigate alleged Russian efforts to influence the 2016 election. DOJ, along with the rest of the Intelligence Community, has made clear that Russia carried out significant influence and interference activities, and continues to target U.S. elections. Your budget proposes \$132 million in new funding for national security and cyber threats, including \$18 million and 35 FBI positions for counterintelligence. Is this latter proposal adequate to meet the growing threat of Russian interference in our political and economic system?

RESPONSE (b) (5)

(b) (5)

*China Initiative*

20. Last November former AG Sessions initiated a “China Initiative” against Chinese national security threats to our commerce, industry, and critical infrastructure. This would target, quote: “economic espionage”, “malign economic aggression”, “foreign investments, corporate acquisitions, and cyber intrusions...[and acquiring] inside information.” This initiative was to include leadership by the National Security Division, the Criminal Division, the FBI, and a working group of five U.S. Attorneys. What is the status of the China Initiative begun by your predecessor, and how is its work reflected in your 2020 request?

**RESPONSE:** (b) (5)

21. Please identify (or provide separately to the Subcommittee if such information is sensitive) elements of the request that support this initiative, as well as any areas where additional funding could enhance Department efforts.

**RESPONSE:** (b) (5)

*US Marshals and Federal Prisoner Detention*

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

RESPONSE (b) (5)

(b) (5)

24. If the shortfall were to be addressed through a transfer from the Bureau of Prisons, what impact would that have on the Bureau's ability to reduce overcrowding, activate facilities such as USP Thomson, and implement the First Step Act?

RESPONSE: (b) (5)

*Election Fraud*

25. Your request calls for \$153.2 million for the Civil Rights Division, part of which funds the Voting Section, which is charged with protecting citizens' *right to vote* and access to the ballot. The President recently again claimed that fundamental uncertainty exists about the reliability of U.S. elections the recurrent charge of so called widespread "voter fraud." Is such so called *election fraud* investigation and prosecution a significant Justice Department priority? If so, which components, how many positions, and how much funding was used in fiscal year 2018 for such efforts, and how much funding and personnel do you anticipate committing to such activity in fiscal year 2019 and fiscal year 2020? How many of these personnel are being diverted from traditional voting rights protection litigation?

RESPONSE: (b) (5)

(b) (5)

[Redacted text block]

26. With more money flowing into political campaigns, there seems to be a growing problem of so called “SCAM PACs” shell organizations posing as political fundraising organizations. Political groups are not bound by the same limits or oversight as charitable nonprofits, so phony fundraisers, including many who were previously caught by charity regulators, see masquerading as “PACs” to be a safe way to raise money posing as “charitable” causes such as for animals, veterans, or medical research. What is the size and scope of this problem? Is the Department acting to investigate and shut down such fraudsters?

RESPONSE: (b) (5)

[Redacted text block]

*Emergency Funding impact on Department*

27. The emergency supplemental has not yet been enacted to address the damage and costs associated with major hurricanes and other natural emergencies in 2018. The Department sustained costs and damage to many facilities and had significant impact on Florida and Puerto Rico, among other places. How is the Bureau of Prisons operating without the capacity of its Marianna, Florida facility?

**RESPONSE:** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]  
[Redacted]  
[Redacted]

28. What has been the impact on Puerto Rico, which had to move detainees to the 50 states? Is there a continuing need to help restore operations and facilities there? How urgent is the delayed emergency funding?

**RESPONSE** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]

*TAX Division*

29. The Tax Division was flat funded in fiscal years 2018 (\$107 million) and 2019 (\$105.9 million). The 2020 request would increase funding by about 8 percent to \$114.9 million. But this is shown as a “current services” increase not program growth. Is the Tax Division encountering significant new workload due to the impact of the 2017 tax law changes? If so, how is it coping, and will the proposed increase keep it from falling behind?

**RESPONSE:** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

(b) (5)

*Opioids and Counterdrug Programs*

30. Deaths from drug poisoning, according to the Center for Disease Control (CDC), are at their highest recorded level for over ten years exceeding deaths caused by guns, car crashes, suicide and homicide. The CDC also reports that overdoses killed 70,237 Americans in 2017 47,600 from opioids, with deaths 9.6 percent higher than in 2016. DOJ proposes \$34.6 million more funding for the Drug Enforcement Administration, including \$22.4 million in its diversion control programs to address prescription drug use. This would include funding five new heroin enforcement groups and enhancing cyber and analytical tools to counter increasingly sophisticated traffickers.

The opioid epidemic has been common knowledge for a decade, and we've suffered the tragedy of drug trafficking for generations. For every "El Chapo" who is taken off the street, ten more of his lieutenants take over. How will you prioritize resources and policies under your leadership, to address the drug crisis in this country focusing on the trafficking organizations and their enablers, while aiding victims and users who want to escape their addiction?

**RESPONSE:** (b) (5)

- 
-



(b) (5)

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

[REDACTED]

[REDACTED]

(b) (5)

*Criminal Division Globalization of Crime/International Aid Programs*

31. The Office of International Affairs in the Criminal Division plays a critical role in helping enforce U.S. law when it entails global cooperation with other countries and reciprocating with them as appropriate. It plays a key role, with the State Department, in helping support the development of effective criminal justice systems around the world. Mutual Legal Assistance Treaty requests have grown in number and complexity, and the Department of Justice request says the Department needs to be able to promptly execute requests to share evidence and ensure we receive reciprocal treatment. Congress provided funding for MLAT request processing in the 2019 Omnibus. How much is included in your request for handling MLAT workload? Is it enough to support the Department's mission, including combatting transnational organized crime?

**RESPONSE** (b) (5)

32. The President's threat to eliminate foreign assistance to El Salvador, Guatemala and Honduras would surely damage cooperation with law enforcement and judiciary in those countries, including in efforts to dismantle MS 13 and other violent criminal gangs. What is the Department doing in those countries through aid, law enforcement cooperation, and other efforts and what would be lost if the U.S. walked away?

**RESPONSE:** (b) (5)  
[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

The request makes the case for reliable funding for overhead and headquarters costs of DOJ's foreign assistance engagement, including in Afghanistan, as reported by the Special Inspector General for Afghanistan Reconstruction. How much is needed in 2020 to support this function, and how much is included for this purpose in your request for the Criminal Division?

**RESPONSE** (b) (5)  
[Redacted]

(b) (5)

*Bankruptcy Trustees Funds*

33. In fiscal year 2017, U.S. Bankruptcy code was amended in law to change how bankruptcy filing fees are collected, which could lead to a 2020 shortfall in fees needed to offset its operations. How big a problem does this pose in fiscal 2020, and is the Department acting or proposing legislation to prevent a funding gap?

RESPONSE (b) (5)

*Justice Reinvestment Initiative (JRI)*

34. In your testimony to the Senate Judiciary Committee, you said you "...would seek to ensure that the Department effectively implements the programs Congress funds. I support the goals of the Justice Reinvestment Initiative as described and do not at this time have specific ideas for modifications." Yet your budget request says, "The Administration seeks to eliminate JRI and redirect these funds to develop effective data driven programs to address the significant increases of violent crime in many of the Nation's cities and towns." What changed your position on JRI, and what specific programs would be funded instead of supporting continuation of JRI efforts?

**RESPONSE** [REDACTED] (b) (5)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**The Honorable Matthew Cartwright  
Subcommittee on Commerce, Justice, Science, and Related Agencies  
Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*FCC Robocall Forfeiture Orders*

1. At the Federal Communications Commission (FCC) Budget hearing on April 3rd, 2019, Jessica Rosenworcel, an FCC Commissioner, said that since 2015 the FCC has referred over \$200 million in unpaid robocall forfeiture orders to the Department of Justice (DOJ). However, the DOJ has collected less than \$7,000. An FCC spokesperson also told the Wall Street Journal that the FCC lacks the authority to enforce its forfeiture orders and that they fall to the DOJ to execute. What is happening to all those referred forfeiture orders?

**RESPONSE** (b) (5)  
[Redacted]

2. What plans does the DOJ have in place to coordinate with the FCC to retrieve both current uncollected and future robocall forfeiture orders?

**RESPONSE** (b) (5)  
[Redacted]

*Disparate Sentencing*

3. A 2016 Brookings study found that Black men on average received 20% longer prison sentences than White men for similar crimes. Racial disparities in law enforcement and prison sentencing have created a justice system that disproportionately targets minorities,

especially Black and Latino communities. What steps will the Department of Justice take to address these pernicious disparities?

**RESPONSE:** (b) (5)  
[Redacted]

4. Will the Attorney General reverse the Department of Justice’s memorandum that pushed prosecutors to pursue mandatory minimum sentences, the legal mechanism behind mass incarceration?

**RESPONSE:** (b) (5)  
[Redacted]

*Fatal Police Encounters*

5. A report published in the Journal of Epidemiology and Community Health observing data from 2015-2016 of fatal encounters with law enforcement in the U.S. stated that “people of colour comprised 38.5% of the population, but 51.5% of YLLs [years of life lost].” The report concluded that police violence disproportionately affects people of color. What steps will the Department of Justice take to prevent disproportionate levels of violence by police towards people of color?

**RESPONSE** (b) (5)  
[Redacted]

(b) (5)

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

6. According to data compiled by the Washington Post, there were 11 more fatal shootings by police in 2018 than in 2017, and data from the past 4 years suggests that fatal police shooting levels are staying the same or increasing. In 2018, 998 people were killed by police officers. What steps will the Department of Justice take to reduce police lethal force levels?



**RESPONSE:** (b) (5)  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

7. What steps will the Department of Justice take to address and reduce shooting bias against people of color?

**RESPONSE** (b) (5).

8. The US has been shaken by tragedies like the killings of unarmed people, such as Freddie Gray, Sam Dubose, Philando Castile, Terence Crutcher, Alton Sterling, and sadly many others. What steps will the Department of Justice take to address police killings of unarmed people?

RESPONSE (b) (5)

9. Many of the officers who killed these unarmed people received very light or no sentences. What steps will the Department of Justice take to make sure that victims of racial violence committed by police see justice?

RESPONSE (b) (5)

*Rape Kit Testing Backlogs*

10. Across the US tens of thousands of rape kits remain untested creating massive backlogs across the US. This is an issue of justice and public safety. What steps will the Department of Justice take to ameliorate rape kit backlogs?

RESPONSE: (b) (5)

(b) (5)

11. What steps will the Department of Justice take to ensure that rape kits in local law enforcement are tested in a timely manner?

RESPONSE (b) (5)

(b) (5)

12. How will the Department of Justice support law enforcement offices that are overwhelmed by their number of untested rape kits?

**RESPONSE** (b) (5)

*Diversity*

13. Federal law enforcement agencies have critically low diversity and few women working in them. According to Politico, in 2017 the FBI was 80% white and 80% male, and only 5% of all Border Patrol agents were women. At the rate that women's representation is increasing in law enforcement will take 700 years before women's numbers reach parity with their male counterparts. What steps will the Department of Justice take to recruit more diversity?

**RESPONSE** (b) (5)

(b) (5)

[Redacted text block]

14. What steps will the Department of Justice take to encourage more women to join federal law enforcement?

**RESPONSE:** (b) (5)

[Redacted text block]

15. What steps will the Department of Justice take to identify and ensure that law enforcement agencies' hiring practices are not influenced by perceived biases?

**RESPONSE** (b) (5)

[Redacted text block]

(b) (5)

16. In 2018, the Office of the Inspector General produced a survey on Gender Equity in the Department of Justice and found that only half (52%) of all respondents reported that their agency had a gender equitable culture. Special Agent and Deputy U.S. Marshal positions reported consistently low perceptions of equity and many reported experiences of differing treatment and discrimination. What steps will the Department of Justice take to improve and promote a gender equitable culture across its agencies?

RESPONSE: (b) (5)

17. The Office of the Inspector General found that “women held few headquarters executive leadership positions and those positions were usually leading administrative or support units rather than operational units. Further, [it] found that women did not hold many of the top leadership positions in field offices, divisions, and districts.” What steps will the Department of Justice take to promote more women to leadership?

RESPONSE (b) (5)

(b) (5)

18. The Office of the Inspector General found that their “analysis indicated ATF and DEA female Criminal Investigators were underrepresented in competitive promotions compared to their proportion of the population at the next lower grade level.” Concluding that their “analysis might indicate possible issues at ATF, DEA, and FBI for women advancing into supervisory positions.” How will the Department of Justice address gender discrimination in promotions?

RESPONSE (b) (5)

19. According to the report, DOJ agencies are less likely to give women the kind of casework that would lead to recognition and promotion, particularly in terms of collateral duties. What steps will the Department of Justice take to ensure that there is no gender discrimination in collateral duty assignment?

RESPONSE (b) (5)

20. The report found that women staff members were sometimes reassigned involuntarily to units that handled non violent crime and had more traditional work hours after they had started a family units also less likely for promotion. A male supervisory Deputy U.S. Marshal even

called motherhood “a career hazard for women.” What steps will the Department of Justice take to ensure that women law enforcement officers are able to start families, free of discrimination or involuntary work reassignment?

**RESPONSE:** (b) (5)  
[Redacted]

21. What steps will the Department of Justice take to support flexible work hours free of discrimination for women staff members who have children?

**RESPONSE:** (b) (5)  
[Redacted]

22. According to the survey 45% of staff members reported that they would not or were unsure whether they would use the EEO process if they experienced discrimination. Thus, contributing to underreporting and permitting the continuance of such discrimination. How does the Department of Justice plan on building more faith and more utilization of the EEO process when a staff member is harassed or discriminated against?

**RESPONSE:** (b) (5)  
[Redacted]



(b) (5)

[REDACTED]

23. The Office of the Inspector General’s report stated that “a lack of applicant and hiring data inhibits evaluation of recruitment efforts.” What steps will the Department of Justice take to improve data collection on demographic specifics in applicant and hiring data?

**RESPONSE:** (b) (5)

[REDACTED]

24. Gender bias in law enforcement hurts survivors of sexual assault, domestic abuse, and stalking. In 2015, the Department of Justice released a report on December 15<sup>th</sup>, 2015 on “Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence” that outlined a set of principles that law enforcement agencies and departments should follow. What steps is the Department of Justice taking to help agencies and departments pursue those principles?

**RESPONSE:** (b) (5)

[Redacted response text]

*Drug Enforcement Policies*

25. The Trump Administration released its National Drug Control Strategy in January. In the Strategy, it outlined that the Administration was in support of programs that “divert[ed] individuals addicted to drugs directly to treatment in lieu of arrest,” pre arrest diversion programs, and other law enforcement diversion and deflection models. It also said that the “Administration [...] will scale up support for State, Tribal, and local drug courts in order to provide offenders struggling with addiction access to evidence based treatment as an alternative to or in conjunction with incarceration, or as a condition of supervised release.” How does the Department plan on implementing these diversion programs in conjunction with their enforcement programs?

**RESPONSE:** (b) (5)

[Redacted response text]

(b) (5)

[REDACTED]

[REDACTED]

26. This strategy suggests a pivot from the criminalization of drug addiction and consequently offenses to a more medicalized and holistic view of addiction. How will the DOJ's drug enforcement policies reflect this shift in enforcement strategy?

**RESPONSE:** (b) (5)

[REDACTED]

[REDACTED]

(b) (5)

27. Will the Department of Justice pursue clemency for individuals charged with long sentences before drug addiction was viewed as a medical issue?

RESPONSE: (b) (5)

28. How will the Department of Justice coordinate and work with public health institutions to coordinate drug addiction responses?

RESPONSE: (b) (5)

(b) (5)

[Redacted text block]

[Redacted text block]

29. How will the Department of Justice coordinate and work with private health institutions to coordinate drug addiction responses?

RESPONSE (b) (5)

[Redacted text block]

30. How will different drug schedules affect the Department of Justice’s response to different addiction situations?

RESPONSE: (b) (5)

[Redacted text block]

31. In Attorney General Barr's confirmation hearing, he mentioned that he would not continue to pursue the Department of Justice's memorandum on marijuana enforcement from January 4<sup>th</sup>, 2018, and instead respect the Cole Memorandum on cannabis enforcement. Does the Department of Justice and the Attorney General plan to use the guidance set forth in the Cole Memorandum on cannabis enforcement?

RESPONSE (b) (5)

32. How does the Department of Justice plan on addressing states that have legalized medical and/or recreational cannabis?

RESPONSE (b) (5)

33. American drug laws and enforcement have historically and contemporaneously targeted minority communities and people of color, even though according to a survey done in 2018 by the Substance Abuse and Mental Health Services Administration, white Americans statistically have larger incidences of drug addiction. What steps will the Department of Justice take to rectify disparities in drug law enforcement on black communities and communities of color?

RESPONSE: (b) (5)

34. According to a survey done in 2018 by the Substance Abuse and Mental Health Services Administration, Native Americans and Native Alaskans have the highest rate of substance addiction. What steps will the Department of Justice take to work with Native American Leadership to combat this epidemic?

**RESPONSE** (b) (5)

[Redacted text block containing approximately 40 lines of blacked-out content]

(b) (5)

35. When Native Americans suffer the most from substance addiction, there should be a renewed focus on helping alleviate the situation. Nevertheless, in the proposed FY20 budget for the Department of Justice, the Tribal Assistance Program under the Comprehensive Addiction and Recovery Act (CARA) is proposed to be completely defunded. How does the Department of Justice expect to combat substance addiction in Native American populations when they defund the Tribal Assistance Program associated with the Comprehensive Addiction and Recovery Act?

**RESPONSE:** (b) (5)

36. What steps will the Department of Justice take to support law enforcement agents' access to Naloxone?

**RESPONSE** (b) (5)

*Human Trafficking*

37. Human trafficking has had a larger spotlight put on it in recent years, with most of the attention focused on sex trafficking. Labor trafficking is statistically the largest incident of human trafficking in the US. What steps will the Department of Justice take to coordinate with the Department of Labor to address labor trafficking?

**RESPONSE:** (b) (5)



(b) (5)

[REDACTED]

38. What steps will the Department of Justice take to ensure that illegal immigrants suffering from human trafficking can report abuse without risk of deportation?

**RESPONSE** (b) (5)

[REDACTED]

39. What steps will the Department of Justice take to guide Attorneys to avoid prosecuting adult victims of trafficking or adult victims of childhood sex trafficking who are arrested on charges of engaging in prostitution?

**RESPONSE:** (b) (5)

[REDACTED]

(b) (5)

40. What steps will the Department of Justice take to guide Attorneys and law enforcement to prioritize procurers and pimps, rather than prostitutes, who statistically are most often victims of childhood sex trafficking and have been unable to escape trafficking/prostitution systems before coming of age?

RESPONSE (b) (5)

(b) (5)

*Law Enforcement Practices and Civil Rights*

41. In 2018, the US Commission on Civil Rights released a report that highlighted several recommendations to help the Department of Justice foster better law enforcement practices. One of the highlighted recommendations in the report was recommending that the Department of Justice “return to vigorous enforcement of constitutional policing... [and] should robustly support local efforts to develop and institute constitutional policing practices.” What steps will the Department of Justice take to institute constitutional policing practices?

**RESPONSE:** (b) (5)

42. In the 2018 report released by the US Commission on Civil Rights, the report stressed that the DOJ should “reinstat[e] the Office of Community Oriented Policing Services (COPS) and maintain the Community Relations Services office (CRS) to focus on building community trust and reduce excessive uses of force in coordination with police departments.” Why is the Department of Justice ignoring the suggestions of the US Commission on Civil Rights and attempting to dissolve the COPS program?

**RESPONSE** (b) (5)

43. In the 2018 report released by the US Commission on Civil Rights, the Commission recommended that the Department of Justice “use...consent decrees as necessary where constitutional policing standards are not being upheld.” Consent decrees are essential to protecting civilians’ civil rights and reducing racist policing. Nevertheless, on November 8<sup>th</sup>, 2018 the Department of Justice released a memorandum on Civil Consent Decrees and Settlement Agreements with State and Local Governmental Entities that curtailed the Department of Justice’s ability to obtain court enforced agreements, which would help the Department curb civil rights abuses by local police departments. Does the Department of Justice plan to continue to ignore the US Commission on Civil Rights and continue its policy of curtailed consent decrees?

**RESPONSE** (b) (5)

(b) (5)

[REDACTED]

44. With curtailed power to obtain consent decrees, what steps will the Department of Justice take to stop civil rights abuses by local police departments?

**RESPONSE** (b) (5)

[REDACTED]

45. Transgender Americans experience much higher levels of violence and assault than cisgender Americans. In the US Transgender Survey (2015), 30% of respondents reported being discriminatorily fired, denied a promotion, or mistreated at work. Moreover, 47% reported having been sexually assaulted at some point in their lives. Nevertheless, despite these sobering statistics, the DOJ withdrew protections provided by Title VII of the Civil Rights Act to transgender people. If transgender Americans are at a higher risk of being discriminated against and being victims of a crime, then the Justice Department should be putting more protections in place rather than taking them away. Does the Department of Justice plan to continue its policy of denying transgender individuals protections from discrimination under Title VII of the Civil Rights Act of 1964?

**RESPONSE** (b) (5)

[REDACTED]

46. Does the Department of Justice plan to continue its policy of denying transgender individuals protections from discrimination under Title IX of the Education Amendments of 1972?

**RESPONSE:** (b) (5)  
[Redacted]

47. What steps will the Department of Justice take to prevent violence and discrimination against transgender and gender non conforming people?

**RESPONSE:** (b) (5)  
[Redacted]

48. How do the Department of Justice's current interpretations of Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1964 affect intersex people's rights against discrimination based on gender identity?

**RESPONSE** (b) (5)

49. The US has struggled with low confidence in police for years now, reaching a nadir in 2015 according to a Gallup poll. How will the Department of Justice inspire more trust in law enforcement when it proposes to dissolve the Community Relations Service, the Body Worn Camera Partnership Program, and the Community Trust Initiative?

**RESPONSE:** (b) (5)

[REDACTED]

[REDACTED]

#### *Justice Reinvestment Initiative*

50. The Justice Reinvestment Initiative is a data driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in strategies that can decrease crime and reduce recidivism. The Reinvestment Initiative has had dramatic results such as reducing Arkansas incarceration by 9% 1,783 less people within the first year of its implementation. The JRI is a cost saving program, why would the Department of Justice get rid of it?

**RESPONSE** (b) (5)

[REDACTED]

| Category | Percentage |
|----------|------------|
| 1        | 100%       |
| 2        | 100%       |
| 3        | 100%       |
| 4        | 40%        |
| 5        | 100%       |
| 6        | 80%        |
| 7        | 100%       |
| 8        | 100%       |
| 9        | 100%       |
| 10       | 100%       |
| 11       | 100%       |
| 12       | 100%       |
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| 94       | 100%       |
| 95       | 100%       |
| 96       | 100%       |
| 97       | 100%       |
| 98       | 100%       |
| 99       | 100%       |
| 100      | 100%       |

52. Preventing crime should start at a young age especially since young people are the most likely to commit a crime however, the proposed FY 20 budget for the Department of Justice proposes drastic cuts to the Youth Mentoring and Delinquency Prevention Program. Has the Department of Justice done any studies on the effects of such drastic cuts to these programs?

**RESPONSE:** (b) (5)  
[Redacted]

*Victim Services*

53. The proposed FY 20 budget proposes cutting the Crime Victims Fund (CVF) by almost half. Moreover, it proposes to take even more funds out of the CVF by not giving the Office on Violence Against Women any discretionary appropriations and instead implementing a carve out of the CVF. This sends a stark message to victims that the DOJ does not value them. Does the Department of Justice have other plans to fund victim services in other ways?

**RESPONSE:** (b) (5)  
[Redacted]

*Prison Overcrowding*

54. There is a huge prison overpopulation issue in the US. This was highlighted in the Department of Justice's "Notice Regarding Investigation of Alabama's State Prisons for Men," which stated that "violations are exacerbated by serious deficiencies in staffing and supervision and overcrowding." What steps will the Department of Justice take to support state governments with overcrowding and understaffing prison issues?



**RESPONSE:** (b) (5)  
[Redacted]

55. How does the Department of Justice plan on helping prison overcrowding in the US when it is proposing to dissolve the National Institute of Corrections, which provides training, information, and technical services to federal, state, and local correctional agencies?

**RESPONSE** (b) (5)  
[Redacted]

*Special Counsel Investigation*

56. Did the Attorney General prepare any portion of his report prior to reading the Mueller report?

**RESPONSE:** (b) (5)  
[Redacted]

57. Does the Mueller report have “executive findings” or other statements which summarize the key points of his investigation and report? Did the Attorney General base his summary report on Mueller’s summary, and how did his summary differ from Mueller’s?

**RESPONSE:** (b) (5)  
[REDACTED]

58. Is it the Attorney General's understanding that Mueller's summaries were intended for quick public release?

**RESPONSE** (b) (5)  
[REDACTED]

59. Beside the Deputy Attorney General and the Office of Legal Counsel, who else did the Attorney General consult with to make determinations on the Mueller report? What led him to believe despite just having received the report that he was able to make that determination so quickly?

**RESPONSE** (b) (5)  
[REDACTED]

60. Did the Attorney General at any point discuss with the Special Counsel whether his factual findings on obstruction of justice should be made available to Congress? To the public at large?

**RESPONSE** (b) (5)  
[REDACTED]

61. Did Mueller share with the Attorney General his expectation or opinion on whether his factual findings on obstruction that, according to the Attorney General, "do not exonerate" the President, should be shared with Congress? If yes, what did he say or can the DOJ characterize what his expectation was?

**RESPONSE** (b) (5)  
[REDACTED]

62. On the issue of conspiring with the Russian government to interfere in the 2016 election, the Attorney General stated in his March 24th letter that the evidence does not meet the beyond a reasonable doubt standard of proving crimes. Does the evidence meet a clear and convincing standard or a preponderance of the evidence standard?

**RESPONSE** (b) (5)  
[Redacted]

63. Does the DOJ agree that foreign attacks or interference in our elections is a significant national security threat?

**RESPONSE** (b) (5)  
[Redacted]

64. Does the DOJ agree that Congress has a compelling legislative, appropriations, and oversight responsibility on the issue of election security and election interference?

**RESPONSE** (b)

65. Will the special counsel's findings on Russia's efforts to influence the 2016 election help inform the discussion and ongoing efforts to secure our elections moving forward?

**RESPONSE:** (b) (5)  
[Redacted]

66. Will the special counsel's findings on Russia's efforts to influence the 2016 election help inform the discussion and ongoing efforts to combat foreign cyber aggression?

**RESPONSE** (b) (5)  
[Redacted]

67. Given the grave national security threat posed by foreign actors interested in undermining our democracy, does the DOJ believe that it is important for Congress to receive all the Special Counsel's findings and underlying evidence on Russian election interference so that we can make well informed and thoughtful legislative and appropriation decisions to prevent future foreign attacks?

**RESPONSE:** (b) (5)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## Department of Justice Fiscal Year 2020 Budget Request

1. The Community Based Violence Prevention Grants Program helps states and localities support a coordinated and multidisciplinary approach to gang and violence prevention, interventions, suppression, and reentry in targeted communities. What is the rationale behind eliminating this program?

**RESPONSE:** (b) (5)

- RESPONSE: (b) (5)

| Age Group | Percentage |
|-----------|------------|
| 18-24     | 22%        |
| 25-34     | 21%        |
| 35-44     | 18%        |
| 45-54     | 17%        |
| 55-64     | 16%        |
| 65-74     | 15%        |
| 75-84     | 14%        |
| 85-94     | 13%        |
| 95-104    | 12%        |
| 105-114   | 11%        |
| 115-124   | 10%        |
| 125-134   | 9%         |
| 135-144   | 8%         |
| 145-154   | 7%         |
| 155-164   | 6%         |
| 165-174   | 5%         |
| 175-184   | 4%         |
| 185-194   | 3%         |
| 195-204   | 2%         |
| 205-214   | 1%         |
| 215-224   | 1%         |

*First Step Act and Menstrual Hygiene products*

3. The First Step Act requires Bureau of Prisons to provide menstrual hygiene products to women and no cost and in accordance with the women's health needs. What is the status of this requirement? Have you begun providing the menstrual hygiene products to incarcerated women?

**RESPONSE** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]

*First Step Act and Primary Residence*

4. Section 401 of the First Step Act requires that, whenever practicable, a person be housed closest to their primary residence, and within 500 driving miles of their family. Is DOJ aware of how BOP plans to implement this provision, and how much it will cost?

**RESPONSE** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

5. What is DOJ's position on the timeline required to be in compliance with this provision of the law?

**RESPONSE** (b) (5)  
[Redacted]

6. When do you anticipate beginning to fulfill the requirement that people be moved to within 500 driving miles of their release place?

**RESPONSE** (b) (5)  
[Redacted]

7. What is the cost of those relocations?

**RESPONSE** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]

*First Step Act and Independent Review Committee*

8. The First Step Act required that an Independent Review Committee be established by the National Institute of Justice not later than 30 days after enactment, or by January 21, 2019. This date has passed, and the Independent Review Committee has not yet been established. What steps has BOP taken toward establishment of the Independent Review Committee?

**RESPONSE** [REDACTED] (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

9. What organizations have you considered to house the Independent Review Committee? How will you make this decision?

**RESPONSE** [REDACTED] (b) (5)

10. By what date will the Independent Review Committee be established?

RESPONSE (b) (5)

11. What additional resources, if any, does the Department need to establish the IRC?

RESPONSE (b) (5)

*Crime in Rural Areas*

12. The President’s budget wants to carve out \$6 million of Byrne JAG grants to “empower rural law enforcement agencies by providing training, technical assistance, and resources to interdict drug and human traffickers” under the proposed Southwest Border Rural Law Enforcement Violence Crime Reduction Initiative. While this certainly plays into the Administration’s narrative of the border crisis, there is also a more critical, very stark and very real situation of violent crimes being on a historic rise in rural areas.

Violent crime rate in rural areas has climbed above the national average for the first time in 10 years. In Iowa, for example, the overall violent crime rate rose by 3 percent between 2006 and 2016 but shot up by 50 percent in communities with fewer than 10,000 residents. Why would the Department’s funding only focus on rural areas in the Southwest and not all rural areas?

RESPONSE (b) (5)

(b) (5)

(b) (5)



(b) (5)

13. What will the Department do to help these rural communities that are dealing with increased drug use and associated crimes, like drug trafficking, theft, as well as domestic violence?

**RESPONSE:** (b) (5)

*“Red Flag Laws”*

14. After the shooting in Parkland, the President convened a roundtable to discuss gun violence and gun safety solutions. The president himself acknowledged how important it was to take immediate action when someone is a risk to themselves or other, creating a process to make sure someone doesn’t have access to firearms in that acute moment where they are putting themselves or their community at risk. The President’s administration has continued to show its support for the concept of strong intervention, with the DOJ providing technical assistance and the School Safety Commission supporting them.

Most recently, during your testimony before the Senate Judiciary Committee, Mr. Barr, you said:

*"I think the problem of our time is to get an effective system in place that can keep dangerous firearms out of hands of mentally ill people. That should be priority one and it will take hard work to get on top of the problem...."*

*"We need to push along Extreme Risk Protection Orders (ERPOs) so that we have these red flag laws to supplement the use of the background check to find out if someone has a mental disturbance. This is the single most important thing we can do in the gun control area to stop these mass shootings from happening in the first place."*

I understand how important this life saving tool is to prevent mass shootings and suicide, and Senator Lindsey Graham has stated that he's committed to working on federal legislation to incentivize states to pass and implement Red Flag laws in their state as a first step. Do you believe that we should be trying to implement a 50 state solution that doesn't leave any states behind when it comes to access to this critical tool?

**RESPONSE:** (b) (5)  
[REDACTED]

#### *Death in Custody Reporting Act*

15. The Death in Custody Reporting Act (DCRA) was enacted<sup>1</sup> four years ago, on December 18, 2014. If properly implemented,<sup>2</sup> DCRA could yield the most accurate federal numbers on deaths in custody, including fatal police shootings, disaggregated by race, ethnicity and other decedent demographics, to date. States should have begun compliance<sup>3</sup> with DCRA on July 31, 2017. What is the status of implementation of the Death in Custody Reporting Act?

**RESPONSE** (b) (5)  
[REDACTED]

<sup>1</sup> <https://www.federalregister.gov/documents/2016/12/19/2016-30396/agency-information-collection-activities-proposed-collection-comments-requested-new-collection-death>

<sup>2</sup> <https://www.openthegovernment.org/wp-content/uploads/other-files/DICRA%20Coalition%20Letter%20Feb%202017%20Final.pdf>

<sup>3</sup> <https://www.justice.gov/archives/page/file/918846/download>

(b) (5)

16. When will DOJ issue final guidance around the implementation of the Death in Custody Reporting Act?

RESPONSE (b) (5)

17. What percentage of states complied with the first reporting period by July 31, 2017?

RESPONSE: (b) (5)

18. Is the Bureau of Justice Assistance or another DOJ entity conducting open source review to ensure DCRA implementation and compliance?

RESPONSE (b) (5)

#### *Militarization*

19. On August 28, 2017, President Trump issued an executive order<sup>4</sup> eliminating oversight and restrictions on the federally resourced military weapons and equipment provided to local law enforcement. The executive order may have disassembled an interagency working group that was headed by DOJ's Office of Justice Programs and included the Departments of Defense and Homeland Security – the primary federal providers of military weapons and equipment to law enforcement. At a minimum, the working group ensured that the agencies providing military grade weapons were communicating with one another, which proves to be a critical need in light of a July 18, 2017, Government Accountability Office (GAO) report<sup>5</sup> that found the federal government gave over \$1 million worth of military weapons to a fake federal law enforcement agency. What is the status of the Interagency Working Group on Federal Equipment?

<sup>4</sup> <https://www.whitehouse.gov/presidential-actions/presidential-executive-order-restoring-state-tribal-local-law-enforcement-access-life-saving-equipment-resources/>

<sup>5</sup> <https://www.gao.gov/products/GAO-17-532>

RESPONSE (b) (5)

[Redacted]

20. Does DOJ have any policies in place around its resourcing of military weapons to local law enforcement, whether through Byrne JAG or other grants, federal civil forfeiture funds, or other DOJ programs?

RESPONSE (b) (5)

[Redacted]

21. Has DOJ recently provided guidance to local law enforcement on how protests and other assemblies should be policed? If so, what is the guidance with respect to the use of military weapons and equipment?

RESPONSE (b) (5)

[Redacted]

(b) (5)

**The Honorable Robert B. Aderholt**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*CBD (Cannabidiol) Oil*

1. In recent years, the Commerce, Justice, Science Appropriations Acts have been amended to include a general provision that prohibits the Department of Justice (DOJ) from using funds to interfere with state medical marijuana programs. It is my understanding that this provision is intended to limit DOJ's ability to take enforcement actions under the Controlled Substances Act. Does this prohibition interfere with DOJ's ability to enforce other areas of the law beyond the Controlled Substances Act?

RESPONSE:

(b) (5)

(b) (5)

2. How might this provision inadvertently be impacting public health and safety?

RESPONSE

(b) (5)

**The Honorable Tom Graves  
Subcommittee on Commerce, Justice, Science, and Related Agencies  
Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*Wire Act*

1. In January, the Department of Justice Office of Legislative Counsel released a memo in January that reinterpreted the Wire Act in such a way that has put all sales by traditional lotteries at risk of being considered in violation of the Wire Act, in part because of the lack of recognition of the fact that nearly all lottery transactions, including in store terminal generated games and internet sales, use wire facilities to electronically route wagers across state lines.

Billions of dollars generated annually from lottery proceeds fund worthy causes. For example, the Commonwealth of Kentucky and the State of Georgia use lottery proceeds to fund college scholarships. Many other states, including Illinois, Michigan and New Hampshire, use lottery proceeds to fund public education.

The Supreme Court has recently indicated its agreement with two federal circuit courts of appeal that held the Wire Act applies to betting or wagering on sports events, and it further noted the importance of respecting the policy choices of citizens in each individual state.

Indeed, states must gain the support of their legislatures and voters before operating; must be authorized and regulated by state law; operated by the state or the state's statutory designee; and sell only to persons physically present within the state.

DOJ's extension of the enforcement moratorium on the memo in light of the suit filed by the New Hampshire Lottery Commission only provides temporary relief to the affected states and organizations. To provide legal certainty, will DOJ explicitly exclude state lottery transactions from its interpretation of the Wire Act?

**RESPONSE:** (b) (5)  
[Redacted text block containing approximately 12 lines of blacked-out content]

(b) (5)  
[Redacted text block]



**QUESTIONS FOR THE RECORD**  
**UNITED STATES ATTORNEY GENERAL WILLIAM P. BARR**  
**SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED**  
**AGENCIES**  
**DEPARTMENT OF JUSTICE FY 2020 BUDGET REQUEST**

**The Honorable Nita M. Lowey**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*National Instant Criminal Background Check System (NICS) Firearm Retrieval Referrals*

1. "Firearm retrieval" is the term for the action recommended after a background check is unresolved within the "three business day" timeframe, and a Federal Firearms Licensee proceeds with a firearms transfer, but subsequently learns such request should have been denied. FBI NICS Section then notifies ATF that a "*prohibited person*" is in possession of a firearm, and ATF can undertake action to "retrieve" the firearm.

You testified that "data I have heard is that there are about 6,000 of these delayed responses...and that ... approximately 2,000 of those, a third, are people that would have flunked the background check and ATF goes out and gets the weapon, retrieves, the weapon." However, FBI's 2017 NICS Operations Report states that in 2017, 6,004 persons failed the NICS background check not 2,000 because they were found to be prohibited persons *after* the 3 period had passed. Is that report accurate, and if so, will you correct your testimony?

**RESPONSE:** [REDACTED] (b) (5)

2. Based on the 2017 FBI report, of those 6,004 firearm transactions, 4,864 were confirmed to have been transferred to "prohibited persons," which included: 1,245 to persons convicted of a crime punishable by more than one year; 1,002 to persons convicted of misdemeanor crimes of domestic violence; 1,012 who were under indictment or fugitives from justice; and 118 who were subject to protection or restraining orders or domestic violence. Do you agree with these figures?

**RESPONSE** [REDACTED] (b) (5)

3. The same 2017 FBI report also noted that of the 6,004 cases where retrieval was sought, ATF could not determine whether a transaction occurred in 1,140 cases because

“definitive data was unattainable.” Does “unattainable” mean that it is possible 1,140 firearms were transferred to prohibited persons but the Department cannot document the fact, one way or the other? Is there a process to follow up on such retrieval cases to resolve them?

**RESPONSE:** (b) (5)

[Redacted text block]

[Redacted text block]

4. How much longer would the current three business day timeframe need to be extended to significantly reduce or eliminate the number of such potential transfers to prohibited persons? Would extending the waiting period to ten days be likely to prevent 6,000, or even 4,864, firearms from getting into the wrong hands?

**RESPONSE** (b) (5)  
[REDACTED]

5. In his March 27, 2019, letter to you, Special Counsel Mueller wrote:

“As we stated in our meeting of March 5 and reiterated to the Department early in the afternoon of March 24, the introductions and executive summaries of our two volume report accurately summarize this Office’s work and conclusions. The summary letter the Department sent to Congress and released to the public late in the afternoon of March 24 did not fully capture the context, nature, and substance of this Office’s work and conclusions. We communicated that concern to the Department on the morning of March 25. There is now public confusion about critical aspects of the results of our investigation. This threatens to undermine a central purpose for which the Department appointed the Special Counsel: to assure full public confidence in the outcome of the investigations. See Department of Justice, Press Release (May 17, 2017).”

During the hearing with the Subcommittee on April 9, 2019, you were asked by Representative Crist the following question:

“Reports have emerged recently, General, that members of the Special Counsel’s team are frustrated at some level with the limited information included in your March 24<sup>th</sup> letter, that it does not adequately or accurately necessarily portray the report’s findings. Do you know what they are referencing with that?”

You replied:

“No, I don’t”

Is that statement accurate, in light of the March 27, 2019, letter from Special Counsel Mueller, which your office records as having been received on March 28, 2019? And if not, will you correct or clarify your testimony?

**RESPONS** (b) (5)  
[REDACTED]

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**The Honorable José E. Serrano**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*Homegrown Violent Extremism*

1. At the hearing you testified that the Department does “not have a separate category for violent extremism.” It is noteworthy that on April 4<sup>th</sup> the FBI Director told the Subcommittee that the FBI has seen an increase in the number hate crimes, and that “the danger...of white supremacists, violent extremism or another kind of extremism is of course significant...a persistent, pervasive threat. We tackle it both through our joint terrorism task forces on the domestic terrorism side as well as through our civil rights program on the civil side through hate crime enforcement.” The Director has also publicly stated that of about 5,000 terrorism cases under investigation, 1,000 are homegrown violent extremists, in all 50 States. While it is not a regular budget category, could you please provide a rough estimate of the resources the Department is devoting to investigations and prosecution of domestic violent extremism whether under the category of terrorism, violent crime, or hate crimes?

**RESPONSE**

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5)

*Southwest border law enforcement*

2. Southwest Border county crime rates are lower, in all categories, than in the rest of the country. Furthermore, U.S. Customs and Border Protection has recorded significantly lower arrests of individuals with criminal histories each year from fiscal year 2016 to the present. On the other hand, the Justice Department has been shortchanging important work to pursue its so called “zero tolerance” policy. For example, a USA Today study released in October 2018 found that Federal drug trafficking prosecutions along the border had declined 30 percent because resources were diverted to prosecute minor immigration violations. How

many personnel in the U.S. Attorneys offices, U.S. Marshals, Bureau of Prisons, and other DOJ agencies were employed in the ramped up immigration enforcement efforts, and how much funding was used for such purposes in fiscal year 2018?

RESPONSE (b) (5)

[Redacted]

3. How many fewer drug trafficking cases were filed in judicial districts along our southern border since the 'zero tolerance' policy was implemented?

RESPONSE (b) (5)

[Redacted]

(b) (5)

[Redacted]

(b) (5)

[Redacted]

(b) (5)

4. What are the comparable estimates for personnel and funding to implement zero tolerance policies in fiscal years 2019 and 2020?

RESPONSE (b) (5)

*Executive Office for Immigration Review (EOIR)*

5. In March Executive Office for Immigration Review Director McHenry testified before the Subcommittee. The night before the hearing, he sent a memo to staff saying that, despite a significant 2019 funding increase, a budgetary shortfall for interpreter costs would require the immigration court system to cut back judge hiring, cancel trainings, and delay IT improvements. This is deeply troubling, both from a due process perspective, and a budgetary one. Why was this committee not told about these problems?

RESPONSE (b) (5)



(b) (5)

6. What impact has this funding shortfall had on the caseload backlog?

RESPONSE (b) (5)

*Border Wall/Eminent Domain*

7. To support the Administration’s proposed hardening and expansion of border walls on the Southwest border, the Department has been taking legal action to gain access to or acquire private land. This entails legal workload and years of litigation. How many cases, including those seeking to acquire land through assertion of eminent domain, did the Department handle in fiscal year 2018, and how many do you expect to pursue in fiscal years 2019 and 2020 to force owners to sell or grant access to land?

RESPONSE (b) (5)

8. For those years, how many landowners were or will be forced to sell their land or have it seized via eminent domain?

RESPONSE (b) (5)

[REDACTED]

9. How much funding and full time equivalent staff effort did the Department expend in fiscal year 2018 to pursue such actions broken out by the U.S. Attorneys' offices, the Environment and Natural Resources Division, and the Civil Division and how much does it plan to use for such purposes in fiscal years 2019 and 2020?

RESPONSE (b) (5)

[REDACTED]

*Civil Rights Division Alabama State Prisons*

10. The 8<sup>th</sup> Amendment to the Constitution prohibits "cruel and unusual punishment..." On April 2, the Civil Rights Division and the U.S. Attorney for Alabama released the results of its investigation of Alabama prisons and reported its findings. How will the Department ensure immediate relief from the unacceptable conditions now present in the prison system?

RESPONSE (b) (5)

[REDACTED]

11. One way to ensure corrections in such cases has been through a judicially enforced consent decree. Former Attorney General Sessions said such decrees interfere with States' rights and placed restrictions on them. Will the Department seek or consider seeking a consent decree in this case?

**RESPONSE** (b) (5)

12. What is the Department doing to ensure all States and territories are protecting the human and constitutional rights of persons in their custody? Is there a process to monitor facilities and ensure such deplorable conditions described in the April 2 report are not permitted anywhere in this country?

**RESPONSE** (b) (5)

*Community Relations Service Termination*

13. The fiscal year 2020 Budget proposes to eliminate the Community Relations Service and fold its functions into the Civil Rights Division, with no additional funding or positions assigned to this purpose. Historically, the Community Relations Service plays a key role in helping prevent and resolve community conflicts based on civil rights issues. The proposal threatens to undermine the confidentiality and neutrality essential to this critical mission. How will you protect the independence and confidentiality of the mediation work if it is done within the division responsible for enforcement?

**RESPONSE:** (b) (5)

14. How will the Civil Rights Division perform this additional responsibility with no new resources or personnel?

**RESPONSE** (b) (5)

(b) (5)

*Policing Reform*

15. Under former Attorney General Sessions, the Department effectively changed course on police reform, abandoning efforts in cities such as Baltimore and Chicago. It also moved the focus away from the Collaborative Reform program in the COPS office, which sought to work with police departments to implement changes to improve police community relationships and build trust. What is the Department doing now to address ongoing distrust between minority communities and local law enforcement a serious issue in urban communities across this nation? What resources are included in your 2020 budget for such purposes?

**RESPONSE:** (b) (5)

(b) (5)

(b) (5)

(b) (5)

*Environment and Natural Resource Division*

16. The Environment and Natural Resources Division (ENRD) has a broad portfolio. It prosecutes those who violate pollution control laws; defends the U.S. from environmental challenges and in its stewardship of public lands and resources; wildlife protection; and Indian rights and claims. It also leads on Federal acquisition of property through eminent domain such as on the Rio Grande where the Administration yearns to build a wall. Your fiscal 2020 ENRD request for ENRD is flat \$110.5 million the same as in fiscal 2018.

During the shutdown, we heard ENRD was suffering an “exodus” of its most experienced attorneys on the cusp of a slew of major EPA cases. Your request indicates you expect to double the number of full time permanent reimbursable positions from 41 to 82. Is the Division facing a shortage of experienced staff, and is it trying to make up for that by using reimbursable positions?

**RESPONSE** (b) (5)

17. There is growing concern about the presence of so called “PFAS” chemicals in groundwater and drinking water. These chemicals are in consumer products like Teflon and Scotchguard, and in firefighting foam used at military airfields and facilities around the country and world. They are associated with higher rates of cancer. What do you expect, in terms of workload and budgetary impact on ENRD, from litigation to monitor and clean up water from PFAS contamination, to include supporting the Environmental Protection Agency and defending the Defense Department against lawsuits?

RESPONSE: (b) (5)

[Redacted text block]

*Wildlife Protection*

18. Wildlife protection and trafficking remains a significant environmental and economic crime, and a source of funding for organized crime and terrorist groups, particularly in developing countries. How many Environment and Natural Resources Division personnel and how much funding were used to investigate and prosecute wildlife trafficking in fiscal year 2018? What is budgeted for this in fiscal years 2019 and 2020?

RESPONSE: (b) (5)

[Redacted text block]

(b) (5)

[REDACTED]

*Russian Influence and Espionage*

19. The impetus for appointing a Special Counsel was to investigate alleged Russian efforts to influence the 2016 election. DOJ, along with the rest of the Intelligence Community, has made clear that Russia carried out significant influence and interference activities, and continues to target U.S. elections. Your budget proposes \$132 million in new funding for national security and cyber threats, including \$18 million and 35 FBI positions for counterintelligence. Is this latter proposal adequate to meet the growing threat of Russian interference in our political and economic system?

RESPONSE (b) (5)

[REDACTED]

(b) (5)

(b) (5)

*China Initiative*

20. Last November former AG Sessions initiated a “China Initiative” against Chinese national security threats to our commerce, industry, and critical infrastructure. This would target, quote: “economic espionage”, “malign economic aggression”, “foreign investments, corporate acquisitions, and cyber intrusions...[and acquiring] inside information.” This initiative was to include leadership by the National Security Division, the Criminal Division, the FBI, and a working group of five U.S. Attorneys. What is the status of the China Initiative begun by your predecessor, and how is its work reflected in your 2020 request?

**RESPONSE:** (b) (5)

21. Please identify (or provide separately to the Subcommittee if such information is sensitive) elements of the request that support this initiative, as well as any areas where additional funding could enhance Department efforts.

**RESPONSE:** (b) (5)



*US Marshals and Federal Prisoner Detention*

22. The Department has identified a fiscal year 2019 shortfall in the Federal Prisoner Detention (FPD) account, and an even larger one in its fiscal year 2020 budget. The Department has proposed short term relief by transferring balances from the Bureau of Prisons. What is the cause of the shortfall? Assuming it is due to increased prosecution of immigration charges, including misdemeanor charges, how much is due to the impact of the “zero tolerance” policies embraced by former Attorney General Sessions?

**RESPONSE:** (b) (5)

[Redacted text block]

[Redacted text block]

23. What are the potential consequences of not providing the full request FPD funding request?

**RESPONSE:** (b) (5)

[Redacted text block]

(b) (5)

24. If the shortfall were to be addressed through a transfer from the Bureau of Prisons, what impact would that have on the Bureau's ability to reduce overcrowding, activate facilities such as USP Thomson, and implement the First Step Act?

RESPONSE: (b) (5)

*Election Fraud*

25. Your request calls for \$153.2 million for the Civil Rights Division, part of which funds the Voting Section, which is charged with protecting citizens' *right to vote* and access to the ballot. The President recently again claimed that fundamental uncertainty exists about the reliability of U.S. elections the recurrent charge of so called widespread "voter fraud." Is such so called *election fraud* investigation and prosecution a significant Justice Department priority? If so, which components, how many positions, and how much funding was used in fiscal year 2018 for such efforts, and how much funding and personnel do you anticipate committing to such activity in fiscal year 2019 and fiscal year 2020? How many of these personnel are being diverted from traditional voting rights protection litigation?

RESPONSE: (b) (5)

(b) (5)

[Redacted text block]

26. With more money flowing into political campaigns, there seems to be a growing problem of so called “SCAM PACs” shell organizations posing as political fundraising organizations. Political groups are not bound by the same limits or oversight as charitable nonprofits, so phony fundraisers, including many who were previously caught by charity regulators, see masquerading as “PACs” to be a safe way to raise money posing as “charitable” causes such as for animals, veterans, or medical research. What is the size and scope of this problem? Is the Department acting to investigate and shut down such fraudsters?

RESPONSE: (b) (5)

[Redacted text block]

*Emergency Funding impact on Department*

27. The emergency supplemental has not yet been enacted to address the damage and costs associated with major hurricanes and other natural emergencies in 2018. The Department sustained costs and damage to many facilities and had significant impact on Florida and Puerto Rico, among other places. How is the Bureau of Prisons operating without the capacity of its Marianna, Florida facility?

**RESPONSE:** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]  
[Redacted]  
[Redacted]

28. What has been the impact on Puerto Rico, which had to move detainees to the 50 states? Is there a continuing need to help restore operations and facilities there? How urgent is the delayed emergency funding?

**RESPONSE** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]

*TAX Division*

29. The Tax Division was flat funded in fiscal years 2018 (\$107 million) and 2019 (\$105.9 million). The 2020 request would increase funding by about 8 percent to \$114.9 million. But this is shown as a “current services” increase not program growth. Is the Tax Division encountering significant new workload due to the impact of the 2017 tax law changes? If so, how is it coping, and will the proposed increase keep it from falling behind?

**RESPONSE:** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

(b) (5)

*Opioids and Counterdrug Programs*

30. Deaths from drug poisoning, according to the Center for Disease Control (CDC), are at their highest recorded level for over ten years exceeding deaths caused by guns, car crashes, suicide and homicide. The CDC also reports that overdoses killed 70,237 Americans in 2017 47,600 from opioids, with deaths 9.6 percent higher than in 2016. DOJ proposes \$34.6 million more funding for the Drug Enforcement Administration, including \$22.4 million in its diversion control programs to address prescription drug use. This would include funding five new heroin enforcement groups and enhancing cyber and analytical tools to counter increasingly sophisticated traffickers.

The opioid epidemic has been common knowledge for a decade, and we've suffered the tragedy of drug trafficking for generations. For every "El Chapo" who is taken off the street, ten more of his lieutenants take over. How will you prioritize resources and policies under your leadership, to address the drug crisis in this country focusing on the trafficking organizations and their enablers, while aiding victims and users who want to escape their addiction?

**RESPONSE:** (b) (5)

- 
-

(b) (5)

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

[REDACTED]

[REDACTED]

(b) (5)  
[Redacted text block]

[Redacted text block]

[Redacted text block]

*Criminal Division Globalization of Crime/International Aid Programs*

31. The Office of International Affairs in the Criminal Division plays a critical role in helping enforce U.S. law when it entails global cooperation with other countries and reciprocating with them as appropriate. It plays a key role, with the State Department, in helping support the development of effective criminal justice systems around the world. Mutual Legal Assistance Treaty requests have grown in number and complexity, and the Department of Justice request says the Department needs to be able to promptly execute requests to share evidence and ensure we receive reciprocal treatment. Congress provided funding for MLAT request processing in the 2019 Omnibus. How much is included in your request for handling MLAT workload? Is it enough to support the Department’s mission, including combatting transnational organized crime?

**RESPONSE** (b) (5)  
[Redacted text block]

[Redacted text block]

32. The President's threat to eliminate foreign assistance to El Salvador, Guatemala and Honduras would surely damage cooperation with law enforcement and judiciary in those countries, including in efforts to dismantle MS 13 and other violent criminal gangs. What is the Department doing in those countries through aid, law enforcement cooperation, and other efforts and what would be lost if the U.S. walked away?

**RESPONSE:** (b) (5)  
[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

The request makes the case for reliable funding for overhead and headquarters costs of DOJ's foreign assistance engagement, including in Afghanistan, as reported by the Special Inspector General for Afghanistan Reconstruction. How much is needed in 2020 to support this function, and how much is included for this purpose in your request for the Criminal Division?

**RESPONSE** (b) (5)  
[Redacted]



(b) (5)

*Bankruptcy Trustees Funds*

33. In fiscal year 2017, U.S. Bankruptcy code was amended in law to change how bankruptcy filing fees are collected, which could lead to a 2020 shortfall in fees needed to offset its operations. How big a problem does this pose in fiscal 2020, and is the Department acting or proposing legislation to prevent a funding gap?

RESPONSE (b) (5)

*Justice Reinvestment Initiative (JRI)*

34. In your testimony to the Senate Judiciary Committee, you said you "...would seek to ensure that the Department effectively implements the programs Congress funds. I support the goals of the Justice Reinvestment Initiative as described and do not at this time have specific ideas for modifications." Yet your budget request says, "The Administration seeks to eliminate JRI and redirect these funds to develop effective data driven programs to address the significant increases of violent crime in many of the Nation's cities and towns." What changed your position on JRI, and what specific programs would be funded instead of supporting continuation of JRI efforts?

**RESPONSE** [REDACTED] (b) (5)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**The Honorable Matthew Cartwright**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*FCC Robocall Forfeiture Orders*

1. At the Federal Communications Commission (FCC) Budget hearing on April 3rd, 2019, Jessica Rosenworcel, an FCC Commissioner, said that since 2015 the FCC has referred over \$200 million in unpaid robocall forfeiture orders to the Department of Justice (DOJ). However, the DOJ has collected less than \$7,000. An FCC spokesperson also told the Wall Street Journal that the FCC lacks the authority to enforce its forfeiture orders and that they fall to the DOJ to execute. What is happening to all those referred forfeiture orders?

**RESPONSE** (b) (5)  
[Redacted]

2. What plans does the DOJ have in place to coordinate with the FCC to retrieve both current uncollected and future robocall forfeiture orders?

**RESPONSE** (b) (5)  
[Redacted]

*Disparate Sentencing*

3. A 2016 Brookings study found that Black men on average received 20% longer prison sentences than White men for similar crimes. Racial disparities in law enforcement and prison sentencing have created a justice system that disproportionately targets minorities,

especially Black and Latino communities. What steps will the Department of Justice take to address these pernicious disparities?

**RESPONSE:** (b) (5)  
[Redacted]

4. Will the Attorney General reverse the Department of Justice’s memorandum that pushed prosecutors to pursue mandatory minimum sentences, the legal mechanism behind mass incarceration?

**RESPONSE:** (b) (5)  
[Redacted]

*Fatal Police Encounters*

5. A report published in the Journal of Epidemiology and Community Health observing data from 2015-2016 of fatal encounters with law enforcement in the U.S. stated that “people of colour comprised 38.5% of the population, but 51.5% of YLLs [years of life lost].” The report concluded that police violence disproportionately affects people of color. What steps will the Department of Justice take to prevent disproportionate levels of violence by police towards people of color?

**RESPONSE:** (b) (5)  
[Redacted]

(b) (5)

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

6. According to data compiled by the Washington Post, there were 11 more fatal shootings by police in 2018 than in 2017, and data from the past 4 years suggests that fatal police shooting levels are staying the same or increasing. In 2018, 998 people were killed by police officers. What steps will the Department of Justice take to reduce police lethal force levels?

**RESPONSE:** (b) (5)  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

7. What steps will the Department of Justice take to address and reduce shooting bias against people of color?

**RESPONSE** (b) (5)  
[Redacted]

8. The US has been shaken by tragedies like the killings of unarmed people, such as Freddie Gray, Sam Dubose, Philando Castile, Terence Crutcher, Alton Sterling, and sadly many others. What steps will the Department of Justice take to address police killings of unarmed people?

**RESPONSE** (b) (5)  
[Redacted]

9. Many of the officers who killed these unarmed people received very light or no sentences. What steps will the Department of Justice take to make sure that victims of racial violence committed by police see justice?

**RESPONSE** (b) (5)  
[Redacted]

*Rape Kit Testing Backlogs*

10. Across the US tens of thousands of rape kits remain untested creating massive backlogs across the US. This is an issue of justice and public safety. What steps will the Department of Justice take to ameliorate rape kit backlogs?

**RESPONSE:** (b) (5)  
[Redacted]

(b) (5)

11. What steps will the Department of Justice take to ensure that rape kits in local law enforcement are tested in a timely manner?

RESPONSE (b) (5)



(b) (5)

12. How will the Department of Justice support law enforcement offices that are overwhelmed by their number of untested rape kits?

**RESPONSE** (b) (5)

*Diversity*

13. Federal law enforcement agencies have critically low diversity and few women working in them. According to Politico, in 2017 the FBI was 80% white and 80% male, and only 5% of all Border Patrol agents were women. At the rate that women's representation is increasing in law enforcement will take 700 years before women's numbers reach parity with their male counterparts. What steps will the Department of Justice take to recruit more diversity?

**RESPONSE** (b) (5)

(b) (5)

[Redacted text block]

14. What steps will the Department of Justice take to encourage more women to join federal law enforcement?

**RESPONSE:** (b) (5)

[Redacted text block]

15. What steps will the Department of Justice take to identify and ensure that law enforcement agencies' hiring practices are not influenced by perceived biases?

**RESPONSE** (b) (5)

[Redacted text block]

(b) (5)

16. In 2018, the Office of the Inspector General produced a survey on Gender Equity in the Department of Justice and found that only half (52%) of all respondents reported that their agency had a gender equitable culture. Special Agent and Deputy U.S. Marshal positions reported consistently low perceptions of equity and many reported experiences of differing treatment and discrimination. What steps will the Department of Justice take to improve and promote a gender equitable culture across its agencies?

RESPONSE: (b) (5)

17. The Office of the Inspector General found that “women held few headquarters executive leadership positions and those positions were usually leading administrative or support units rather than operational units. Further, [it] found that women did not hold many of the top leadership positions in field offices, divisions, and districts.” What steps will the Department of Justice take to promote more women to leadership?

RESPONSE (b) (5)

(b) (5)

18. The Office of the Inspector General found that their “analysis indicated ATF and DEA female Criminal Investigators were underrepresented in competitive promotions compared to their proportion of the population at the next lower grade level.” Concluding that their “analysis might indicate possible issues at ATF, DEA, and FBI for women advancing into supervisory positions.” How will the Department of Justice address gender discrimination in promotions?

RESPONSE (b) (5)

19. According to the report, DOJ agencies are less likely to give women the kind of casework that would lead to recognition and promotion, particularly in terms of collateral duties. What steps will the Department of Justice take to ensure that there is no gender discrimination in collateral duty assignment?

RESPONSE (b) (5)

20. The report found that women staff members were sometimes reassigned involuntarily to units that handled non violent crime and had more traditional work hours after they had started a family units also less likely for promotion. A male supervisory Deputy U.S. Marshal even

called motherhood “a career hazard for women.” What steps will the Department of Justice take to ensure that women law enforcement officers are able to start families, free of discrimination or involuntary work reassignment?

**RESPONSE:** (b) (5)  
[Redacted]

21. What steps will the Department of Justice take to support flexible work hours free of discrimination for women staff members who have children?

**RESPONSE:** (b) (5)  
[Redacted]

22. According to the survey 45% of staff members reported that they would not or were unsure whether they would use the EEO process if they experienced discrimination. Thus, contributing to underreporting and permitting the continuance of such discrimination. How does the Department of Justice plan on building more faith and more utilization of the EEO process when a staff member is harassed or discriminated against?

**RESPONSE:** (b) (5)  
[Redacted]

(b) (5)

[REDACTED]

23. The Office of the Inspector General’s report stated that “a lack of applicant and hiring data inhibits evaluation of recruitment efforts.” What steps will the Department of Justice take to improve data collection on demographic specifics in applicant and hiring data?

**RESPONSE:** (b) (5)

[REDACTED]

24. Gender bias in law enforcement hurts survivors of sexual assault, domestic abuse, and stalking. In 2015, the Department of Justice released a report on December 15<sup>th</sup>, 2015 on “Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence” that outlined a set of principles that law enforcement agencies and departments should follow. What steps is the Department of Justice taking to help agencies and departments pursue those principles?

**RESPONSE:** (b) (5)

[Redacted response text]

*Drug Enforcement Policies*

25. The Trump Administration released its National Drug Control Strategy in January. In the Strategy, it outlined that the Administration was in support of programs that “divert[ed] individuals addicted to drugs directly to treatment in lieu of arrest,” pre arrest diversion programs, and other law enforcement diversion and deflection models. It also said that the “Administration [...] will scale up support for State, Tribal, and local drug courts in order to provide offenders struggling with addiction access to evidence based treatment as an alternative to or in conjunction with incarceration, or as a condition of supervised release.” How does the Department plan on implementing these diversion programs in conjunction with their enforcement programs?

**RESPONSE:** (b) (5)

[Redacted response text]

(b) (5)

[REDACTED]

[REDACTED]

26. This strategy suggests a pivot from the criminalization of drug addiction and consequently offenses to a more medicalized and holistic view of addiction. How will the DOJ's drug enforcement policies reflect this shift in enforcement strategy?

**RESPONSE:** (b) (5)

[REDACTED]

[REDACTED]



(b) (5)

27. Will the Department of Justice pursue clemency for individuals charged with long sentences before drug addiction was viewed as a medical issue?

RESPONSE: (b) (5)

28. How will the Department of Justice coordinate and work with public health institutions to coordinate drug addiction responses?

RESPONSE: (b) (5)

(b) (5)

[Redacted text block]

[Redacted text block]

29. How will the Department of Justice coordinate and work with private health institutions to coordinate drug addiction responses?

RESPONSE (b) (5)

[Redacted text block]

30. How will different drug schedules affect the Department of Justice’s response to different addiction situations?

RESPONSE: (b) (5)

[Redacted text block]

31. In Attorney General Barr's confirmation hearing, he mentioned that he would not continue to pursue the Department of Justice's memorandum on marijuana enforcement from January 4<sup>th</sup>, 2018, and instead respect the Cole Memorandum on cannabis enforcement. Does the Department of Justice and the Attorney General plan to use the guidance set forth in the Cole Memorandum on cannabis enforcement?

RESPONSE (b) (5)

32. How does the Department of Justice plan on addressing states that have legalized medical and/or recreational cannabis?

RESPONSE (b) (5)

33. American drug laws and enforcement have historically and contemporaneously targeted minority communities and people of color, even though according to a survey done in 2018 by the Substance Abuse and Mental Health Services Administration, white Americans statistically have larger incidences of drug addiction. What steps will the Department of Justice take to rectify disparities in drug law enforcement on black communities and communities of color?

RESPONSE: (b) (5)

34. According to a survey done in 2018 by the Substance Abuse and Mental Health Services Administration, Native Americans and Native Alaskans have the highest rate of substance addiction. What steps will the Department of Justice take to work with Native American Leadership to combat this epidemic?

**RESPONSE:** (b) (5)

[Redacted text block containing multiple paragraphs of information, all obscured by black bars.]

(b) (5)

35. When Native Americans suffer the most from substance addiction, there should be a renewed focus on helping alleviate the situation. Nevertheless, in the proposed FY20 budget for the Department of Justice, the Tribal Assistance Program under the Comprehensive Addiction and Recovery Act (CARA) is proposed to be completely defunded. How does the Department of Justice expect to combat substance addiction in Native American populations when they defund the Tribal Assistance Program associated with the Comprehensive Addiction and Recovery Act?

**RESPONSE:** (b) (5)

36. What steps will the Department of Justice take to support law enforcement agents' access to Naloxone?

**RESPONSE** (b) (5)

*Human Trafficking*

37. Human trafficking has had a larger spotlight put on it in recent years, with most of the attention focused on sex trafficking. Labor trafficking is statistically the largest incident of human trafficking in the US. What steps will the Department of Justice take to coordinate with the Department of Labor to address labor trafficking?

**RESPONSE:** (b) (5)

(b) (5)

[Redacted text block]

38. What steps will the Department of Justice take to ensure that illegal immigrants suffering from human trafficking can report abuse without risk of deportation?

**RESPONSE** (b) (5)

[Redacted text block]

39. What steps will the Department of Justice take to guide Attorneys to avoid prosecuting adult victims of trafficking or adult victims of childhood sex trafficking who are arrested on charges of engaging in prostitution?

**RESPONSE:** (b) (5)

[Redacted text block]

(b) (5)

40. What steps will the Department of Justice take to guide Attorneys and law enforcement to prioritize procurers and pimps, rather than prostitutes, who statistically are most often victims of childhood sex trafficking and have been unable to escape trafficking/prostitution systems before coming of age?

RESPONSE (b) (5)

(b) (5)

*Law Enforcement Practices and Civil Rights*

41. In 2018, the US Commission on Civil Rights released a report that highlighted several recommendations to help the Department of Justice foster better law enforcement practices. One of the highlighted recommendations in the report was recommending that the Department of Justice “return to vigorous enforcement of constitutional policing... [and] should robustly support local efforts to develop and institute constitutional policing practices.” What steps will the Department of Justice take to institute constitutional policing practices?

**RESPONSE:** (b) (5)

42. In the 2018 report released by the US Commission on Civil Rights, the report stressed that the DOJ should “reinstat[e] the Office of Community Oriented Policing Services (COPS) and maintain the Community Relations Services office (CRS) to focus on building community trust and reduce excessive uses of force in coordination with police departments.” Why is the Department of Justice ignoring the suggestions of the US Commission on Civil Rights and attempting to dissolve the COPS program?

**RESPONSE** (b) (5)

43. In the 2018 report released by the US Commission on Civil Rights, the Commission recommended that the Department of Justice “use...consent decrees as necessary where constitutional policing standards are not being upheld.” Consent decrees are essential to protecting civilians’ civil rights and reducing racist policing. Nevertheless, on November 8<sup>th</sup>, 2018 the Department of Justice released a memorandum on Civil Consent Decrees and Settlement Agreements with State and Local Governmental Entities that curtailed the Department of Justice’s ability to obtain court enforced agreements, which would help the Department curb civil rights abuses by local police departments. Does the Department of Justice plan to continue to ignore the US Commission on Civil Rights and continue its policy of curtailed consent decrees?

**RESPONSE** (b) (5)



(b) (5)

[Redacted text block]

44. With curtailed power to obtain consent decrees, what steps will the Department of Justice take to stop civil rights abuses by local police departments?

**RESPONSE** (b) (5)

[Redacted text block]

45. Transgender Americans experience much higher levels of violence and assault than cisgender Americans. In the US Transgender Survey (2015), 30% of respondents reported being discriminatorily fired, denied a promotion, or mistreated at work. Moreover, 47% reported having been sexually assaulted at some point in their lives. Nevertheless, despite these sobering statistics, the DOJ withdrew protections provided by Title VII of the Civil Rights Act to transgender people. If transgender Americans are at a higher risk of being discriminated against and being victims of a crime, then the Justice Department should be putting more protections in place rather than taking them away. Does the Department of Justice plan to continue its policy of denying transgender individuals protections from discrimination under Title VII of the Civil Rights Act of 1964?

**RESPONSE:** (b) (5)

[Redacted text block]

RESPONSE: (b) (5)

[illegible]

48. How do the Department of Justice's current interpretations of Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1964 affect intersex people's rights against discrimination based on gender identity?

**RESPONSE** (b) (5)

49. The US has struggled with low confidence in police for years now, reaching a nadir in 2015 according to a Gallup poll. How will the Department of Justice inspire more trust in law enforcement when it proposes to dissolve the Community Relations Service, the Body Worn Camera Partnership Program, and the Community Trust Initiative?

**RESPONSE:** (b) (5)

[REDACTED]

[REDACTED]

#### *Justice Reinvestment Initiative*

50. The Justice Reinvestment Initiative is a data driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in strategies that can decrease crime and reduce recidivism. The Reinvestment Initiative has had dramatic results such as reducing Arkansas incarceration by 9% 1,783 less people within the first year of its implementation. The JRI is a cost saving program, why would the Department of Justice get rid of it?

**RESPONSE** (b) (5)

[REDACTED]

A horizontal bar chart titled 'U.S. should take action to address climate change' showing the percentage of respondents who believe the U.S. should take action to address climate change. The chart is broken down by age group (18-29, 30-49, 50-69, 70+) and gender (Male, Female). The y-axis lists the demographic groups, and the x-axis shows the percentage from 0 to 100. The bars are color-coded: blue for Male and pink for Female. The data is as follows:

| Age Group | Gender | Percentage |
|-----------|--------|------------|
| 18-29     | Male   | 98%        |
|           | Female | 98%        |
| 30-49     | Male   | 98%        |
|           | Female | 82%        |
| 50-69     | Male   | 98%        |
|           | Female | 95%        |
| 70+       | Male   | 52%        |
|           | Female | 92%        |
| Total     | Male   | 88%        |
|           | Female | 95%        |

52. Preventing crime should start at a young age especially since young people are the most likely to commit a crime however, the proposed FY 20 budget for the Department of Justice proposes drastic cuts to the Youth Mentoring and Delinquency Prevention Program. Has the Department of Justice done any studies on the effects of such drastic cuts to these programs?

**RESPONSE:** (b) (5)

[Redacted]

*Victim Services*

53. The proposed FY 20 budget proposes cutting the Crime Victims Fund (CVF) by almost half. Moreover, it proposes to take even more funds out of the CVF by not giving the Office on Violence Against Women any discretionary appropriations and instead implementing a carve out of the CVF. This sends a stark message to victims that the DOJ does not value them. Does the Department of Justice have other plans to fund victim services in other ways?

**RESPONSE:** (b) (5)

[Redacted]

*Prison Overcrowding*

54. There is a huge prison overpopulation issue in the US. This was highlighted in the Department of Justice's "Notice Regarding Investigation of Alabama's State Prisons for Men," which stated that "violations are exacerbated by serious deficiencies in staffing and supervision and overcrowding." What steps will the Department of Justice take to support state governments with overcrowding and understaffing prison issues?

**RESPONSE:** (b) (5)  
[Redacted]

55. How does the Department of Justice plan on helping prison overcrowding in the US when it is proposing to dissolve the National Institute of Corrections, which provides training, information, and technical services to federal, state, and local correctional agencies?

**RESPONSE** (b) (5)  
[Redacted]

*Special Counsel Investigation*

56. Did the Attorney General prepare any portion of his report prior to reading the Mueller report?

**RESPONS** (b) (5)  
[Redacted]

57. Does the Mueller report have “executive findings” or other statements which summarize the key points of his investigation and report? Did the Attorney General base his summary report on Mueller’s summary, and how did his summary differ from Mueller’s?

RESPONSE: (b) (5)

58. Is it the Attorney General's understanding that Mueller's summaries were intended for quick public release?

RESPONSE (b) (5)

59. Beside the Deputy Attorney General and the Office of Legal Counsel, who else did the Attorney General consult with to make determinations on the Mueller report? What led him to believe despite just having received the report that he was able to make that determination so quickly?

RESPONSE (b) (5)

60. Did the Attorney General at any point discuss with the Special Counsel whether his factual findings on obstruction of justice should be made available to Congress? To the public at large?

RESPONSE (b) (5)

(b) (5)

61. Did Mueller share with the Attorney General his expectation or opinion on whether his factual findings on obstruction that, according to the Attorney General, "do not exonerate" the President, should be shared with Congress? If yes, what did he say or can the DOJ characterize what his expectation was?

RESPONSE (b) (5)

(b) (5)

62. On the issue of conspiring with the Russian government to interfere in the 2016 election, the Attorney General stated in his March 24th letter that the evidence does not meet the beyond a reasonable doubt standard of proving crimes. Does the evidence meet a clear and convincing standard or a preponderance of the evidence standard?

RESPONSE (b) (5)

[Redacted]

63. Does the DOJ agree that foreign attacks or interference in our elections is a significant national security threat?

RESPONSE (b) (5)

[Redacted]

64. Does the DOJ agree that Congress has a compelling legislative, appropriations, and oversight responsibility on the issue of election security and election interference?

RESPONSE (b) (5)

65. Will the special counsel's findings on Russia's efforts to influence the 2016 election help inform the discussion and ongoing efforts to secure our elections moving forward?

RESPONSE: (b) (5)

[Redacted]

(b) (5)

66. Will the special counsel's findings on Russia's efforts to influence the 2016 election help inform the discussion and ongoing efforts to combat foreign cyber aggression?

RESPONSE (b) (5)

[Redacted]



67. Given the grave national security threat posed by foreign actors interested in undermining our democracy, does the DOJ believe that it is important for Congress to receive all the Special Counsel's findings and underlying evidence on Russian election interference so that we can make well informed and thoughtful legislative and appropriation decisions to prevent future foreign attacks?

RESPONSE (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5)

**The Honorable Grace Meng**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*Community Based Violence Prevention Grants Programs (DOJ)*

1. The Community Based Violence Prevention Grants Program helps states and localities support a coordinated and multidisciplinary approach to gang and violence prevention, interventions, suppression, and reentry in targeted communities. What is the rationale behind eliminating this program?

**RESPONSE:** (b) (5)  
[Redacted]

2. How has OJJDP evaluated this program? What is the evidence based evaluation of this program?

**RESPONSE:** (b) (5)  
[Redacted]

[Redacted]

*First Step Act and Menstrual Hygiene products*

3. The First Step Act requires Bureau of Prisons to provide menstrual hygiene products to women and no cost and in accordance with the women's health needs. What is the status of this requirement? Have you begun providing the menstrual hygiene products to incarcerated women?

**RESPONSE** (b) (5)  
[REDACTED]

*First Step Act and Primary Residence*

4. Section 401 of the First Step Act requires that, whenever practicable, a person be housed closest to their primary residence, and within 500 driving miles of their family. Is DOJ aware of how BOP plans to implement this provision, and how much it will cost?

**RESPONSE** (b) (5)  
[REDACTED]

5. What is DOJ's position on the timeline required to be in compliance with this provision of the law?

**RESPONSE** (b) (5)  
[REDACTED]

6. When do you anticipate beginning to fulfill the requirement that people be moved to within 500 driving miles of their release place?

**RESPONSE** (b) (5)  
[REDACTED]

7. What is the cost of those relocations?

**RESPONSE:** (b) (5)  
[REDACTED]

*First Step Act and Independent Review Committee*

8. The First Step Act required that an Independent Review Committee be established by the National Institute of Justice not later than 30 days after enactment, or by January 21, 2019. This date has passed, and the Independent Review Committee has not yet been established. What steps has BOP taken toward establishment of the Independent Review Committee?

**RESPONSE:** (b) (5)  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

9. What organizations have you considered to house the Independent Review Committee? How will you make this decision?

**RESPONSE** (b) (5).

10. By what date will the Independent Review Committee be established?

RESPONSE (b) (5)

11. What additional resources, if any, does the Department need to establish the IRC?

RESPONSE (b) (5)

*Crime in Rural Areas*

12. The President’s budget wants to carve out \$6 million of Byrne JAG grants to “empower rural law enforcement agencies by providing training, technical assistance, and resources to interdict drug and human traffickers” under the proposed Southwest Border Rural Law Enforcement Violence Crime Reduction Initiative. While this certainly plays into the Administration’s narrative of the border crisis, there is also a more critical, very stark and very real situation of violent crimes being on a historic rise in rural areas.

Violent crime rate in rural areas has climbed above the national average for the first time in 10 years. In Iowa, for example, the overall violent crime rate rose by 3 percent between 2006 and 2016 but shot up by 50 percent in communities with fewer than 10,000 residents. Why would the Department’s funding only focus on rural areas in the Southwest and not all rural areas?

RESPONSE (b) (5)

(b) (5)

(b) (5)

(b) (5)

13. What will the Department do to help these rural communities that are dealing with increased drug use and associated crimes, like drug trafficking, theft, as well as domestic violence?

**RESPONSE:** (b) (5)

*“Red Flag Laws”*

14. After the shooting in Parkland, the President convened a roundtable to discuss gun violence and gun safety solutions. The president himself acknowledged how important it was to take immediate action when someone is a risk to themselves or other, creating a process to make sure someone doesn’t have access to firearms in that acute moment where they are putting themselves or their community at risk. The President’s administration has continued to show its support for the concept of strong intervention, with the DOJ providing technical assistance and the School Safety Commission supporting them.

Most recently, during your testimony before the Senate Judiciary Committee, Mr. Barr, you said:

*"I think the problem of our time is to get an effective system in place that can keep dangerous firearms out of hands of mentally ill people. That should be priority one and it will take hard work to get on top of the problem...."*

*"We need to push along Extreme Risk Protection Orders (ERPOs) so that we have these red flag laws to supplement the use of the background check to find out if someone has a mental disturbance. This is the single most important thing we can do in the gun control area to stop these mass shootings from happening in the first place."*

I understand how important this life saving tool is to prevent mass shootings and suicide, and Senator Lindsey Graham has stated that he's committed to working on federal legislation to incentivize states to pass and implement Red Flag laws in their state as a first step. Do you believe that we should be trying to implement a 50 state solution that doesn't leave any states behind when it comes to access to this critical tool?

**RESPONSE:** (b) (5)  
[REDACTED]

#### *Death in Custody Reporting Act*

15. The Death in Custody Reporting Act (DCRA) was enacted<sup>1</sup> four years ago, on December 18, 2014. If properly implemented,<sup>2</sup> DCRA could yield the most accurate federal numbers on deaths in custody, including fatal police shootings, disaggregated by race, ethnicity and other decedent demographics, to date. States should have begun compliance<sup>3</sup> with DCRA on July 31, 2017. What is the status of implementation of the Death in Custody Reporting Act?

**RESPONSE** (b) (5)  
[REDACTED]

<sup>1</sup> <https://www.federalregister.gov/documents/2016/12/19/2016-30396/agency-information-collection-activities-proposed-collection-comments-requested-new-collection-death>

<sup>2</sup> <https://www.openthegovernment.org/wp-content/uploads/other-files/DICRA%20Coalition%20Letter%20Feb%202017%20Final.pdf>

<sup>3</sup> <https://www.justice.gov/archives/page/file/918846/download>

(b) (5)

16. When will DOJ issue final guidance around the implementation of the Death in Custody Reporting Act?

RESPONSE (b) (5)

17. What percentage of states complied with the first reporting period by July 31, 2017?

RESPONSE: (b) (5)

18. Is the Bureau of Justice Assistance or another DOJ entity conducting open source review to ensure DCRA implementation and compliance?

RESPONSE (b) (5)

#### *Militarization*

19. On August 28, 2017, President Trump issued an executive order<sup>4</sup> eliminating oversight and restrictions on the federally resourced military weapons and equipment provided to local law enforcement. The executive order may have disassembled an interagency working group that was headed by DOJ's Office of Justice Programs and included the Departments of Defense and Homeland Security – the primary federal providers of military weapons and equipment to law enforcement. At a minimum, the working group ensured that the agencies providing military grade weapons were communicating with one another, which proves to be a critical need in light of a July 18, 2017, Government Accountability Office (GAO) report<sup>5</sup> that found the federal government gave over \$1 million worth of military weapons to a fake federal law enforcement agency. What is the status of the Interagency Working Group on Federal Equipment?

<sup>4</sup> <https://www.whitehouse.gov/presidential-actions/presidential-executive-order-restoring-state-tribal-local-law-enforcement-access-life-saving-equipment-resources/>

<sup>5</sup> <https://www.gao.gov/products/GAO-17-532>



RESPONSE (b) (5)

[Redacted]

20. Does DOJ have any policies in place around its resourcing of military weapons to local law enforcement, whether through Byrne JAG or other grants, federal civil forfeiture funds, or other DOJ programs?

RESPONSE (b) (5)

[Redacted]

21. Has DOJ recently provided guidance to local law enforcement on how protests and other assemblies should be policed? If so, what is the guidance with respect to the use of military weapons and equipment?

RESPONSE (b) (5)

[Redacted]

(b) (5)

A horizontal bar chart titled 'U.S. should take action to address climate change' showing the percentage of respondents who believe the U.S. should take action. The chart is broken down by gender (Male and Female) and age group (18-29, 30-49, 50-69, 70+). The y-axis lists the categories, and the x-axis shows the percentage from 0 to 100. The bars are black, and the chart includes a legend for gender and age group.

| Gender | Age Group | Percentage |
|--------|-----------|------------|
| Male   | 18-29     | 95%        |
|        | 30-49     | 85%        |
|        | 50-69     | 98%        |
|        | 70+       | 5%         |
| Female | 18-29     | 98%        |
|        | 30-49     | 10%        |
|        | 50-69     | 98%        |
|        | 70+       | 10%        |
| Total  | 18-29     | 97%        |
|        | 30-49     | 88%        |
|        | 50-69     | 98%        |
|        | 70+       | 15%        |

**The Honorable Robert B. Aderholt**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*CBD (Cannabidiol) Oil*

1. In recent years, the Commerce, Justice, Science Appropriations Acts have been amended to include a general provision that prohibits the Department of Justice (DOJ) from using funds to interfere with state medical marijuana programs. It is my understanding that this provision is intended to limit DOJ's ability to take enforcement actions under the Controlled Substances Act. Does this prohibition interfere with DOJ's ability to enforce other areas of the law beyond the Controlled Substances Act?

**RESPONSE:**

(b) (5)

(b) (5)

2. How might this provision inadvertently be impacting public health and safety?

**RESPONSE**

(b) (5)

**The Honorable Tom Graves  
Subcommittee on Commerce, Justice, Science, and Related Agencies  
Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*Wire Act*

1. In January, the Department of Justice Office of Legislative Counsel released a memo in January that reinterpreted the Wire Act in such a way that has put all sales by traditional lotteries at risk of being considered in violation of the Wire Act, in part because of the lack of recognition of the fact that nearly all lottery transactions, including in store terminal generated games and internet sales, use wire facilities to electronically route wagers across state lines.

Billions of dollars generated annually from lottery proceeds fund worthy causes. For example, the Commonwealth of Kentucky and the State of Georgia use lottery proceeds to fund college scholarships. Many other states, including Illinois, Michigan and New Hampshire, use lottery proceeds to fund public education.

The Supreme Court has recently indicated its agreement with two federal circuit courts of appeal that held the Wire Act applies to betting or wagering on sports events, and it further noted the importance of respecting the policy choices of citizens in each individual state.

Indeed, states must gain the support of their legislatures and voters before operating; must be authorized and regulated by state law; operated by the state or the state's statutory designee; and sell only to persons physically present within the state.

DOJ's extension of the enforcement moratorium on the memo in light of the suit filed by the New Hampshire Lottery Commission only provides temporary relief to the affected states and organizations. To provide legal certainty, will DOJ explicitly exclude state lottery transactions from its interpretation of the Wire Act?

**RESPONSE:** (b) (5)  
[Redacted text block containing approximately 12 lines of blacked-out content]

(b) (5)  
[Redacted text block]

**QUESTIONS FOR THE RECORD**  
**UNITED STATES ATTORNEY GENERAL WILLIAM P. BARR**  
**SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED**  
**AGENCIES**  
**DEPARTMENT OF JUSTICE FY 2020 BUDGET REQUEST**

**The Honorable Nita M. Lowey**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*National Instant Criminal Background Check System (NICS) Firearm Retrieval Referrals*

1. "Firearm retrieval" is the term for the action recommended after a background check is unresolved within the "three business day" timeframe, and a Federal Firearms Licensee proceeds with a firearms transfer, but subsequently learns such request should have been denied. FBI NICS Section then notifies ATF that a "*prohibited person*" is in possession of a firearm, and ATF can undertake action to "retrieve" the firearm.

You testified that "data I have heard is that there are about 6,000 of these delayed responses...and that ... approximately 2,000 of those, a third, are people that would have flunked the background check and ATF goes out and gets the weapon, retrieves, the weapon." However, FBI's 2017 NICS Operations Report states that in 2017, 6,004 persons failed the NICS background check not 2,000 because they were found to be prohibited persons *after* the 3 period had passed. Is that report accurate, and if so, will you correct your testimony?

**RESPONSE:** [REDACTED] (b) (5)

2. Based on the 2017 FBI report, of those 6,004 firearm transactions, 4,864 were confirmed to have been transferred to "prohibited persons," which included: 1,245 to persons convicted of a crime punishable by more than one year; 1,002 to persons convicted of misdemeanor crimes of domestic violence; 1,012 who were under indictment or fugitives from justice; and 118 who were subject to protection or restraining orders or domestic violence. Do you agree with these figures?

**RESPONSE** [REDACTED] (b) (5)

3. The same 2017 FBI report also noted that of the 6,004 cases where retrieval was sought, ATF could not determine whether a transaction occurred in 1,140 cases because

“definitive data was unattainable.” Does “unattainable” mean that it is possible 1,140 firearms were transferred to prohibited persons but the Department cannot document the fact, one way or the other? Is there a process to follow up on such retrieval cases to resolve them?

**RESPONSE:** (b) (5)

[Redacted text block]

[Redacted text block]

4. How much longer would the current three business day timeframe need to be extended to significantly reduce or eliminate the number of such potential transfers to prohibited persons? Would extending the waiting period to ten days be likely to prevent 6,000, or even 4,864, firearms from getting into the wrong hands?

**RESPONSE** (b) (5)  
[Redacted]

5. In his March 27, 2019, letter to you, Special Counsel Mueller wrote:

“As we stated in our meeting of March 5 and reiterated to the Department early in the afternoon of March 24, the introductions and executive summaries of our two volume report accurately summarize this Office’s work and conclusions. The summary letter the Department sent to Congress and released to the public late in the afternoon of March 24 did not fully capture the context, nature, and substance of this Office’s work and conclusions. We communicated that concern to the Department on the morning of March 25. There is now public confusion about critical aspects of the results of our investigation. This threatens to undermine a central purpose for which the Department appointed the Special Counsel: to assure full public confidence in the outcome of the investigations. See Department of Justice, Press Release (May 17, 2017).”

During the hearing with the Subcommittee on April 9, 2019, you were asked by Representative Crist the following question:

“Reports have emerged recently, General, that members of the Special Counsel’s team are frustrated at some level with the limited information included in your March 24<sup>th</sup> letter, that it does not adequately or accurately necessarily portray the report’s findings. Do you know what they are referencing with that?”

You replied:

“No, I don’t”

Is that statement accurate, in light of the March 27, 2019, letter from Special Counsel Mueller, which your office records as having been received on March 28, 2019? And if not, will you correct or clarify your testimony?

**RESPONSE** (b) (5)  
[Redacted]



(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**The Honorable José E. Serrano**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*Homegrown Violent Extremism*

1. At the hearing you testified that the Department does “not have a separate category for violent extremism.” It is noteworthy that on April 4<sup>th</sup> the FBI Director told the Subcommittee that the FBI has seen an increase in the number hate crimes, and that “the danger...of white supremacists, violent extremism or another kind of extremism is of course significant...a persistent, pervasive threat. We tackle it both through our joint terrorism task forces on the domestic terrorism side as well as through our civil rights program on the civil side through hate crime enforcement.” The Director has also publicly stated that of about 5,000 terrorism cases under investigation, 1,000 are homegrown violent extremists, in all 50 States. While it is not a regular budget category, could you please provide a rough estimate of the resources the Department is devoting to investigations and prosecution of domestic violent extremism whether under the category of terrorism, violent crime, or hate crimes?

**RESPONSE**

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5)

*Southwest border law enforcement*

- 2. Southwest Border county crime rates are lower, in all categories, than in the rest of the country. Furthermore, U.S. Customs and Border Protection has recorded significantly lower arrests of individuals with criminal histories each year from fiscal year 2016 to the present. On the other hand, the Justice Department has been shortchanging important work to pursue its so called “zero tolerance” policy. For example, a USA Today study released in October 2018 found that Federal drug trafficking prosecutions along the border had declined 30 percent because resources were diverted to prosecute minor immigration violations. How

many personnel in the U.S. Attorneys offices, U.S. Marshals, Bureau of Prisons, and other DOJ agencies were employed in the ramped up immigration enforcement efforts, and how much funding was used for such purposes in fiscal year 2018?

RESPONSE (b) (5)

[Redacted]

3. How many fewer drug trafficking cases were filed in judicial districts along our southern border since the 'zero tolerance' policy was implemented?

RESPONSE (b) (5)

[Redacted]

(b) (5)

[Redacted]

(b) (5)

[Redacted]

(b) (5)

4. What are the comparable estimates for personnel and funding to implement zero tolerance policies in fiscal years 2019 and 2020?

RESPONSE (b) (5)

*Executive Office for Immigration Review (EOIR)*

5. In March Executive Office for Immigration Review Director McHenry testified before the Subcommittee. The night before the hearing, he sent a memo to staff saying that, despite a significant 2019 funding increase, a budgetary shortfall for interpreter costs would require the immigration court system to cut back judge hiring, cancel trainings, and delay IT improvements. This is deeply troubling, both from a due process perspective, and a budgetary one. Why was this committee not told about these problems?

RESPONSE: (b) (5)

(b) (5)

6. What impact has this funding shortfall had on the caseload backlog?

RESPONSE (b) (5)

*Border Wall/Eminent Domain*

7. To support the Administration’s proposed hardening and expansion of border walls on the Southwest border, the Department has been taking legal action to gain access to or acquire private land. This entails legal workload and years of litigation. How many cases, including those seeking to acquire land through assertion of eminent domain, did the Department handle in fiscal year 2018, and how many do you expect to pursue in fiscal years 2019 and 2020 to force owners to sell or grant access to land?

RESPONSE (b) (5)

8. For those years, how many landowners were or will be forced to sell their land or have it seized via eminent domain?

RESPONSE (b) (5)

9. How much funding and full time equivalent staff effort did the Department expend in fiscal year 2018 to pursue such actions broken out by the U.S. Attorneys' offices, the Environment and Natural Resources Division, and the Civil Division and how much does it plan to use for such purposes in fiscal years 2019 and 2020?

RESPONSE (b) (5)

*Civil Rights Division Alabama State Prisons*

10. The 8<sup>th</sup> Amendment to the Constitution prohibits "cruel and unusual punishment..." On April 2, the Civil Rights Division and the U.S. Attorney for Alabama released the results of its investigation of Alabama prisons and reported its findings. How will the Department ensure immediate relief from the unacceptable conditions now present in the prison system?

RESPONSE (b) (5)

11. One way to ensure corrections in such cases has been through a judicially enforced consent decree. Former Attorney General Sessions said such decrees interfere with States' rights and placed restrictions on them. Will the Department seek or consider seeking a consent decree in this case?

**RESPONSE** (b) (5)

12. What is the Department doing to ensure all States and territories are protecting the human and constitutional rights of persons in their custody? Is there a process to monitor facilities and ensure such deplorable conditions described in the April 2 report are not permitted anywhere in this country?

**RESPONSE** (b) (5)

*Community Relations Service Termination*

13. The fiscal year 2020 Budget proposes to eliminate the Community Relations Service and fold its functions into the Civil Rights Division, with no additional funding or positions assigned to this purpose. Historically, the Community Relations Service plays a key role in helping prevent and resolve community conflicts based on civil rights issues. The proposal threatens to undermine the confidentiality and neutrality essential to this critical mission. How will you protect the independence and confidentiality of the mediation work if it is done within the division responsible for enforcement?

**RESPONSE:** (b) (5)

14. How will the Civil Rights Division perform this additional responsibility with no new resources or personnel?

**RESPONSE** (b) (5)



(b) (5)

*Policing Reform*

15. Under former Attorney General Sessions, the Department effectively changed course on police reform, abandoning efforts in cities such as Baltimore and Chicago. It also moved the focus away from the Collaborative Reform program in the COPS office, which sought to work with police departments to implement changes to improve police community relationships and build trust. What is the Department doing now to address ongoing distrust between minority communities and local law enforcement a serious issue in urban communities across this nation? What resources are included in your 2020 budget for such purposes?

**RESPONSE:** (b) (5)

(b) (5)

(b) (5)

(b) (5)

*Environment and Natural Resource Division*

16. The Environment and Natural Resources Division (ENRD) has a broad portfolio. It prosecutes those who violate pollution control laws; defends the U.S. from environmental challenges and in its stewardship of public lands and resources; wildlife protection; and Indian rights and claims. It also leads on Federal acquisition of property through eminent domain such as on the Rio Grande where the Administration yearns to build a wall. Your fiscal 2020 ENRD request for ENRD is flat \$110.5 million the same as in fiscal 2018.

During the shutdown, we heard ENRD was suffering an “exodus” of its most experienced attorneys on the cusp of a slew of major EPA cases. Your request indicates you expect to double the number of full time permanent reimbursable positions from 41 to 82. Is the Division facing a shortage of experienced staff, and is it trying to make up for that by using reimbursable positions?

**RESPONSE** (b) (5)

17. There is growing concern about the presence of so called “PFAS” chemicals in groundwater and drinking water. These chemicals are in consumer products like Teflon and Scotchguard, and in firefighting foam used at military airfields and facilities around the country and world. They are associated with higher rates of cancer. What do you expect, in terms of workload and budgetary impact on ENRD, from litigation to monitor and clean up water from PFAS contamination, to include supporting the Environmental Protection Agency and defending the Defense Department against lawsuits?

RESPONSE: (b) (5)

[Redacted text block]

*Wildlife Protection*

18. Wildlife protection and trafficking remains a significant environmental and economic crime, and a source of funding for organized crime and terrorist groups, particularly in developing countries. How many Environment and Natural Resources Division personnel and how much funding were used to investigate and prosecute wildlife trafficking in fiscal year 2018? What is budgeted for this in fiscal years 2019 and 2020?

RESPONSE: (b) (5)

[Redacted text block]

(b) (5)

[REDACTED]

*Russian Influence and Espionage*

19. The impetus for appointing a Special Counsel was to investigate alleged Russian efforts to influence the 2016 election. DOJ, along with the rest of the Intelligence Community, has made clear that Russia carried out significant influence and interference activities, and continues to target U.S. elections. Your budget proposes \$132 million in new funding for national security and cyber threats, including \$18 million and 35 FBI positions for counterintelligence. Is this latter proposal adequate to meet the growing threat of Russian interference in our political and economic system?

RESPONSE (b) (5)

[REDACTED]

(b) (5)

(b) (5)

*China Initiative*

20. Last November former AG Sessions initiated a “China Initiative” against Chinese national security threats to our commerce, industry, and critical infrastructure. This would target, quote: “economic espionage”, “malign economic aggression”, “foreign investments, corporate acquisitions, and cyber intrusions...[and acquiring] inside information.” This initiative was to include leadership by the National Security Division, the Criminal Division, the FBI, and a working group of five U.S. Attorneys. What is the status of the China Initiative begun by your predecessor, and how is its work reflected in your 2020 request?

**RESPONSE:**

(b) (5)

21. Please identify (or provide separately to the Subcommittee if such information is sensitive) elements of the request that support this initiative, as well as any areas where additional funding could enhance Department efforts.

**RESPONSE:**

(b) (5)

*US Marshals and Federal Prisoner Detention*

22. The Department has identified a fiscal year 2019 shortfall in the Federal Prisoner Detention (FPD) account, and an even larger one in its fiscal year 2020 budget. The Department has proposed short term relief by transferring balances from the Bureau of Prisons. What is the cause of the shortfall? Assuming it is due to increased prosecution of immigration charges, including misdemeanor charges, how much is due to the impact of the “zero tolerance” policies embraced by former Attorney General Sessions?

**RESPONSE:** (b) (5)

[Redacted]

[Redacted]

23. What are the potential consequences of not providing the full request FPD funding request?

**RESPONSE:** (b) (5)

[Redacted]

(b) (5)

24. If the shortfall were to be addressed through a transfer from the Bureau of Prisons, what impact would that have on the Bureau's ability to reduce overcrowding, activate facilities such as USP Thomson, and implement the First Step Act?

RESPONSE: (b) (5)

*Election Fraud*

25. Your request calls for \$153.2 million for the Civil Rights Division, part of which funds the Voting Section, which is charged with protecting citizens' *right to vote* and access to the ballot. The President recently again claimed that fundamental uncertainty exists about the reliability of U.S. elections the recurrent charge of so called widespread "voter fraud." Is such so called *election fraud* investigation and prosecution a significant Justice Department priority? If so, which components, how many positions, and how much funding was used in fiscal year 2018 for such efforts, and how much funding and personnel do you anticipate committing to such activity in fiscal year 2019 and fiscal year 2020? How many of these personnel are being diverted from traditional voting rights protection litigation?

RESPONSE: (b) (5)

(b) (5)

[REDACTED]

26. With more money flowing into political campaigns, there seems to be a growing problem of so called “SCAM PACs” shell organizations posing as political fundraising organizations. Political groups are not bound by the same limits or oversight as charitable nonprofits, so phony fundraisers, including many who were previously caught by charity regulators, see masquerading as “PACs” to be a safe way to raise money posing as “charitable” causes such as for animals, veterans, or medical research. What is the size and scope of this problem? Is the Department acting to investigate and shut down such fraudsters?

RESPONSE: (b) (5)

[REDACTED]



RESPONSE (b) (5)

RESPONSE (b) (5)

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RESPONSE (b) (5)

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RESPONSE: (b) (5)

(b) (5)

*Opioids and Counterdrug Programs*

30. Deaths from drug poisoning, according to the Center for Disease Control (CDC), are at their highest recorded level for over ten years exceeding deaths caused by guns, car crashes, suicide and homicide. The CDC also reports that overdoses killed 70,237 Americans in 2017 47,600 from opioids, with deaths 9.6 percent higher than in 2016. DOJ proposes \$34.6 million more funding for the Drug Enforcement Administration, including \$22.4 million in its diversion control programs to address prescription drug use. This would include funding five new heroin enforcement groups and enhancing cyber and analytical tools to counter increasingly sophisticated traffickers.

The opioid epidemic has been common knowledge for a decade, and we've suffered the tragedy of drug trafficking for generations. For every "El Chapo" who is taken off the street, ten more of his lieutenants take over. How will you prioritize resources and policies under your leadership, to address the drug crisis in this country focusing on the trafficking organizations and their enablers, while aiding victims and users who want to escape their addiction?

**RESPONSE:** (b) (5)

- 
-

(b) (5)

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

[REDACTED]

[REDACTED]

(b) (5)  
[Redacted text block]

[Redacted text block]

[Redacted text block]

*Criminal Division Globalization of Crime/International Aid Programs*

31. The Office of International Affairs in the Criminal Division plays a critical role in helping enforce U.S. law when it entails global cooperation with other countries and reciprocating with them as appropriate. It plays a key role, with the State Department, in helping support the development of effective criminal justice systems around the world. Mutual Legal Assistance Treaty requests have grown in number and complexity, and the Department of Justice request says the Department needs to be able to promptly execute requests to share evidence and ensure we receive reciprocal treatment. Congress provided funding for MLAT request processing in the 2019 Omnibus. How much is included in your request for handling MLAT workload? Is it enough to support the Department’s mission, including combatting transnational organized crime?

**RESPONSE** (b) (5)  
[Redacted text block]

[Redacted text block]

32. The President's threat to eliminate foreign assistance to El Salvador, Guatemala and Honduras would surely damage cooperation with law enforcement and judiciary in those countries, including in efforts to dismantle MS 13 and other violent criminal gangs. What is the Department doing in those countries through aid, law enforcement cooperation, and other efforts and what would be lost if the U.S. walked away?

**RESPONSE:** (b) (5)  
[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

The request makes the case for reliable funding for overhead and headquarters costs of DOJ's foreign assistance engagement, including in Afghanistan, as reported by the Special Inspector General for Afghanistan Reconstruction. How much is needed in 2020 to support this function, and how much is included for this purpose in your request for the Criminal Division?

**RESPONSE** (b) (5)  
[Redacted]

(b) (5)

*Bankruptcy Trustees Funds*

33. In fiscal year 2017, U.S. Bankruptcy code was amended in law to change how bankruptcy filing fees are collected, which could lead to a 2020 shortfall in fees needed to offset its operations. How big a problem does this pose in fiscal 2020, and is the Department acting or proposing legislation to prevent a funding gap?

RESPONSE (b) (5)

*Justice Reinvestment Initiative (JRI)*

34. In your testimony to the Senate Judiciary Committee, you said you "...would seek to ensure that the Department effectively implements the programs Congress funds. I support the goals of the Justice Reinvestment Initiative as described and do not at this time have specific ideas for modifications." Yet your budget request says, "The Administration seeks to eliminate JRI and redirect these funds to develop effective data driven programs to address the significant increases of violent crime in many of the Nation's cities and towns." What changed your position on JRI, and what specific programs would be funded instead of supporting continuation of JRI efforts?

**RESPONSE** [REDACTED] (b) (5)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**The Honorable Matthew Cartwright**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*FCC Robocall Forfeiture Orders*

1. At the Federal Communications Commission (FCC) Budget hearing on April 3rd, 2019, Jessica Rosenworcel, an FCC Commissioner, said that since 2015 the FCC has referred over \$200 million in unpaid robocall forfeiture orders to the Department of Justice (DOJ). However, the DOJ has collected less than \$7,000. An FCC spokesperson also told the Wall Street Journal that the FCC lacks the authority to enforce its forfeiture orders and that they fall to the DOJ to execute. What is happening to all those referred forfeiture orders?

**RESPONSE** (b) (5)  
[Redacted]

2. What plans does the DOJ have in place to coordinate with the FCC to retrieve both current uncollected and future robocall forfeiture orders?

**RESPONSE** (b) (5)  
[Redacted]

*Disparate Sentencing*

3. A 2016 Brookings study found that Black men on average received 20% longer prison sentences than White men for similar crimes. Racial disparities in law enforcement and prison sentencing have created a justice system that disproportionately targets minorities,



especially Black and Latino communities. What steps will the Department of Justice take to address these pernicious disparities?

**RESPONSE:** (b) (5)  
[Redacted]

4. Will the Attorney General reverse the Department of Justice’s memorandum that pushed prosecutors to pursue mandatory minimum sentences, the legal mechanism behind mass incarceration?

**RESPONSE:** (b) (5)  
[Redacted]

*Fatal Police Encounters*

5. A report published in the Journal of Epidemiology and Community Health observing data from 2015-2016 of fatal encounters with law enforcement in the U.S. stated that “people of colour comprised 38.5% of the population, but 51.5% of YLLs [years of life lost].” The report concluded that police violence disproportionately affects people of color. What steps will the Department of Justice take to prevent disproportionate levels of violence by police towards people of color?

**RESPONSE:** (b) (5)  
[Redacted]

(b) (5)

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

6. According to data compiled by the Washington Post, there were 11 more fatal shootings by police in 2018 than in 2017, and data from the past 4 years suggests that fatal police shooting levels are staying the same or increasing. In 2018, 998 people were killed by police officers. What steps will the Department of Justice take to reduce police lethal force levels?

**RESPONSE:** (b) (5)  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

7. What steps will the Department of Justice take to address and reduce shooting bias against people of color?

**RESPONSE** (b) (5)  
[Redacted]

8. The US has been shaken by tragedies like the killings of unarmed people, such as Freddie Gray, Sam Dubose, Philando Castile, Terence Crutcher, Alton Sterling, and sadly many others. What steps will the Department of Justice take to address police killings of unarmed people?

**RESPONSE** (b) (5)

[Redacted text block]

9. Many of the officers who killed these unarmed people received very light or no sentences. What steps will the Department of Justice take to make sure that victims of racial violence committed by police see justice?

**RESPONSE** (b) (5)

[Redacted text block]

*Rape Kit Testing Backlogs*

10. Across the US tens of thousands of rape kits remain untested creating massive backlogs across the US. This is an issue of justice and public safety. What steps will the Department of Justice take to ameliorate rape kit backlogs?

**RESPONSE:** (b) (5)

[Redacted text block]

(b) (5)  
[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

11. What steps will the Department of Justice take to ensure that rape kits in local law enforcement are tested in a timely manner?

**RESPONSE:** (b) (5)  
[Redacted text block]

[Redacted text block]

(b) (5)

12. How will the Department of Justice support law enforcement offices that are overwhelmed by their number of untested rape kits?

RESPONSE: (b) (5)

(b) (5)

*Diversity*

13. Federal law enforcement agencies have critically low diversity and few women working in them. According to Politico, in 2017 the FBI was 80% white and 80% male, and only 5% of all Border Patrol agents were women. At the rate that women's representation is increasing in law enforcement will take 700 years before women's numbers reach parity with their male counterparts. What steps will the Department of Justice take to recruit more diversity?

**RESPONSE** (b) (5)

14. What steps will the Department of Justice take to encourage more women to join federal law enforcement?

**RESPONSE:** (b) (5)

(b) (5)

15. What steps will the Department of Justice take to identify and ensure that law enforcement agencies' hiring practices are not influenced by perceived biases?

RESPONSE: (b) (5)

16. In 2018, the Office of the Inspector General produced a survey on Gender Equity in the Department of Justice and found that only half (52%) of all respondents reported that their agency had a gender equitable culture. Special Agent and Deputy U.S. Marshal positions reported consistently low perceptions of equity and many reported experiences of differing treatment and discrimination. What steps will the Department of Justice take to improve and promote a gender equitable culture across its agencies?

RESPONSE (b) (5)



17. The Office of the Inspector General found that “women held few headquarters executive leadership positions and those positions were usually leading administrative or support units rather than operational units. Further, [it] found that women did not hold many of the top leadership positions in field offices, divisions, and districts.” What steps will the Department of Justice take to promote more women to leadership?

**RESPONSE:** (b) (5)

[Redacted response text]

18. The Office of the Inspector General found that their “analysis indicated ATF and DEA female Criminal Investigators were underrepresented in competitive promotions compared to their proportion of the population at the next lower grade level.” Concluding that their “analysis might indicate possible issues at ATF, DEA, and FBI for women advancing into supervisory positions.” How will the Department of Justice address gender discrimination in promotions?

**RESPONSE:** (b) (5)

[Redacted response text]

(b) (5)

19. According to the report, DOJ agencies are less likely to give women the kind of casework that would lead to recognition and promotion, particularly in terms of collateral duties. What steps will the Department of Justice take to ensure that there is no gender discrimination in collateral duty assignment?

**RESPONSE:** (b) (5)

20. The report found that women staff members were sometimes reassigned involuntarily to units that handled non violent crime and had more traditional work hours after they had started a family units also less likely for promotion. A male supervisory Deputy U.S. Marshal even called motherhood “a career hazard for women.” What steps will the Department of Justice take to ensure that women law enforcement officers are able to start families, free of discrimination or involuntary work reassignment?

**RESPONSE:** (b) (5)

21. What steps will the Department of Justice take to support flexible work hours free of discrimination for women staff members who have children?

**RESPONSE:** (b) (5)

(b) (5)

22. According to the survey 45% of staff members reported that they would not or were unsure whether they would use the EEO process if they experienced discrimination. Thus, contributing to underreporting and permitting the continuance of such discrimination. How does the Department of Justice plan on building more faith and more utilization of the EEO process when a staff member is harassed or discriminated against?

RESPONSE (b) (5)

23. The Office of the Inspector General’s report stated that “a lack of applicant and hiring data inhibits evaluation of recruitment efforts.” What steps will the Department of Justice take to improve data collection on demographic specifics in applicant and hiring data?

RESPONSE (b) (5)

(b) (5)

24. Gender bias in law enforcement hurts survivors of sexual assault, domestic abuse, and stalking. In 2015, the Department of Justice released a report on December 15<sup>th</sup>, 2015 on “Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence” that outlined a set of principles that law enforcement agencies and departments should follow. What steps is the Department of Justice taking to help agencies and departments pursue those principles?

RESPONSE: (b) (5)

*Drug Enforcement Policies*

25. The Trump Administration released its National Drug Control Strategy in January. In the Strategy, it outlined that the Administration was in support of programs that “divert[ed] individuals addicted to drugs directly to treatment in lieu of arrest,” pre arrest diversion programs, and other law enforcement diversion and deflection models. It also said that the “Administration [...] will scale up support for State, Tribal, and local drug courts in order to provide offenders struggling with addiction access to evidence based treatment as an alternative to or in conjunction with incarceration, or as a condition of supervised release.” How does the Department plan on implementing these diversion programs in conjunction with their enforcement programs?

**RESPONSE:** (b) (5)  
[Redacted]

[Redacted]

[Redacted]

26. This strategy suggests a pivot from the criminalization of drug addiction and consequently offenses to a more medicalized and holistic view of addiction. How will the DOJ’s drug enforcement policies reflect this shift in enforcement strategy?

**RESPONSE:** (b) (5)  
[Redacted]

(b) (5)

27. Will the Department of Justice pursue clemency for individuals charged with long sentences before drug addiction was viewed as a medical issue?

RESPONSE: (b) (5)

28. How will the Department of Justice coordinate and work with public health institutions to coordinate drug addiction responses?

RESPONSE: (b) (5)

(b) (5)

[Redacted text block]

[Redacted text block]

[Redacted text block]

29. How will the Department of Justice coordinate and work with private health institutions to coordinate drug addiction responses?

**RESPONSE** (b) (5)

[Redacted text block]

30. How will different drug schedules affect the Department of Justice's response to different addiction situations?

**RESPONSE:** (b) (5)  
[Redacted]

31. In Attorney General Barr's confirmation hearing, he mentioned that he would not continue to pursue the Department of Justice's memorandum on marijuana enforcement from January 4<sup>th</sup>, 2018, and instead respect the Cole Memorandum on cannabis enforcement. Does the Department of Justice and the Attorney General plan to use the guidance set forth in the Cole Memorandum on cannabis enforcement?

**RESPONSE** (b) (5)  
[Redacted]

32. How does the Department of Justice plan on addressing states that have legalized medical and/or recreational cannabis?

**RESPONSE** (b) (5)  
[Redacted]

33. American drug laws and enforcement have historically and contemporaneously targeted minority communities and people of color, even though according to a survey done in 2018 by the Substance Abuse and Mental Health Services Administration, white Americans statistically have larger incidences of drug addiction. What steps will the Department of Justice take to rectify disparities in drug law enforcement on black communities and communities of color?

**RESPONSE** (b) (5)  
[Redacted]



(b) (5)

34. According to a survey done in 2018 by the Substance Abuse and Mental Health Services Administration, Native Americans and Native Alaskans have the highest rate of substance addiction. What steps will the Department of Justice take to work with Native American Leadership to combat this epidemic?

**RESPONSE:** (b) (5)

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

35. When Native Americans suffer the most from substance addiction, there should be a renewed focus on helping alleviate the situation. Nevertheless, in the proposed FY20 budget for the Department of Justice, the Tribal Assistance Program under the Comprehensive Addiction and Recovery Act (CARA) is proposed to be completely defunded. How does the Department of Justice expect to combat substance addiction in Native American populations when they defund the Tribal Assistance Program associated with the Comprehensive Addiction and Recovery Act?

**RESPONSE** (b) (5)

[REDACTED]

36. What steps will the Department of Justice take to support law enforcement agents' access to Naloxone?

**RESPONSE** (b) (5)  
[Redacted]

*Human Trafficking*

37. Human trafficking has had a larger spotlight put on it in recent years, with most of the attention focused on sex trafficking. Labor trafficking is statistically the largest incident of human trafficking in the US. What steps will the Department of Justice take to coordinate with the Department of Labor to address labor trafficking?

**RESPONSE** (b) (5)  
[Redacted]

38. What steps will the Department of Justice take to ensure that illegal immigrants suffering from human trafficking can report abuse without risk of deportation?

**RESPONSE:** (b) (5)  
[Redacted]

(b) (5)

39. What steps will the Department of Justice take to guide Attorneys to avoid prosecuting adult victims of trafficking or adult victims of childhood sex trafficking who are arrested on charges of engaging in prostitution?

RESPONSE: (b) (5)

40. What steps will the Department of Justice take to guide Attorneys and law enforcement to prioritize procurers and pimps, rather than prostitutes, who statistically are most often victims of childhood sex trafficking and have been unable to escape trafficking/prostitution systems before coming of age?

RESPONSE (b) (5)

(b) (5)

[REDACTED]

*Law Enforcement Practices and Civil Rights*

41. In 2018, the US Commission on Civil Rights released a report that highlighted several recommendations to help the Department of Justice foster better law enforcement practices. One of the highlighted recommendations in the report was recommending that the Department of Justice “return to vigorous enforcement of constitutional policing... [and] should robustly support local efforts to develop and institute constitutional policing practices.” What steps will the Department of Justice take to institute constitutional policing practices?

**RESPONSE** (b) (5)

[REDACTED]

42. In the 2018 report released by the US Commission on Civil Rights, the report stressed that the DOJ should “reinstat[e] the Office of Community Oriented Policing Services (COPS) and maintain the Community Relations Services office (CRS) to focus on building community trust and reduce excessive uses of force in coordination with police departments.” Why is the Department of Justice ignoring the suggestions of the US Commission on Civil Rights and attempting to dissolve the COPS program?

RESPONSE (b) (5)

- RESPONSE: (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

[illegible]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

(b) (5)

44. With curtailed power to obtain consent decrees, what steps will the Department of Justice take to stop civil rights abuses by local police departments?

RESPONSE (b) (5)

(b) (5)

45. Transgender Americans experience much higher levels of violence and assault than cisgender Americans. In the US Transgender Survey (2015), 30% of respondents reported being discriminatorily fired, denied a promotion, or mistreated at work. Moreover, 47% reported having been sexually assaulted at some point in their lives. Nevertheless, despite these sobering statistics, the DOJ withdrew protections provided by Title VII of the Civil Rights Act to transgender people. If transgender Americans are at a higher risk of being discriminated against and being victims of a crime, then the Justice Department should be putting more protections in place rather than taking them away. Does the Department of Justice plan to continue its policy of denying transgender individuals protections from discrimination under Title VII of the Civil Rights Act of 1964?

RESPONSE: (b) (5)

(b) (5)

46. Does the Department of Justice plan to continue its policy of denying transgender individuals protections from discrimination under Title IX of the Education Amendments of 1972?

RESPONSE: (b) (5)

47. What steps will the Department of Justice take to prevent violence and discrimination against transgender and gender non conforming people?

RESPONSE: (b) (5)



(b) (5)

48. How do the Department of Justice’s current interpretations of Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1964 affect intersex people’s rights against discrimination based on gender identity?

RESPONSE (b) (5)

49. The US has struggled with low confidence in police for years now, reaching a nadir in 2015 according to a Gallup poll. How will the Department of Justice inspire more trust in law enforcement when it proposes to dissolve the Community Relations Service, the Body Worn Camera Partnership Program, and the Community Trust Initiative?

RESPONSE: (b) (5)

*Justice Reinvestment Initiative*

50. The Justice Reinvestment Initiative is a data driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in strategies

that can decrease crime and reduce recidivism. The Reinvestment Initiative has had dramatic results such as reducing Arkansas incarceration by 9% 1,783 less people within the first year of its implementation. The JRI is a cost saving program, why would the Department of Justice get rid of it?

**RESPONSE:** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted].

51. What plan does the Department of Justice have in place to help reduce recidivism?

**RESPONSE:** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

- [Redacted]  
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• (b) (5)

*Youth Mentoring*

52. Preventing crime should start at a young age especially since young people are the most likely to commit a crime however, the proposed FY 20 budget for the Department of Justice proposes drastic cuts to the Youth Mentoring and Delinquency Prevention Program. Has the Department of Justice done any studies on the effects of such drastic cuts to these programs?

**RESPONSE:** (b) (5)

*Victim Services*

53. The proposed FY 20 budget proposes cutting the Crime Victims Fund (CVF) by almost half. Moreover, it proposes to take even more funds out of the CVF by not giving the Office on Violence Against Women any discretionary appropriations and instead implementing a carve out of the CVF. This sends a stark message to victims that the DOJ does not value them. Does the Department of Justice have other plans to fund victim services in other ways?

**RESPONSE** (b) (5)

(b) (5)

*Prison Overcrowding*

54. There is a huge prison overpopulation issue in the US. This was highlighted in the Department of Justice's "Notice Regarding Investigation of Alabama's State Prisons for Men," which stated that "violations are exacerbated by serious deficiencies in staffing and supervision and overcrowding." What steps will the Department of Justice take to support state governments with overcrowding and understaffing prison issues?

RESPONSE: (b) (5)

55. How does the Department of Justice plan on helping prison overcrowding in the US when it is proposing to dissolve the National Institute of Corrections, which provides training, information, and technical services to federal, state, and local correctional agencies?

RESPONSE: (b) (5)

(b) (5)

*Special Counsel Investigation*

56. Did the Attorney General prepare any portion of his report prior to reading the Mueller report?

RESPONSE: (b) (5)

(b) (5)

57. Does the Mueller report have “executive findings” or other statements which summarize the key points of his investigation and report? Did the Attorney General base his summary report on Mueller’s summary, and how did his summary differ from Mueller’s?

RESPONSE (b) (5)

58. Is it the Attorney General’s understanding that Mueller’s summaries were intended for quick public release?

RESPONSE (b) (5)

59. Beside the Deputy Attorney General and the Office of Legal Counsel, who else did the Attorney General consult with to make determinations on the Mueller report? What led him to believe despite just having received the report that he was able to make that determination so quickly?

RESPONSE: (b) (5)

60. Did the Attorney General at any point discuss with the Special Counsel whether his factual findings on obstruction of justice should be made available to Congress? To the public at large?

RESPONSE (b) (5)

(b) (5)

(b) (5)

61. Did Mueller share with the Attorney General his expectation or opinion on whether his factual findings on obstruction that, according to the Attorney General, “do not exonerate” the President, should be shared with Congress? If yes, what did he say or can the DOJ characterize what his expectation was?

RESPONSE (b) (5)

(b) (5)

62. On the issue of conspiring with the Russian government to interfere in the 2016 election, the Attorney General stated in his March 24th letter that the evidence does not meet the beyond a reasonable doubt standard of proving crimes. Does the evidence meet a clear and convincing standard or a preponderance of the evidence standard?

RESPONSE (b) (5)

63. Does the DOJ agree that foreign attacks or interference in our elections is a significant national security threat?

RESPONSE (b) (5)

64. Does the DOJ agree that Congress has a compelling legislative, appropriations, and oversight responsibility on the issue of election security and election interference?

RESPONSE (b) (5)

65. Will the special counsel’s findings on Russia’s efforts to influence the 2016 election help inform the discussion and ongoing efforts to secure our elections moving forward?

RESPONSE (b) (5)

(b) (5)

(b) (5)

66. Will the special counsel’s findings on Russia’s efforts to influence the 2016 election help inform the discussion and ongoing efforts to combat foreign cyber aggression?

RESPONSE (b) (5)

67. Given the grave national security threat posed by foreign actors interested in undermining our democracy, does the DOJ believe that it is important for Congress to receive all the Special Counsel’s findings and underlying evidence on Russian election interference so that we can make well informed and thoughtful legislative and appropriation decisions to prevent future foreign attacks?

RESPONSE: (b) (5)

(b) (5)

**The Honorable Grace Meng  
Subcommittee on Commerce, Justice, Science, and Related Agencies  
Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*Community Based Violence Prevention Grants Programs (DOJ)*

1. The Community Based Violence Prevention Grants Program helps states and localities support a coordinated and multidisciplinary approach to gang and violence prevention, interventions, suppression, and reentry in targeted communities. What is the rationale behind eliminating this program?

**RESPONSE:** (b) (5)  
[Redacted]

2. How has OJJDP evaluated this program? What is the evidence based evaluation of this program?

**RESPONSE:** (b) (5)  
[Redacted]

[Redacted]



*First Step Act and Menstrual Hygiene products*

3. The First Step Act requires Bureau of Prisons to provide menstrual hygiene products to women and no cost and in accordance with the women's health needs. What is the status of this requirement? Have you begun providing the menstrual hygiene products to incarcerated women?

**RESPONSE** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]

*First Step Act and Primary Residence*

4. Section 401 of the First Step Act requires that, whenever practicable, a person be housed closest to their primary residence, and within 500 driving miles of their family. Is DOJ aware of how BOP plans to implement this provision, and how much it will cost?

**RESPONSE** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

5. What is DOJ's position on the timeline required to be in compliance with this provision of the law?

**RESPONSE** (b) (5)  
[Redacted]

6. When do you anticipate beginning to fulfill the requirement that people be moved to within 500 driving miles of their release place?

**RESPONSE** (b) (5)  
[Redacted]

7. What is the cost of those relocations?

**RESPONSE:** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]

*First Step Act and Independent Review Committee*

8. The First Step Act required that an Independent Review Committee be established by the National Institute of Justice not later than 30 days after enactment, or by January 21, 2019. This date has passed, and the Independent Review Committee has not yet been established. What steps has BOP taken toward establishment of the Independent Review Committee?

**RESPONSE:** (b) (5)  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

9. What organizations have you considered to house the Independent Review Committee? How will you make this decision?

**RESPONSE** (b) (5)  
[Redacted]

10. By what date will the Independent Review Committee be established?

RESPONSE (b) (5)

11. What additional resources, if any, does the Department need to establish the IRC?

RESPONSE (b) (5)

*Crime in Rural Areas*

12. The President’s budget wants to carve out \$6 million of Byrne JAG grants to “empower rural law enforcement agencies by providing training, technical assistance, and resources to interdict drug and human traffickers” under the proposed Southwest Border Rural Law Enforcement Violence Crime Reduction Initiative. While this certainly plays into the Administration’s narrative of the border crisis, there is also a more critical, very stark and very real situation of violent crimes being on a historic rise in rural areas.

Violent crime rate in rural areas has climbed above the national average for the first time in 10 years. In Iowa, for example, the overall violent crime rate rose by 3 percent between 2006 and 2016 but shot up by 50 percent in communities with fewer than 10,000 residents. Why would the Department’s funding only focus on rural areas in the Southwest and not all rural areas?

RESPONSE (b) (5)

(b) (5)

(b) (5)

(b) (5)

13. What will the Department do to help these rural communities that are dealing with increased drug use and associated crimes, like drug trafficking, theft, as well as domestic violence?

RESPONSE: (b) (5)

*“Red Flag Laws”*

14. After the shooting in Parkland, the President convened a roundtable to discuss gun violence and gun safety solutions. The president himself acknowledged how important it was to take immediate action when someone is a risk to themselves or other, creating a process to make sure someone doesn’t have access to firearms in that acute moment where they are putting themselves or their community at risk. The President’s administration has continued to show its support for the concept of strong intervention, with the DOJ providing technical assistance and the School Safety Commission supporting them.

Most recently, during your testimony before the Senate Judiciary Committee, Mr. Barr, you said:

*"I think the problem of our time is to get an effective system in place that can keep dangerous firearms out of hands of mentally ill people. That should be priority one and it will take hard work to get on top of the problem...."*

*"We need to push along Extreme Risk Protection Orders (ERPOs) so that we have these red flag laws to supplement the use of the background check to find out if someone has a mental disturbance. This is the single most important thing we can do in the gun control area to stop these mass shootings from happening in the first place."*

I understand how important this life saving tool is to prevent mass shootings and suicide, and Senator Lindsey Graham has stated that he's committed to working on federal legislation to incentivize states to pass and implement Red Flag laws in their state as a first step. Do you believe that we should be trying to implement a 50 state solution that doesn't leave any states behind when it comes to access to this critical tool?

**RESPONSE:** (b) (5)  
[REDACTED]

#### *Death in Custody Reporting Act*

15. The Death in Custody Reporting Act (DCRA) was enacted<sup>1</sup> four years ago, on December 18, 2014. If properly implemented,<sup>2</sup> DCRA could yield the most accurate federal numbers on deaths in custody, including fatal police shootings, disaggregated by race, ethnicity and other decedent demographics, to date. States should have begun compliance<sup>3</sup> with DCRA on July 31, 2017. What is the status of implementation of the Death in Custody Reporting Act?

**RESPONSE** (b) (5)  
[REDACTED]

<sup>1</sup> <https://www.federalregister.gov/documents/2016/12/19/2016-30396/agency-information-collection-activities-proposed-collection-comments-requested-new-collection-death>

<sup>2</sup> <https://www.openthegovernment.org/wp-content/uploads/other-files/DICRA%20Coalition%20Letter%20Feb%202017%20Final.pdf>

<sup>3</sup> <https://www.justice.gov/archives/page/file/918846/download>

(b) (5)

16. When will DOJ issue final guidance around the implementation of the Death in Custody Reporting Act?

RESPONSE (b) (5)

17. What percentage of states complied with the first reporting period by July 31, 2017?

RESPONSE: (b) (5)

18. Is the Bureau of Justice Assistance or another DOJ entity conducting open source review to ensure DCRA implementation and compliance?

RESPONSE (b) (5)

#### *Militarization*

19. On August 28, 2017, President Trump issued an executive order<sup>4</sup> eliminating oversight and restrictions on the federally resourced military weapons and equipment provided to local law enforcement. The executive order may have disassembled an interagency working group that was headed by DOJ's Office of Justice Programs and included the Departments of Defense and Homeland Security – the primary federal providers of military weapons and equipment to law enforcement. At a minimum, the working group ensured that the agencies providing military grade weapons were communicating with one another, which proves to be a critical need in light of a July 18, 2017, Government Accountability Office (GAO) report<sup>5</sup> that found the federal government gave over \$1 million worth of military weapons to a fake federal law enforcement agency. What is the status of the Interagency Working Group on Federal Equipment?

<sup>4</sup> <https://www.whitehouse.gov/presidential-actions/presidential-executive-order-restoring-state-tribal-local-law-enforcement-access-life-saving-equipment-resources/>

<sup>5</sup> <https://www.gao.gov/products/GAO-17-532>

RESPONSE (b) (5)

[Redacted]

20. Does DOJ have any policies in place around its resourcing of military weapons to local law enforcement, whether through Byrne JAG or other grants, federal civil forfeiture funds, or other DOJ programs?

RESPONSE (b) (5)

[Redacted]

[Redacted]

21. Has DOJ recently provided guidance to local law enforcement on how protests and other assemblies should be policed? If so, what is the guidance with respect to the use of military weapons and equipment?

RESPONSE (b) (5)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5)



**The Honorable Robert B. Aderholt**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*CBD (Cannabidiol) Oil*

1. In recent years, the Commerce, Justice, Science Appropriations Acts have been amended to include a general provision that prohibits the Department of Justice (DOJ) from using funds to interfere with state medical marijuana programs. It is my understanding that this provision is intended to limit DOJ's ability to take enforcement actions under the Controlled Substances Act. Does this prohibition interfere with DOJ's ability to enforce other areas of the law beyond the Controlled Substances Act?

RESPONSE:

(b) (5)

(b) (5)

2. How might this provision inadvertently be impacting public health and safety?

RESPONSE:

(b) (5)

**The Honorable Tom Graves**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*Wire Act*

1. In January, the Department of Justice Office of Legislative Counsel released a memo in January that reinterpreted the Wire Act in such a way that has put all sales by traditional lotteries at risk of being considered in violation of the Wire Act, in part because of the lack of recognition of the fact that nearly all lottery transactions, including in store terminal generated games and internet sales, use wire facilities to electronically route wagers across state lines.

Billions of dollars generated annually from lottery proceeds fund worthy causes. For example, the Commonwealth of Kentucky and the State of Georgia use lottery proceeds to fund college scholarships. Many other states, including Illinois, Michigan and New Hampshire, use lottery proceeds to fund public education.

The Supreme Court has recently indicated its agreement with two federal circuit courts of appeal that held the Wire Act applies to betting or wagering on sports events, and it further noted the importance of respecting the policy choices of citizens in each individual state.

Indeed, states must gain the support of their legislatures and voters before operating; must be authorized and regulated by state law; operated by the state or the state's statutory designee; and sell only to persons physically present within the state.

DOJ's extension of the enforcement moratorium on the memo in light of the suit filed by the New Hampshire Lottery Commission only provides temporary relief to the affected states and organizations. To provide legal certainty, will DOJ explicitly exclude state lottery transactions from its interpretation of the Wire Act?

**RESPONSE:** (b) (5)  
[Redacted text block containing approximately 12 lines of blacked-out content]

(b) (5)  
[Redacted text block]

**QUESTIONS FOR THE RECORD**  
**UNITED STATES ATTORNEY GENERAL WILLIAM P. BARR**  
**SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED**  
**AGENCIES**  
**DEPARTMENT OF JUSTICE FY 2020 BUDGET REQUEST**

**The Honorable Nita M. Lowey**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*National Instant Criminal Background Check System (NICS) Firearm Retrieval Referrals*

1. "Firearm retrieval" is the term for the action recommended after a background check is unresolved within the "three business day" timeframe, and a Federal Firearms Licensee proceeds with a firearms transfer, but subsequently learns such request should have been denied. FBI NICS Section then notifies ATF that a "*prohibited person*" is in possession of a firearm, and ATF can undertake action to "retrieve" the firearm.

You testified that "data I have heard is that there are about 6,000 of these delayed responses...and that ... approximately 2,000 of those, a third, are people that would have flunked the background check and ATF goes out and gets the weapon, retrieves, the weapon." However, FBI's 2017 NICS Operations Report states that in 2017, 6,004 persons failed the NICS background check not 2,000 because they were found to be prohibited persons *after* the 3 period had passed. Is that report accurate, and if so, will you correct your testimony?

**RESPONSE:** [REDACTED] (b) (5)

2. Based on the 2017 FBI report, of those 6,004 firearm transactions, 4,864 were confirmed to have been transferred to "prohibited persons," which included: 1,245 to persons convicted of a crime punishable by more than one year; 1,002 to persons convicted of misdemeanor crimes of domestic violence; 1,012 who were under indictment or fugitives from justice; and 118 who were subject to protection or restraining orders or domestic violence. Do you agree with these figures?

**RESPONSE** [REDACTED] (b) (5)

3. The same 2017 FBI report also noted that of the 6,004 cases where retrieval was sought, ATF could not determine whether a transaction occurred in 1,140 cases because

“definitive data was unattainable.” Does “unattainable” mean that it is possible 1,140 firearms were transferred to prohibited persons but the Department cannot document the fact, one way or the other? Is there a process to follow up on such retrieval cases to resolve them?

**RESPONSE:** (b) (5)  
[Redacted text block]

[Redacted text block]

4. How much longer would the current three business day timeframe need to be extended to significantly reduce or eliminate the number of such potential transfers to prohibited persons? Would extending the waiting period to ten days be likely to prevent 6,000, or even 4,864, firearms from getting into the wrong hands?

**RESPONSE** (b) (5)  
[REDACTED]

5. In his March 27, 2019, letter to you, Special Counsel Mueller wrote:

“As we stated in our meeting of March 5 and reiterated to the Department early in the afternoon of March 24, the introductions and executive summaries of our two volume report accurately summarize this Office’s work and conclusions. The summary letter the Department sent to Congress and released to the public late in the afternoon of March 24 did not fully capture the context, nature, and substance of this Office’s work and conclusions. We communicated that concern to the Department on the morning of March 25. There is now public confusion about critical aspects of the results of our investigation. This threatens to undermine a central purpose for which the Department appointed the Special Counsel: to assure full public confidence in the outcome of the investigations. See Department of Justice, Press Release (May 17, 2017).”

During the hearing with the Subcommittee on April 9, 2019, you were asked by Representative Crist the following question:

“Reports have emerged recently, General, that members of the Special Counsel’s team are frustrated at some level with the limited information included in your March 24<sup>th</sup> letter, that it does not adequately or accurately necessarily portray the report’s findings. Do you know what they are referencing with that?”

You replied:

“No, I don’t”

Is that statement accurate, in light of the March 27, 2019, letter from Special Counsel Mueller, which your office records as having been received on March 28, 2019? And if not, will you correct or clarify your testimony?

**RESPONSE:** (b) (5)  
[REDACTED]

(b) (5)

[REDACTED]

**The Honorable José E. Serrano**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*Homegrown Violent Extremism*

1. At the hearing you testified that the Department does “not have a separate category for violent extremism.” It is noteworthy that on April 4<sup>th</sup> the FBI Director told the Subcommittee that the FBI has seen an increase in the number hate crimes, and that “the danger...of white supremacists, violent extremism or another kind of extremism is of course significant...a persistent, pervasive threat. We tackle it both through our joint terrorism task forces on the domestic terrorism side as well as through our civil rights program on the civil side through hate crime enforcement.” The Director has also publicly stated that of about 5,000 terrorism cases under investigation, 1,000 are homegrown violent extremists, in all 50 States. While it is not a regular budget category, could you please provide a rough estimate of the resources the Department is devoting to investigations and prosecution of domestic violent extremism whether under the category of terrorism, violent crime, or hate crimes?

**RESPONSE**

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]



(b) (5)

*Southwest border law enforcement*

- 2. Southwest Border county crime rates are lower, in all categories, than in the rest of the country. Furthermore, U.S. Customs and Border Protection has recorded significantly lower arrests of individuals with criminal histories each year from fiscal year 2016 to the present. On the other hand, the Justice Department has been shortchanging important work to pursue its so called “zero tolerance” policy. For example, a USA Today study released in October 2018 found that Federal drug trafficking prosecutions along the border had declined 30 percent because resources were diverted to prosecute minor immigration violations. How

many personnel in the U.S. Attorneys offices, U.S. Marshals, Bureau of Prisons, and other DOJ agencies were employed in the ramped up immigration enforcement efforts, and how much funding was used for such purposes in fiscal year 2018?

RESPONSE (b) (5)

[REDACTED]

3. How many fewer drug trafficking cases were filed in judicial districts along our southern border since the 'zero tolerance' policy was implemented?

RESPONSE (b) (5)

[REDACTED]

(b) (5)

[REDACTED]

(b) (5)

[REDACTED]

(b) (5)

4. What are the comparable estimates for personnel and funding to implement zero tolerance policies in fiscal years 2019 and 2020?

RESPONSE (b) (5)

*Executive Office for Immigration Review (EOIR)*

5. In March Executive Office for Immigration Review Director McHenry testified before the Subcommittee. The night before the hearing, he sent a memo to staff saying that, despite a significant 2019 funding increase, a budgetary shortfall for interpreter costs would require the immigration court system to cut back judge hiring, cancel trainings, and delay IT improvements. This is deeply troubling, both from a due process perspective, and a budgetary one. Why was this committee not told about these problems?

RESPONSE: (b) (5)

(b) (5)

6. What impact has this funding shortfall had on the caseload backlog?

RESPONSE (b) (5)

*Border Wall/Eminent Domain*

7. To support the Administration’s proposed hardening and expansion of border walls on the Southwest border, the Department has been taking legal action to gain access to or acquire private land. This entails legal workload and years of litigation. How many cases, including those seeking to acquire land through assertion of eminent domain, did the Department handle in fiscal year 2018, and how many do you expect to pursue in fiscal years 2019 and 2020 to force owners to sell or grant access to land?

RESPONSE (b) (5)

8. For those years, how many landowners were or will be forced to sell their land or have it seized via eminent domain?

RESPONSE (b) (5)

9. How much funding and full time equivalent staff effort did the Department expend in fiscal year 2018 to pursue such actions broken out by the U.S. Attorneys' offices, the Environment and Natural Resources Division, and the Civil Division and how much does it plan to use for such purposes in fiscal years 2019 and 2020?

RESPONSE (b) (5)

*Civil Rights Division Alabama State Prisons*

10. The 8<sup>th</sup> Amendment to the Constitution prohibits "cruel and unusual punishment..." On April 2, the Civil Rights Division and the U.S. Attorney for Alabama released the results of its investigation of Alabama prisons and reported its findings. How will the Department ensure immediate relief from the unacceptable conditions now present in the prison system?

RESPONSE (b) (5)

11. One way to ensure corrections in such cases has been through a judicially enforced consent decree. Former Attorney General Sessions said such decrees interfere with States' rights and placed restrictions on them. Will the Department seek or consider seeking a consent decree in this case?

**RESPONSE** (b) (5)

12. What is the Department doing to ensure all States and territories are protecting the human and constitutional rights of persons in their custody? Is there a process to monitor facilities and ensure such deplorable conditions described in the April 2 report are not permitted anywhere in this country?

**RESPONSE** (b) (5)

*Community Relations Service Termination*

13. The fiscal year 2020 Budget proposes to eliminate the Community Relations Service and fold its functions into the Civil Rights Division, with no additional funding or positions assigned to this purpose. Historically, the Community Relations Service plays a key role in helping prevent and resolve community conflicts based on civil rights issues. The proposal threatens to undermine the confidentiality and neutrality essential to this critical mission. How will you protect the independence and confidentiality of the mediation work if it is done within the division responsible for enforcement?

**RESPONSE:** (b) (5)

14. How will the Civil Rights Division perform this additional responsibility with no new resources or personnel?

**RESPONSE** (b) (5)

(b) (5)

*Policing Reform*

15. Under former Attorney General Sessions, the Department effectively changed course on police reform, abandoning efforts in cities such as Baltimore and Chicago. It also moved the focus away from the Collaborative Reform program in the COPS office, which sought to work with police departments to implement changes to improve police community relationships and build trust. What is the Department doing now to address ongoing distrust between minority communities and local law enforcement a serious issue in urban communities across this nation? What resources are included in your 2020 budget for such purposes?

**RESPONSE:** (b) (5)

(b) (5)

(b) (5)

(b) (5)

*Environment and Natural Resource Division*

16. The Environment and Natural Resources Division (ENRD) has a broad portfolio. It prosecutes those who violate pollution control laws; defends the U.S. from environmental challenges and in its stewardship of public lands and resources; wildlife protection; and Indian rights and claims. It also leads on Federal acquisition of property through eminent domain such as on the Rio Grande where the Administration yearns to build a wall. Your fiscal 2020 ENRD request for ENRD is flat \$110.5 million the same as in fiscal 2018.

During the shutdown, we heard ENRD was suffering an “exodus” of its most experienced attorneys on the cusp of a slew of major EPA cases. Your request indicates you expect to double the number of full time permanent reimbursable positions from 41 to 82. Is the Division facing a shortage of experienced staff, and is it trying to make up for that by using reimbursable positions?

**RESPONSE** (b) (5)

17. There is growing concern about the presence of so called “PFAS” chemicals in groundwater and drinking water. These chemicals are in consumer products like Teflon and Scotchguard, and in firefighting foam used at military airfields and facilities around the country and world. They are associated with higher rates of cancer. What do you expect, in terms of workload and budgetary impact on ENRD, from litigation to monitor and clean up water from PFAS contamination, to include supporting the Environmental Protection Agency and defending the Defense Department against lawsuits?



RESPONSE: (b) (5)

[Redacted text block]

*Wildlife Protection*

18. Wildlife protection and trafficking remains a significant environmental and economic crime, and a source of funding for organized crime and terrorist groups, particularly in developing countries. How many Environment and Natural Resources Division personnel and how much funding were used to investigate and prosecute wildlife trafficking in fiscal year 2018? What is budgeted for this in fiscal years 2019 and 2020?

RESPONSE: (b) (5)

[Redacted text block]

(b) (5)

[REDACTED]

*Russian Influence and Espionage*

19. The impetus for appointing a Special Counsel was to investigate alleged Russian efforts to influence the 2016 election. DOJ, along with the rest of the Intelligence Community, has made clear that Russia carried out significant influence and interference activities, and continues to target U.S. elections. Your budget proposes \$132 million in new funding for national security and cyber threats, including \$18 million and 35 FBI positions for counterintelligence. Is this latter proposal adequate to meet the growing threat of Russian interference in our political and economic system?

RESPONSE (b) (5)

[REDACTED]

(b) (5)

(b) (5)

*China Initiative*

20. Last November former AG Sessions initiated a “China Initiative” against Chinese national security threats to our commerce, industry, and critical infrastructure. This would target, quote: “economic espionage”, “malign economic aggression”, “foreign investments, corporate acquisitions, and cyber intrusions...[and acquiring] inside information.” This initiative was to include leadership by the National Security Division, the Criminal Division, the FBI, and a working group of five U.S. Attorneys. What is the status of the China Initiative begun by your predecessor, and how is its work reflected in your 2020 request?

**RESPONSE:**

(b) (5)

21. Please identify (or provide separately to the Subcommittee if such information is sensitive) elements of the request that support this initiative, as well as any areas where additional funding could enhance Department efforts.

**RESPONSE:**

(b) (5)

*US Marshals and Federal Prisoner Detention*

22. The Department has identified a fiscal year 2019 shortfall in the Federal Prisoner Detention (FPD) account, and an even larger one in its fiscal year 2020 budget. The Department has proposed short term relief by transferring balances from the Bureau of Prisons. What is the cause of the shortfall? Assuming it is due to increased prosecution of immigration charges, including misdemeanor charges, how much is due to the impact of the “zero tolerance” policies embraced by former Attorney General Sessions?

**RESPONSE:** (b) (5)

[Redacted text block]

[Redacted text block]

23. What are the potential consequences of not providing the full request FPD funding request?

**RESPONSE:** (b) (5)

[Redacted text block]

(b) (5)

24. If the shortfall were to be addressed through a transfer from the Bureau of Prisons, what impact would that have on the Bureau's ability to reduce overcrowding, activate facilities such as USP Thomson, and implement the First Step Act?

RESPONSE: (b) (5)

*Election Fraud*

25. Your request calls for \$153.2 million for the Civil Rights Division, part of which funds the Voting Section, which is charged with protecting citizens' *right to vote* and access to the ballot. The President recently again claimed that fundamental uncertainty exists about the reliability of U.S. elections the recurrent charge of so called widespread "voter fraud." Is such so called *election fraud* investigation and prosecution a significant Justice Department priority? If so, which components, how many positions, and how much funding was used in fiscal year 2018 for such efforts, and how much funding and personnel do you anticipate committing to such activity in fiscal year 2019 and fiscal year 2020? How many of these personnel are being diverted from traditional voting rights protection litigation?

RESPONSE: (b) (5)

(b) (5)

[Redacted text block]

26. With more money flowing into political campaigns, there seems to be a growing problem of so called “SCAM PACs” shell organizations posing as political fundraising organizations. Political groups are not bound by the same limits or oversight as charitable nonprofits, so phony fundraisers, including many who were previously caught by charity regulators, see masquerading as “PACs” to be a safe way to raise money posing as “charitable” causes such as for animals, veterans, or medical research. What is the size and scope of this problem? Is the Department acting to investigate and shut down such fraudsters?

RESPONSE: (b) (5)

[Redacted text block]

*Emergency Funding impact on Department*

27. The emergency supplemental has not yet been enacted to address the damage and costs associated with major hurricanes and other natural emergencies in 2018. The Department sustained costs and damage to many facilities and had significant impact on Florida and Puerto Rico, among other places. How is the Bureau of Prisons operating without the capacity of its Marianna, Florida facility?

**RESPONSE:** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]  
[Redacted]  
[Redacted]

28. What has been the impact on Puerto Rico, which had to move detainees to the 50 states? Is there a continuing need to help restore operations and facilities there? How urgent is the delayed emergency funding?

**RESPONSE** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]

*TAX Division*

29. The Tax Division was flat funded in fiscal years 2018 (\$107 million) and 2019 (\$105.9 million). The 2020 request would increase funding by about 8 percent to \$114.9 million. But this is shown as a “current services” increase not program growth. Is the Tax Division encountering significant new workload due to the impact of the 2017 tax law changes? If so, how is it coping, and will the proposed increase keep it from falling behind?

**RESPONSE:** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

(b) (5)

*Opioids and Counterdrug Programs*

30. Deaths from drug poisoning, according to the Center for Disease Control (CDC), are at their highest recorded level for over ten years exceeding deaths caused by guns, car crashes, suicide and homicide. The CDC also reports that overdoses killed 70,237 Americans in 2017 47,600 from opioids, with deaths 9.6 percent higher than in 2016. DOJ proposes \$34.6 million more funding for the Drug Enforcement Administration, including \$22.4 million in its diversion control programs to address prescription drug use. This would include funding five new heroin enforcement groups and enhancing cyber and analytical tools to counter increasingly sophisticated traffickers.

The opioid epidemic has been common knowledge for a decade, and we've suffered the tragedy of drug trafficking for generations. For every "El Chapo" who is taken off the street, ten more of his lieutenants take over. How will you prioritize resources and policies under your leadership, to address the drug crisis in this country focusing on the trafficking organizations and their enablers, while aiding victims and users who want to escape their addiction?

**RESPONSE:** (b) (5)

- 
-



(b) (5)

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

[REDACTED]

[REDACTED]

(b) (5)

*Criminal Division Globalization of Crime/International Aid Programs*

31. The Office of International Affairs in the Criminal Division plays a critical role in helping enforce U.S. law when it entails global cooperation with other countries and reciprocating with them as appropriate. It plays a key role, with the State Department, in helping support the development of effective criminal justice systems around the world. Mutual Legal Assistance Treaty requests have grown in number and complexity, and the Department of Justice request says the Department needs to be able to promptly execute requests to share evidence and ensure we receive reciprocal treatment. Congress provided funding for MLAT request processing in the 2019 Omnibus. How much is included in your request for handling MLAT workload? Is it enough to support the Department's mission, including combatting transnational organized crime?

**RESPONSE** (b) (5)

32. The President's threat to eliminate foreign assistance to El Salvador, Guatemala and Honduras would surely damage cooperation with law enforcement and judiciary in those countries, including in efforts to dismantle MS 13 and other violent criminal gangs. What is the Department doing in those countries through aid, law enforcement cooperation, and other efforts and what would be lost if the U.S. walked away?

**RESPONSE:** (b) (5)  
[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

The request makes the case for reliable funding for overhead and headquarters costs of DOJ's foreign assistance engagement, including in Afghanistan, as reported by the Special Inspector General for Afghanistan Reconstruction. How much is needed in 2020 to support this function, and how much is included for this purpose in your request for the Criminal Division?

**RESPONSE** (b) (5)  
[Redacted]

(b) (5)

*Bankruptcy Trustees Funds*

33. In fiscal year 2017, U.S. Bankruptcy code was amended in law to change how bankruptcy filing fees are collected, which could lead to a 2020 shortfall in fees needed to offset its operations. How big a problem does this pose in fiscal 2020, and is the Department acting or proposing legislation to prevent a funding gap?

RESPONSE (b) (5)

*Justice Reinvestment Initiative (JRI)*

34. In your testimony to the Senate Judiciary Committee, you said you "...would seek to ensure that the Department effectively implements the programs Congress funds. I support the goals of the Justice Reinvestment Initiative as described and do not at this time have specific ideas for modifications." Yet your budget request says, "The Administration seeks to eliminate JRI and redirect these funds to develop effective data driven programs to address the significant increases of violent crime in many of the Nation's cities and towns." What changed your position on JRI, and what specific programs would be funded instead of supporting continuation of JRI efforts?

**RESPONSE** [REDACTED] (b) (5)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**The Honorable Matthew Cartwright**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*FCC Robocall Forfeiture Orders*

1. At the Federal Communications Commission (FCC) Budget hearing on April 3rd, 2019, Jessica Rosenworcel, an FCC Commissioner, said that since 2015 the FCC has referred over \$200 million in unpaid robocall forfeiture orders to the Department of Justice (DOJ). However, the DOJ has collected less than \$7,000. An FCC spokesperson also told the Wall Street Journal that the FCC lacks the authority to enforce its forfeiture orders and that they fall to the DOJ to execute. What is happening to all those referred forfeiture orders?

**RESPONSE**

(b) (5)

2. What plans does the DOJ have in place to coordinate with the FCC to retrieve both current uncollected and future robocall forfeiture orders?

**RESPONS**

(b) (5)

*Disparate Sentencing*

3. A 2016 Brookings study found that Black men on average received 20% longer prison sentences than White men for similar crimes. Racial disparities in law enforcement and prison sentencing have created a justice system that disproportionately targets minorities,

especially Black and Latino communities. What steps will the Department of Justice take to address these pernicious disparities?

**RESPONSE:** (b) (5)  
[Redacted text block]

4. Will the Attorney General reverse the Department of Justice’s memorandum that pushed prosecutors to pursue mandatory minimum sentences, the legal mechanism behind mass incarceration?

**RESPONSE:** (b) (5)  
[Redacted text block]

*Fatal Police Encounters*

5. A report published in the Journal of Epidemiology and Community Health observing data from 2015-2016 of fatal encounters with law enforcement in the U.S. stated that “people of colour comprised 38.5% of the population, but 51.5% of YLLs [years of life lost].” The report concluded that police violence disproportionately affects people of color. What steps will the Department of Justice take to prevent disproportionate levels of violence by police towards people of color?

**RESPONSE:** (b) (5)  
[Redacted text block]

(b) (5)

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

6. According to data compiled by the Washington Post, there were 11 more fatal shootings by police in 2018 than in 2017, and data from the past 4 years suggests that fatal police shooting levels are staying the same or increasing. In 2018, 998 people were killed by police officers. What steps will the Department of Justice take to reduce police lethal force levels?



**RESPONSE:** (b) (5)  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

7. What steps will the Department of Justice take to address and reduce shooting bias against people of color?

**RESPONSE** (b) (5)  
[Redacted]

8. The US has been shaken by tragedies like the killings of unarmed people, such as Freddie Gray, Sam Dubose, Philando Castile, Terence Crutcher, Alton Sterling, and sadly many others. What steps will the Department of Justice take to address police killings of unarmed people?

**RESPONSE** (b) (5)

[Redacted text block]

9. Many of the officers who killed these unarmed people received very light or no sentences. What steps will the Department of Justice take to make sure that victims of racial violence committed by police see justice?

**RESPONSE** (b) (5)

[Redacted text block]

*Rape Kit Testing Backlogs*

10. Across the US tens of thousands of rape kits remain untested creating massive backlogs across the US. This is an issue of justice and public safety. What steps will the Department of Justice take to ameliorate rape kit backlogs?

**RESPONSE:** (b) (5)

[Redacted text block]

(b) (5)

11. What steps will the Department of Justice take to ensure that rape kits in local law enforcement are tested in a timely manner?

RESPONSE: (b) (5)

(b) (5)

12. How will the Department of Justice support law enforcement offices that are overwhelmed by their number of untested rape kits?

RESPONSE: (b) (5)

(b) (5)

*Diversity*

13. Federal law enforcement agencies have critically low diversity and few women working in them. According to Politico, in 2017 the FBI was 80% white and 80% male, and only 5% of all Border Patrol agents were women. At the rate that women's representation is increasing in law enforcement will take 700 years before women's numbers reach parity with their male counterparts. What steps will the Department of Justice take to recruit more diversity?

**RESPONSE** (b) (5)

14. What steps will the Department of Justice take to encourage more women to join federal law enforcement?

**RESPONSE:** (b) (5)

(b) (5)

15. What steps will the Department of Justice take to identify and ensure that law enforcement agencies' hiring practices are not influenced by perceived biases?

RESPONSE: (b) (5)

16. In 2018, the Office of the Inspector General produced a survey on Gender Equity in the Department of Justice and found that only half (52%) of all respondents reported that their agency had a gender equitable culture. Special Agent and Deputy U.S. Marshal positions reported consistently low perceptions of equity and many reported experiences of differing treatment and discrimination. What steps will the Department of Justice take to improve and promote a gender equitable culture across its agencies?

RESPONSE (b) (5)



(b) (5)

19. According to the report, DOJ agencies are less likely to give women the kind of casework that would lead to recognition and promotion, particularly in terms of collateral duties. What steps will the Department of Justice take to ensure that there is no gender discrimination in collateral duty assignment?

**RESPONSE:** (b) (5)

20. The report found that women staff members were sometimes reassigned involuntarily to units that handled non violent crime and had more traditional work hours after they had started a family units also less likely for promotion. A male supervisory Deputy U.S. Marshal even called motherhood “a career hazard for women.” What steps will the Department of Justice take to ensure that women law enforcement officers are able to start families, free of discrimination or involuntary work reassignment?

**RESPONSE:** (b) (5)

21. What steps will the Department of Justice take to support flexible work hours free of discrimination for women staff members who have children?

**RESPONSE:** (b) (5)



(b) (5)

22. According to the survey 45% of staff members reported that they would not or were unsure whether they would use the EEO process if they experienced discrimination. Thus, contributing to underreporting and permitting the continuance of such discrimination. How does the Department of Justice plan on building more faith and more utilization of the EEO process when a staff member is harassed or discriminated against?

RESPONSE (b) (5)

23. The Office of the Inspector General’s report stated that “a lack of applicant and hiring data inhibits evaluation of recruitment efforts.” What steps will the Department of Justice take to improve data collection on demographic specifics in applicant and hiring data?

RESPONSE (b) (5)

(b) (5)

24. Gender bias in law enforcement hurts survivors of sexual assault, domestic abuse, and stalking. In 2015, the Department of Justice released a report on December 15<sup>th</sup>, 2015 on “Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence” that outlined a set of principles that law enforcement agencies and departments should follow. What steps is the Department of Justice taking to help agencies and departments pursue those principles?

RESPONSE: (b) (5)

*Drug Enforcement Policies*



(b) (5)

27. Will the Department of Justice pursue clemency for individuals charged with long sentences before drug addiction was viewed as a medical issue?

RESPONSE: (b) (5)

28. How will the Department of Justice coordinate and work with public health institutions to coordinate drug addiction responses?

RESPONSE: (b) (5)

(b) (5)

[Redacted text block]

[Redacted text block]

[Redacted text block]

29. How will the Department of Justice coordinate and work with private health institutions to coordinate drug addiction responses?

**RESPONSE** (b) (5)

[Redacted text block]

30. How will different drug schedules affect the Department of Justice's response to different addiction situations?

**RESPONSE:** (b) (5)  
[Redacted]

31. In Attorney General Barr's confirmation hearing, he mentioned that he would not continue to pursue the Department of Justice's memorandum on marijuana enforcement from January 4<sup>th</sup>, 2018, and instead respect the Cole Memorandum on cannabis enforcement. Does the Department of Justice and the Attorney General plan to use the guidance set forth in the Cole Memorandum on cannabis enforcement?

**RESPONSE** (b) (5)  
[Redacted]

32. How does the Department of Justice plan on addressing states that have legalized medical and/or recreational cannabis?

**RESPONSE** (b) (5)  
[Redacted]

33. American drug laws and enforcement have historically and contemporaneously targeted minority communities and people of color, even though according to a survey done in 2018 by the Substance Abuse and Mental Health Services Administration, white Americans statistically have larger incidences of drug addiction. What steps will the Department of Justice take to rectify disparities in drug law enforcement on black communities and communities of color?

**RESPONSE** (b) (5)  
[Redacted]

(b) (5)

34. According to a survey done in 2018 by the Substance Abuse and Mental Health Services Administration, Native Americans and Native Alaskans have the highest rate of substance addiction. What steps will the Department of Justice take to work with Native American Leadership to combat this epidemic?

**RESPONSE:** (b) (5)

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

35. When Native Americans suffer the most from substance addiction, there should be a renewed focus on helping alleviate the situation. Nevertheless, in the proposed FY20 budget for the Department of Justice, the Tribal Assistance Program under the Comprehensive Addiction and Recovery Act (CARA) is proposed to be completely defunded. How does the Department of Justice expect to combat substance addiction in Native American populations when they defund the Tribal Assistance Program associated with the Comprehensive Addiction and Recovery Act?

**RESPONSE** (b) (5)

[REDACTED]



36. What steps will the Department of Justice take to support law enforcement agents' access to Naloxone?

**RESPONSE** (b) (5)  
[Redacted]

*Human Trafficking*

37. Human trafficking has had a larger spotlight put on it in recent years, with most of the attention focused on sex trafficking. Labor trafficking is statistically the largest incident of human trafficking in the US. What steps will the Department of Justice take to coordinate with the Department of Labor to address labor trafficking?

**RESPONSE** (b) (5)  
[Redacted]

38. What steps will the Department of Justice take to ensure that illegal immigrants suffering from human trafficking can report abuse without risk of deportation?

**RESPONSE:** (b) (5)  
[Redacted]

(b) (5)

39. What steps will the Department of Justice take to guide Attorneys to avoid prosecuting adult victims of trafficking or adult victims of childhood sex trafficking who are arrested on charges of engaging in prostitution?

**RESPONSE:** (b) (5)

40. What steps will the Department of Justice take to guide Attorneys and law enforcement to prioritize procurers and pimps, rather than prostitutes, who statistically are most often victims of childhood sex trafficking and have been unable to escape trafficking/prostitution systems before coming of age?

**RESPONSE** (b) (5)

(b) (5)

[REDACTED]

*Law Enforcement Practices and Civil Rights*

41. In 2018, the US Commission on Civil Rights released a report that highlighted several recommendations to help the Department of Justice foster better law enforcement practices. One of the highlighted recommendations in the report was recommending that the Department of Justice “return to vigorous enforcement of constitutional policing... [and] should robustly support local efforts to develop and institute constitutional policing practices.” What steps will the Department of Justice take to institute constitutional policing practices?

**RESPONSE** (b) (5)

[REDACTED]

42. In the 2018 report released by the US Commission on Civil Rights, the report stressed that the DOJ should “reinstat[e] the Office of Community Oriented Policing Services (COPS) and maintain the Community Relations Services office (CRS) to focus on building community trust and reduce excessive uses of force in coordination with police departments.” Why is the Department of Justice ignoring the suggestions of the US Commission on Civil Rights and attempting to dissolve the COPS program?

RESPONSE (b) (5)

- RESPONSE: (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] b6  
[REDACTED] b7C

(b) (5)

[Redacted text block]

44. With curtailed power to obtain consent decrees, what steps will the Department of Justice take to stop civil rights abuses by local police departments?

RESPONSE (b) (5)

[Redacted text block]

(b) (5)

45. Transgender Americans experience much higher levels of violence and assault than cisgender Americans. In the US Transgender Survey (2015), 30% of respondents reported being discriminatorily fired, denied a promotion, or mistreated at work. Moreover, 47% reported having been sexually assaulted at some point in their lives. Nevertheless, despite these sobering statistics, the DOJ withdrew protections provided by Title VII of the Civil Rights Act to transgender people. If transgender Americans are at a higher risk of being discriminated against and being victims of a crime, then the Justice Department should be putting more protections in place rather than taking them away. Does the Department of Justice plan to continue its policy of denying transgender individuals protections from discrimination under Title VII of the Civil Rights Act of 1964?

RESPONSE: (b) (5)

[Redacted text block]

(b) (5)

[REDACTED]

46. Does the Department of Justice plan to continue its policy of denying transgender individuals protections from discrimination under Title IX of the Education Amendments of 1972?

RESPONSE: (b) (5)

47. What steps will the Department of Justice take to prevent violence and discrimination against transgender and gender non conforming people?

RESPONSE: (b) (5)

[REDACTED]

(b) (5)

48. How do the Department of Justice’s current interpretations of Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1964 affect intersex people’s rights against discrimination based on gender identity?

RESPONSE (b) (5)

49. The US has struggled with low confidence in police for years now, reaching a nadir in 2015 according to a Gallup poll. How will the Department of Justice inspire more trust in law enforcement when it proposes to dissolve the Community Relations Service, the Body Worn Camera Partnership Program, and the Community Trust Initiative?

RESPONSE: (b) (5)

*Justice Reinvestment Initiative*

50. The Justice Reinvestment Initiative is a data driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in strategies

that can decrease crime and reduce recidivism. The Reinvestment Initiative has had dramatic results such as reducing Arkansas incarceration by 9% 1,783 less people within the first year of its implementation. The JRI is a cost saving program, why would the Department of Justice get rid of it?

**RESPONSE:** (b) (5)  
[Redacted]

51. What plan does the Department of Justice have in place to help reduce recidivism?

**RESPONSE:** (b) (5)  
[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]



- (b) (5)

#### *Youth Mentoring*

52. Preventing crime should start at a young age especially since young people are the most likely to commit a crime however, the proposed FY 20 budget for the Department of Justice proposes drastic cuts to the Youth Mentoring and Delinquency Prevention Program. Has the Department of Justice done any studies on the effects of such drastic cuts to these programs?

**RESPONSE:** (b) (5)

#### *Victim Services*

53. The proposed FY 20 budget proposes cutting the Crime Victims Fund (CVF) by almost half. Moreover, it proposes to take even more funds out of the CVF by not giving the Office on Violence Against Women any discretionary appropriations and instead implementing a carve out of the CVF. This sends a stark message to victims that the DOJ does not value them. Does the Department of Justice have other plans to fund victim services in other ways?

**RESPONSE** (b) (5)

(b) (5)

*Prison Overcrowding*

54. There is a huge prison overpopulation issue in the US. This was highlighted in the Department of Justice's "Notice Regarding Investigation of Alabama's State Prisons for Men," which stated that "violations are exacerbated by serious deficiencies in staffing and supervision and overcrowding." What steps will the Department of Justice take to support state governments with overcrowding and understaffing prison issues?

**RESPONSE:** (b) (5)

55. How does the Department of Justice plan on helping prison overcrowding in the US when it is proposing to dissolve the National Institute of Corrections, which provides training, information, and technical services to federal, state, and local correctional agencies?

**RESPONSE:** (b) (5)

(b) (5)

*Special Counsel Investigation*

56. Did the Attorney General prepare any portion of his report prior to reading the Mueller report?

**RESPONSE:** (b) (5)

(b) (5)

57. Does the Mueller report have “executive findings” or other statements which summarize the key points of his investigation and report? Did the Attorney General base his summary report on Mueller’s summary, and how did his summary differ from Mueller’s?

RESPONSE: (b) (5)

58. Is it the Attorney General’s understanding that Mueller’s summaries were intended for quick public release?

RESPONSE (b) (5)

59. Beside the Deputy Attorney General and the Office of Legal Counsel, who else did the Attorney General consult with to make determinations on the Mueller report? What led him to believe despite just having received the report that he was able to make that determination so quickly?

RESPONSE: (b) (5)

60. Did the Attorney General at any point discuss with the Special Counsel whether his factual findings on obstruction of justice should be made available to Congress? To the public at large?

RESPONSE (b) (5)

(b) (5)

(b) (5)

61. Did Mueller share with the Attorney General his expectation or opinion on whether his factual findings on obstruction that, according to the Attorney General, “do not exonerate” the President, should be shared with Congress? If yes, what did he say or can the DOJ characterize what his expectation was?

RESPONSE (b) (5)

(b) (5)

62. On the issue of conspiring with the Russian government to interfere in the 2016 election, the Attorney General stated in his March 24th letter that the evidence does not meet the beyond a reasonable doubt standard of proving crimes. Does the evidence meet a clear and convincing standard or a preponderance of the evidence standard?

RESPONSE (b) (5)

63. Does the DOJ agree that foreign attacks or interference in our elections is a significant national security threat?

RESPONSE (b) (5)

64. Does the DOJ agree that Congress has a compelling legislative, appropriations, and oversight responsibility on the issue of election security and election interference?

RESPONSE (b) (5)

65. Will the special counsel’s findings on Russia’s efforts to influence the 2016 election help inform the discussion and ongoing efforts to secure our elections moving forward?

RESPONSE (b) (5)

(b) (5)

(b) (5)

66. Will the special counsel's findings on Russia's efforts to influence the 2016 election help inform the discussion and ongoing efforts to combat foreign cyber aggression?

RESPONSE (b) (5)

67. Given the grave national security threat posed by foreign actors interested in undermining our democracy, does the DOJ believe that it is important for Congress to receive all the Special Counsel's findings and underlying evidence on Russian election interference so that we can make well informed and thoughtful legislative and appropriation decisions to prevent future foreign attacks?

RESPONSE: (b) (5)

(b) (5)

**The Honorable Grace Meng  
Subcommittee on Commerce, Justice, Science, and Related Agencies  
Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*Community Based Violence Prevention Grants Programs (DOJ)*

1. The Community Based Violence Prevention Grants Program helps states and localities support a coordinated and multidisciplinary approach to gang and violence prevention, interventions, suppression, and reentry in targeted communities. What is the rationale behind eliminating this program?

**RESPONSE:** (b) (5)  
[Redacted]

2. How has OJJDP evaluated this program? What is the evidence based evaluation of this program?

**RESPONSE:** (b) (5)  
[Redacted]

[Redacted]

*First Step Act and Menstrual Hygiene products*

3. The First Step Act requires Bureau of Prisons to provide menstrual hygiene products to women and no cost and in accordance with the women's health needs. What is the status of this requirement? Have you begun providing the menstrual hygiene products to incarcerated women?

**RESPONSE** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]

*First Step Act and Primary Residence*

4. Section 401 of the First Step Act requires that, whenever practicable, a person be housed closest to their primary residence, and within 500 driving miles of their family. Is DOJ aware of how BOP plans to implement this provision, and how much it will cost?

**RESPONSE** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

5. What is DOJ's position on the timeline required to be in compliance with this provision of the law?

**RESPONSE** (b) (5)  
[Redacted]

6. When do you anticipate beginning to fulfill the requirement that people be moved to within 500 driving miles of their release place?

**RESPONSE** (b) (5)  
[Redacted]

7. What is the cost of those relocations?

**RESPONSE:** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]

*First Step Act and Independent Review Committee*

8. The First Step Act required that an Independent Review Committee be established by the National Institute of Justice not later than 30 days after enactment, or by January 21, 2019. This date has passed, and the Independent Review Committee has not yet been established. What steps has BOP taken toward establishment of the Independent Review Committee?

**RESPONSE:** (b) (5)  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

9. What organizations have you considered to house the Independent Review Committee? How will you make this decision?

**RESPONSE** (b) (5)  
[Redacted]

10. By what date will the Independent Review Committee be established?



RESPONSE (b) (5)

11. What additional resources, if any, does the Department need to establish the IRC?

RESPONSE (b) (5)

*Crime in Rural Areas*

12. The President’s budget wants to carve out \$6 million of Byrne JAG grants to “empower rural law enforcement agencies by providing training, technical assistance, and resources to interdict drug and human traffickers” under the proposed Southwest Border Rural Law Enforcement Violence Crime Reduction Initiative. While this certainly plays into the Administration’s narrative of the border crisis, there is also a more critical, very stark and very real situation of violent crimes being on a historic rise in rural areas.

Violent crime rate in rural areas has climbed above the national average for the first time in 10 years. In Iowa, for example, the overall violent crime rate rose by 3 percent between 2006 and 2016 but shot up by 50 percent in communities with fewer than 10,000 residents. Why would the Department’s funding only focus on rural areas in the Southwest and not all rural areas?

RESPONSE (b) (5)

(b) (5)

(b) (5)

(b) (5)

13. What will the Department do to help these rural communities that are dealing with increased drug use and associated crimes, like drug trafficking, theft, as well as domestic violence?

**RESPONSE:** (b) (5)

*“Red Flag Laws”*

14. After the shooting in Parkland, the President convened a roundtable to discuss gun violence and gun safety solutions. The president himself acknowledged how important it was to take immediate action when someone is a risk to themselves or other, creating a process to make sure someone doesn’t have access to firearms in that acute moment where they are putting themselves or their community at risk. The President’s administration has continued to show its support for the concept of strong intervention, with the DOJ providing technical assistance and the School Safety Commission supporting them.

Most recently, during your testimony before the Senate Judiciary Committee, Mr. Barr, you said:

*"I think the problem of our time is to get an effective system in place that can keep dangerous firearms out of hands of mentally ill people. That should be priority one and it will take hard work to get on top of the problem...."*

*"We need to push along Extreme Risk Protection Orders (ERPOs) so that we have these red flag laws to supplement the use of the background check to find out if someone has a mental disturbance. This is the single most important thing we can do in the gun control area to stop these mass shootings from happening in the first place."*

I understand how important this life saving tool is to prevent mass shootings and suicide, and Senator Lindsey Graham has stated that he's committed to working on federal legislation to incentivize states to pass and implement Red Flag laws in their state as a first step. Do you believe that we should be trying to implement a 50 state solution that doesn't leave any states behind when it comes to access to this critical tool?

**RESPONSE:** (b) (5)  
[REDACTED]

#### *Death in Custody Reporting Act*

15. The Death in Custody Reporting Act (DCRA) was enacted<sup>1</sup> four years ago, on December 18, 2014. If properly implemented,<sup>2</sup> DCRA could yield the most accurate federal numbers on deaths in custody, including fatal police shootings, disaggregated by race, ethnicity and other decedent demographics, to date. States should have begun compliance<sup>3</sup> with DCRA on July 31, 2017. What is the status of implementation of the Death in Custody Reporting Act?

**RESPONSE** (b) (5)  
[REDACTED]

<sup>1</sup> <https://www.federalregister.gov/documents/2016/12/19/2016-30396/agency-information-collection-activities-proposed-collection-comments-requested-new-collection-death>

<sup>2</sup> <https://www.openthegovernment.org/wp-content/uploads/other-files/DICRA%20Coalition%20Letter%20Feb%202017%20Final.pdf>

<sup>3</sup> <https://www.justice.gov/archives/page/file/918846/download>

(b) (5)

16. When will DOJ issue final guidance around the implementation of the Death in Custody Reporting Act?

**RESPONSE:** (b) (5)

17. What percentage of states complied with the first reporting period by July 31, 2017?

**RESPONSE:** (b) (5)

18. Is the Bureau of Justice Assistance or another DOJ entity conducting open source review to ensure DCRA implementation and compliance?

**RESPONSE:** (b) (5)

#### *Militarization*

19. On August 28, 2017, President Trump issued an executive order<sup>4</sup> eliminating oversight and restrictions on the federally resourced military weapons and equipment provided to local law enforcement. The executive order may have disassembled an interagency working group that was headed by DOJ's Office of Justice Programs and included the Departments of Defense and Homeland Security – the primary federal providers of military weapons and equipment to law enforcement. At a minimum, the working group ensured that the agencies providing military grade weapons were communicating with one another, which proves to be a critical need in light of a July 18, 2017, Government Accountability Office (GAO) report<sup>5</sup> that found the federal government gave over \$1 million worth of military weapons to a fake federal law enforcement agency. What is the status of the Interagency Working Group on Federal Equipment?

<sup>4</sup> <https://www.whitehouse.gov/presidential-actions/presidential-executive-order-restoring-state-tribal-local-law-enforcements-access-life-saving-equipment-resources/>

<sup>5</sup> <https://www.gao.gov/products/GAO-17-532>

RESPONSE (b) (5)

[Redacted]

20. Does DOJ have any policies in place around its resourcing of military weapons to local law enforcement, whether through Byrne JAG or other grants, federal civil forfeiture funds, or other DOJ programs?

RESPONSE (b) (5)

[Redacted]

[Redacted]

21. Has DOJ recently provided guidance to local law enforcement on how protests and other assemblies should be policed? If so, what is the guidance with respect to the use of military weapons and equipment?

RESPONSE (b) (5)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5)

A horizontal bar chart titled 'U.S. should take action to protect the environment'. The y-axis lists age groups: 18-29, 30-49, 50-69, and 70+. The x-axis shows percentages from 0 to 100. For each age group, there are two bars: a dark blue bar for 'Total' and a light blue bar for 'Male'. The data is as follows:

| Age Group | Total (%) | Male (%) |
|-----------|-----------|----------|
| 18-29     | 95        | 85       |
| 30-49     | 98        | 98       |
| 50-69     | 92        | 92       |
| 70+       | 95        | 95       |

**The Honorable Robert B. Aderholt**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*CBD (Cannabidiol) Oil*

1. In recent years, the Commerce, Justice, Science Appropriations Acts have been amended to include a general provision that prohibits the Department of Justice (DOJ) from using funds to interfere with state medical marijuana programs. It is my understanding that this provision is intended to limit DOJ's ability to take enforcement actions under the Controlled Substances Act. Does this prohibition interfere with DOJ's ability to enforce other areas of the law beyond the Controlled Substances Act?

**RESPONSE:**

(b) (5)

(b) (5)

2. How might this provision inadvertently be impacting public health and safety?

**RESPONSE:**

(b) (5)

**The Honorable Tom Graves  
Subcommittee on Commerce, Justice, Science, and Related Agencies  
Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*Wire Act*

1. In January, the Department of Justice Office of Legislative Counsel released a memo in January that reinterpreted the Wire Act in such a way that has put all sales by traditional lotteries at risk of being considered in violation of the Wire Act, in part because of the lack of recognition of the fact that nearly all lottery transactions, including in store terminal generated games and internet sales, use wire facilities to electronically route wagers across state lines.

Billions of dollars generated annually from lottery proceeds fund worthy causes. For example, the Commonwealth of Kentucky and the State of Georgia use lottery proceeds to fund college scholarships. Many other states, including Illinois, Michigan and New Hampshire, use lottery proceeds to fund public education.

The Supreme Court has recently indicated its agreement with two federal circuit courts of appeal that held the Wire Act applies to betting or wagering on sports events, and it further noted the importance of respecting the policy choices of citizens in each individual state.

Indeed, states must gain the support of their legislatures and voters before operating; must be authorized and regulated by state law; operated by the state or the state's statutory designee; and sell only to persons physically present within the state.

DOJ's extension of the enforcement moratorium on the memo in light of the suit filed by the New Hampshire Lottery Commission only provides temporary relief to the affected states and organizations. To provide legal certainty, will DOJ explicitly exclude state lottery transactions from its interpretation of the Wire Act?

**RESPONSE:** (b) (5)  
[Redacted text block containing approximately 12 lines of blacked-out content]



(b) (5)  
[Redacted text block]

**QUESTIONS FOR THE RECORD**  
**UNITED STATES ATTORNEY GENERAL WILLIAM P. BARR**  
**SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED**  
**AGENCIES**  
**DEPARTMENT OF JUSTICE FY 2020 BUDGET REQUEST**

**The Honorable Nita M. Lowey**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*National Instant Criminal Background Check System (NICS) Firearm Retrieval Referrals*

1. "Firearm retrieval" is the term for the action recommended after a background check is unresolved within the "three business day" timeframe, and a Federal Firearms Licensee proceeds with a firearms transfer, but subsequently learns such request should have been denied. FBI NICS Section then notifies ATF that a "*prohibited person*" is in possession of a firearm, and ATF can undertake action to "retrieve" the firearm.

You testified that "data I have heard is that there are about 6,000 of these delayed responses...and that ... approximately 2,000 of those, a third, are people that would have flunked the background check and ATF goes out and gets the weapon, retrieves, the weapon." However, FBI's 2017 NICS Operations Report states that in 2017, 6,004 persons failed the NICS background check not 2,000 because they were found to be prohibited persons *after* the 3 period had passed. Is that report accurate, and if so, will you correct your testimony?

**RESPONSE:** (b) (5)  
[REDACTED]

2. Based on the 2017 FBI report, of those 6,004 firearm transactions, 4,864 were confirmed to have been transferred to "prohibited persons," which included: 1,245 to persons convicted of a crime punishable by more than one year; 1,002 to persons convicted of misdemeanor crimes of domestic violence; 1,012 who were under indictment or fugitives from justice; and 118 who were subject to protection or restraining orders or domestic violence. Do you agree with these figures?

**RESPONSE** (b) (5)  
[REDACTED]

3. The same 2017 FBI report also noted that of the 6,004 cases where retrieval was sought, ATF could not determine whether a transaction occurred in 1,140 cases because

“definitive data was unattainable.” Does “unattainable” mean that it is possible 1,140 firearms were transferred to prohibited persons but the Department cannot document the fact, one way or the other? Is there a process to follow up on such retrieval cases to resolve them?

**RESPONSE:** (b) (5)  
[Redacted text block]

[Redacted text block]

4. How much longer would the current three business day timeframe need to be extended to significantly reduce or eliminate the number of such potential transfers to prohibited persons? Would extending the waiting period to ten days be likely to prevent 6,000, or even 4,864, firearms from getting into the wrong hands?

**RESPONSE** (b) (5)  
[REDACTED]

5. In his March 27, 2019, letter to you, Special Counsel Mueller wrote:

“As we stated in our meeting of March 5 and reiterated to the Department early in the afternoon of March 24, the introductions and executive summaries of our two volume report accurately summarize this Office’s work and conclusions. The summary letter the Department sent to Congress and released to the public late in the afternoon of March 24 did not fully capture the context, nature, and substance of this Office’s work and conclusions. We communicated that concern to the Department on the morning of March 25. There is now public confusion about critical aspects of the results of our investigation. This threatens to undermine a central purpose for which the Department appointed the Special Counsel: to assure full public confidence in the outcome of the investigations. See Department of Justice, Press Release (May 17, 2017).”

During the hearing with the Subcommittee on April 9, 2019, you were asked by Representative Crist the following question:

“Reports have emerged recently, General, that members of the Special Counsel’s team are frustrated at some level with the limited information included in your March 24<sup>th</sup> letter, that it does not adequately or accurately necessarily portray the report’s findings. Do you know what they are referencing with that?”

You replied:

“No, I don’t”

Is that statement accurate, in light of the March 27, 2019, letter from Special Counsel Mueller, which your office records as having been received on March 28, 2019? And if not, will you correct or clarify your testimony?

**RESPONSE:** (b) (5)  
[REDACTED]

(b) (5)

[REDACTED]

**The Honorable José E. Serrano**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*Homegrown Violent Extremism*

1. At the hearing you testified that the Department does “not have a separate category for violent extremism.” It is noteworthy that on April 4<sup>th</sup> the FBI Director told the Subcommittee that the FBI has seen an increase in the number hate crimes, and that “the danger...of white supremacists, violent extremism or another kind of extremism is of course significant...a persistent, pervasive threat. We tackle it both through our joint terrorism task forces on the domestic terrorism side as well as through our civil rights program on the civil side through hate crime enforcement.” The Director has also publicly stated that of about 5,000 terrorism cases under investigation, 1,000 are homegrown violent extremists, in all 50 States. While it is not a regular budget category, could you please provide a rough estimate of the resources the Department is devoting to investigations and prosecution of domestic violent extremism whether under the category of terrorism, violent crime, or hate crimes?

**RESPONSE**

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5)

*Southwest border law enforcement*

2. Southwest Border county crime rates are lower, in all categories, than in the rest of the country. Furthermore, U.S. Customs and Border Protection has recorded significantly lower arrests of individuals with criminal histories each year from fiscal year 2016 to the present. On the other hand, the Justice Department has been shortchanging important work to pursue its so called “zero tolerance” policy. For example, a USA Today study released in October 2018 found that Federal drug trafficking prosecutions along the border had declined 30 percent because resources were diverted to prosecute minor immigration violations. How

many personnel in the U.S. Attorneys offices, U.S. Marshals, Bureau of Prisons, and other DOJ agencies were employed in the ramped up immigration enforcement efforts, and how much funding was used for such purposes in fiscal year 2018?

RESPONSE (b) (5)

[Redacted]

3. How many fewer drug trafficking cases were filed in judicial districts along our southern border since the 'zero tolerance' policy was implemented?

RESPONSE (b) (5)

[Redacted]

(b) (5)

[Redacted]

(b) (5)

[Redacted]



(b) (5)

4. What are the comparable estimates for personnel and funding to implement zero tolerance policies in fiscal years 2019 and 2020?

RESPONSE (b) (5)

*Executive Office for Immigration Review (EOIR)*

5. In March Executive Office for Immigration Review Director McHenry testified before the Subcommittee. The night before the hearing, he sent a memo to staff saying that, despite a significant 2019 funding increase, a budgetary shortfall for interpreter costs would require the immigration court system to cut back judge hiring, cancel trainings, and delay IT improvements. This is deeply troubling, both from a due process perspective, and a budgetary one. Why was this committee not told about these problems?

RESPONSE: (b) (5)

(b) (5)

6. What impact has this funding shortfall had on the caseload backlog?

RESPONSE (b) (5)

*Border Wall/Eminent Domain*

7. To support the Administration’s proposed hardening and expansion of border walls on the Southwest border, the Department has been taking legal action to gain access to or acquire private land. This entails legal workload and years of litigation. How many cases, including those seeking to acquire land through assertion of eminent domain, did the Department handle in fiscal year 2018, and how many do you expect to pursue in fiscal years 2019 and 2020 to force owners to sell or grant access to land?

RESPONSE (b) (5)

8. For those years, how many landowners were or will be forced to sell their land or have it seized via eminent domain?

RESPONSE (b) (5)

[REDACTED]

9. How much funding and full time equivalent staff effort did the Department expend in fiscal year 2018 to pursue such actions broken out by the U.S. Attorneys' offices, the Environment and Natural Resources Division, and the Civil Division and how much does it plan to use for such purposes in fiscal years 2019 and 2020?

RESPONSE (b) (5)

[REDACTED]

*Civil Rights Division Alabama State Prisons*

10. The 8<sup>th</sup> Amendment to the Constitution prohibits "cruel and unusual punishment..." On April 2, the Civil Rights Division and the U.S. Attorney for Alabama released the results of its investigation of Alabama prisons and reported its findings. How will the Department ensure immediate relief from the unacceptable conditions now present in the prison system?

RESPONSE (b) (5)

[REDACTED]

11. One way to ensure corrections in such cases has been through a judicially enforced consent decree. Former Attorney General Sessions said such decrees interfere with States' rights and placed restrictions on them. Will the Department seek or consider seeking a consent decree in this case?

**RESPONSE** (b) (5)

12. What is the Department doing to ensure all States and territories are protecting the human and constitutional rights of persons in their custody? Is there a process to monitor facilities and ensure such deplorable conditions described in the April 2 report are not permitted anywhere in this country?

**RESPONSE** (b) (5)

*Community Relations Service Termination*

13. The fiscal year 2020 Budget proposes to eliminate the Community Relations Service and fold its functions into the Civil Rights Division, with no additional funding or positions assigned to this purpose. Historically, the Community Relations Service plays a key role in helping prevent and resolve community conflicts based on civil rights issues. The proposal threatens to undermine the confidentiality and neutrality essential to this critical mission. How will you protect the independence and confidentiality of the mediation work if it is done within the division responsible for enforcement?

**RESPONSE:** (b) (5)

14. How will the Civil Rights Division perform this additional responsibility with no new resources or personnel?

**RESPONSE** (b) (5)

(b) (5)

*Policing Reform*

15. Under former Attorney General Sessions, the Department effectively changed course on police reform, abandoning efforts in cities such as Baltimore and Chicago. It also moved the focus away from the Collaborative Reform program in the COPS office, which sought to work with police departments to implement changes to improve police community relationships and build trust. What is the Department doing now to address ongoing distrust between minority communities and local law enforcement a serious issue in urban communities across this nation? What resources are included in your 2020 budget for such purposes?

**RESPONSE:** (b) (5)

(b) (5)

(b) (5)

(b) (5)

*Environment and Natural Resource Division*

16. The Environment and Natural Resources Division (ENRD) has a broad portfolio. It prosecutes those who violate pollution control laws; defends the U.S. from environmental challenges and in its stewardship of public lands and resources; wildlife protection; and Indian rights and claims. It also leads on Federal acquisition of property through eminent domain such as on the Rio Grande where the Administration yearns to build a wall. Your fiscal 2020 ENRD request for ENRD is flat \$110.5 million the same as in fiscal 2018.

During the shutdown, we heard ENRD was suffering an “exodus” of its most experienced attorneys on the cusp of a slew of major EPA cases. Your request indicates you expect to double the number of full time permanent reimbursable positions from 41 to 82. Is the Division facing a shortage of experienced staff, and is it trying to make up for that by using reimbursable positions?

**RESPONSE** (b) (5)

17. There is growing concern about the presence of so called “PFAS” chemicals in groundwater and drinking water. These chemicals are in consumer products like Teflon and Scotchguard, and in firefighting foam used at military airfields and facilities around the country and world. They are associated with higher rates of cancer. What do you expect, in terms of workload and budgetary impact on ENRD, from litigation to monitor and clean up water from PFAS contamination, to include supporting the Environmental Protection Agency and defending the Defense Department against lawsuits?

RESPONSE: (b) (5)

[Redacted text block]

*Wildlife Protection*

18. Wildlife protection and trafficking remains a significant environmental and economic crime, and a source of funding for organized crime and terrorist groups, particularly in developing countries. How many Environment and Natural Resources Division personnel and how much funding were used to investigate and prosecute wildlife trafficking in fiscal year 2018? What is budgeted for this in fiscal years 2019 and 2020?

RESPONSE: (b) (5)

[Redacted text block]

(b) (5)

[REDACTED]

*Russian Influence and Espionage*

19. The impetus for appointing a Special Counsel was to investigate alleged Russian efforts to influence the 2016 election. DOJ, along with the rest of the Intelligence Community, has made clear that Russia carried out significant influence and interference activities, and continues to target U.S. elections. Your budget proposes \$132 million in new funding for national security and cyber threats, including \$18 million and 35 FBI positions for counterintelligence. Is this latter proposal adequate to meet the growing threat of Russian interference in our political and economic system?

RESPONSE (b) (5)

[REDACTED]

(b) (5)



(b) (5)

*China Initiative*

20. Last November former AG Sessions initiated a “China Initiative” against Chinese national security threats to our commerce, industry, and critical infrastructure. This would target, quote: “economic espionage”, “malign economic aggression”, “foreign investments, corporate acquisitions, and cyber intrusions...[and acquiring] inside information.” This initiative was to include leadership by the National Security Division, the Criminal Division, the FBI, and a working group of five U.S. Attorneys. What is the status of the China Initiative begun by your predecessor, and how is its work reflected in your 2020 request?

**RESPONSE:** (b) (5)

21. Please identify (or provide separately to the Subcommittee if such information is sensitive) elements of the request that support this initiative, as well as any areas where additional funding could enhance Department efforts.

**RESPONSE:** (b) (5)

*US Marshals and Federal Prisoner Detention*

22. The Department has identified a fiscal year 2019 shortfall in the Federal Prisoner Detention (FPD) account, and an even larger one in its fiscal year 2020 budget. The Department has proposed short term relief by transferring balances from the Bureau of Prisons. What is the cause of the shortfall? Assuming it is due to increased prosecution of immigration charges, including misdemeanor charges, how much is due to the impact of the “zero tolerance” policies embraced by former Attorney General Sessions?

**RESPONSE:** (b) (5)

[Redacted text block]

[Redacted text block]

23. What are the potential consequences of not providing the full request FPD funding request?

**RESPONSE:** (b) (5)

[Redacted text block]

(b) (5)

24. If the shortfall were to be addressed through a transfer from the Bureau of Prisons, what impact would that have on the Bureau's ability to reduce overcrowding, activate facilities such as USP Thomson, and implement the First Step Act?

RESPONSE: (b) (5)

*Election Fraud*

25. Your request calls for \$153.2 million for the Civil Rights Division, part of which funds the Voting Section, which is charged with protecting citizens' *right to vote* and access to the ballot. The President recently again claimed that fundamental uncertainty exists about the reliability of U.S. elections the recurrent charge of so called widespread "voter fraud." Is such so called *election fraud* investigation and prosecution a significant Justice Department priority? If so, which components, how many positions, and how much funding was used in fiscal year 2018 for such efforts, and how much funding and personnel do you anticipate committing to such activity in fiscal year 2019 and fiscal year 2020? How many of these personnel are being diverted from traditional voting rights protection litigation?

RESPONSE: (b) (5)

(b) (5)

[Redacted text block]

26. With more money flowing into political campaigns, there seems to be a growing problem of so called “SCAM PACs” shell organizations posing as political fundraising organizations. Political groups are not bound by the same limits or oversight as charitable nonprofits, so phony fundraisers, including many who were previously caught by charity regulators, see masquerading as “PACs” to be a safe way to raise money posing as “charitable” causes such as for animals, veterans, or medical research. What is the size and scope of this problem? Is the Department acting to investigate and shut down such fraudsters?

RESPONSE: (b) (5)

[Redacted text block]

*Emergency Funding impact on Department*

27. The emergency supplemental has not yet been enacted to address the damage and costs associated with major hurricanes and other natural emergencies in 2018. The Department sustained costs and damage to many facilities and had significant impact on Florida and Puerto Rico, among other places. How is the Bureau of Prisons operating without the capacity of its Marianna, Florida facility?

**RESPONSE:** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]  
[Redacted]  
[Redacted]

28. What has been the impact on Puerto Rico, which had to move detainees to the 50 states? Is there a continuing need to help restore operations and facilities there? How urgent is the delayed emergency funding?

**RESPONSE** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]

*TAX Division*

29. The Tax Division was flat funded in fiscal years 2018 (\$107 million) and 2019 (\$105.9 million). The 2020 request would increase funding by about 8 percent to \$114.9 million. But this is shown as a “current services” increase not program growth. Is the Tax Division encountering significant new workload due to the impact of the 2017 tax law changes? If so, how is it coping, and will the proposed increase keep it from falling behind?

**RESPONSE:** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

(b) (5)

*Opioids and Counterdrug Programs*

30. Deaths from drug poisoning, according to the Center for Disease Control (CDC), are at their highest recorded level for over ten years exceeding deaths caused by guns, car crashes, suicide and homicide. The CDC also reports that overdoses killed 70,237 Americans in 2017 47,600 from opioids, with deaths 9.6 percent higher than in 2016. DOJ proposes \$34.6 million more funding for the Drug Enforcement Administration, including \$22.4 million in its diversion control programs to address prescription drug use. This would include funding five new heroin enforcement groups and enhancing cyber and analytical tools to counter increasingly sophisticated traffickers.

The opioid epidemic has been common knowledge for a decade, and we've suffered the tragedy of drug trafficking for generations. For every "El Chapo" who is taken off the street, ten more of his lieutenants take over. How will you prioritize resources and policies under your leadership, to address the drug crisis in this country focusing on the trafficking organizations and their enablers, while aiding victims and users who want to escape their addiction?

**RESPONSE:** (b) (5)

- 
-

(b) (5)

- [Redacted]

- [Redacted]

- [Redacted]

- [Redacted]

[Redacted]

[Redacted]

(b) (5)

*Criminal Division Globalization of Crime/International Aid Programs*

31. The Office of International Affairs in the Criminal Division plays a critical role in helping enforce U.S. law when it entails global cooperation with other countries and reciprocating with them as appropriate. It plays a key role, with the State Department, in helping support the development of effective criminal justice systems around the world. Mutual Legal Assistance Treaty requests have grown in number and complexity, and the Department of Justice request says the Department needs to be able to promptly execute requests to share evidence and ensure we receive reciprocal treatment. Congress provided funding for MLAT request processing in the 2019 Omnibus. How much is included in your request for handling MLAT workload? Is it enough to support the Department's mission, including combatting transnational organized crime?

**RESPONSE** (b) (5)



32. The President's threat to eliminate foreign assistance to El Salvador, Guatemala and Honduras would surely damage cooperation with law enforcement and judiciary in those countries, including in efforts to dismantle MS 13 and other violent criminal gangs. What is the Department doing in those countries through aid, law enforcement cooperation, and other efforts and what would be lost if the U.S. walked away?

**RESPONSE:** (b) (5)  
[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

The request makes the case for reliable funding for overhead and headquarters costs of DOJ's foreign assistance engagement, including in Afghanistan, as reported by the Special Inspector General for Afghanistan Reconstruction. How much is needed in 2020 to support this function, and how much is included for this purpose in your request for the Criminal Division?

**RESPONSE** (b) (5)  
[Redacted]

(b) (5)

*Bankruptcy Trustees Funds*

33. In fiscal year 2017, U.S. Bankruptcy code was amended in law to change how bankruptcy filing fees are collected, which could lead to a 2020 shortfall in fees needed to offset its operations. How big a problem does this pose in fiscal 2020, and is the Department acting or proposing legislation to prevent a funding gap?

RESPONSE (b) (5)

*Justice Reinvestment Initiative (JRI)*

34. In your testimony to the Senate Judiciary Committee, you said you "...would seek to ensure that the Department effectively implements the programs Congress funds. I support the goals of the Justice Reinvestment Initiative as described and do not at this time have specific ideas for modifications." Yet your budget request says, "The Administration seeks to eliminate JRI and redirect these funds to develop effective data driven programs to address the significant increases of violent crime in many of the Nation's cities and towns." What changed your position on JRI, and what specific programs would be funded instead of supporting continuation of JRI efforts?

**RESPONSE** [REDACTED] (b) (5)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**The Honorable Matthew Cartwright**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*FCC Robocall Forfeiture Orders*

1. At the Federal Communications Commission (FCC) Budget hearing on April 3rd, 2019, Jessica Rosenworcel, an FCC Commissioner, said that since 2015 the FCC has referred over \$200 million in unpaid robocall forfeiture orders to the Department of Justice (DOJ). However, the DOJ has collected less than \$7,000. An FCC spokesperson also told the Wall Street Journal that the FCC lacks the authority to enforce its forfeiture orders and that they fall to the DOJ to execute. What is happening to all those referred forfeiture orders?

**RESPONSE** (b) (5)  
[Redacted]

2. What plans does the DOJ have in place to coordinate with the FCC to retrieve both current uncollected and future robocall forfeiture orders?

**RESPONSE** (b) (5)  
[Redacted]

*Disparate Sentencing*

3. A 2016 Brookings study found that Black men on average received 20% longer prison sentences than White men for similar crimes. Racial disparities in law enforcement and prison sentencing have created a justice system that disproportionately targets minorities,

especially Black and Latino communities. What steps will the Department of Justice take to address these pernicious disparities?

**RESPONSE** (b) (5)  
[Redacted]

4. Will the Attorney General reverse the Department of Justice’s memorandum that pushed prosecutors to pursue mandatory minimum sentences, the legal mechanism behind mass incarceration?

**RESPONSE** (b) (5)  
[Redacted]

*Fatal Police Encounters*

5. A report published in the Journal of Epidemiology and Community Health observing data from 2015 2016 of fatal encounters with law enforcement in the U.S. stated that “people of colour comprised 38.5% of the population, but 51.5% of YLLs [years of life lost].” The report concluded that police violence disproportionately affects people of color. What steps will the Department of Justice take to prevent disproportionate levels of violence by police towards people of color?

**RESPONSE** (b) (5)  
[Redacted]

(b) (5)

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

6. According to data compiled by the Washington Post, there were 11 more fatal shootings by police in 2018 than in 2017, and data from the past 4 years suggests that fatal police shooting levels are staying the same or increasing. In 2018, 998 people were killed by police officers. What steps will the Department of Justice take to reduce police lethal force levels?

**RESPONSE:** (b) (5)  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

7. What steps will the Department of Justice take to address and reduce shooting bias against people of color?

**RESPONSE** (b) (5)  
[Redacted]

8. The US has been shaken by tragedies like the killings of unarmed people, such as Freddie Gray, Sam Dubose, Philando Castile, Terence Crutcher, Alton Sterling, and sadly many others. What steps will the Department of Justice take to address police killings of unarmed people?

**RESPONSE** (b) (5)

[REDACTED]

9. Many of the officers who killed these unarmed people received very light or no sentences. What steps will the Department of Justice take to make sure that victims of racial violence committed by police see justice?

**RESPONSE** (b) (5)

[REDACTED]

*Rape Kit Testing Backlogs*

10. Across the US tens of thousands of rape kits remain untested creating massive backlogs across the US. This is an issue of justice and public safety. What steps will the Department of Justice take to ameliorate rape kit backlogs?

**RESPONSE:** (b) (5)

[REDACTED]



(b) (5)

11. What steps will the Department of Justice take to ensure that rape kits in local law enforcement are tested in a timely manner?

RESPONSE: (b) (5)

(b) (5)

12. How will the Department of Justice support law enforcement offices that are overwhelmed by their number of untested rape kits?

RESPONSE: (b) (5)

(b) (5)

*Diversity*

13. Federal law enforcement agencies have critically low diversity and few women working in them. According to Politico, in 2017 the FBI was 80% white and 80% male, and only 5% of all Border Patrol agents were women. At the rate that women's representation is increasing in law enforcement will take 700 years before women's numbers reach parity with their male counterparts. What steps will the Department of Justice take to recruit more diversity?

**RESPONSE** (b) (5)

14. What steps will the Department of Justice take to encourage more women to join federal law enforcement?

**RESPONSE:** (b) (5)

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15. What steps will the Department of Justice take to identify and ensure that law enforcement agencies' hiring practices are not influenced by perceived biases?

**RESPONSE:** (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

16. In 2018, the Office of the Inspector General produced a survey on Gender Equity in the Department of Justice and found that only half (52%) of all respondents reported that their agency had a gender equitable culture. Special Agent and Deputy U.S. Marshal positions reported consistently low perceptions of equity and many reported experiences of differing treatment and discrimination. What steps will the Department of Justice take to improve and promote a gender equitable culture across its agencies?

**RESPONSE** (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17. The Office of the Inspector General found that “women held few headquarters executive leadership positions and those positions were usually leading administrative or support units rather than operational units. Further, [it] found that women did not hold many of the top leadership positions in field offices, divisions, and districts.” What steps will the Department of Justice take to promote more women to leadership?

**RESPONSE:** (b) (5)

[Redacted]

18. The Office of the Inspector General found that their “analysis indicated ATF and DEA female Criminal Investigators were underrepresented in competitive promotions compared to their proportion of the population at the next lower grade level.” Concluding that their “analysis might indicate possible issues at ATF, DEA, and FBI for women advancing into supervisory positions.” How will the Department of Justice address gender discrimination in promotions?

**RESPONSE:** (b) (5)

[Redacted]

(b) (5)

19. According to the report, DOJ agencies are less likely to give women the kind of casework that would lead to recognition and promotion, particularly in terms of collateral duties. What steps will the Department of Justice take to ensure that there is no gender discrimination in collateral duty assignment?

**RESPONSE:** (b) (5)

20. The report found that women staff members were sometimes reassigned involuntarily to units that handled non violent crime and had more traditional work hours after they had started a family units also less likely for promotion. A male supervisory Deputy U.S. Marshal even called motherhood “a career hazard for women.” What steps will the Department of Justice take to ensure that women law enforcement officers are able to start families, free of discrimination or involuntary work reassignment?

**RESPONSE:** (b) (5)

21. What steps will the Department of Justice take to support flexible work hours free of discrimination for women staff members who have children?

**RESPONSE:** (b) (5)

(b) (5)

22. According to the survey 45% of staff members reported that they would not or were unsure whether they would use the EEO process if they experienced discrimination. Thus, contributing to underreporting and permitting the continuance of such discrimination. How does the Department of Justice plan on building more faith and more utilization of the EEO process when a staff member is harassed or discriminated against?

RESPONSE (b) (5)

23. The Office of the Inspector General's report stated that "a lack of applicant and hiring data inhibits evaluation of recruitment efforts." What steps will the Department of Justice take to improve data collection on demographic specifics in applicant and hiring data?

RESPONSE (b) (5)

(b) (5)

24. Gender bias in law enforcement hurts survivors of sexual assault, domestic abuse, and stalking. In 2015, the Department of Justice released a report on December 15<sup>th</sup>, 2015 on “Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence” that outlined a set of principles that law enforcement agencies and departments should follow. What steps is the Department of Justice taking to help agencies and departments pursue those principles?

RESPONSE: (b) (5)

*Drug Enforcement Policies*



25. The Trump Administration released its National Drug Control Strategy in January. In the Strategy, it outlined that the Administration was in support of programs that “divert[ed] individuals addicted to drugs directly to treatment in lieu of arrest,” pre arrest diversion programs, and other law enforcement diversion and deflection models. It also said that the “Administration [...] will scale up support for State, Tribal, and local drug courts in order to provide offenders struggling with addiction access to evidence based treatment as an alternative to or in conjunction with incarceration, or as a condition of supervised release.” How does the Department plan on implementing these diversion programs in conjunction with their enforcement programs?

RESPONSE: (b) (5)

26. This strategy suggests a pivot from the criminalization of drug addiction and consequently offenses to a more medicalized and holistic view of addiction. How will the DOJ’s drug enforcement policies reflect this shift in enforcement strategy?

RESPONSE: (b) (5)

(b) (5)

27. Will the Department of Justice pursue clemency for individuals charged with long sentences before drug addiction was viewed as a medical issue?

RESPONSE: (b) (5)

28. How will the Department of Justice coordinate and work with public health institutions to coordinate drug addiction responses?

RESPONSE: (b) (5)

(b) (5)

[Redacted text block]

[Redacted text block]

[Redacted text block]

29. How will the Department of Justice coordinate and work with private health institutions to coordinate drug addiction responses?

**RESPONSE** (b) (5)

[Redacted text block]

30. How will different drug schedules affect the Department of Justice's response to different addiction situations?

**RESPONSE:** (b) (5)  
[Redacted]

31. In Attorney General Barr's confirmation hearing, he mentioned that he would not continue to pursue the Department of Justice's memorandum on marijuana enforcement from January 4<sup>th</sup>, 2018, and instead respect the Cole Memorandum on cannabis enforcement. Does the Department of Justice and the Attorney General plan to use the guidance set forth in the Cole Memorandum on cannabis enforcement?

**RESPONSE** (b) (5)  
[Redacted]

32. How does the Department of Justice plan on addressing states that have legalized medical and/or recreational cannabis?

**RESPONSE** (b) (5)  
[Redacted]

33. American drug laws and enforcement have historically and contemporaneously targeted minority communities and people of color, even though according to a survey done in 2018 by the Substance Abuse and Mental Health Services Administration, white Americans statistically have larger incidences of drug addiction. What steps will the Department of Justice take to rectify disparities in drug law enforcement on black communities and communities of color?

**RESPONSE** (b) (5)  
[Redacted]

(b) (5)

34. According to a survey done in 2018 by the Substance Abuse and Mental Health Services Administration, Native Americans and Native Alaskans have the highest rate of substance addiction. What steps will the Department of Justice take to work with Native American Leadership to combat this epidemic?

**RESPONSE:** (b) (5)

(b) (5)

[Redacted]

[Redacted]

[Redacted]

35. When Native Americans suffer the most from substance addiction, there should be a renewed focus on helping alleviate the situation. Nevertheless, in the proposed FY20 budget for the Department of Justice, the Tribal Assistance Program under the Comprehensive Addiction and Recovery Act (CARA) is proposed to be completely defunded. How does the Department of Justice expect to combat substance addiction in Native American populations when they defund the Tribal Assistance Program associated with the Comprehensive Addiction and Recovery Act?

**RESPONSE** (b) (5)

[Redacted]

36. What steps will the Department of Justice take to support law enforcement agents' access to Naloxone?

**RESPONSE** (b) (5)  
[Redacted]

*Human Trafficking*

37. Human trafficking has had a larger spotlight put on it in recent years, with most of the attention focused on sex trafficking. Labor trafficking is statistically the largest incident of human trafficking in the US. What steps will the Department of Justice take to coordinate with the Department of Labor to address labor trafficking?

**RESPONSE** (b) (5)  
[Redacted]

38. What steps will the Department of Justice take to ensure that illegal immigrants suffering from human trafficking can report abuse without risk of deportation?

**RESPONSE:** (b) (5)  
[Redacted]

(b) (5)

[REDACTED]

39. What steps will the Department of Justice take to guide Attorneys to avoid prosecuting adult victims of trafficking or adult victims of childhood sex trafficking who are arrested on charges of engaging in prostitution?

**RESPONSE:** (b) (5)

[REDACTED]

40. What steps will the Department of Justice take to guide Attorneys and law enforcement to prioritize procurers and pimps, rather than prostitutes, who statistically are most often victims of childhood sex trafficking and have been unable to escape trafficking/prostitution systems before coming of age?

**RESPONSE** (b) (5)

[REDACTED]



(b) (5)

[REDACTED]

*Law Enforcement Practices and Civil Rights*

41. In 2018, the US Commission on Civil Rights released a report that highlighted several recommendations to help the Department of Justice foster better law enforcement practices. One of the highlighted recommendations in the report was recommending that the Department of Justice “return to vigorous enforcement of constitutional policing... [and] should robustly support local efforts to develop and institute constitutional policing practices.” What steps will the Department of Justice take to institute constitutional policing practices?

**RESPONSE** (b) (5)

[REDACTED]

42. In the 2018 report released by the US Commission on Civil Rights, the report stressed that the DOJ should “reinstat[e] the Office of Community Oriented Policing Services (COPS) and maintain the Community Relations Services office (CRS) to focus on building community trust and reduce excessive uses of force in coordination with police departments.” Why is the Department of Justice ignoring the suggestions of the US Commission on Civil Rights and attempting to dissolve the COPS program?

RESPONSE (b) (5)

- In the 2018 report released by the US Commission on Civil Rights, the Commission recommended that the Department of Justice “use...consent decrees as necessary where constitutional policing standards are not being upheld.” Consent decrees are essential to protecting civilians’ civil rights and reducing racist policing. Nevertheless, on November 8<sup>th</sup>, 2018 the Department of Justice released a memorandum on Civil Consent Decrees and Settlement Agreements with State and Local Governmental Entities that curtailed the Department of Justice’s ability to obtain court enforced agreements, which would help the Department curb civil rights abuses by local police departments. Does the Department of Justice plan to continue to ignore the US Commission on Civil Rights and continue its policy of curtailed consent decrees?

RESPONSE: (b) (5)

\_\_\_\_\_  
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 \_\_\_\_\_  
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 \_\_\_\_\_

[illegible]

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\_\_\_\_\_

\_\_\_\_\_

(b) (5)

44. With curtailed power to obtain consent decrees, what steps will the Department of Justice take to stop civil rights abuses by local police departments?

RESPONSE

(b) (5)

(b) (5)

45. Transgender Americans experience much higher levels of violence and assault than cisgender Americans. In the US Transgender Survey (2015), 30% of respondents reported being discriminatorily fired, denied a promotion, or mistreated at work. Moreover, 47% reported having been sexually assaulted at some point in their lives. Nevertheless, despite these sobering statistics, the DOJ withdrew protections provided by Title VII of the Civil Rights Act to transgender people. If transgender Americans are at a higher risk of being discriminated against and being victims of a crime, then the Justice Department should be putting more protections in place rather than taking them away. Does the Department of Justice plan to continue its policy of denying transgender individuals protections from discrimination under Title VII of the Civil Rights Act of 1964?

RESPONSE:

(b) (5)

(b) (5)

46. Does the Department of Justice plan to continue its policy of denying transgender individuals protections from discrimination under Title IX of the Education Amendments of 1972?

RESPONSE: (b) (5)

47. What steps will the Department of Justice take to prevent violence and discrimination against transgender and gender non conforming people?

RESPONSE: (b) (5)

(b) (5)

48. How do the Department of Justice’s current interpretations of Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1964 affect intersex people’s rights against discrimination based on gender identity?

RESPONSE (b) (5)

49. The US has struggled with low confidence in police for years now, reaching a nadir in 2015 according to a Gallup poll. How will the Department of Justice inspire more trust in law enforcement when it proposes to dissolve the Community Relations Service, the Body Worn Camera Partnership Program, and the Community Trust Initiative?

RESPONSE: (b) (5)

*Justice Reinvestment Initiative*

50. The Justice Reinvestment Initiative is a data driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in strategies

that can decrease crime and reduce recidivism. The Reinvestment Initiative has had dramatic results such as reducing Arkansas incarceration by 9% 1,783 less people within the first year of its implementation. The JRI is a cost saving program, why would the Department of Justice get rid of it?

**RESPONSE:** (b) (5)  
[Redacted]

51. What plan does the Department of Justice have in place to help reduce recidivism?

**RESPONSE:** (b) (5)  
[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

- (b) (5)

*Youth Mentoring*

52. Preventing crime should start at a young age especially since young people are the most likely to commit a crime however, the proposed FY 20 budget for the Department of Justice proposes drastic cuts to the Youth Mentoring and Delinquency Prevention Program. Has the Department of Justice done any studies on the effects of such drastic cuts to these programs?

**RESPONSE:** (b) (5)

*Victim Services*

53. The proposed FY 20 budget proposes cutting the Crime Victims Fund (CVF) by almost half. Moreover, it proposes to take even more funds out of the CVF by not giving the Office on Violence Against Women any discretionary appropriations and instead implementing a carve out of the CVF. This sends a stark message to victims that the DOJ does not value them. Does the Department of Justice have other plans to fund victim services in other ways?

**RESPONSE** (b) (5)

(b) (5)

*Prison Overcrowding*

54. There is a huge prison overpopulation issue in the US. This was highlighted in the Department of Justice's "Notice Regarding Investigation of Alabama's State Prisons for Men," which stated that "violations are exacerbated by serious deficiencies in staffing and supervision and overcrowding." What steps will the Department of Justice take to support state governments with overcrowding and understaffing prison issues?

**RESPONSE:** (b) (5)

55. How does the Department of Justice plan on helping prison overcrowding in the US when it is proposing to dissolve the National Institute of Corrections, which provides training, information, and technical services to federal, state, and local correctional agencies?

**RESPONSE:** (b) (5)

(b) (5)

*Special Counsel Investigation*

56. Did the Attorney General prepare any portion of his report prior to reading the Mueller report?

**RESPONSE:** (b) (5)



(b) (5)

57. Does the Mueller report have “executive findings” or other statements which summarize the key points of his investigation and report? Did the Attorney General base his summary report on Mueller’s summary, and how did his summary differ from Mueller’s?

**RESPONSE:** (b) (5)

58. Is it the Attorney General’s understanding that Mueller’s summaries were intended for quick public release?

**RESPONSE** (b) (5)

59. Beside the Deputy Attorney General and the Office of Legal Counsel, who else did the Attorney General consult with to make determinations on the Mueller report? What led him to believe despite just having received the report that he was able to make that determination so quickly?

**RESPONSE:** (b) (5)

60. Did the Attorney General at any point discuss with the Special Counsel whether his factual findings on obstruction of justice should be made available to Congress? To the public at large?

RESPONSE

(b) (5)

(b) (5)

61. Did Mueller share with the Attorney General his expectation or opinion on whether his factual findings on obstruction that, according to the Attorney General, "do not exonerate" the President, should be shared with Congress? If yes, what did he say or can the DOJ characterize what his expectation was?

RESPONSE

(b) (5)

(b) (5)

62. On the issue of conspiring with the Russian government to interfere in the 2016 election, the Attorney General stated in his March 24th letter that the evidence does not meet the beyond a reasonable doubt standard of proving crimes. Does the evidence meet a clear and convincing standard or a preponderance of the evidence standard?

RESPONSE

(b) (5)

63. Does the DOJ agree that foreign attacks or interference in our elections is a significant national security threat?

RESPONSE

(b) (5)

64. Does the DOJ agree that Congress has a compelling legislative, appropriations, and oversight responsibility on the issue of election security and election interference?

RESPONSE (b)

65. Will the special counsel's findings on Russia's efforts to influence the 2016 election help inform the discussion and ongoing efforts to secure our elections moving forward?

RESPONSE:

(b) (5)

(b) (5)

(b) (5)

66. Will the special counsel's findings on Russia's efforts to influence the 2016 election help inform the discussion and ongoing efforts to combat foreign cyber aggression?

RESPONSE (b) (5)

67. Given the grave national security threat posed by foreign actors interested in undermining our democracy, does the DOJ believe that it is important for Congress to receive all the Special Counsel's findings and underlying evidence on Russian election interference so that we can make well informed and thoughtful legislative and appropriation decisions to prevent future foreign attacks?

RESPONSE: (b) (5)

(b) (5)

**The Honorable Grace Meng**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*Community Based Violence Prevention Grants Programs (DOJ)*

1. The Community Based Violence Prevention Grants Program helps states and localities support a coordinated and multidisciplinary approach to gang and violence prevention, interventions, suppression, and reentry in targeted communities. What is the rationale behind eliminating this program?

**RESPONSE:** (b) (5)  
[Redacted]

2. How has OJJDP evaluated this program? What is the evidence based evaluation of this program?

**RESPONSE:** (b) (5)  
[Redacted]

[Redacted]

*First Step Act and Menstrual Hygiene products*

3. The First Step Act requires Bureau of Prisons to provide menstrual hygiene products to women and no cost and in accordance with the women's health needs. What is the status of this requirement? Have you begun providing the menstrual hygiene products to incarcerated women?

**RESPONSE** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]

*First Step Act and Primary Residence*

4. Section 401 of the First Step Act requires that, whenever practicable, a person be housed closest to their primary residence, and within 500 driving miles of their family. Is DOJ aware of how BOP plans to implement this provision, and how much it will cost?

**RESPONSE** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

5. What is DOJ's position on the timeline required to be in compliance with this provision of the law?

**RESPONSE** (b) (5)  
[Redacted]

6. When do you anticipate beginning to fulfill the requirement that people be moved to within 500 driving miles of their release place?

**RESPONSE** (b) (5)  
[Redacted]

7. What is the cost of those relocations?

**RESPONSE** (b) (5)  
[Redacted]  
[Redacted]  
[Redacted]

*First Step Act and Independent Review Committee*

8. The First Step Act required that an Independent Review Committee be established by the National Institute of Justice not later than 30 days after enactment, or by January 21, 2019. This date has passed, and the Independent Review Committee has not yet been established. What steps has BOP taken toward establishment of the Independent Review Committee?

**RESPONSE:** (b) (5)  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

9. What organizations have you considered to house the Independent Review Committee? How will you make this decision?

**RESPONSE** (b) (5)  
[Redacted]

10. By what date will the Independent Review Committee be established?

RESPONSE (b) (5)

11. What additional resources, if any, does the Department need to establish the IRC?

RESPONSE (b) (5)

*Crime in Rural Areas*

12. The President’s budget wants to carve out \$6 million of Byrne JAG grants to “empower rural law enforcement agencies by providing training, technical assistance, and resources to interdict drug and human traffickers” under the proposed Southwest Border Rural Law Enforcement Violence Crime Reduction Initiative. While this certainly plays into the Administration’s narrative of the border crisis, there is also a more critical, very stark and very real situation of violent crimes being on a historic rise in rural areas.

Violent crime rate in rural areas has climbed above the national average for the first time in 10 years. In Iowa, for example, the overall violent crime rate rose by 3 percent between 2006 and 2016 but shot up by 50 percent in communities with fewer than 10,000 residents. Why would the Department’s funding only focus on rural areas in the Southwest and not all rural areas?

RESPONSE (b) (5)

(b) (5)

(b) (5)

(b) (5)

13. What will the Department do to help these rural communities that are dealing with increased drug use and associated crimes, like drug trafficking, theft, as well as domestic violence?

**RESPONSE:** (b) (5)

*“Red Flag Laws”*

14. After the shooting in Parkland, the President convened a roundtable to discuss gun violence and gun safety solutions. The president himself acknowledged how important it was to take immediate action when someone is a risk to themselves or other, creating a process to make sure someone doesn’t have access to firearms in that acute moment where they are putting themselves or their community at risk. The President’s administration has continued to show its support for the concept of strong intervention, with the DOJ providing technical assistance and the School Safety Commission supporting them.



Most recently, during your testimony before the Senate Judiciary Committee, Mr. Barr, you said:

*"I think the problem of our time is to get an effective system in place that can keep dangerous firearms out of hands of mentally ill people. That should be priority one and it will take hard work to get on top of the problem...."*

*"We need to push along Extreme Risk Protection Orders (ERPOs) so that we have these red flag laws to supplement the use of the background check to find out if someone has a mental disturbance. This is the single most important thing we can do in the gun control area to stop these mass shootings from happening in the first place."*

I understand how important this life saving tool is to prevent mass shootings and suicide, and Senator Lindsey Graham has stated that he's committed to working on federal legislation to incentivize states to pass and implement Red Flag laws in their state as a first step. Do you believe that we should be trying to implement a 50 state solution that doesn't leave any states behind when it comes to access to this critical tool?

**RESPONSE:** (b) (5)  
[REDACTED]

#### *Death in Custody Reporting Act*

15. The Death in Custody Reporting Act (DCRA) was enacted<sup>1</sup> four years ago, on December 18, 2014. If properly implemented,<sup>2</sup> DCRA could yield the most accurate federal numbers on deaths in custody, including fatal police shootings, disaggregated by race, ethnicity and other decedent demographics, to date. States should have begun compliance<sup>3</sup> with DCRA on July 31, 2017. What is the status of implementation of the Death in Custody Reporting Act?

**RESPONSE** (b) (5)  
[REDACTED]

<sup>1</sup> <https://www.federalregister.gov/documents/2016/12/19/2016-30396/agency-information-collection-activities-proposed-collection-comments-requested-new-collection-death>

<sup>2</sup> <https://www.openthegovernment.org/wp-content/uploads/other-files/DICRA%20Coalition%20Letter%20Feb%202017%20Final.pdf>

<sup>3</sup> <https://www.justice.gov/archives/page/file/918846/download>

(b) (5)

16. When will DOJ issue final guidance around the implementation of the Death in Custody Reporting Act?

RESPONSE (b) (5)

17. What percentage of states complied with the first reporting period by July 31, 2017?

RESPONSE: (b) (5)

18. Is the Bureau of Justice Assistance or another DOJ entity conducting open source review to ensure DCRA implementation and compliance?

RESPONSE (b) (5)

#### *Militarization*

19. On August 28, 2017, President Trump issued an executive order<sup>4</sup> eliminating oversight and restrictions on the federally resourced military weapons and equipment provided to local law enforcement. The executive order may have disassembled an interagency working group that was headed by DOJ's Office of Justice Programs and included the Departments of Defense and Homeland Security – the primary federal providers of military weapons and equipment to law enforcement. At a minimum, the working group ensured that the agencies providing military grade weapons were communicating with one another, which proves to be a critical need in light of a July 18, 2017, Government Accountability Office (GAO) report<sup>5</sup> that found the federal government gave over \$1 million worth of military weapons to a fake federal law enforcement agency. What is the status of the Interagency Working Group on Federal Equipment?

<sup>4</sup> <https://www.whitehouse.gov/presidential-actions/presidential-executive-order-restoring-state-tribal-local-law-enforcements-access-life-saving-equipment-resources/>

<sup>5</sup> <https://www.gao.gov/products/GAO-17-532>

RESPONSE (b) (5)

[Redacted]

20. Does DOJ have any policies in place around its resourcing of military weapons to local law enforcement, whether through Byrne JAG or other grants, federal civil forfeiture funds, or other DOJ programs?

RESPONSE (b) (5)

[Redacted]

[Redacted]

21. Has DOJ recently provided guidance to local law enforcement on how protests and other assemblies should be policed? If so, what is the guidance with respect to the use of military weapons and equipment?

RESPONSE (b) (5)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5)

A horizontal bar chart with the y-axis labeled 'Percentage' ranging from 0 to 100 in increments of 20. The x-axis is labeled 'Percentage' and ranges from 0 to 100. The chart displays data for four categories: 'All respondents', 'Men', 'Women', and 'Age 18-29'. Each category has three bars representing different levels of agreement: 'Strongly agree' (dark gray), 'Somewhat agree' (medium gray), and 'Disagree/Don't know' (light gray). The data is as follows:

| Category        | Strongly agree | Somewhat agree | Disagree/Don't know |
|-----------------|----------------|----------------|---------------------|
| All respondents | 78             | 18             | 4                   |
| Men             | 75             | 20             | 5                   |
| Women           | 82             | 15             | 3                   |
| Age 18-29       | 85             | 10             | 5                   |

**The Honorable Robert B. Aderholt**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*CBD (Cannabidiol) Oil*

1. In recent years, the Commerce, Justice, Science Appropriations Acts have been amended to include a general provision that prohibits the Department of Justice (DOJ) from using funds to interfere with state medical marijuana programs. It is my understanding that this provision is intended to limit DOJ's ability to take enforcement actions under the Controlled Substances Act. Does this prohibition interfere with DOJ's ability to enforce other areas of the law beyond the Controlled Substances Act?

**RESPONSE:**

(b) (5)

(b) (5)

2. How might this provision inadvertently be impacting public health and safety?

**RESPONSE:**

(b) (5)

**The Honorable Tom Graves**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**  
**Questions for the Record**

**Department of Justice Fiscal Year 2020 Budget Request**

*Wire Act*

1. In January, the Department of Justice Office of Legislative Counsel released a memo in January that reinterpreted the Wire Act in such a way that has put all sales by traditional lotteries at risk of being considered in violation of the Wire Act, in part because of the lack of recognition of the fact that nearly all lottery transactions, including in store terminal generated games and internet sales, use wire facilities to electronically route wagers across state lines.

Billions of dollars generated annually from lottery proceeds fund worthy causes. For example, the Commonwealth of Kentucky and the State of Georgia use lottery proceeds to fund college scholarships. Many other states, including Illinois, Michigan and New Hampshire, use lottery proceeds to fund public education.

The Supreme Court has recently indicated its agreement with two federal circuit courts of appeal that held the Wire Act applies to betting or wagering on sports events, and it further noted the importance of respecting the policy choices of citizens in each individual state.

Indeed, states must gain the support of their legislatures and voters before operating; must be authorized and regulated by state law; operated by the state or the state's statutory designee; and sell only to persons physically present within the state.

DOJ's extension of the enforcement moratorium on the memo in light of the suit filed by the New Hampshire Lottery Commission only provides temporary relief to the affected states and organizations. To provide legal certainty, will DOJ explicitly exclude state lottery transactions from its interpretation of the Wire Act?

**RESPONSE:** (b) (5)  
[Redacted text block containing approximately 12 lines of blacked-out content]

(b) (5)  
[Redacted text block]

**White House Press Office**

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**From:** White House Press Office  
**Sent:** Tuesday, December 17, 2019 4:20 PM  
**To:** camellia.assefi.delaplane@usdoj.gov  
**Subject:** Remarks by President Trump and President Morales of the Republic of Guatemala Before Bilateral Meeting



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Office of the Press Secretary

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FOR IMMEDIATE RELEASE

December 17, 2019

REMARKS BY PRESIDENT TRUMP  
AND PRESIDENT MORALES OF THE REPUBLIC OF GUATEMALA  
BEFORE BILATERAL MEETING

Oval Office

2:16 P.M. EST

PRESIDENT TRUMP: Well, thank you very much. It's a great honor to have President Jimmy Morales and Mrs. Morales

MRS. MORALES: Thank you.

PRESIDENT TRUMP: of Guatemala with us. We've had a tremendous relationship over the last two years, on the border. We've signed agreements with Guatemala that have been tremendous in terms of really both countries, but our country, with respect to illegals coming into our country. We just can't have it. And it's been very much slowed up. Guatemala has been terrific. Honduras, El Salvador, likewise, have been excellent.

And, as you know, we have 27,000 Mexican soldiers on our

2020-002031 - #0992



border right now protecting our border. So it's been, really, very good. The results are very good.

The wall is being built. We're building a very big wall. We're up to almost 100 miles already. And we should have over 400 miles, hopefully by the end of next year, if everything keeps going on the same path, or shortly thereafter. But we should have pretty close to 400 miles maybe more than that up by the end of next year.

So we're really doing a job in mostly immigration, I would say, with Guatemala, but we also do trade. They're also buying some military equipment. And the relationship is very good. It's a very important country from the standpoint of the border and trade. And we do a lot through Guatemala. A lot of things run through Guatemala.

Please.

Do you want to interpret? Yeah.

INTERPRETER: (Interprets the President's remarks.)

PRESIDENT TRUMP: Please.

PRESIDENT MORALES: (As interpreted.) For us, it's an honor to be again in the USA, the main partner and ally of Guatemala, both in security and trade. We have achieved a lot of great success, and we have a great relationship. We have been able to work with migration, and we're trying to make it legal, because by no means we can endanger minors or populations, who are vulnerable, to coming to the border illegally.

We have signed different agreements with the USA, including things related with trade and security. And we want to be able to negotiate temporary visas both for agriculture and construction sector.

And we are really honored to be right here at the White House. Thank you very much.

PRESIDENT TRUMP: Thank you very much.

One of the big things that's happened with Guatemala and Honduras, El Salvador, and some others is that, in past administrations, they and others would not take people back. So if we had very dangerous people in our country and they came from Guatemala, or another country that we now have agreements with we never had agreements with anybody they just wouldn't take them back. But now they have to take them back, and they take them back with open arms.

And by doing this, we're getting rid of the most dangerous people. The people that are most dangerous, we're getting them out of the United States because they don't belong here. They didn't come from here, and we're getting them out. We're taking them out by the thousands.

Thank you all very much. Appreciate it. Thank you. Thank you very much.

Q Mr. President, what do you say to Americans

Q Are you going to watch are you going to watch the House proceedings tomorrow?

PRESIDENT TRUMP: I'm not watching. I have not I have not seen it.

Look, it's a hoax. The whole impeachment thing is a hoax. We look forward to getting on to the Senate. We're not entitled to lawyers. We're not entitled to witnesses. We're not entitled to anything in the House. It's a total sham when you have a guy like Shifty Schiff go out and make up a statement that I've made. He said, "This is what he said." But I never said it. He totally made it up. In Guatemala, they handle things much more diff much tougher than that.

And because of immunity he has House immunity because of immunity, he can't be prosecuted. He he took a statement and totally made it up. It was a lie. It was a fraud. And you just can't do those things. So, you know, look, this has been a total sham from the beginning. Everybody knows it.

I've never seen the Republican Party so united. We got on our last vote, as you know, we got 100 percent of the vote. I

believe the Senate is equally as well united. I watched Mitch McConnell this morning. I watched numerous people last night senators and I think we're equally well united.

They know it's a hoax. It's a witch hunt. And it's just a continuation. It's been going on now for almost three years. And it probably started before I even won the election, based on what we're finding out with the insurance policy quotes and other things. So it's a disgrace.

Yes, Steve.

Q Are you going to let Senator McConnell decide on witnesses and all of that?

PRESIDENT TRUMP: Yeah. He can decide.

And we'll also have to decide on when we're taking the vote for the USMCA. A very big a very important deal. A very, very important deal with Mexico, Canada, ourselves. We're going to have to decide whether or not that comes first or second. To me, I'd let the Senate decide on that.

Q And, Mr. President, do you take any responsibility for the fact that you're about to be impeached?

PRESIDENT TRUMP: No. I don't take any zero, to put it mildly. They took a perfect phone call that I had with the President of Ukraine an absolutely perfect call. You know it; they all know it. Nothing was said wrong on that call. To impeach the President of the United States for that is a disgrace and it's a mark on our country.

And I'll tell you what: Other Presidents, in the future unless they do something about this, other Presidents are going to have to live with this. And every time they do something that's a little bit unpopular or a little bit strong even if they're 100 percent right

Because I've done a great job, when you look at the kind of jobs we've created, when you look at the economy that we've created, when you look at rebuilding the military, taking care of the vets. You just take a look at what we've done with Choice

Veterans Choice; with Accountability and the vets; with what we've done to protect our Second Amendment; and so many other things. Nobody has done as much as I've done in the first three years.

Thank you all very much. Thank you. Thank you very much. Thank you.

Thank you. Thank you very much.

Q Mr. President, on Guatemala on Guatemala, are you planning to withhold aid if the new President elect of Guatemala does not implement your immigration agreement, Mr. President?

PRESIDENT TRUMP: Guatemala is terrific.

Q But what if they the President

PRESIDENT TRUMP: Guatemala has been terrific. Thank you.

END

2:25 P.M. EST

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**White House Press Office**

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**From:** White House Press Office  
**Sent:** Thursday, December 19, 2019 6:46 PM  
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**Subject:** Remarks by President Trump in Meeting with Representative Jeff Van Drew



Office of the Press Secretary

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FOR IMMEDIATE RELEASE

December 19, 2019

REMARKS BY PRESIDENT TRUMP  
IN MEETING WITH REPRESENTATIVE JEFF VAN DREW

Oval Office

3:01 P.M. EST

THE PRESIDENT: Well, thank you very much. We have a very big announcement, to me. I think it's been many years I hear 10 years, maybe more where Jeff Van Drew, highly respected in fact, I didn't know, as a Democrat, how you could have won in that district. I know the district very well. But that is a great tribute to you. But Jeff will be joining the Republican Party.

And we were very fortunate he voted our way yesterday, as you probably know. And we had a totally unified party. I don't think there's ever been a time where the Republican Party was so united. But Jeff will be joining the Republican Party. And I really to me, it's a very exciting announcement. I think, Kevin, you said it was about 10 years since that's happened.

LEADER MCCARTHY: Yeah.

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THE PRESIDENT: And I don't even know who the last one was. It would seem to me it was even more than that. But it's a big deal.

LEADER MCCARTHY: It's a very big deal because he's going from the majority to the minority, and it normally doesn't go that way.

THE PRESIDENT: Right. Yeah, but he's very smart because he knows it's not going to be the minority for long. I have a feeling we're going to do very well in 2020, in November November 3rd, to be exact. Get out and vote.

But, Jeff, thank you very much. It's a great honor. Thank you.

REPRESENTATIVE VAN DREW: Thank you, Mr. President.

THE PRESIDENT: Thank you. Please. Would you like to say something?

REPRESENTATIVE VAN DREW: So, I have a few words. And I usually never, ever I don't read speeches. And this won't be very long

THE PRESIDENT: Sure.

REPRESENTATIVE VAN DREW: I promise you, Mr. President. But I had a few bullets. There's a few points I really wanted to make today.

And I would start with how this started. I've been a Democrat for a lot of years. And I actually had a meeting with somebody about two weeks ago, I guess it was. And the individual was a local county chairman in the Democratic Party. And he sat down and he says, "I just want to tell you something." And he said, "I want to tell you that you can't vote against impeachment."

I said, "What do you mean I can't vote against impeachment?" He says, "You can't vote against impeachment. You will not..." I have eight counties in my district. "You will not get the line. You will not get the county. I will do everything to prevent that

from happening, and everything to destroy you." This is a pretty young guy, so it was pretty gutsy.

THE PRESIDENT: Yeah. A wise guy.

REPRESENTATIVE VAN DREW: And it kind of hurt because, for years, I have given everything that I could to my people and my district.

You know, Mr. President, you asked why I win. Truthfully, because I'm a crazy man, and when people have a problem, when they need something, when we want to help them I have the best staff in the world, good people around me, and we do everything that we can to make it better.

And that kind of hurt, and it kind of made me think a little bit: Is this what I really want to do? Because there were other times in my life, when I thought about this. I thought about it when I did legislation. And, actually, it was in the state senate.

And I don't know if this is going to be relatable to not, but I want to say it anyhow because I've always wanted to just mention this because I think it's important, in a way. This is not it was not a complex bill. It was not something that was, you know, very difficult to understand. It isn't intellectually stimulating to some people. I understand. But I did two bills, and one of them it's unusual for New Jersey would allow, in any public or private building, to have "In God We Trust" on the wall. And the second one was that you could fly the American flag wherever you wanted to, however you wanted to, as long as it was respectful.

And I thought these were wonderful bills. I mean, I thought everybody was going to be, "This is just a great thing." And I had some very progressive and not all Democrats but these were really progressive Democrats that came to me and said, "We're really disgusted with you." And I said, "Why?" "Making such a big deal about the flag. The flag is just not that big a deal."

THE PRESIDENT: Yeah.

REPRESENTATIVE VAN DREW: "'In God We Trust' is not that big

deal."

THE PRESIDENT: That's where they're going.

REPRESENTATIVE VAN DREW: "And you shouldn't even mention His name." And I was shocked. I was shocked. We put them up anyhow, and we did want we wanted to do. But it really

THE PRESIDENT: That's a very Republican thing, by the way.  
(Laughter.)

REPRESENTATIVE VAN DREW: I know. I know.

THE PRESIDENT: You're not going to find any one of us that I can tell you, Kevin, Mike, I think you're okay with it, right?

REPRESENTATIVE VAN DREW: And I think most folks should be okay with it.

THE PRESIDENT: The whole country should be okay with it.

REPRESENTATIVE VAN DREW: You're right.

I talk about American exceptionalism. This is the greatest country on the face of the Earth. I started out as not a wealthy kid. Had the opportunity to work hard. Got into dental school, graduated. And, my God, I'm sitting here next to the President of the United States. That's unbelievable. That's America.

So I don't want anybody to ever tell me that there isn't American exceptionalism. I don't want anybody to ever say that this is the same as every other country in the world, because it is not. It is not. And you know that and I know that. And, hopefully, everybody in this room knows that.

And, again, from certain groups of people that represented certain parts of the party, I was criticized. And they said this country is the same as every other country, and there is no such thing as American exceptionalism.

I'm a capitalist. Socialism, in my opinion, has no place in the United States of America. And I think everyone should know that.



I believe that this country can afford people opportunity and give them that opportunity so that they can succeed. And we all should know that as well.

I love bipartisanship. Do you know that I even had times, quite frankly, being a Democrat again, not from all folks; there's some middle of the road folks but from some of these extreme folks that they said, "Bipartisanship is a bad thing."

THE PRESIDENT: Yeah.

REPRESENTATIVE VAN DREW: "It's a bad thing because it's going to make you more like a Republican." Again, I don't believe that. I don't think you do. I believe in what you're doing with the economy. It's a better, stronger economy. I believe it's going to be even better.

THE PRESIDENT: A new record today, by the way. It's up 125 points today. So your 401(k)s are way up. But a new record today, Jeff. So, that's great.

REPRESENTATIVE VAN DREW: And thank you for that. I believe the New Green Deal is something that we should never, ever even think about doing. I don't even know how anybody could bring that up. We can have a strong and good environment and we can have a good economy at the same time. And that's something that I think Republicanism represents.

Lower taxes, balancing the budget, honoring our police, our fire, our rescue, our veterans, our soldiers these men and women.

I want to tell you one quick story. Chris will have a picture of it. He's like I said, he's a Marine. An older gentleman. Is he a Marine too, that stood out there?

PARTICIPANT: (Inaudible.)

REPRESENTATIVE VAN DREW: He's a Marine, right? An older gentleman, when he heard I announced in the cold came in front of my office and stood out there holding the American flag for 12 hours in honor of it.

THE PRESIDENT: That's great. Wow.

REPRESENTATIVE VAN DREW: It's it was an amazing thing.  
And not quite the peop the length of time people wait for you,  
but

THE PRESIDENT: That's okay. (Laughter.)

REPRESENTATIVE VAN DREW: that was still pretty neat.  
(Laughter.)

THE PRESIDENT: That's okay. They won't do that if you're a  
Democrat, I can tell you right now. Wouldn't go well.

REPRESENTATIVE VAN DREW: So, I guess what I say is, I  
believe that this is just a better fit for me. This is who I am.  
It's who I always was, but there was more tolerance of moderate  
Democrats, of blue dog Democrats, of conservative Democrats. And  
I think that's going away.

Two more things I want to say: One, you have my undying  
support.

THE PRESIDENT: Thank you. Thank you very much.

REPRESENTATIVE VAN DREW: And always.

THE PRESIDENT: And, by the way, same way.

REPRESENTATIVE VAN DREW: Thank you.

THE PRESIDENT: I'm endorsing him. Okay? We're endorsing  
him. I can't speak for these two gentlemen, but I can say, "I'm  
endorsing him."

REPRESENTATIVE VAN DREW: Thank you.

THE PRESIDENT: How do you feel about that, Mike? Are you  
okay?

THE VICE PRESIDENT: You have my support and gratitude,  
Congressman.

REPRESENTATIVE VAN DREW: Thank you. Thank you, Mr. Vice President.

LEADER MCCARTHY: You have my support as well.

REPRESENTATIVE VAN DREW: Thank you, Leader.

THE PRESIDENT: We're together. Thank you.

REPRESENTATIVE VAN DREW: And the last thing I will say: One of my heroes and he's always hung in my office; I have a bipartisan wall that has a lot of different people on there Ronald Reagan. And when he said, "I didn't leave my party. My party left me."

THE PRESIDENT: That's true. That's what he said.

REPRESENTATIVE VAN DREW: And I'm saying the same thing.

THE PRESIDENT: He was a Democrat and he he moved over. And he said exactly those words. That's fantastic. Thank you very much. (Applause.) Thank you very much.

REPRESENTATIVE VAN DREW: Thank you.

THE PRESIDENT: It's really good. Beautifully done. It's beautifully done. Thank you.

Mike, do you have anything to say?

THE VICE PRESIDENT: Well, I just I just want to say: Welcome to the Republican Party.

REPRESENTATIVE VAN DREW: Thank you.

THE VICE PRESIDENT: Congressman, it's an honor to share this moment with you, with the President of the United States, and with the Republican Leader, with your team and their family, as well as, I know, another public official from New Jersey that will be following your lead.

THE PRESIDENT: That's right.

THE VICE PRESIDENT: But as I told you before, I also I just want to tell you how grateful we are for your voice of reason and common sense in the days leading up to your decision. You showed personal and political courage. And I know the people of your district will be as grateful as we are today for your leadership and for the decision you've made.

And we look forward we look forward to serving with you together and working with you on behalf of New Jersey and America for many years to come.

REPRESENTATIVE VAN DREW: Thank you, Mr. Vice President.

THE PRESIDENT: Good. Thank you, Mike. Kevin?

LEADER MCCARTHY: Well, we just want to welcome you to the party, but more importantly, if there's anybody else that feels like you. If there are other people out there that feel this new socialist Democrat wing of the party has left them behind, join with us. Because everything you talked about is an American issue, and it shouldn't it shouldn't have to be debated, whether there's a flag or God or others.

And so we've worked together even when you were on the other side of the aisle, but it's nice to have you on this side now, too.

REPRESENTATIVE VAN DREW: Thank you.

LEADER MCCARTHY: And you just changed our number to 18. We only need 18 more to be the majority. And I think we'll do that soon.

THE PRESIDENT: We're going to do very well. We're way up in the polls. And we've gone up more, I think, proportionately, than we have ever gone up, in the last two weeks. And we're honored.

Now, I understand, they're playing games. They don't want to put in their articles their ridiculous, phony, fraudulent articles. And I think they're not allowed to do that. I hear it's unconstitutional and a lot of other things. But they don't want to put them in because they're ashamed of them, because it's

a what they've done is wrong and it's bad for the country.  
Very, very bad for the country.

We're trying to get USMCA done. We're going to get that done, I think, pretty quickly.

We have our great deal with China. China has already started to buy, with the farmers and with the manufacturers. Tremendous amounts of money are being spent back in the United States. And the farmers are happy. They had to put up with a lot, but we took care of them out of the subsidies that we were getting out of the tariffs that we were getting. But China is now buying very big in the farm belt and in the manufacturing belt also. They're spending a lot of money. And I said it was going to happen and it happened.

And we're going to get a lot more. They want to make they want to keep going. They're still paying tremendous amounts of tariffs, and they'd like to have the tariffs reduced. And we'll see if we can get a second part of the deal. But the USMCA the combination of those two deals will be the two greatest trade deals. You'll never see anything like it. So we've done very much what we've said.

You know, Jeff, we rebuilt our military. We spent almost \$2.5 trillion on the military. When we came in, the military was totally depleted. I will say, the Democrats did not help. They're not into the military at all. And we spent \$2.5 trillion. We have new planes. We have new everything right now. Much of it's coming over the next year. But within a year, we'll be in a position that we've never been in, in terms of equipment. And the military will be as strong as it ever was proportionately, maybe stronger.

So it's been an amazing period of time. And to have you is a tremendous asset for the party.

REPRESENTATIVE VAN DREW: Thank you.

THE PRESIDENT: And again, thank you very much, my friend.

REPRESENTATIVE VAN DREW: Thank you.

THE PRESIDENT: We're with you all the way.

REPRESENTATIVE VAN DREW: Thank you. Thank you.

THE PRESIDENT: Thank you.

REPRESENTATIVE VAN DREW: I'm with you.

THE PRESIDENT: Tremendous honor. Thank you.

Q Mr. President, can you speak personally for a moment and just tell us: What does it feel like to be the third President in U.S. history to be impeached?

THE PRESIDENT: Well, I don't feel like I'm being impeached, because it's a hoax. It's a setup. It's a horrible thing they did. They happened to have a small majority, and they took that small majority and they forced people. And, you know, they said, "Oh..." I watched Pelosi out there saying, "Oh, no. We don't want to talk to anybody." They put the arm on everybody. They tried to get them to do what they had to do. Many of those people were like Jeff, where they didn't want to vote that way.

But it doesn't feel to me, it doesn't feel like impeachment. Last night, I said it I we had a great time last night. The room was packed. Thousands of people couldn't get in. A section that, really, is a pretty much 50 50 section, in terms of Democrat Republican, we had every one of those people is voting for Trump/Pence. Every one of them. And it's Michigan an important state. We brought back tremendous amounts of business, tremendous car companies coming in everything else.

And I'll tell you, I was up there and I was thinking about I actually said it: It doesn't feel like impeachment. And you know what? It's a phony deal. And they cheapened the word "impeachment." It's an ugly word. But they cheapened the word "impeachment." That should never again happen to another President.

And I think you'll see some very interesting things happen over the coming few days and weeks.

But, to me, all I look at: We have the greatest economy in the history of our country. We've never done so well. Our military being rebuilt. You take a look at the tax cuts. You take a look at the regulation cuts at levels that nobody has ever seen. We're protecting our Second Amendment, which other people won't do.

No, we're doing things that nobody has ever done before. Nobody has ever seen. We have the strongest economy in the history of our country and our country is doing well.

And, you know, the other thing that I really saw from yesterday that I think you people have been covering politics for a long time. You've never seen a Republican Party zero negative votes. Zero. That hasn't happened almost ever. Because the Republicans are not necessarily known for that.

We have better policy. They want open borders the Democrats. They want sanctuary cities. A lot of bad things happen. A lot of other things they have.

We're doing tremendously on healthcare. The individual mandate you know, we won yesterday in Supreme Court. You saw that, in the appellate division. We won yesterday. Individual mandate is now gone. That's tremendous savings. That was the worst part of Obamacare. We take care of preexisting conditions. They're not going to be able to do that. We're doing things that nobody has ever done before, and our country has never done better. So, we're really happy about it, and we're really happy to have Jeff onboard.

And we think, in 2020, based on the polls I just saw a poll came out in USA Today yesterday where I'm beating every candidate by a lot. I guess most of you saw it. Not that USA Today is a friend of mine, because they're not. But they had a poll, and it was me against their top candidates on the other side. And I'm beating everybody by a lot. And I think that's where we're going.

I mean, we have the best economy in history. And if you remember the famous quote, "It's all about the economy, stupid." Well, I don't I never believed it was all about the economy. But the economy is a big thing. When you have 401(k)s where

people are up 70, 80, 90 and even more than that percent. They like Trump, and they like Mike. And we're going to have a good time.

Thank you all very much. Thank you. Thank you very much.

Q Can you tell us about your strategy for the Senate, sir? Can you tell us a little bit about your strategy for the Senate trial?

THE PRESIDENT: Uh, we think that what they did is wrong. We think that what they did is unconstitutional. And the Senate is very, very capable. We have great senators Republican senators. We cut your taxes. We cut your regulations. We did things that nobody else would even think about being able to do.

And I think you know what one of the things, Jeff, that we've done that nobody wants to talk about: This week, I will have signed the 172nd federal judge, including appellate judges. We'll have 182 by the end of the year. One hundred and eighty two. It's unheard of.

Now, President Obama was very nice to us. He gave us 142 empty positions. That's never happened before. But, as you know, that's said to be the most important thing that a President has. I happen to think military and defense and all of it is the most important thing, but this is right up there.

We'll have 172 judges. We're going to have 182 by the end of the year or shortly thereafter. And it's the most incredible thing. And two Supreme Court justices two great ones.

So with all of the things we've done, and we've done that with the Senate because what's never said is that, in the last election, we picked up two Senate seats. Nobody talks about that. And we couldn't focus on the House. I couldn't focus on the House. We'll be very focused on the House this time. But I couldn't other than Andy Barr, who won against the same candidate that's now going against Mitch. And she wasn't very good against Andy Barr, and she won't be very good against Mitch McConnell.

But we've had tremendous success. So, I'm going to let them decide what to do. That's going to be up to them.



Thank you all very much. Thank you everybody. Thank you. Thank you.

Q Is Pat going to be your lead attorney in the Senate?

THE PRESIDENT: I think so, yeah. He's doing a great job. Pat.

Q You think so?

THE PRESIDENT: Yeah.

Q Is he going to be your main lawyer in the Senate?

THE PRESIDENT: It looks like that. Yeah, Pat Cipollone. We have a couple of others that we're going to put in. But Pat has been fantastic as White House Counsel.

Thank you, everybody.

END

3:19 P.M. EST

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**White House Press Office**

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**From:** White House Press Office  
**Sent:** Thursday, January 30, 2020 10:31 PM  
**To:** camellia.assefi.delaplane@usdoj.gov  
**Subject:** Remarks by President Trump at a USMCA Celebration with American Workers | Warren, MI



Office of the Press Secretary

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FOR IMMEDIATE RELEASE

January 30, 2020

REMARKS BY PRESIDENT TRUMP  
AT A USMCA CELEBRATION WITH AMERICAN WORKERS

Dana Incorporated  
Warren, Michigan

4:12 P.M. EST

THE PRESIDENT: Okay, let's get back to work. Come on.  
(Applause.) I love that song, but every once in a while, we have  
to get back to work. (Laughter.)

So I am very honored to be at Dana Incorporated, a tremendous  
company, a plant in Warren, Michigan. We're very proud of  
Michigan. (Applause.) Dana has been around I also like it  
because we happened to win here, so I was very happy with that.  
(Applause.) Very happy with that.

But you've been around 116 years of brilliant American  
craftsmanship. And that's what it is. I just took a tour with  
some of your leadership, some of your great people, some of the

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workers that do such an incredible job. And it's unbelievable to see what you do.

I will say that we just ended a nightmare known as NAFTA. (Applause.) They took our they took our jobs for a long time. They took it for a long time. And we now have a brand new U.S. Mexico Canada Agreement. It's a whole different ballgame, and it's going to be great for this plant. It's going to be incredible for Michigan and for every place else in our country.

The USMCA is the fairest, most balanced, and beneficial trade agreement we have ever signed into law. It's the best agreement we've ever made, and we have others coming. And, by the way, the China deal, two weeks ago, was just signed. And that's going to bring \$250 billion into our country. (Applause.) One after another.

But we're bringing your jobs back to America. Jobs are coming back, and they're coming back fast, and they're coming right here to Michigan. They are coming rapidly. You see what's going on. (Applause.)

We're very grateful to be joined with some special people came today: Ambassador Robert Lighthizer. Where's Bob? What a job you've done. (Applause.) What a job. He did this deal. He did China. He did Japan. They all worked together. But fantastic job. He worked night and day to complete this outstanding agreement.

And, Bob, I just want to tell you, on behalf of our country, we thank you very much. Thank you very much. (Applause.)

And with us also, we have some of our people that have been just incredible. They're warriors. I call them warriors. We won 196 to nothing on a little vote a couple of weeks ago. (Applause.) You know, you do all these great deals. Everybody says, "Thank you, sir. This has never happened." Everybody said, "It's impossible to do. It'll never, never take place," trade deals like this. And then we've built our military, we've cut taxes. We've taken care of regulations, cut more than any other President in the history of our country. And we did that in three years instead of eight years, or in one case, more. (Applause.) And we protect our Second Amendment. We protect our Second

Amendment. (Applause.)

So we've done all these things. And, remember, the tax cut was the biggest tax cut in the history of our country. And what do they do? They impeach you.

AUDIENCE: Booo

THE PRESIDENT: Explain. Explain that one.

But we have great Republicans out there, and they don't like it any better than you do. Very partisan situation. A disgrace. It's, frankly, a disgrace to our country.

But there has been no administration has done what we've done in the first three years of an administration. No administration. (Applause.) And we're very proud of it.

But I want to thank Tim Walberg. Where are you guys? Are you all around here someplace? Tim. Fantastic job. Bill Huizenga. John Moolenaar. John Moolenaar. Jack Bergman. Jack. Thank you, Jack. And Paul Mitchell. Thank you very much, Paul. (Applause.) These are your congressmen. They've been fantastic. You have a lot of your other leaders here, and leaders in Michigan. These are members of our incredible Representative House.

And I want to say that you know, I used the term "warrior" very, very not easily, but they are warriors. We've had a lot of warriors, wouldn't you say? I'd say we had 196 warriors. (Applause.) And we had a zero. So, 196 to nothing. And we actually had three Democrats join them. That was pretty good, wasn't it? Huh? And one actually left the party and joined the Republican Party. (Applause.) Jeff Van Drew.

But I said to them, "I know you have a wonderful Iraqi Christian community in Michigan." Do you know about that? Yes? You know about that? I hear they're wonderful.

And the congressmen were telling me on the plane how rough it's been for them. It's been a very tough time for a lot of Christians all over the world. All over the world, it's been very tough. The Chaldeans you know the Chaldeans, right? We have

some Chaldeans that are working here. (Applause.) And we talked about it long and hard on the flight in, and we're going to make sure that we do everything we can to keep people who have been good to this country out of harm's way. And when I get back, we're going to give those who need it an extension to stay in our country. And so we're going to be extending them. (Applause.) And lot of people in Michigan have been asking for that. So we'll work with that when we get back to your great congressmen. Thank you very much, fellas.

Michigan is a steward of one of our nation's most treasured resources, the incredible Great Lakes. Anybody hear of the Great Lakes? Huh? (Applause.) Think so. And I told the members who are here with me that we are going to work together to protect the Great Lakes from Asian carp who would have thought that was going to happen? and other invasive species. And it really is; it's become a big problem. And we're working on it very strongly. The U.S. Army Corps of Engineers already has a plan, and we are going to get this done and ready to go. It's going to be very quick. We're going to do very quick. It's not easy. But we have all of the top technology, and we're going to take care of it, just like I made the promise and that promise where so much has already been done.

I also made a promise to you, not so long ago, right here in Michigan and it had to with Soo Locks. Soo Locks. (Applause.) So I came here, I heard about the problem. They had been working on the problem since 1980. 1980. Nothing was done. It was getting it was rotting away. The locks were rotting away. It was all talk and no action. And I was being told, "It's never going to happen, sir. Too much money. It's just not going to happen." And they all said, "Leave it to the next President to do." But I said, "But I am the next President." And that's (applause). It's a big deal.

And now, as your congressmen can tell you and they worked so hard on it all of the funding has been fully fully approved. Right? Fully. (Applause.) Done. I signed. You think it's easy getting \$922 million out of Congress? Not easy. (Laughter.) But this had to be done.

You know, we're talking about 11 million jobs, indirectly, all over. Those locks serve 11 million jobs. Some people think

as many as 18 million jobs.

So, Soo Locks, we're going to be starting that in a matter of a couple of months. And we're going to have it all set. We got our maximum funding, and we have the maximum design. And it's going to be good for another hundred years, they say. So we're going to get it done. Okay? (Applause.)

Also, I know everybody here in Michigan supports our great armed forces as much as any place Michigan. And that's why we're giving strong consideration to deploying some of our mighty F 35s to Selfridge Air National Guard Base. (Applause.) And you know what that means, right? You know what that means. That's a big deal.

So, Selfridge, you're going to see a lot of very fast planes. Actually, they're totally stealth, so maybe you won't see them come in. (Laughter.) Okay? You won't see them come in, but they're coming in.

These members and your congressmen I mean, your congressmen, as members, have worked so hard for this state. They support all of the great jobs here at Dana. Dana Incorporated employs more than 1,500 people. And it's having one of the best years they've ever had.

And the hardworking men and women right here in Warren make the axles, drive shafts, and assemblies of some of the world's toughest vehicles. And, proudly, they bear that glorious phrase and I like that when they put it on. You know, a few years ago, they weren't using that phrase very much anymore. It's called: "Made in the USA." "Made in the USA." (Applause.)

So to the workers of Dana who helped invent the iconic U.S. Army Jeep still doing incredibly well; actually having a record year. Jeep is having a record year, and you have so much to do with it. That's pretty good. You helped invent it. I like that. I hope you're being properly compensated for that. (Laughter.) Because that sucker is doing well. But I just want to congratulate you. 1941, it came about. 1941. That's something really special.

For many years, Washington betrayed workers like you with

trade deals that were rigged to benefit foreign countries and the lobbyists.

Since NAFTA was signed, the United States lost one in four manufacturing jobs. The state of Michigan alone lost nearly 200,000 think of that manufacturing jobs and nearly half of its vehicle manufacturing jobs. They left. They went to Mexico, they went to Canada, they went to many other places.

In the last 16 years before my election, 60,000 plants and factories closed throughout the United States. Can you imagine that? Sixty thousand. It's not even possible. And I know it's true because all of the fake news back there see all those cameras? (Laughter.)

AUDIENCE: Booo

THE PRESIDENT: If I say something that's even slightly off, it's a headline.

So I've been saying it for two years: Sixty thousand plants and factories closed. NAFTA was the worst trade deal probably ever made by any country. Couldn't have gotten any worse. You saw it in Michigan as much as any place. You lost your car companies. In fact, I was honored, believe it or not. About 10 years ago, I came to Michigan. I was honored by a wonderful group. I was the "Man of the Year." And I made a speech and it was a little bit controversial.

And I didn't know too much about the car industry, but I did know that you were losing all your jobs. They were leaving; they were going to other countries. And I said, "How the hell do you let that happen?" But we stopped it. And this deal really stops it. And now they're all coming back because they want to be where the action is. And the action is in our country and in this state. (Applause.)

So, for decades, politicians campaigned across Michigan, promising to do something about NAFTA. You heard it. You folks heard it all the time, right? "Well, we're going to do something about it." They never did anything about it. I did. Probably the biggest reason that I ran for office. How did I do, by the way? Okay? Because I never did it before. (Applause.) I never

did it before. But I do as well as you do. Look, I'm your spokesman, I'm your I'm somebody that represents you.

And we had a turnout in 2016, the likes of which nobody has ever seen before. This has never happened. You know, some politicians became really famous because they came in first or second or third in one state. Like, they did well in New Hampshire, or they did well in Iowa, or they did well here. But we did well in 32 states. We did actually well in almost all of the states.

But we had a tremendous landslide, Electoral College victory, like people haven't seen in a long time. And it's a great honor. And when this state came out and you know, they said, "Don't bother with Michigan. You're never going to win. As a Republican, you're not going to win." I said, "Why wouldn't I win when they're losing all their jobs, when all their companies are moving out? Why wouldn't I win?"

And then I came my last speech was in Grand Rapids. And I made anybody there? (Applause.) Yeah? Right? Remember that? And the reason it wasn't scheduled, remember? It wasn't scheduled. And they say, "Sir, I came from New Hampshire..." And I thought I was finished. They say, "Sir, your opponent is heading to Michigan." And that wasn't scheduled either. But what did that mean to me? That meant that she had problems. And she was heading there with Bill Clinton, with Barack Hussein Obama, and with a couple of other people, all of her staff, and for some reason they were going to Michigan. And I said, "That means they must be in trouble in Michigan." They said, "Sir, will you go and make one final speech in Grand Rapids?"

And so, on no notice, we had 32,000 people show up. (Applause.) Right? You remember. We had 32,000 people show up and

AUDIENCE MEMBER: Four more years!

THE PRESIDENT: (Laughs.)

AUDIENCE: Four more years! Four more years! Four more years!



THE PRESIDENT: No, we had so we gave no notice. And we just showed up with 32,000 people. And Hillary Crooked Hillary, as I call her she had a small gathering of about 400 people. (Laughter.) I said, "So..." in a location that was an easier location. So I said, "Explain to me, why are we going to lose?" And we didn't. We won. (Applause.)

And we're going to win it and this should be better. This time should be easier because we've really produced. And I hear we're doing very well in the polls or whatever. But we should do better because we produced far greater than I said we were going to produce. I mean, you all see the car companies coming in. So it's been really incredible.

But, for decades, politicians, they campaigned all across Michigan, promising to do something about NAFTA and I call it the "NAFTA disaster" only to get elected and do absolutely nothing. They'd take your vote and then they'd go to Washington. And whether it was two years or four years, they'd go to Washington and they'd look at the beautiful columns, and they'd become intimidated by the marble and the beauty and the power. And they wouldn't even want to come back. And I came back because we have a lot to do. We're going to get a lot more car companies moving in. We have a lot more companies moving in. We're producing jobs like you have never seen before in this country. We're producing jobs like you have never seen before.

So I just want to say that I've kept my promise and not only my promise in loving the people of Michigan and all over the country, but my promise of taking care of it so that other countries aren't ripping us off. They were ripping us off. You wouldn't believe what was happening. (Applause.) I guess you would.

And I think that a lot of our leaders and our politicians from past should be ashamed of themselves for what they allowed to happen. If you look, Mexico took 32 percent of our car business think of it in a fairly short period of time. Thirty two percent of our car business. But now we have a deal with Mexico, we have a deal with Canada. That's a whole different ballgame. So it's good. (Applause.)

The USMCA will substantially boost exports for American dairy

farmers      also very, very big. (Applause.)

AUDIENCE MEMBER: Hey, hey!

THE PRESIDENT: (Laughs.) You've got a dairy farmer in this plant. (Laughter.)

All of the ranchers, the manufacturers, textile makers, energy workers. For those in small business or with farms, small farms, no estate tax. So now you can leave your business, your farms; you can leave them to your heirs, if you like them. If you don't like them, you don't have to bother. Then there's not a big saving. (Laughter.) But they won't have to go and mortgage it to the hilt so they can pay the taxes because mom and dad loved me. "Mom and dad left me that farm" or "Mom and dad left me that small business," right? (Applause.)

So if you love your children, it's great. If you don't love your children, eh, we did a lot of other things for you too, right? (Laughter.) Right, Matt?

The USMCA is an especially big win for American auto workers. And we will create up to 80,000      minimum      80,000 probably about 120,000      new jobs. And that's something that you haven't seen. But over the last couple of years, you've been seeing what's happening. It's coming back. It's all coming back.

Under NAFTA, foreign companies manufactured many parts overseas, sent them to Mexico and Canada for assembly, and then shipped them. And, you know, they were foreign made cars. And all across our borders, they were tax free. So they'd make the part and they'd send them across our borders tax free. And they'd make them with their labor, not your labor. I want them made with your labor. And that's been the biggest part of our agreement. (Applause.)

So not anymore. And that's not happening anymore.

The USMCA closes these terrible, unfair loopholes by requiring at least 75 percent of every car under the deal      which is all      to be made in North America. It has to be made in North America. And most importantly, we have strong new provisions to

ensure American workers are being hired to do the job. We want to hire American workers to do the job. (Applause.)

Over the next five years, the USMCA is projected to increase purchases of American auto parts by \$23 billion a year, and automotive investment by at least \$34 billion. And it's the very first trade agreement in decades endorsed by American labor. We even had the unions endorsed this, the labor endorsed it. We had tremendous support all down the line: farmers, manufacturers, labor unions. This is a great deal and a brilliantly drawn out deal.

And, Jared, thank you very much. And, Peter Navarro, thank you. (Applause.) And, Joe and everybody, thank you all. Thank you all. Thank you. (Applause.) What a group of people we had.

Fiat Chrysler is already investing \$4.5 billion. Anybody here with Fiat Chrysler? Thank them very much. \$4.5 billion. (Applause.) It's peanuts. It's peanuts. And creating 6,500 new jobs in Michigan, very quickly, and opening up the first new Detroit plant in over 30 years. That's a big difference. (Applause.)

And Ford is putting up \$1.5 billion and creating 3,000 new jobs. So that's Ford. Thank you, Ford. Anybody from Ford here? (Applause.) Good. Three thousand new jobs. While General Motors is investing \$2.2 billion and creating 2,200 new jobs in Michigan. Two thousand two hundred. Anybody from General Motors? (Applause.) Okay? Thank you. We're going to get that up. (Applause.) That's good. Thank you very much.

General Motors 2,200. So, you're talking about 6,500, 3,000, 2,200 and that's just what they're doing right now. They're going to be doing a lot more. In addition to that, we have many foreign companies coming in because we're insisting that they build their cars in the United States, not in some faraway land. (Applause.)

Dana Incorporated is the perfect place to honor the immortal legacy of the American worker. And that's what it is it's an incredible legacy.

When the United States battled the forces of tyranny in the

Second World War, the assembly line here was round the clock production, building more than one quarter of all tanks made in America. And now we have a very special place that builds tanks. You know about that, right? Does anybody know where I'm talking about?

AUDIENCE MEMBER: Ohio!

THE PRESIDENT: It's called "Lima." Do you know one of the first things I did? I was President elect, and they told me they were closing a plant in Lima, Ohio. I said, "What's the plant?" "It makes tanks." I said, "Really? Where else do we make them?" "That's it." I said, "So if I want to build our military and we want tanks, what are we going to do? Send over to China for them or something?" (Laughter.) They said no.

And I went to Lima, Ohio. I went there. And I looked at this incredible plant and the incredible workers and the detail. I mean, these plants are these tanks are really complex machines now. I mean, they were more complicated than any dashboard of any plane you've ever seen. I couldn't believe it. And the precision of the mechanics and the turrets and the they're perfect; they have to get it within one one hundredth of an inch. Everything has to be perfect.

I said, "You'll never be able to restart something like this." So I turned down the closing of that plant, just by instinct. And now we're making hundreds of tanks there a year. We were making none. We're making hundreds of tanks a year. (Applause.) And I don't think they ever could have started it up like here. You can't start these places very easily.

But we produced a new fearsome and famous weapon, the mighty M 4 Sherman tank. You know that. Right here, we produced. Right here, we produced that. (Applause.) For some reason, we don't make the tanks here anymore. We're going to have to speak to Dana. How about a little competition for Lima? (Laughter.)

I better not say that. Lima is going to get angry at me if I say that.

PARTICIPANT: We have a plant in Lima.

THE PRESIDENT: You have a plant in Lima? Oh, you have it covered all the way. (Laughter.) They've got a Dana plant in Lima.

But Dana employs some amazing veterans, including production supervisor Devin Mallory. Where's Devin? Where's Devin? (Applause.) Get up here, Devin. Come on. Say a few words. He served the U.S. Army two tours in Afghanistan.

Devin, come on up here.

MR. MALLORY: Thank you, Mr. President. Good afternoon. My name is Devin Mallory from Owosso, Michigan. (Applause.)

I decided to join the United States Army as an officer in 2010. At that time, it was difficult to find a job in Michigan. After serving two tours in Afghanistan, transitioning to civilian life was my top priority. As our family grew, my wife and I decided we wanted to be closer to family.

I started looking for a job to make the move back to Michigan last year and was quickly able to find a position with Dana as a production supervisor. (Applause.)

My wife and I are proud parents of two beautiful daughters. I actually just returned to work yesterday after spending time with my wife and newborn daughter. (Applause.)

I want to thank you, Mr. President. I am glad that we have a growing economy in Michigan and a job where I can provide for my family. I'm looking forward to the future possibilities with Dana. Thank you. (Applause.)

THE PRESIDENT: Thank you, Devin. Congratulations.

MR. MALLORY: Thank you.

THE PRESIDENT: Thank you, Devin. Thank you, Devin.

AUDIENCE: USA! USA! USA!

THE PRESIDENT: There is there's a tremendous pride in our country that I see again. And it was not going in the right

direction. I've never seen more spirit.

I was in New Jersey the other night to make a speech, and the crowds were records. People I've never seen anything like it. I'm now going to Iowa. It's all over the news. The crowds are like they've never seen before.

So there are things happening. People are proud of our country again, and that's a great thing. That's a great thing. (Applause.)

Well, this surge in new investment means new opportunities for everyone. Few people know that better than launch specialist Courtney French. And, Courtney I'm going to ask her to come up and say a few words. Incredible job. Incredible job.

Thank you. Courtney, come on up, please. (Applause.)

MS. FRENCH: My name is Courtney French, and I was born and raised in St. Clair County. At age 19, I started at Dana as a temporary worker, unknowingly pregnant with my second set of twins.

My husband and I now have eight children. So knowing that we have solid jobs to provide for our kids is really important.

Today, I'm a project launch specialist for Dana's St. Clair facility. And over the last 15 years, I've been fortunate to have access to tuition reimbursement and many opportunities to further my career.

So now, more than ever, I'm excited that the USMCA will help even the playing field for American manufacturing while continuing to grow job opportunities here in Michigan, giving me confidence and steady work for the future.

Thank you. (Applause.)

THE PRESIDENT: Great job. Great. Thank you, Courtney, very much.

My administration is very pro worker, to put it mildly. Pro American policies have reduced unemployment to its lowest level in

more than 50 years, and we've created over 7 million new jobs, including over 100,000 brand new jobs in Michigan. (Applause.)

African American unemployment, Asian American unemployment, Hispanic American unemployment, is the lowest it's ever been in the history of our country. (Applause.)

Real median household income is now at the highest level ever recorded. That's a good one for you. (Applause.)

You know, President Bush, in eight years, it was \$450. President Obama, in eight years, it was \$975. And President Trump, in less than three years because when the stats were taken, it was two and a half and including the tax cuts and regulation cuts, it's \$10,000. Think of that. (Applause.) That's tough to beat. That's tough to beat, right?

Earnings for the bottom 10 percent are rising faster than earnings for the top 10 percent. First time. And we've lifted 2.5 million Americans out of poverty. More Americans are working than ever before.

In everything we do, we're restoring Washington's allegiance to hardworking citizens, the people that I love. I love I love the worker. I love the worker. Somehow we have this relationship. They talk about it all the time. "Why the hell do they like Trump?" But they like me. What can I tell you?

AUDIENCE MEMBER: We love you! (Laughter.)

THE PRESIDENT: They like me. (Applause.)

I guess some of those stats have something to do with it, right? Because you've never seen but, you know, in the upcoming election, the last time, I talked about what we were going to do, but I didn't do it. I talked about what we were going to do, but I hadn't done it because the election.

Then I get elected. And as they will tell you the fake news; they will tell you even they will admit I did more than I even said I was going to do, by a lot. So when we go into this next election, we've created all of these jobs. All of these companies have come in. We've created Space Force for the

military. I never said I was going to do Space Force.  
(Applause.)

And we're reclaiming a very proud heritage as a manufacturing nation again. Do you remember when the previous administration the head of the previous administration I won't mention names; I'm sure you'll never guess the name. But said that you'd need a magic wand to create manufacturing jobs. Well, we found the magic wand, because we're going to be hitting 750,000 manufacturing jobs in the not too distant future. (Applause.)

Never made sense to me. When they said, "No increase in manufacturing jobs, no manufacturing jobs. Manufacturing jobs are disappearing" I used to say those are the best jobs. Those are great people. Those are unbelievably talented people. You're very talented people. (Applause.) You're very talented people.

I said, "There's no way that's going to happen." And that's why all of those companies are coming back. We're taking them from other countries. We're doing incredibly well.

We've taken in billions and billions of dollars from China. Billions and billions of dollars from China. And then they agreed to sign the agreement. Now we're working very strongly with China on the coronavirus that's a new thing that a lot of people are talking about. Hopefully it won't be as bad as some people think it could be. But we're working very closely with them and with a lot of other people and a lot of other countries. And we think we have it very well under control.

We have very little problem in this country at this moment five. And those people are all recuperating successfully. But we're working very closely with China and other countries, and we think it's going to have a very good ending for it. So that I can assure you.

In the meantime, I just want to congratulate all of the people of Dana. You have been just outstanding. I followed your company. As a person in the business world for a long time, I followed Dana and lots of other companies. You've really done an outstanding job. And it really is the great people. Right now, the great people that work here those people that can do such precision brilliant work, you're the ones that are doing it, and



you're the ones that our country and the people of our country has great respect for.

So I want to thank the state of Michigan. I want to thank our great congressmen. And I want to thank all of the workers and all of those people that are making all of that extra money that I've helped you with. Making a hell of a lot of money. If you want, you can give it back to the country or give it back to Dana. (Applause.) But I have a feeling you'll just keep it. I say: Spend it wisely.

But I want to thank all of you because this has been really a special moment for me. You know, coming back to Michigan after all Michigan has been through, after all that I talked about I talked about Michigan so much. I talked about it. "How can you let it happen?" as I said. "How can you let it happen?" And we've stopped it from happening. They're all coming back to us. (Applause.)

So, thank you very much. Congratulations, Michigan, and congratulations to Dana. Thank you very much. (Applause.) Thank you all. Thank you, fellas. Thank you.

END

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## White House Press Office

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**From:** White House Press Office  
**Sent:** Tuesday, February 4, 2020 9:21 PM  
**To:** camellia.assefi.delaplane@usdoj.gov  
**Subject:** President Donald J. Trump's State Of The Union Address: Remarks As Prepared For Delivery



Office of the Press Secretary

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FOR IMMEDIATE RELEASE

February 4, 2020

**\*EMBARGOED FOR RELEASE UNTIL CONCLUSION OF REMARKS\***

PRESIDENT DONALD J. TRUMP'S STATE OF THE UNION ADDRESS  
Remarks as prepared for delivery

TO THE CONGRESS OF THE UNITED STATES:

Madam Speaker, Mr. Vice President, Members of Congress,  
the First Lady of the United States, and my fellow citizens:

Three years ago, we launched the great American comeback. Tonight, I stand before you to share the incredible results. Jobs are booming, incomes are soaring, poverty is plummeting, crime is falling, confidence is surging, and our country is thriving and highly respected again! America's enemies are on the run, America's fortunes are on the rise, and America's future is blazing bright.

The years of economic decay are over. The days of our country being used, taken advantage of, and even scorned by other nations are long behind us. Gone too are the broken promises, jobless recoveries, tired platitudes, and constant excuses for the depletion of American wealth, power, and prestige.

In just 3 short years, we have shattered the mentality

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of American decline, and we have rejected the downsizing of America's destiny. We are moving forward at a pace that was unimaginable just a short time ago, and we are never going back!

I am thrilled to report to you tonight that our economy is the best it has ever been. Our military is completely rebuilt, with its power being unmatched anywhere in the world and it is not even close. Our borders are secure. Our families are flourishing. Our values are renewed. Our pride is restored. And for all these reasons, I say to the people of our great country, and to the Members of Congress before me: The State of our Union is stronger than ever before!

The vision I will lay out this evening demonstrates how we are building the world's most prosperous and inclusive society one where every citizen can join in America's unparalleled success, and where every community can take part in America's extraordinary rise.

From the instant I took office, I moved rapidly to revive the United States economy slashing a record number of job killing regulations, enacting historic and record setting tax cuts, and fighting for fair and reciprocal trade agreements. Our agenda is relentlessly pro worker, pro family, pro growth, and, most of all, pro American. We are advancing with unbridled optimism and lifting high our citizens of every race, color, religion, and creed.

Since my election, we have created 7 million new jobs 5 million more than Government experts projected during the previous administration.

The unemployment rate is the lowest in over half a century.

Incredibly, the average unemployment rate under my Administration is lower than any administration in the history of our country. If we had not reversed the failed economic policies of the previous administration, the world would not now be witness to America's great economic success.

The unemployment rates for African Americans, Hispanic Americans, and Asian Americans have reached the lowest levels in history. African American youth unemployment has reached an all

time low.

African American poverty has declined to the lowest rate ever recorded.

The unemployment rate for women reached the lowest level in almost 70 years and last year, women filled 72 percent of all new jobs added.

The veterans' unemployment rate dropped to a record low.

The unemployment rate for disabled Americans has reached an all time low.

Workers without a high school diploma have achieved the lowest unemployment rate recorded in United States history.

A record number of young Americans are now employed.

Under the last administration, more than 10 million people were added to the food stamp rolls. Under my Administration, 7 million Americans have come off of food stamps, and 10 million people have been lifted off of welfare.

In 8 years under the last administration, over 300,000 working age people dropped out of the workforce. In just 3 years of my Administration, 3.5 million working age people have joined the workforce.

Since my election, the net worth of the bottom half of wage earners has increased by 47 percent 3 times faster than the increase for the top 1 percent. After decades of flat and falling incomes, wages are rising fast and, wonderfully, they are rising fastest for low income workers, who have seen a 16 percent pay increase since my election. This is a blue collar boom.

Real median household income is now at the highest level ever recorded!

Since my election, United States stock markets have soared 70 percent, adding more than \$12 trillion to our Nation's wealth, transcending anything anyone believed was possible this, as other countries are not doing well. Consumer confidence has

reached amazing new heights.

All of those millions of people with 401(k)s and pensions are doing far better than they have ever done before with increases of 60, 70, 80, 90, and even 100 percent.

Jobs and investment are pouring into 9,000 previously neglected neighborhoods thanks to Opportunity Zones, a plan spearheaded by Senator Tim Scott as part of our great Republican tax cuts. In other words, wealthy people and companies are pouring money into poor neighborhoods or areas that have not seen investment in many decades, creating jobs, energy, and excitement. This is the first time that these deserving communities have seen anything like this. It is all working!

Opportunity Zones are helping Americans like Army Veteran Tony Rankins from Cincinnati, Ohio. After struggling with drug addiction, Tony lost his job, his house, and his family he was homeless. But then Tony found a construction company that invests in Opportunity Zones. He is now a top tradesman, drug free, reunited with his family, and he is here tonight. Tony: Keep up the great work.

Our roaring economy has, for the first time ever, given many former prisoners the ability to get a great job and a fresh start. This second chance at life is made possible because we passed landmark Criminal Justice Reform into law. Everybody said that Criminal Justice Reform could not be done, but I got it done, and the people in this room got it done.

Thanks to our bold regulatory reduction campaign, the United States has become the number one producer of oil and natural gas in the world, by far. With the tremendous progress we have made over the past 3 years, America is now energy independent, and energy jobs, like so many elements of our country, are at a record high. We are doing numbers that no one would have thought possible just 3 years ago.

Likewise, we are restoring our Nation's manufacturing might, even though predictions were that this could never be done. After losing 60,000 factories under the previous two administrations, America has now gained 12,000 new factories under my Administration with thousands upon thousands of plants and

factories being planned or built. We have created over half a million new manufacturing jobs. Companies are not leaving; they are coming back. Everybody wants to be where the action is, and the United States of America is, indeed, where the action is.

One of the single biggest promises I made to the American people was to replace the disastrous NAFTA trade deal. In fact, unfair trade is perhaps the single biggest reason that I decided to run for President. Following NAFTA's adoption, our Nation lost one in four manufacturing jobs. Many politicians came and went, pledging to change or replace NAFTA only to do absolutely nothing. But unlike so many who came before me, I keep my promises. Six days ago, I replaced NAFTA and signed the brand new United States Mexico Canada Agreement (USMCA) into law.

The USMCA will create nearly 100,000 new high paying American auto jobs, and massively boost exports for our farmers, ranchers, and factory workers. It will also bring trade with Mexico and Canada to a much higher degree, but also to a much greater level of fairness and reciprocity. This is the first major trade deal in many years to earn the strong backing of America's labor unions.

I also promised our citizens that I would impose tariffs to confront China's massive theft of American jobs. Our strategy worked. Days ago, we signed the groundbreaking new agreement with China that will defend our workers, protect our intellectual property, bring billions of dollars into our treasury, and open vast new markets for products made and grown right here in the United States of America. For decades, China has taken advantage of the United States, now we have changed that but, at the same time, we have perhaps the best relationship we have ever had with China, including with President Xi. They respect what we have done because, quite frankly, they could never believe what they were able to get away with year after year, decade after decade, without someone in our country stepping up and saying: Enough. Now, we want to rebuild our country, and that is what we are doing.

As we restore American leadership throughout the world, we are once again standing up for freedom in our hemisphere. That is why my Administration reversed the failing policies of the previous administration on Cuba. We are supporting the hopes of

Cubans, Nicaraguans, and Venezuelans to restore democracy. The United States is leading a 59 nation diplomatic coalition against the socialist dictator of Venezuela, Nicolás Maduro. Maduro is an illegitimate ruler, a tyrant who brutalizes his people. But Maduro's grip of tyranny will be smashed and broken. Here this evening is a man who carries with him the hopes, dreams, and aspirations of all Venezuelans. Joining us in the gallery is the true and legitimate President of Venezuela, Juan Guaidó. Mr. President, please take this message back to your homeland. All Americans are united with the Venezuelan people in their righteous struggle for freedom! Socialism destroys nations. But always remember, freedom unifies the soul.

To safeguard American Liberty, we have invested a record breaking \$2.2 trillion in the United States Military. We have purchased the finest planes, missiles, rockets, ships, and every other form of military equipment all made in the United States of America. We are also finally getting our allies to help pay their fair share. I have raised contributions from the other NATO members by more than \$400 billion, and the number of allies meeting their minimum obligations has more than doubled.

And just weeks ago, for the first time since President Truman established the Air Force more than 70 years earlier, we created a new branch of the United States Armed Forces, the Space Force.

In the gallery tonight, we have one of the Space Force's youngest potential recruits: 13 year old Iain Lanphier, an eighth grader from Arizona. Iain has always dreamed of going to space.

He was first in his class and among the youngest at an aviation academy. He aspires to go to the Air Force Academy, and then, he has his eye on the Space Force. As Iain says, "most people look up at space, I want to look down on the world."

Sitting beside Iain tonight is his great hero. Charles McGee was born in Cleveland, Ohio, one century ago. Charles is one of the last surviving Tuskegee Airmen the first black fighter pilots and he also happens to be Iain's great grandfather. After more than 130 combat missions in World War II, he came back to a country still struggling for Civil Rights and went on to serve America in Korea and Vietnam. On December 7th, Charles celebrated his 100th birthday. A few weeks ago, I signed a bill promoting Charles McGee to Brigadier General. And earlier today,

I pinned the stars on his shoulders in the Oval Office. General McGee: Our Nation salutes you.

From the pilgrims to our Founders, from the soldiers at Valley Forge to the marchers at Selma, and from President Lincoln to the Reverend Dr. Martin Luther King, Jr., Americans have always rejected limits on our children's future.

Members of Congress, we must never forget that the only victories that matter in Washington are victories that deliver for the American people. The people are the heart of our country, their dreams are the soul of our country, and their love is what powers and sustains our country. We must always remember that our job is to put America first!

The next step forward in building an inclusive society is making sure that every young American gets a great education and the opportunity to achieve the American Dream. Yet, for too long, countless American children have been trapped in failing government schools. To rescue these students, 18 States have created school choice in the form of Opportunity Scholarships.

The programs are so popular, that tens of thousands of students remain on waiting lists. One of those students is Janiyah Davis, a fourth grader from Philadelphia. Janiyah's mom Stephanie is a single parent. She would do anything to give her daughter a better future. But last year, that future was put further out of reach when Pennsylvania's Governor vetoed legislation to expand school choice for 50,000 children.

Janiyah and Stephanie are in the gallery this evening. But there is more to their story. Janiyah, I am pleased to inform you that your long wait is over. I can proudly announce tonight that an Opportunity Scholarship has become available, it is going to you, and you will soon be heading to the school of your choice!

Now, I call on the Congress to give 1 million American children the same opportunity Janiyah has just received. Pass the Education Freedom Scholarships and Opportunity Act because no parent should be forced to send their child to a failing government school.

Every young person should have a safe and secure environment in which to learn and grow. For this reason, our magnificent



First Lady has launched the "Be Best" initiative to advance a safe, healthy, supportive, and drug free life for the next generation, online, in school, and in our communities. Thank you, Melania, for your extraordinary love and profound care for America's children.

My Administration is determined to give our citizens the opportunities they need regardless of age or background. Through our Pledge to American Workers, over 400 companies will also provide new jobs and education opportunities to almost 15 million Americans.

My Budget also contains an exciting vision for our Nation's high schools. Tonight, I ask the Congress to support our students and back my plan to offer vocational and technical education in every single high school in America.

To expand equal opportunity, I am also proud that we achieved record and permanent funding for our Nation's Historically Black Colleges and Universities.

A good life for American families also requires the most affordable, innovative, and high quality healthcare system on Earth. Before I took office, health insurance premiums had more than doubled in just 5 years. I moved quickly to provide affordable alternatives. Our new plans are up to 60 percent less expensive. I have also made an ironclad pledge to American families: We will always protect patients with pre existing conditions that is a guarantee. And we will always protect your Medicare and your Social Security.

The American patient should never be blindsided by medical bills. That is why I signed an Executive Order requiring price transparency. Many experts believe that transparency, which will go into full effect at the beginning of next year, will be even bigger than healthcare reform. It will save families massive amounts of money for substantially better care.

But as we work to improve Americans' healthcare, there are those who want to take away your healthcare, take away your doctor, and abolish private insurance entirely. One hundred thirty two lawmakers in this room have endorsed legislation to impose a socialist takeover of our healthcare system, wiping out

the private health insurance plans of 180 million Americans. To those watching at home tonight, I want you to know: We will never let socialism destroy American healthcare!

Over 130 legislators in this chamber have endorsed legislation that would bankrupt our Nation by providing free taxpayer funded healthcare to millions of illegal aliens, forcing taxpayers to subsidize free care for anyone in the world who unlawfully crosses our borders. These proposals would raid the Medicare benefits our seniors depend on, while acting as a powerful lure for illegal immigration. This is what is happening in California and other States their systems are totally out of control, costing taxpayers vast and unaffordable amounts of money. If forcing American taxpayers to provide unlimited free healthcare to illegal aliens sounds fair to you, then stand with the radical left. But if you believe that we should defend American patients and American seniors, then stand with me and pass legislation to prohibit free Government healthcare for illegal aliens!

This will be a tremendous boon to our already very strongly guarded southern border where, as we speak, a long, tall, and very powerful wall is being built. We have now completed over 100 miles and will have over 500 miles fully completed by early next year.

My Administration is also taking on the big pharmaceutical companies. We have approved a record number of affordable generic drugs, and medicines are being approved by the FDA at a faster clip than ever before. I was pleased to announce last year that, for the first time in 51 years, the cost of prescription drugs actually went down.

And working together, the Congress can reduce drug prices substantially from current levels. I have been speaking to Senator Chuck Grassley of Iowa and others in the Congress in order to get something on drug pricing done, and done properly. I am calling for bipartisan legislation that achieves the goal of dramatically lowering prescription drug prices. Get a bill to my desk, and I will sign it into law without delay.

With unyielding commitment, we are curbing the opioid epidemic drug overdose deaths declined for the first time

in nearly 30 years. Among the States hardest hit, Ohio is down 22 percent, Pennsylvania is down 18 percent, Wisconsin is down 10 percent and we will not quit until we have beaten the opioid epidemic once and for all.

Protecting Americans' health also means fighting infectious diseases. We are coordinating with the Chinese government and working closely together on the Coronavirus outbreak in China. My Administration will take all necessary steps to safeguard our citizens from this threat.

We have launched ambitious new initiatives to substantially improve care for Americans with kidney disease, Alzheimer's, and those struggling with mental health challenges. And because the Congress funded my request, we are pursuing new cures for childhood cancer, and we will eradicate the AIDS epidemic in America by the end of the decade.

Almost every American family knows the pain when a loved one is diagnosed with a serious illness. Here tonight is a special man, someone beloved by millions of Americans who just received a Stage 4 advanced cancer diagnosis. This is not good news, but what is good news is that he is the greatest fighter and winner that you will ever meet. Rush Limbaugh: Thank you for your decades of tireless devotion to our country. Rush, in recognition of all that you have done for our Nation, the millions of people a day that you speak to and inspire, and all of the incredible work that you have done for charity, I am proud to announce tonight that you will be receiving our country's highest civilian honor, the Presidential Medal of Freedom. I will now ask the First Lady of the United States to please stand and present you with the honor. Rush, Kathryn, congratulations!

As we pray for all who are sick, we know that America is constantly achieving new medical breakthroughs. In 2017, doctors at St. Luke's hospital in Kansas City delivered one of the earliest premature babies ever to survive. Born at just 21 weeks and 6 days, and weighing less than a pound, Ellie Schneider was born a fighter. Through the skill of her doctors and the prayers of her parents little Ellie kept on winning the battle for life. Today, Ellie is a strong, healthy 2 year old girl sitting with her amazing mother Robin in the gallery. Ellie and Robin: We are so glad you are here.

Ellie reminds us that every child is a miracle of life.

Thanks to modern medical wonders, 50 percent of very premature babies delivered at the hospital where Ellie was born now survive.

Our goal should be to ensure that every baby has the best chance to thrive and grow just like Ellie. That is why I am asking the Congress to provide an additional \$50 million to fund neo natal research for America's youngest patients. That is also why I am calling upon the Members of Congress here tonight to pass legislation finally banning the late term abortion of babies.

Whether we are Republican, Democrat, or Independent, surely we must all agree that every human life is a sacred gift from God!

As we support America's moms and dads, I was recently proud to sign the law providing new parents in the Federal workforce paid family leave, serving as a model for the rest of the country. Now, I call on the Congress to pass the bipartisan Advancing Support for Working Families Act, extending family leave to mothers and fathers all across the Nation.

Forty million American families have an average \$2,200 extra thanks to our child tax credit. I have also overseen historic funding increases for high quality child care, enabling 17 States to serve more children, many of which have reduced or eliminated their waitlists altogether. And I sent the Congress a plan with a vision to further expand access to high quality childcare and urge you to act immediately.

To protect the environment, days ago, I announced that the United States will join the One Trillion Trees Initiative, an ambitious effort to bring together Government and the private sector to plant new trees in America and around the world.

We must also rebuild America's infrastructure. I ask you to pass Senator Barrasso's highway bill to invest in new roads, bridges, and tunnels across our land.

I am also committed to ensuring that every citizen can have access to high speed internet, including rural America.

A better tomorrow for all Americans also requires us to keep America safe. That means supporting the men and women of law

enforcement at every level, including our Nation's heroic ICE officers.

Last year, our brave ICE officers arrested more than 120,000 criminal aliens charged with nearly 10,000 burglaries, 5,000 sexual assaults, 45,000 violent assaults, and 2,000 murders.

Tragically, there are many cities in America where radical politicians have chosen to provide sanctuary for these criminal illegal aliens. In Sanctuary Cities, local officials order police to release dangerous criminal aliens to prey upon the public, instead of handing them over to ICE to be safely removed.

Just 29 days ago, a criminal alien freed by the Sanctuary City of New York was charged with the brutal rape and murder of a 92 year old woman. The killer had been previously arrested for assault, but under New York's sanctuary policies, he was set free. If the city had honored ICE's detainer request, his victim would be alive today.

The State of California passed an outrageous law declaring their whole State to be a sanctuary for criminal illegal immigrants with catastrophic results.

Here is just one tragic example. In December 2018, California police detained an illegal alien with five prior arrests, including convictions for robbery and assault. But as required by California's Sanctuary Law, local authorities released him.

Days later, the criminal alien went on a gruesome spree of deadly violence. He viciously shot one man going about his daily work; he approached a woman sitting in her car and shot her in the arm and the chest. He walked into a convenience store and wildly fired his weapon. He hijacked a truck and smashed into vehicles, critically injuring innocent victims. One of the victims of his bloody rampage was a 51 year old American named Rocky Jones. Rocky was at a gas station when this vile criminal fired eight bullets at him from close range, murdering him in cold blood. Rocky left behind a devoted family, including his brothers who loved him more than anything. One of his grieving brothers is here with us tonight. Jody, would you please stand? Jody, our hearts weep for your loss and we will not rest until you have

justice.

Senator Thom Tillis has introduced legislation to allow Americans like Jody to sue Sanctuary Cities and States when a loved one is hurt or killed as a result of these deadly policies. I ask the Congress to pass the Justice for Victims of Sanctuary Cities Act immediately. The United States of America should be a sanctuary for law abiding Americans not criminal aliens!

In the last 3 years, ICE has arrested over 5,000 wicked human traffickers and I have signed 9 pieces of legislation to stamp out the menace of human trafficking, domestically and around the globe.

My Administration has undertaken an unprecedented effort to secure the southern border of the United States.

Before I came into office, if you showed up illegally on our southern border and were arrested, you were simply released and allowed into our country, never to be seen again. My Administration has ended Catch and Release. If you come illegally, you will now be promptly removed. We entered into historic cooperation agreements with the Governments of Mexico, Honduras, El Salvador, and Guatemala. As a result of our unprecedented efforts, illegal crossings are down 75 percent since May dropping 8 straight months in a row. And as the wall goes up, drug seizures rise, and border crossings go down.

Last year, I traveled to the border in Texas and met Chief Patrol Agent Raul Ortiz. Over the last 24 months, Agent Ortiz and his team have seized more than 200,000 pounds of poisonous narcotics, arrested more than 3,000 human smugglers, and rescued more than 2,000 migrants. Days ago, Agent Ortiz was promoted to Deputy Chief of Border Patrol and he joins us tonight. Chief Ortiz: Please stand a grateful Nation thanks you and all the heroes of Border Patrol.

To build on these historic gains, we are working on legislation to replace our outdated and randomized immigration system with one based on merit, welcoming those who follow the rules, contribute to our economy, support themselves financially, and uphold our values.

With every action, my Administration is restoring the rule of law and re asserting the culture of American freedom. Working with Senate Majority Leader McConnell and his colleagues in the Senate, we have confirmed a record number of 187 new Federal judges to uphold our Constitution as written. This includes two brilliant new Supreme Court Justices, Neil Gorsuch, and Brett Kavanaugh.

My Administration is also defending religious liberty, and that includes the Constitutional right to pray in public schools. In America, we do not punish prayer. We do not tear down crosses. We do not ban symbols of faith. We do not muzzle preachers and pastors. In America, we celebrate faith. We cherish religion. We lift our voices in prayer, and we raise our sights to the Glory of God!

Just as we believe in the First Amendment, we also believe in another Constitutional right that is under siege all across our country. So long as I am President I will always protect your Second Amendment right to keep and bear arms.

In reaffirming our heritage as a free Nation, we must remember that America has always been a frontier nation. Now we must embrace the next frontier, America's manifest destiny in the stars. I am asking the Congress to fully fund the Artemis program to ensure that the next man and the first woman on the moon will be American astronauts using this as a launching pad to ensure that America is the first nation to plant its flag on Mars.

My Administration is also strongly defending our national security and combating radical Islamic terrorism. Last week, I announced a groundbreaking plan for peace between Israel and the Palestinians. Recognizing that all past attempts have failed, we must be determined and creative in order to stabilize the region and give millions of young people the change to realize a better future.

Three years ago, the barbarians of ISIS held over 20,000 square miles of territory in Iraq and Syria. Today, the ISIS territorial caliphate has been 100 percent destroyed, and the founder and leader of ISIS the bloodthirsty killer Al-Baghdadi is dead!

We are joined this evening by Carl and Marsha Mueller. After graduating from college, their beautiful daughter Kayla became a humanitarian aid worker. Kayla once wrote, "Some people find God in church. Some people find God in nature. Some people find God in love; I find God in suffering. I've known for some time what my life's work is, using my hands as tools to relieve suffering."

In 2013, while caring for suffering civilians in Syria, Kayla was kidnapped, tortured, and enslaved by ISIS, and kept as a prisoner of Al Baghdadi himself. After more than 500 horrifying days of captivity, Al Baghdadi murdered young Kayla. She was just 26 years old.

On the night that United States Special Forces Operators ended Al Baghdadi's miserable life, the Chairman of the Joint Chiefs of Staff, General Mark Milley, received a call in the Situation Room. He was told that the brave men of the elite Special Forces team, that so perfectly carried out the operation, had given their mission a name "Task Force 8 14." It was a reference to a special day: August 14th Kayla's birthday.

Carl and Marsha, America's warriors never forgot Kayla and neither will we.

Every day, America's men and women in uniform demonstrate the infinite depths of love that dwells in the human heart.

One of these American heroes was Army Staff Sergeant Christopher Hake. On his second deployment to Iraq in 2008, Sergeant Hake wrote a letter to his 1 year old son, Gage: "I will be with you again," he wrote to Gage. "I will teach you to ride your first bike, build your first sand box, watch you play sports and see you have kids also. I love you son, take care of your mother. I am always with you. Dad." On Easter Sunday of 2008, Chris was out on patrol in Baghdad when his Bradley Fighting Vehicle was hit by a roadside bomb. That night, he made the ultimate sacrifice for our country. Sergeant Hake now rests in eternal glory in Arlington, and his wife Kelli is in the gallery tonight, joined by their son, who is now 13 years old. To Kelli and Gage: Chris will live in our hearts forever.

The terrorist responsible for killing Sergeant Hake was Qasem Soleimani, who provided the deadly roadside bomb that took Chris's life. Soleimani was the Iranian Regime's most ruthless butcher, a



monster who murdered or wounded thousands of American service members in Iraq. As the world's top terrorist, Soleimani orchestrated the deaths of countless men, women, and children. He directed the December assault on United States Forces in Iraq, and was actively planning new attacks. That is why, last month, at my direction, the United States Military executed a flawless precision strike that killed Soleimani and terminated his evil reign of terror forever.

Our message to the terrorists is clear: You will never escape American justice. If you attack our citizens, you forfeit your life!

In recent months, we have seen proud Iranians raise their voices against their oppressive rulers. The Iranian regime must abandon its pursuit of nuclear weapons, stop spreading terror, death, and destruction, and start working for the good of its own people. Because of our powerful sanctions, the Iranian economy is doing very poorly. We can help them make it very good in a short period of time, but perhaps they are too proud or too foolish to ask for that help. We are here. Let's see which road they choose. It is totally up to them.

As we defend American lives, we are working to end America's wars in the Middle East.

In Afghanistan, the determination and valor of our warfighters has allowed us to make tremendous progress, and peace talks are underway. I am not looking to kill hundreds of thousands of people in Afghanistan, many of them innocent. It is also not our function to serve other nations as a law enforcement agency. These are warfighters, the best in the world, and they either want to fight to win or not fight at all. We are working to finally end America's longest war and bring our troops back home!

War places a heavy burden on our Nation's extraordinary military families, especially spouses like Amy Williams from Fort Bragg, North Carolina, and her 2 children 6 year old Elliana and 3 year old Rowan. Amy works full time, and volunteers countless hours helping other military families. For the past 7 months, she has done it all while her husband, Sergeant First Class Townsend Williams, is in Afghanistan on his fourth

deployment to the Middle East. Amy's kids have not seen their father's face in many months. Amy, your family's sacrifice makes it possible for all of our families to live in safety and peace we thank you.

As the world bears witness tonight, America is a land of heroes. This is the place where greatness is born, where destinies are forged, and where legends come to life. This is the home of Thomas Edison and Teddy Roosevelt, of many great Generals, including Washington, Pershing, Patton, and MacArthur. This is the home of Abraham Lincoln, Frederick Douglass, Amelia Earhart, Harriet Tubman, the Wright Brothers, Neil Armstrong, and so many more. This is the country where children learn names like Wyatt Earp, Davy Crockett, and Annie Oakley. This is the place where the pilgrims landed at Plymouth and where Texas patriots made their last stand at the Alamo.

The American Nation was carved out of the vast frontier by the toughest, strongest, fiercest, and most determined men and women ever to walk the face of the Earth. Our ancestors braved the unknown; tamed the wilderness; settled the Wild West; lifted millions from poverty, disease, and hunger; vanquished tyranny and fascism; ushered the world to new heights of science and medicine; laid down the railroads, dug out canals, raised up the skyscrapers and, ladies and gentlemen, our ancestors built the most exceptional Republic ever to exist in all of human history. And we are making it greater than ever before!

This is our glorious and magnificent inheritance.

We are Americans. We are the pioneers. We are the pathfinders. We settled the new world, we built the modern world, and we changed history forever by embracing the eternal truth that everyone is made equal by the hand of Almighty God.

America is the place where anything can happen! America is the place where anyone can rise. And here, on this land, on this soil, on this continent, the most incredible dreams come true!

This Nation is our canvas, and this country is our masterpiece. We look at tomorrow and see unlimited frontiers just waiting to be explored. Our brightest discoveries are not yet known. Our most thrilling stories are not yet told. Our grandest

journeys are not yet made. The American Age, the American Epic,  
the American Adventure, has only just begun!

Our spirit is still young; the sun is still rising; God's  
grace is still shining; and my fellow Americans, the best is yet  
to come!

Thank you. God Bless You. God Bless America.

THE WHITE HOUSE,  
February 4, 2020.

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**Woltornist, Alexei (PAO)**

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**From:** Woltornist, Alexei (PAO)  
**Sent:** Tuesday, February 4, 2020 9:27 PM  
**To:** Hamilton, Gene (OAG); Bronitsky, Jonathan (OPA)  
**Subject:** Fwd: REMARKS (as prepared)

Begin forwarded message:

**From:** "Hahn, Julia A. EOP/WHO (b) (6)"  
**Date:** February 4, 2020 at 9:25:16 PM EST  
**Subject:** REMARKS (as prepared)

**EMBARGOED UNTIL CONCLUSION OF REMARKS. THANK YOU.**



Office of the Press Secretary

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FOR IMMEDIATE RELEASE

February 4, 2020

**\*EMBARGOED FOR RELEASE UNTIL CONCLUSION OF REMARKS\***

PRESIDENT DONALD J. TRUMP'S STATE OF THE UNION ADDRESS  
Remarks as prepared for delivery

TO THE CONGRESS OF THE UNITED STATES:

Madam Speaker, Mr. Vice President, Members of Congress,  
the First Lady of the United States, and my fellow citizens:

Three years ago, we launched the great American comeback.  
Tonight, I stand before you to share the incredible results.  
Jobs are booming, incomes are soaring, poverty is plummeting,

2020-002031 - #1044

crime is falling, confidence is surging, and our country is thriving and highly respected again! America's enemies are on the run, America's fortunes are on the rise, and America's future is blazing bright.

The years of economic decay are over. The days of our country being used, taken advantage of, and even scorned by other nations are long behind us. Gone too are the broken promises, jobless recoveries, tired platitudes, and constant excuses for the depletion of American wealth, power, and prestige.

In just 3 short years, we have shattered the mentality of American decline, and we have rejected the downsizing of America's destiny. We are moving forward at a pace that was unimaginable just a short time ago, and we are never going back!

I am thrilled to report to you tonight that our economy is the best it has ever been. Our military is completely rebuilt, with its power being unmatched anywhere in the world and it is not even close. Our borders are secure. Our families are flourishing. Our values are renewed. Our pride is restored. And for all these reasons, I say to the people of our great country, and to the Members of Congress before me: The State of our Union is stronger than ever before!

The vision I will lay out this evening demonstrates how we are building the world's most prosperous and inclusive society one where every citizen can join in America's unparalleled success, and where every community can take part in America's extraordinary rise.

From the instant I took office, I moved rapidly to revive the United States economy slashing a record number of job killing regulations, enacting historic and record setting tax cuts, and fighting for fair and reciprocal trade agreements. Our agenda is relentlessly pro worker, pro family, pro growth, and, most of all, pro American. We are advancing with unbridled optimism and lifting high our citizens of every race, color, religion, and creed.

Since my election, we have created 7 million new jobs 5 million more than Government experts projected during the previous administration.

The unemployment rate is the lowest in over half a century.

Incredibly, the average unemployment rate under my Administration is lower than any administration in the history of our country. If we had not reversed the failed economic policies of the previous administration, the world would not now be witness to America's great economic success.

The unemployment rates for African Americans, Hispanic Americans, and Asian Americans have reached the lowest levels in history. African American youth unemployment has reached an all time low.

African American poverty has declined to the lowest rate ever recorded.

The unemployment rate for women reached the lowest level in almost 70 years and last year, women filled 72 percent of all new jobs added.

The veterans' unemployment rate dropped to a record low.

The unemployment rate for disabled Americans has reached an all time low.

Workers without a high school diploma have achieved the lowest unemployment rate recorded in United States history.

A record number of young Americans are now employed.

Under the last administration, more than 10 million people were added to the food stamp rolls. Under my Administration, 7 million Americans have come off of food stamps, and 10 million people have been lifted off of welfare.

In 8 years under the last administration, over 300,000 working age people dropped out of the workforce. In just 3 years of my Administration, 3.5 million working age people have joined the workforce.

Since my election, the net worth of the bottom half of wage earners has increased by 47 percent 3 times faster than the

increase for the top 1 percent. After decades of flat and falling incomes, wages are rising fast and, wonderfully, they are rising fastest for low income workers, who have seen a 16 percent pay increase since my election. This is a blue collar boom.

Real median household income is now at the highest level ever recorded!

Since my election, United States stock markets have soared 70 percent, adding more than \$12 trillion to our Nation's wealth, transcending anything anyone believed was possible this, as other countries are not doing well. Consumer confidence has reached amazing new heights.

All of those millions of people with 401(k)s and pensions are doing far better than they have ever done before with increases of 60, 70, 80, 90, and even 100 percent.

Jobs and investment are pouring into 9,000 previously neglected neighborhoods thanks to Opportunity Zones, a plan spearheaded by Senator Tim Scott as part of our great Republican tax cuts. In other words, wealthy people and companies are pouring money into poor neighborhoods or areas that have not seen investment in many decades, creating jobs, energy, and excitement. This is the first time that these deserving communities have seen anything like this. It is all working!

Opportunity Zones are helping Americans like Army Veteran Tony Rankins from Cincinnati, Ohio. After struggling with drug addiction, Tony lost his job, his house, and his family he was homeless. But then Tony found a construction company that invests in Opportunity Zones. He is now a top tradesman, drug free, reunited with his family, and he is here tonight. Tony: Keep up the great work.

Our roaring economy has, for the first time ever, given many former prisoners the ability to get a great job and a fresh start. This second chance at life is made possible because we passed landmark Criminal Justice Reform into law. Everybody said that Criminal Justice Reform could not be done, but I got it done, and the people in this room got it done.

Thanks to our bold regulatory reduction campaign, the United

States has become the number one producer of oil and natural gas in the world, by far. With the tremendous progress we have made over the past 3 years, America is now energy independent, and energy jobs, like so many elements of our country, are at a record high. We are doing numbers that no one would have thought possible just 3 years ago.

Likewise, we are restoring our Nation's manufacturing might, even though predictions were that this could never be done. After losing 60,000 factories under the previous two administrations, America has now gained 12,000 new factories under my Administration with thousands upon thousands of plants and factories being planned or built. We have created over half a million new manufacturing jobs. Companies are not leaving; they are coming back. Everybody wants to be where the action is, and the United States of America is, indeed, where the action is.

One of the single biggest promises I made to the American people was to replace the disastrous NAFTA trade deal. In fact, unfair trade is perhaps the single biggest reason that I decided to run for President. Following NAFTA's adoption, our Nation lost one in four manufacturing jobs. Many politicians came and went, pledging to change or replace NAFTA only to do absolutely nothing. But unlike so many who came before me, I keep my promises. Six days ago, I replaced NAFTA and signed the brand new United States Mexico Canada Agreement (USMCA) into law.

The USMCA will create nearly 100,000 new high paying American auto jobs, and massively boost exports for our farmers, ranchers, and factory workers. It will also bring trade with Mexico and Canada to a much higher degree, but also to a much greater level of fairness and reciprocity. This is the first major trade deal in many years to earn the strong backing of America's labor unions.

I also promised our citizens that I would impose tariffs to confront China's massive theft of American jobs. Our strategy worked. Days ago, we signed the groundbreaking new agreement with China that will defend our workers, protect our intellectual property, bring billions of dollars into our treasury, and open vast new markets for products made and grown right here in the United States of America. For decades, China has taken advantage of the United States, now we have changed that but, at the same



time, we have perhaps the best relationship we have ever had with China, including with President Xi. They respect what we have done because, quite frankly, they could never believe what they were able to get away with year after year, decade after decade, without someone in our country stepping up and saying: Enough. Now, we want to rebuild our country, and that is what we are doing.

As we restore American leadership throughout the world, we are once again standing up for freedom in our hemisphere. That is why my Administration reversed the failing policies of the previous administration on Cuba. We are supporting the hopes of Cubans, Nicaraguans, and Venezuelans to restore democracy. The United States is leading a 59 nation diplomatic coalition against the socialist dictator of Venezuela, Nicolás Maduro. Maduro is an illegitimate ruler, a tyrant who brutalizes his people. But Maduro's grip of tyranny will be smashed and broken. Here this evening is a man who carries with him the hopes, dreams, and aspirations of all Venezuelans. Joining us in the gallery is the true and legitimate President of Venezuela, Juan Guaidó. Mr. President, please take this message back to your homeland. All Americans are united with the Venezuelan people in their righteous struggle for freedom! Socialism destroys nations. But always remember, freedom unifies the soul.

To safeguard American Liberty, we have invested a record breaking \$2.2 trillion in the United States Military. We have purchased the finest planes, missiles, rockets, ships, and every other form of military equipment all made in the United States of America. We are also finally getting our allies to help pay their fair share. I have raised contributions from the other NATO members by more than \$400 billion, and the number of allies meeting their minimum obligations has more than doubled.

And just weeks ago, for the first time since President Truman established the Air Force more than 70 years earlier, we created a new branch of the United States Armed Forces, the Space Force.

In the gallery tonight, we have one of the Space Force's youngest potential recruits: 13 year old Iain Lanphier, an eighth grader from Arizona. Iain has always dreamed of going to space.

He was first in his class and among the youngest at an aviation academy. He aspires to go to the Air Force Academy, and then, he

has his eye on the Space Force. As Iain says, "most people look up at space, I want to look down on the world."

Sitting beside Iain tonight is his great hero. Charles McGee was born in Cleveland, Ohio, one century ago. Charles is one of the last surviving Tuskegee Airmen the first black fighter pilots and he also happens to be Iain's great grandfather. After more than 130 combat missions in World War II, he came back to a country still struggling for Civil Rights and went on to serve America in Korea and Vietnam. On December 7th, Charles celebrated his 100th birthday. A few weeks ago, I signed a bill promoting Charles McGee to Brigadier General. And earlier today, I pinned the stars on his shoulders in the Oval Office. General McGee: Our Nation salutes you.

From the pilgrims to our Founders, from the soldiers at Valley Forge to the marchers at Selma, and from President Lincoln to the Reverend Dr. Martin Luther King, Jr., Americans have always rejected limits on our children's future.

Members of Congress, we must never forget that the only victories that matter in Washington are victories that deliver for the American people. The people are the heart of our country, their dreams are the soul of our country, and their love is what powers and sustains our country. We must always remember that our job is to put America first!

The next step forward in building an inclusive society is making sure that every young American gets a great education and the opportunity to achieve the American Dream. Yet, for too long, countless American children have been trapped in failing government schools. To rescue these students, 18 States have created school choice in the form of Opportunity Scholarships.

The programs are so popular, that tens of thousands of students remain on waiting lists. One of those students is Janiyah Davis, a fourth grader from Philadelphia. Janiyah's mom Stephanie is a single parent. She would do anything to give her daughter a better future. But last year, that future was put further out of reach when Pennsylvania's Governor vetoed legislation to expand school choice for 50,000 children.

Janiyah and Stephanie are in the gallery this evening. But there is more to their story. Janiyah, I am pleased to inform you

that your long wait is over. I can proudly announce tonight that an Opportunity Scholarship has become available, it is going to you, and you will soon be heading to the school of your choice!

Now, I call on the Congress to give 1 million American children the same opportunity Janiyah has just received. Pass the Education Freedom Scholarships and Opportunity Act because no parent should be forced to send their child to a failing government school.

Every young person should have a safe and secure environment in which to learn and grow. For this reason, our magnificent First Lady has launched the "Be Best" initiative to advance a safe, healthy, supportive, and drug free life for the next generation, online, in school, and in our communities. Thank you, Melania, for your extraordinary love and profound care for America's children.

My Administration is determined to give our citizens the opportunities they need regardless of age or background. Through our Pledge to American Workers, over 400 companies will also provide new jobs and education opportunities to almost 15 million Americans.

My Budget also contains an exciting vision for our Nation's high schools. Tonight, I ask the Congress to support our students and back my plan to offer vocational and technical education in every single high school in America.

To expand equal opportunity, I am also proud that we achieved record and permanent funding for our Nation's Historically Black Colleges and Universities.

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But as we work to improve Americans' healthcare, there are those who want to take away your healthcare, take away your doctor, and abolish private insurance entirely. One hundred thirty two lawmakers in this room have endorsed legislation to impose a socialist takeover of our healthcare system, wiping out the private health insurance plans of 180 million Americans. To those watching at home tonight, I want you to know: We will never let socialism destroy American healthcare!

Over 130 legislators in this chamber have endorsed legislation that would bankrupt our Nation by providing free taxpayer funded healthcare to millions of illegal aliens, forcing taxpayers to subsidize free care for anyone in the world who unlawfully crosses our borders. These proposals would raid the Medicare benefits our seniors depend on, while acting as a powerful lure for illegal immigration. This is what is happening in California and other States their systems are totally out of control, costing taxpayers vast and unaffordable amounts of money. If forcing American taxpayers to provide unlimited free healthcare to illegal aliens sounds fair to you, then stand with the radical left. But if you believe that we should defend American patients and American seniors, then stand with me and pass legislation to prohibit free Government healthcare for illegal aliens!

This will be a tremendous boon to our already very strongly guarded southern border where, as we speak, a long, tall, and very powerful wall is being built. We have now completed over 100 miles and will have over 500 miles fully completed by early next year.

My Administration is also taking on the big pharmaceutical companies. We have approved a record number of affordable generic drugs, and medicines are being approved by the FDA at a faster clip than ever before. I was pleased to announce last year that, for the first time in 51 years, the cost of prescription drugs

actually went down.

And working together, the Congress can reduce drug prices substantially from current levels. I have been speaking to Senator Chuck Grassley of Iowa and others in the Congress in order to get something on drug pricing done, and done properly. I am calling for bipartisan legislation that achieves the goal of dramatically lowering prescription drug prices. Get a bill to my desk, and I will sign it into law without delay.

With unyielding commitment, we are curbing the opioid epidemic. Drug overdose deaths declined for the first time in nearly 30 years. Among the States hardest hit, Ohio is down 22 percent, Pennsylvania is down 18 percent, Wisconsin is down 10 percent and we will not quit until we have beaten the opioid epidemic once and for all.

Protecting Americans' health also means fighting infectious diseases. We are coordinating with the Chinese government and working closely together on the Coronavirus outbreak in China. My Administration will take all necessary steps to safeguard our citizens from this threat.

We have launched ambitious new initiatives to substantially improve care for Americans with kidney disease, Alzheimer's, and those struggling with mental health challenges. And because the Congress funded my request, we are pursuing new cures for childhood cancer, and we will eradicate the AIDS epidemic in America by the end of the decade.

Almost every American family knows the pain when a loved one is diagnosed with a serious illness. Here tonight is a special man, someone beloved by millions of Americans who just received a Stage 4 advanced cancer diagnosis. This is not good news, but what is good news is that he is the greatest fighter and winner that you will ever meet. Rush Limbaugh: Thank you for your decades of tireless devotion to our country. Rush, in recognition of all that you have done for our Nation, the millions of people a day that you speak to and inspire, and all of the incredible work that you have done for charity, I am proud to announce tonight that you will be receiving our country's highest civilian honor, the Presidential Medal of Freedom. I will now ask the First Lady of the United States to please stand and present you with the

honor. Rush, Kathryn, congratulations!

As we pray for all who are sick, we know that America is constantly achieving new medical breakthroughs. In 2017, doctors at St. Luke's hospital in Kansas City delivered one of the earliest premature babies ever to survive. Born at just 21 weeks and 6 days, and weighing less than a pound, Ellie Schneider was born a fighter. Through the skill of her doctors and the prayers of her parents little Ellie kept on winning the battle for life. Today, Ellie is a strong, healthy 2 year old girl sitting with her amazing mother Robin in the gallery. Ellie and Robin: We are so glad you are here.

Ellie reminds us that every child is a miracle of life.

Thanks to modern medical wonders, 50 percent of very premature babies delivered at the hospital where Ellie was born now survive.

Our goal should be to ensure that every baby has the best chance to thrive and grow just like Ellie. That is why I am asking the Congress to provide an additional \$50 million to fund neo natal research for America's youngest patients. That is also why I am calling upon the Members of Congress here tonight to pass legislation finally banning the late term abortion of babies.

Whether we are Republican, Democrat, or Independent, surely we must all agree that every human life is a sacred gift from God!

As we support America's moms and dads, I was recently proud to sign the law providing new parents in the Federal workforce paid family leave, serving as a model for the rest of the country. Now, I call on the Congress to pass the bipartisan Advancing Support for Working Families Act, extending family leave to mothers and fathers all across the Nation.

Forty million American families have an average \$2,200 extra thanks to our child tax credit. I have also overseen historic funding increases for high quality child care, enabling 17 States to serve more children, many of which have reduced or eliminated their waitlists altogether. And I sent the Congress a plan with a vision to further expand access to high quality childcare and urge you to act immediately.

To protect the environment, days ago, I announced that the United States will join the One Trillion Trees Initiative, an

ambitious effort to bring together Government and the private sector to plant new trees in America and around the world.

We must also rebuild America's infrastructure. I ask you to pass Senator Barrasso's highway bill to invest in new roads, bridges, and tunnels across our land.

I am also committed to ensuring that every citizen can have access to high speed internet, including rural America.

A better tomorrow for all Americans also requires us to keep America safe. That means supporting the men and women of law enforcement at every level, including our Nation's heroic ICE officers.

Last year, our brave ICE officers arrested more than 120,000 criminal aliens charged with nearly 10,000 burglaries, 5,000 sexual assaults, 45,000 violent assaults, and 2,000 murders.

Tragically, there are many cities in America where radical politicians have chosen to provide sanctuary for these criminal illegal aliens. In Sanctuary Cities, local officials order police to release dangerous criminal aliens to prey upon the public, instead of handing them over to ICE to be safely removed.

Just 29 days ago, a criminal alien freed by the Sanctuary City of New York was charged with the brutal rape and murder of a 92 year old woman. The killer had been previously arrested for assault, but under New York's sanctuary policies, he was set free. If the city had honored ICE's detainer request, his victim would be alive today.

The State of California passed an outrageous law declaring their whole State to be a sanctuary for criminal illegal immigrants with catastrophic results.

Here is just one tragic example. In December 2018, California police detained an illegal alien with five prior arrests, including convictions for robbery and assault. But as required by California's Sanctuary Law, local authorities released him.

Days later, the criminal alien went on a gruesome spree

of deadly violence. He viciously shot one man going about his daily work; he approached a woman sitting in her car and shot her in the arm and the chest. He walked into a convenience store and wildly fired his weapon. He hijacked a truck and smashed into vehicles, critically injuring innocent victims. One of the victims of his bloody rampage was a 51 year old American named Rocky Jones. Rocky was at a gas station when this vile criminal fired eight bullets at him from close range, murdering him in cold blood. Rocky left behind a devoted family, including his brothers who loved him more than anything. One of his grieving brothers is here with us tonight. Jody, would you please stand? Jody, our hearts weep for your loss and we will not rest until you have justice.

Senator Thom Tillis has introduced legislation to allow Americans like Jody to sue Sanctuary Cities and States when a loved one is hurt or killed as a result of these deadly policies. I ask the Congress to pass the Justice for Victims of Sanctuary Cities Act immediately. The United States of America should be a sanctuary for law abiding Americans not criminal aliens!

In the last 3 years, ICE has arrested over 5,000 wicked human traffickers and I have signed 9 pieces of legislation to stamp out the menace of human trafficking, domestically and around the globe.

My Administration has undertaken an unprecedented effort to secure the southern border of the United States.

Before I came into office, if you showed up illegally on our southern border and were arrested, you were simply released and allowed into our country, never to be seen again. My Administration has ended Catch and Release. If you come illegally, you will now be promptly removed. We entered into historic cooperation agreements with the Governments of Mexico, Honduras, El Salvador, and Guatemala. As a result of our unprecedented efforts, illegal crossings are down 75 percent since May dropping 8 straight months in a row. And as the wall goes up, drug seizures rise, and border crossings go down.

Last year, I traveled to the border in Texas and met Chief Patrol Agent Raul Ortiz. Over the last 24 months, Agent Ortiz and



his team have seized more than 200,000 pounds of poisonous narcotics, arrested more than 3,000 human smugglers, and rescued more than 2,000 migrants. Days ago, Agent Ortiz was promoted to Deputy Chief of Border Patrol and he joins us tonight. Chief Ortiz: Please stand a grateful Nation thanks you and all the heroes of Border Patrol.

To build on these historic gains, we are working on legislation to replace our outdated and randomized immigration system with one based on merit, welcoming those who follow the rules, contribute to our economy, support themselves financially, and uphold our values.

With every action, my Administration is restoring the rule of law and re asserting the culture of American freedom. Working with Senate Majority Leader McConnell and his colleagues in the Senate, we have confirmed a record number of 187 new Federal judges to uphold our Constitution as written. This includes two brilliant new Supreme Court Justices, Neil Gorsuch, and Brett Kavanaugh.

My Administration is also defending religious liberty, and that includes the Constitutional right to pray in public schools. In America, we do not punish prayer. We do not tear down crosses. We do not ban symbols of faith. We do not muzzle preachers and pastors. In America, we celebrate faith. We cherish religion. We lift our voices in prayer, and we raise our sights to the Glory of God!

Just as we believe in the First Amendment, we also believe in another Constitutional right that is under siege all across our country. So long as I am President I will always protect your Second Amendment right to keep and bear arms.

In reaffirming our heritage as a free Nation, we must remember that America has always been a frontier nation. Now we must embrace the next frontier, America's manifest destiny in the stars. I am asking the Congress to fully fund the Artemis program to ensure that the next man and the first woman on the moon will be American astronauts using this as a launching pad to ensure that America is the first nation to plant its flag on Mars.

My Administration is also strongly defending our national

security and combating radical Islamic terrorism. Last week, I announced a groundbreaking plan for peace between Israel and the Palestinians. Recognizing that all past attempts have failed, we must be determined and creative in order to stabilize the region and give millions of young people the change to realize a better future.

Three years ago, the barbarians of ISIS held over 20,000 square miles of territory in Iraq and Syria. Today, the ISIS territorial caliphate has been 100 percent destroyed, and the founder and leader of ISIS the bloodthirsty killer Al-Baghdadi is dead!

We are joined this evening by Carl and Marsha Mueller. After graduating from college, their beautiful daughter Kayla became a humanitarian aid worker. Kayla once wrote, "Some people find God in church. Some people find God in nature. Some people find God in love; I find God in suffering. I've known for some time what my life's work is, using my hands as tools to relieve suffering."

In 2013, while caring for suffering civilians in Syria, Kayla was kidnapped, tortured, and enslaved by ISIS, and kept as a prisoner of Al Baghdadi himself. After more than 500 horrifying days of captivity, Al Baghdadi murdered young Kayla. She was just 26 years old.

On the night that United States Special Forces Operators ended Al-Baghdadi's miserable life, the Chairman of the Joint Chiefs of Staff, General Mark Milley, received a call in the Situation Room. He was told that the brave men of the elite Special Forces team, that so perfectly carried out the operation, had given their mission a name "Task Force 8 14." It was a reference to a special day: August 14th Kayla's birthday.

Carl and Marsha, America's warriors never forgot Kayla and neither will we.

Every day, America's men and women in uniform demonstrate the infinite depths of love that dwells in the human heart.

One of these American heroes was Army Staff Sergeant Christopher Hake. On his second deployment to Iraq in 2008, Sergeant Hake wrote a letter to his 1 year old son, Gage: "I will be with you again," he wrote to Gage. "I will teach you to ride your first bike, build your first sand box, watch you play sports

and see you have kids also. I love you son, take care of your mother. I am always with you. Dad." On Easter Sunday of 2008, Chris was out on patrol in Baghdad when his Bradley Fighting Vehicle was hit by a roadside bomb. That night, he made the ultimate sacrifice for our country. Sergeant Hake now rests in eternal glory in Arlington, and his wife Kelli is in the gallery tonight, joined by their son, who is now 13 years old. To Kelli and Gage: Chris will live in our hearts forever.

The terrorist responsible for killing Sergeant Hake was Qasem Soleimani, who provided the deadly roadside bomb that took Chris's life. Soleimani was the Iranian Regime's most ruthless butcher, a monster who murdered or wounded thousands of American service members in Iraq. As the world's top terrorist, Soleimani orchestrated the deaths of countless men, women, and children. He directed the December assault on United States Forces in Iraq, and was actively planning new attacks. That is why, last month, at my direction, the United States Military executed a flawless precision strike that killed Soleimani and terminated his evil reign of terror forever.

Our message to the terrorists is clear: You will never escape American justice. If you attack our citizens, you forfeit your life!

In recent months, we have seen proud Iranians raise their voices against their oppressive rulers. The Iranian regime must abandon its pursuit of nuclear weapons, stop spreading terror, death, and destruction, and start working for the good of its own people. Because of our powerful sanctions, the Iranian economy is doing very poorly. We can help them make it very good in a short period of time, but perhaps they are too proud or too foolish to ask for that help. We are here. Let's see which road they choose. It is totally up to them.

As we defend American lives, we are working to end America's wars in the Middle East.

In Afghanistan, the determination and valor of our warfighters has allowed us to make tremendous progress, and peace talks are underway. I am not looking to kill hundreds of thousands of people in Afghanistan, many of them innocent. It is also not our function to serve other nations as a law

enforcement agency. These are warfighters, the best in the world, and they either want to fight to win or not fight at all. We are working to finally end America's longest war and bring our troops back home!

War places a heavy burden on our Nation's extraordinary military families, especially spouses like Amy Williams from Fort Bragg, North Carolina, and her 2 children 6 year old Elliana and 3 year old Rowan. Amy works full time, and volunteers countless hours helping other military families. For the past 7 months, she has done it all while her husband, Sergeant First Class Townsend Williams, is in Afghanistan on his fourth deployment to the Middle East. Amy's kids have not seen their father's face in many months. Amy, your family's sacrifice makes it possible for all of our families to live in safety and peace we thank you.

As the world bears witness tonight, America is a land of heroes. This is the place where greatness is born, where destinies are forged, and where legends come to life. This is the home of Thomas Edison and Teddy Roosevelt, of many great Generals, including Washington, Pershing, Patton, and MacArthur. This is the home of Abraham Lincoln, Frederick Douglass, Amelia Earhart, Harriet Tubman, the Wright Brothers, Neil Armstrong, and so many more. This is the country where children learn names like Wyatt Earp, Davy Crockett, and Annie Oakley. This is the place where the pilgrims landed at Plymouth and where Texas patriots made their last stand at the Alamo.

The American Nation was carved out of the vast frontier by the toughest, strongest, fiercest, and most determined men and women ever to walk the face of the Earth. Our ancestors braved the unknown; tamed the wilderness; settled the Wild West; lifted millions from poverty, disease, and hunger; vanquished tyranny and fascism; ushered the world to new heights of science and medicine; laid down the railroads, dug out canals, raised up the skyscrapers and, ladies and gentlemen, our ancestors built the most exceptional Republic ever to exist in all of human history. And we are making it greater than ever before!

This is our glorious and magnificent inheritance.

We are Americans. We are the pioneers. We are the

pathfinders. We settled the new world, we built the modern world, and we changed history forever by embracing the eternal truth that everyone is made equal by the hand of Almighty God.

America is the place where anything can happen! America is the place where anyone can rise. And here, on this land, on this soil, on this continent, the most incredible dreams come true!

This Nation is our canvas, and this country is our masterpiece. We look at tomorrow and see unlimited frontiers just waiting to be explored. Our brightest discoveries are not yet known. Our most thrilling stories are not yet told. Our grandest journeys are not yet made. The American Age, the American Epic, the American Adventure, has only just begun!

Our spirit is still young; the sun is still rising; God's grace is still shining; and my fellow Americans, the best is yet to come!

Thank you. God Bless You. God Bless America.

THE WHITE HOUSE,  
February 4, 2020.

The White House 1600 Pennsylvania Ave NW Washington, DC 20500 0003 USA 202 456 1111

## White House Press Office

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**From:** White House Press Office  
**Sent:** Tuesday, February 4, 2020 10:07 PM  
**To:** camellia.assefi.delaplane@usdoj.gov  
**Subject:** President Donald J. Trump Is Devoted To Protecting American Freedoms And Promoting American Values



Office of the Press Secretary

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FOR IMMEDIATE RELEASE

February 4, 2020

**PRESIDENT DONALD J. TRUMP IS DEVOTED TO PROTECTING AMERICAN  
FREEDOMS AND PROMOTING AMERICAN VALUES**

*“In America, we believe in the majesty of freedom and the dignity of the individual.”*  
*President Donald J. Trump*

**DEFENDING RELIGIOUS LIBERTY: President Donald J. Trump is a  
steadfast advocate for religious liberty.**

- President Trump is committed to protecting the liberty and freedom of our religious communities, organizations, and students.
- The Trump Administration issued new guidance to protect religious liberty and expression in public schools.
  - The Administration’s action will help protect each student’s constitutional right to pray.
- The Trump Administration took crucial action to support and defend Jewish students who face anti-Semitism on college campuses.
- President Trump reversed the Obama-era policy that prevented the government from providing disaster relief to religious organizations.
- The President signed an Executive Order establishing the Faith and Opportunity Initiative, which recognizes and promotes the essential contributions of faith-based organizations.

**PROTECTING INNOCENT LIFE: President Trump is the most fearless pro-life president in American history.**

2020-002031 - #1062

- Since his first day in office, President Trump has taken historic action to protect the sanctity of every American life.
- President Trump has urged Congress to pass legislation banning the horrendous practice of late-term abortion.
- Last year, President Trump took action to end Federal research using fetal tissue from abortions.
- Shortly after taking office, President Trump issued a memorandum reinstating and expanding the Mexico City Policy, banning funding to organizations that provide abortion overseas.
- The Trump Administration issued a rule preventing Title X family planning funds from supporting the abortion industry.
- President Trump became the first sitting president to address the annual March for Life rally.

**STANDING UP FOR AMERICANS' CONSTITUTIONAL RIGHTS: President Trump is a strong champion and defender of Americans' First and Second Amendment rights.**

- President Trump signed an Executive Order promoting free speech and inquiry at colleges and universities receiving Federal research or education grants.
- President Trump held the first ever Presidential Social Media Summit to celebrate and promote freedom of speech on social media platforms.
- The President has made clear that he will always stand up for Americans' Second Amendment rights to keep and bear arms.

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**White House Press Office**

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**From:** White House Press Office  
**Sent:** Tuesday, February 4, 2020 11:56 PM  
**To:** camellia.assefi.delaplane@usdoj.gov  
**Subject:** Remarks by President Trump in State of the Union Address



Office of the Press Secretary

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FOR IMMEDIATE RELEASE

February 4, 2020

REMARKS BY PRESIDENT TRUMP  
IN STATE OF THE UNION ADDRESS

U.S. Capitol  
Washington, D.C.

9:06 P.M. EST

THE PRESIDENT: Thank you very much. Thank you. Thank you very much.

Madam Speaker, Mr. Vice President, members of Congress, the First Lady of the United States (applause) and my fellow citizens:

Three years ago, we launched the great American comeback. Tonight, I stand before you to share the incredible results. Jobs are booming, incomes are soaring, poverty is plummeting, crime is falling, confidence is surging, and our country is thriving and highly respected again. (Applause.) America's enemies are on the run, America's fortunes are on the rise, and America's future is blazing bright.

The years of economic decay are over. (Applause.) The days of our country being used, taken advantage of, and even scorned by

2020-002031 - #1064



other nations are long behind us. (Applause.) Gone too are the broken promises, jobless recoveries, tired platitudes, and constant excuses for the depletion of American wealth, power, and prestige.

In just three short years, we have shattered the mentality of American decline, and we have rejected the downsizing of America's destiny. We have totally rejected the downsizing. We are moving forward at a pace that was unimaginable just a short time ago, and we are never, ever going back. (Applause.)

I am thrilled to report to you tonight that our economy is the best it has ever been. Our military is completely rebuilt, with its power being unmatched anywhere in the world and it's not even close. Our borders are secure. Our families are flourishing. Our values are renewed. Our pride is restored. And for all of these reasons, I say to the people of our great country and to the members of Congress: The state of our Union is stronger than ever before. (Applause.)

The vision I will lay out this evening demonstrates how we are building the world's most prosperous and inclusive society one where every citizen can join in America's unparalleled success and where every community can take part in America's extraordinary rise.

From the instant I took office, I moved rapidly to revive the U.S. economy slashing a record number of job killing regulations, enacting historic and record setting tax cuts, and fighting for fair and reciprocal trade agreements. (Applause.) Our agenda is relentlessly pro worker, pro family, pro growth, and, most of all, pro American. (Applause.) Thank you. We are advancing with unbridled optimism and lifting our citizens of every race, color, religion, and creed very, very high.

Since my election, we have created 7 million new jobs 5 million more than government experts projected during the previous administration. (Applause.)

The unemployment rate is the lowest in over half a century. (Applause.) And very incredibly, the average unemployment rate under my administration is lower than any administration in the history of our country. (Applause.) True. If we hadn't reversed

the failed economic policies of the previous administration, the world would not now be witnessing this great economic success. (Applause.)

The unemployment rate for African Americans, Hispanic Americans, and Asian Americans has reached the lowest levels in history. (Applause.) African American youth unemployment has reached an all time low. (Applause.) African American poverty has declined to the lowest rate ever recorded. (Applause.)

The unemployment rate for women reached the lowest level in almost 70 years. And, last year, women filled 72 percent of all new jobs added. (Applause.)

The veterans unemployment rate dropped to a record low. (Applause.) The unemployment rate for disabled Americans has reached an all time low. (Applause.)

Workers without a high school diploma have achieved the lowest unemployment rate recorded in U.S. history. (Applause.) A record number of young Americans are now employed. (Applause.)

Under the last administration, more than 10 million people were added to the food stamp rolls. Under my administration, 7 million Americans have come off food stamps, and 10 million people have been lifted off of welfare. (Applause.)

In eight years under the last administration, over 300,000 working age people dropped out of the workforce. In just three years of my administration, 3.5 million people working age people have joined the workforce. (Applause.)

Since my election, the net worth of the bottom half of wage earners has increased by 47 percent three times faster than the increase for the top 1 percent. (Applause.) After decades of flat and falling incomes, wages are rising fast and, wonderfully, they are rising fastest for low income workers, who have seen a 16 percent pay increase since my election. (Applause.) This is a blue collar boom. (Applause.)

Real median household income is now at the highest level ever recorded. (Applause.)

Since my election, U.S. stock markets have soared 70 percent, adding more than \$12 trillion to our nation's wealth, transcending anything anyone believed was possible. This is a record. It is something that every country in the world is looking up to. They admire. (Applause.) Consumer confidence has just reached amazing new highs.

All of those millions of people with 401(k)s and pensions are doing far better than they have ever done before with increases of 60, 70, 80, 90, and 100 percent, and even more.

Jobs and investments are pouring into 9,000 previously neglected neighborhoods thanks to Opportunity Zones, a plan spearheaded by Senator Tim Scott as part of our great Republican tax cuts. (Applause.) In other words, wealthy people and companies are pouring money into poor neighborhoods or areas that haven't seen investment in many decades, creating jobs, energy, and excitement. (Applause.) This is the first time that these deserving communities have seen anything like this. It's all working.

Opportunity Zones are helping Americans like Army veteran Tony Rankins from Cincinnati, Ohio. After struggling with drug addiction, Tony lost his job, his house, and his family. He was homeless. But then Tony found a construction company that invests in Opportunity Zones. He is now a top tradesman, drug free, reunited with his family, and he is here tonight. Tony, keep up the great work. Tony. (Applause.) Thank you, Tony.

Our roaring economy has, for the first time ever, given many former prisoners the ability to get a great job and a fresh start. This second chance at life is made possible because we passed landmark criminal justice reform into law. Everybody said that criminal justice reform couldn't be done, but I got it done, and the people in this room got it done. (Applause.)

Thanks to our bold regulatory reduction campaign, the United States has become the number one producer of oil and natural gas anywhere in the world, by far. (Applause.) With the tremendous progress we have made over the past three years, America is now energy independent, and energy jobs, like so many other elements of our country, are at a record high. (Applause.) We are doing numbers that no one would have thought possible just three years

ago.

Likewise, we are restoring our nation's manufacturing might, even though predictions were, as you all know, that this could never, ever be done. After losing 60,000 factories under the previous two administrations, America has now gained 12,000 new factories under my administration, with thousands upon thousands of plants and factories being planned or being built.

(Applause.) Companies are not leaving; they are coming back to the USA. (Applause.) The fact is that everybody wants to be where the action is, and the United States of America is indeed the place where the action is. (Applause.)

One of the biggest promises I made to the American people was to replace the disastrous NAFTA trade deal. (Applause.) In fact, unfair trade is perhaps the single biggest reason that I decided to run for President. Following NAFTA's adoption, our nation lost one in four manufacturing jobs. Many politicians came and went, pledging to change or replace NAFTA, only to do so, and then absolutely nothing happened. But unlike so many who came before me, I keep my promises. We did our job. (Applause.)

Six days ago, I replaced NAFTA and signed the brand new U.S. Mexico Canada Agreement into law. The USMCA will create nearly 100,000 new high paying American auto jobs, and massively boost exports for our farmers, ranchers, and factory workers. (Applause.) It will also bring trade with Mexico and Canada to a much higher level, but also to be a much greater degree of fairness and reciprocity. We will have that: fairness and reciprocity. And I say that, finally, because it's been many, many years that we were treated fairly on trade. (Applause.)

This is the first major trade deal in many years to earn the strong backing of America's labor unions. (Applause.)

I also promised our citizens that I would impose tariffs to confront China's massive theft of America's jobs. Our strategy has worked. Days ago, we signed the groundbreaking new agreement with China that will defend our workers, protect our intellectual property, bring billions and billions of dollars into our treasury, and open vast new markets for products made and grown right here in the USA. (Applause.)

For decades, China has taken advantage of the United States. Now we have changed that, but, at the same time, we have perhaps the best relationship we've ever had with China, including with President Xi. They respect what we've done because, quite frankly, they could never really believe that they were able to get away with what they were doing year after year, decade after decade, without someone in our country stepping up and saying, "That's enough." (Applause.) Now we want to rebuild our country, and that's exactly what we're doing. We are rebuilding our country.

As we restore (applause) American leadership throughout the world, we are once again standing up for freedom in our hemisphere. (Applause.) That's why my administration reversed the failing policies of the previous administration on Cuba. (Applause.)

We are supporting the hopes of Cubans, Nicaraguans, and Venezuelans to restore democracy. The United States is leading a 59 nation diplomatic coalition against the socialist dictator of Venezuela, Nicolás Maduro. (Applause.) Maduro is an illegitimate ruler, a tyrant who brutalizes his people. But Maduro's grip on tyranny will be smashed and broken.

Here this evening is a very brave man who carries with him the hopes, dreams, and aspirations of all Venezuelans. Joining us in the Gallery is the true and legitimate President of Venezuela, Juan Guaidó. (Applause.) Mr. President, please take this message back to your homeland. (Applause.) Thank you, Mr. President. Great honor. Thank you very much.

Please take this message back that all Americans are united with the Venezuelan people in their righteous struggle for freedom. Thank you very much, Mr. President. (Applause.) Thank you very much.

Socialism destroys nations. But always remember: Freedom unifies the soul. (Applause.)

To safeguard American liberty, we have invested a record breaking \$2.2 trillion in the United States military. (Applause.) We have purchased the finest planes, missiles, rockets, ships, and every other form of military equipment, and

it's all made right here in the USA. (Applause.)

We are also getting our allies, finally, to help pay their fair share. (Applause.) I have raised contributions from the other NATO members by more than \$400 billion, and the number of Allies meeting their minimum obligations has more than doubled.

And just weeks ago, for the first time since President Truman established the Air Force more than 70 years earlier, we created a brand new branch of the United States Armed Forces. It's called the Space Force. (Applause.) Very important.

In the Gallery tonight, we have a young gentleman. And what he wants so badly 13 years old Iain Lanphier. He's an eighth grader from Arizona. Iain, please stand up.

Iain has always dreamed of going to space. He was the first in his class and among the youngest at an aviation academy. He aspires to go to the Air Force Academy, and then he has his eye on the Space Force. As Iain says, "Most people look up at space. I want to look down on the world." (Laughter and applause.)

But sitting behind Iain tonight is his greatest hero of them all. Charles McGee was born in Cleveland, Ohio, one century ago. Charles is one of the last surviving Tuskegee Airmen the first black fighter pilots and he also happens to be Iain's great grandfather. (Applause.) Incredible story.

After more than 130 combat missions in World War Two, he came back home to a country still struggling for civil rights and went on to serve America in Korea and Vietnam. On December 7th, Charles celebrated his 100th birthday. (Applause.) A few weeks ago, I signed a bill promoting Charles McGee to Brigadier General. And earlier today, I pinned the stars on his shoulders in the Oval Office. General McGee, our nation salutes you. Thank you, sir. (Applause.)

From the pilgrims to the Founders, from the soldiers at Valley Forge to the marchers at Selma, and from President Lincoln to the Reverend Martin Luther King, Americans have always rejected limits on our children's future.

Members of Congress, we must never forget that the only

victories that matter in Washington are victories that deliver for the American people. (Applause.) The people are the heart of our country, their dreams are the soul of our country, and their love is what powers and sustains our country. We must always remember that our job is to put America first. (Applause.)

The next step forward in building an inclusive society is making sure that every young American gets a great education and the opportunity to achieve the American Dream. Yet, for too long, countless American children have been trapped in failing government schools. To rescue these students, 18 states have created school choice in the form of Opportunity Scholarships. The programs are so popular that tens of thousands of students remain on a waiting list.

One of those students is Janiyah Davis, a fourth grader from Philadelphia. Janiyah. (Applause.) Janiyah's mom, Stephanie, is a single parent. She would do anything to give her daughter a better future. But last year, that future was put further out of reach when Pennsylvania's governor vetoed legislation to expand school choice to 50,000 children.

Janiyah and Stephanie are in the Gallery. Stephanie, thank you so much for being here with your beautiful daughter. Thank you very much. (Applause.)

But, Janiyah, I have some good news for you, because I am pleased to inform you that your long wait is over. I can proudly announce tonight that an Opportunity Scholarship has become available, it's going to you, and you will soon be heading to the school of your choice. (Applause.)

Now I call on Congress to give one million American children the same opportunity Janiyah has just received. Pass the Education Freedom Scholarships and Opportunities Act because no parent should be forced to send their child to a failing government school. (Applause.)

Every young person should have a safe and secure environment in which to learn and to grow. For this reason, our magnificent First Lady has launched the BE BEST initiative to advance a safe, healthy, supportive, and drug free life for the next generation online, in school, and in our communities. Thank you, Melania,

for your extraordinary love and profound care for America's children. Thank you very much. (Applause.)

My administration is determined to give our citizens the opportunities they need regardless of age or background. Through our Pledge to American Workers, over 400 companies will also provide new jobs and education opportunities to almost 15 million Americans.

My budget also contains an exciting vision for our nation's high schools. Tonight, I ask Congress to support our students and back my plan to offer vocational and technical education in every single high school in America. (Applause.)

To expand equal opportunity, I am also proud that we achieved record and permanent funding for our nation's historically black colleges and universities. (Applause.)

A good life for American families also requires the most affordable, innovative, and high quality healthcare system on Earth. Before I took office, health insurance premiums had more than doubled in just five years. I moved quickly to provide affordable alternatives. Our new plans are up to 60 percent less expensive and better. (Applause.)

I've also made an ironclad pledge to American families: We will always protect patients with pre existing conditions. (Applause). And we will always protect your Medicare and we will always protect your Social Security. Always. (Applause.)

The American patient should never be blindsided by medical bills. That is why I signed an executive order requiring price transparency. (Applause.) Many experts believe that transparency, which will go into full effect at the beginning of next year, will be even bigger than healthcare reform. (Applause.) It will save families massive amounts of money for substantially better care.

But as we work to improve Americans' healthcare, there are those who want to take away your healthcare, take away your doctor, and abolish private insurance entirely.

AUDIENCE: Booo



THE PRESIDENT: One hundred thirty two lawmakers in this room have endorsed legislation to impose a socialist takeover of our healthcare system, wiping out the private health insurance plans of 180 million very happy Americans. To those watching at home tonight, I want you to know: We will never let socialism destroy American healthcare. (Applause.)

Over 130 legislators in this chamber have endorsed legislation that would bankrupt our nation by providing free taxpayer funded healthcare to millions of illegal aliens, forcing taxpayers to subsidize free care for anyone in the world who unlawfully crosses our borders. These proposals would raid the Medicare benefits of our seniors and that our seniors depend on, while acting as a powerful lure for illegal immigration. That is what is happening in California and other states. Their systems are totally out of control, costing taxpayers vast and unaffordable amounts of money.

If forcing American taxpayers to provide unlimited free healthcare to illegal aliens sounds fair to you, then stand with the radical left. But if you believe that we should defend American patients and American seniors, then stand with me and pass legislation to prohibit free government healthcare for illegal aliens. (Applause.)

This will be a tremendous boon to our already very strongly guarded southern border where, as we speak, a long, tall, and very powerful wall is being built. (Applause.) We have now completed over 100 miles and have over 500 miles fully completed in a very short period of time. Early next year, we will have substantially more than 500 miles completed.

My administration is also taking on the big pharmaceutical companies. We have approved a record number of affordable generic drugs, and medicines are being approved by the FDA at a faster clip than ever before. (Applause.) And I was pleased to announce last year that, for the first time in 51 years, the cost of prescription drugs actually went down. (Applause.)

And working together, Congress can reduce drug prices substantially from current levels. I've been speaking to Senator Chuck Grassley of Iowa and others in Congress in order to get

something on drug pricing done, and done quickly and properly. I'm calling for bipartisan legislation that achieves the goal of dramatically lowering prescription drug prices. Get a bill on my desk, and I will sign it into law immediately. (Applause.)

AUDIENCE: H.R.3! H.R.3! H.R.3!

With unyielding commitment, we are curbing the opioid epidemic. Drug overdose deaths declined for the first time in nearly 30 years. (Applause.) Among the states hardest hit, Ohio is down 22 percent, Pennsylvania is down 18 percent, Wisconsin is down 10 percent and we will not quit until we have beaten the opioid epidemic once and for all. (Applause.)

Protecting Americans' health also means fighting infectious diseases. We are coordinating with the Chinese government and working closely together on the coronavirus outbreak in China. My administration will take all necessary steps to safeguard our citizens from this threat.

We have launched ambitious new initiatives to substantially improve care for Americans with kidney disease, Alzheimer's, and those struggling with mental health. And because Congress was so good as to fund my request, new cures for childhood cancer, and we will eradicate the AIDS epidemic in America by the end of this decade. (Applause.)

Almost every American family knows the pain when a loved one is diagnosed with a serious illness. Here tonight is a special man, beloved by millions of Americans who just received a Stage 4 advanced cancer diagnosis. This is not good news, but what is good news is that he is the greatest fighter and winner that you will ever meet. Rush Limbaugh, thank you for your decades of tireless devotion to our country. (Applause.)

And, Rush, in recognition of all that you have done for our nation, the millions of people a day that you speak to and that you inspire, and all of the incredible work that you have done for charity, I am proud to announce tonight that you will be receiving our country's highest civilian honor, the Presidential Medal of Freedom. (Applause.)

I will now ask the First Lady of the United States to present you

with the honor. Please. (Applause.)

(The Medal of Freedom is presented.) (Applause.)

Rush and Kathryn, congratulations. Thank you, Kathryn.

As we pray for all who are sick, we know that America is constantly achieving new medical breakthroughs. In 2017, doctors at St. Luke's Hospital in Kansas City delivered one of the earliest premature babies ever to survive. Born at just 21 weeks and 6 days, and weighing less than a pound, Ellie Schneider was a born fighter. Through the skill of her doctors and the prayers of her parents, little Ellie kept on winning the battle of life. Today, Ellie is a strong, healthy two year old girl sitting with her amazing mother Robin in the Gallery. Ellie and Robin, we are glad to have you with us tonight. (Applause.)

Ellie reminds us that every child is a miracle of life. And thanks to modern medical wonders, 50 percent of very premature babies delivered at the hospital where Ellie was born now survive. It's an incredible thing. Thank you very much. (Applause.)

Our goal should be to ensure that every baby has the best chance to thrive and grow just like Ellie. That is why I'm asking Congress to provide an additional \$50 million to fund neonatal research for America's youngest patients. (Applause.)

That is why I'm also calling upon members of Congress here tonight to pass legislation finally banning the late term abortion of babies. (Applause.) Whether we are Republican, Democrat, or independent, surely we must all agree that every human life is a sacred gift from God.

As we support America's moms and dads, I was recently proud to sign the law providing new parents in the federal workforce paid family leave, serving as a model for the rest of the country. (Applause.)

Now I call on the Congress to pass the bipartisan Advancing Support for Working Families Act, extending family leave to mothers and fathers all across our nation. (Applause.)

Forty million American families have an average \$2,200 extra thanks to our child tax credit. (Applause.) I've also overseen historic funding increases for high quality child care, enabling 17 states to help more children, many of which have reduced or eliminated their waitlists altogether. (Applause.) And I sent Congress a plan with a vision to further expand access to high quality child care, and urge you to act immediately. (Applause.)

To protect the environment, days ago I announced that the United States will join the One Trillion Trees Initiative, an ambitious effort to bring together government and private sector to plant new trees in America and all around the world. (Applause.)

We must also rebuild America's infrastructure. (Applause.) I ask you to pass Senator John Barrasso's highway bill to invest in new roads, bridges, and tunnels all across our land.

I'm also committed to ensuring that every citizen can have access to high speed Internet, including and especially in rural America. (Applause.)

A better tomorrow for all Americans also requires us to keep America safe. That means supporting the men and women of law enforcement at every level, including our nation's heroic ICE officers. (Applause.)

Last year, our brave ICE officers arrested more than 120,000 criminal aliens charged with nearly 10,000 burglaries, 5,000 sexual assaults, 45,000 violent assaults, and 2,000 murders.

Tragically, there are many cities in America where radical politicians have chosen to provide sanctuary for these criminal illegal aliens.

AUDIENCE: Booo

THE PRESIDENT: In sanctuary cities, local officials order police to release dangerous criminal aliens to prey upon the public, instead of handing them over to ICE to be safely removed.

Just 29 days ago, a criminal alien freed by the sanctuary city of New York was charged with the brutal rape and murder of a

92 year old woman. The killer had been previously arrested for assault, but under New York's sanctuary policies, he was set free. If the city had honored ICE's detainer request, his victim would still be alive today.

The state of California passed an outrageous law declaring their whole state to be a sanctuary for criminal illegal immigrants a very terrible sanctuary with catastrophic results.

Here is just one tragic example. In December 2018, California police detained an illegal alien with five prior arrests, including convictions for robbery and assault. But as required by California's Sanctuary Law, local authorities released him.

Days later, the criminal alien went on a gruesome spree of deadly violence. He viciously shot one man going about his daily work. He approached a woman sitting in her car and shot her in the arm and in the chest. He walked into a convenience store and wildly fired his weapon. He hijacked a truck and smashed into vehicles, critically injuring innocent victims. One of the victims is a terrible, terrible situation; died 51 year old American named Rocky Jones.

Rocky was at a gas station when this vile criminal fired eight bullets at him from close range, murdering him in cold blood. Rocky left behind a devoted family, including his brothers, who loved him more than anything else in the world. One of his grieving brothers is here with us tonight. Jody, would you please stand? Jody, thank you. (Applause.) Jody our hearts weep for your loss, and we will not rest until you have justice.

Senator Thom Tillis has introduced legislation to allow Americans like Jody to sue sanctuary cities and states when a loved one is hurt or killed as a result of these deadly practices. (Applause.)

I ask Congress to pass the Justice for Victims of Sanctuary Cities Act immediately. The United States of America should be a sanctuary for law abiding Americans, not criminal aliens. (Applause.)

In the last three years, ICE has arrested over 5,000 wicked human traffickers. And I have signed nine pieces of legislation to stamp out the menace of human trafficking, domestically and all around the globe. My administration has undertaken an unprecedented effort to secure the southern border of the United States. (Applause.)

Before I came into office, if you showed up illegally on our southern border and were arrested, you were simply released and allowed into our country, never to be seen again. My administration has ended catch and release. (Applause.) If you come illegally, you will now be promptly removed from our country. (Applause.)

Very importantly, we entered into historic cooperation agreements with the governments of Mexico, Honduras, El Salvador, and Guatemala. As a result of our unprecedented efforts, illegal crossings are down 75 percent since May, dropping eight straight months in a row. (Applause.) And as the wall rapidly goes up, drug seizures rise, and the border crossings are down, and going down very rapidly.

Last year, I traveled to the border in Texas and met Chief Patrol Agent Raul Ortiz. Over the last 24 months, Agent Ortiz and his team have seized more than 200,000 pounds of poisonous narcotics, arrested more than 3,000 human smugglers, and rescued more than 2,000 migrants. Days ago, Agent Ortiz was promoted to Deputy Chief of Border Patrol, and he joins us tonight. Chief Ortiz, please stand. (Applause.) A grateful nation thanks you and all of the heroes of Border Patrol and ICE. Thank you very much. Thank you. (Applause.)

To build on these historic gains, we are working on legislation to replace our outdated and randomized immigration system with one based on merit, welcoming those who follow the rules, contribute to our economy, support themselves financially, and uphold our values. (Applause.)

With every action, my administration is restoring the rule of law and reasserting the culture of American freedom. (Applause.) Working with Senate Majority Leader Mitch McConnell thank you, Mitch (applause) and his colleagues in the Senate, we have confirmed a record number of 187 new federal judges to uphold our

Constitution as written. This includes two brilliant new Supreme Court justices, Neil Gorsuch and Brett Kavanaugh. Thank you. (Applause.) And we have many in the pipeline. (Laughter and applause.)

My administration is also defending religious liberty, and that includes the constitutional right to pray in public schools. (Applause.) In America, we don't punish prayer. We don't tear down crosses. We don't ban symbols of faith. We don't muzzle preachers and pastors. In America, we celebrate faith, we cherish religion, we lift our voices in prayer, and we raise our sights to the Glory of God.

Just as we believe in the First Amendment, we also believe in another constitutional right that is under siege all across our country. So long as I am President, I will always protect your Second Amendment right to keep and bear arms. (Applause.)

In reaffirming our heritage as a free nation, we must remember that America has always been a frontier nation. Now we must embrace the next frontier, America's manifest destiny in the stars. I am asking Congress to fully fund the Artemis program to ensure that the next man and the first woman on the Moon will be American astronauts (applause) using this as a launching pad to ensure that America is the first nation to plant its flag on Mars. (Applause.)

My administration is also strongly defending our national security and combating radical Islamic terrorism. (Applause.)

Last week, I announced a groundbreaking plan for peace between Israel and the Palestinians. Recognizing that all past attempts have failed, we must be determined and creative in order to stabilize the region and give millions of young people the chance to realize a better future.

Three years ago, the barbarians of ISIS held over 20,000 square miles of territory in Iraq and Syria. Today, the ISIS territorial caliphate has been 100 percent destroyed, and the founder and leader of ISIS the bloodthirsty killer known as al Baghdadi is dead. (Applause.)

We are joined this evening by Carl and Marsha Mueller. After

graduating from college, their beautiful daughter Kayla became a humanitarian aid worker. She once wrote, "Some people find God in church. Some people find God in nature. Some people find God in love. I find God in suffering. I've known for some time what my life's work is, using my hands as tools to relieve suffering." In 2013, while caring for suffering civilians in Syria, Kayla was kidnapped, tortured, and enslaved by ISIS, and kept as a prisoner of al Baghdadi himself. After more than 500 horrifying days of captivity, al Baghdadi murdered young, beautiful Kayla. She was just 26 years old.

On the night that U.S. Special Forces Operations ended al Baghdadi's miserable life, the Chairman of the Joint Chiefs of Staff, General Mark Milley, received a call in the Situation Room. He was told that the brave men of the elite Special Forces team that so perfectly carried out the operation had given their mission a name: "Task Force 8 14." It was a reference to a special day: August 14th Kayla's birthday. Carl and Marsha, America's warriors never forgot Kayla and neither will we. Thank you. (Applause.)

Every day, America's men and women in uniform demonstrate the infinite depth of love that dwells in the human heart.

One of these American heroes was Army Staff Sergeant Christopher Hake. On his second deployment to Iraq in 2008, Sergeant Hake wrote a letter to his one year old son, Gage: "I will be with you again," he wrote to Gage. "I will teach you to ride your first bike, build your first sand box, watch you play sports, and see you have kids also. I love you son. Take care of your mother. I am always with you. Daddy."

On Easter Sunday of 2008, Chris was out on patrol in Baghdad when his Bradley Fighting Vehicle was hit by a roadside bomb. That night, he made the ultimate sacrifice for our country. Sergeant Hake now rests in eternal glory in Arlington, and his wife Kelli is in the Gallery tonight, joined by their son, who is now a 13 year old and doing very, very well. To Kelli and Gage: Chris will live in our hearts forever. He is looking down on you now. Thank you. (Applause.) Thank you very much. Thank you both very much.

The terrorist responsible for killing Sergeant Hake was Qasem



Soleimani, who provided the deadly roadside bomb that took Chris's life. Soleimani was the Iranian regime's most ruthless butcher, a monster who murdered or wounded thousands of American service members in Iraq. As the world's top terrorist, Soleimani orchestrated the deaths of countless men, women, and children. He directed the December assault and went on to assault U.S. forces in Iraq. Was actively planning new attacks when we hit him very hard. And that's why, last month, at my direction, the U.S. military executed a flawless precision strike that killed Soleimani and terminated his evil reign of terror forever. (Applause.)

Our message to the terrorists is clear: You will never escape American justice. If you attack our citizens, you forfeit your life. (Applause.)

In recent months, we have seen proud Iranians raise their voices against their oppressive rulers. The Iranian regime must abandon its pursuit of nuclear weapons; stop spreading terror, death, and destruction; and start working for the good of its own people.

Because of our powerful sanctions, the Iranian economy is doing very, very poorly. We can help them make a very good and short time recovery. It can all go very quickly, but perhaps they are too proud or too foolish to ask for that help. We are here. Let's see which road they choose. It is totally up to them. (Applause.)

As we defend American lives, we are working to end America's wars in the Middle East.

In Afghanistan, the determination and valor of our warfighters has allowed us to make tremendous progress, and peace talks are now underway. I am not looking to kill hundreds of thousands of people in Afghanistan, many of them totally innocent. It is also not our function to serve other nations as law enforcement agencies. These are warfighters that we have the best in the world and they either want to fight to win or not fight at all. We are working to finally end America's longest war and bring our troops back home. (Applause.)

War places a heavy burden on our nation's extraordinary

military families, especially spouses like Amy Williams from Fort Bragg, North Carolina, and her two children six year old Elliana and three year old Rowan. Amy works full time and volunteers countless hours helping other military families. For the past seven months, she has done it all while her husband, Sergeant First Class Townsend Williams, is in Afghanistan on his fourth deployment in the Middle East. Amy's kids haven't seen their father's face in many months. Amy, your family's sacrifice makes it possible for all of our families to live in safety and in peace, and we want to thank you. Thank you, Amy. (Applause.)

But, Amy, there is one more thing. Tonight, we have a very special surprise. I am thrilled to inform you that your husband is back from deployment. He is here with us tonight, and we couldn't keep him waiting any longer. (Applause.)

AUDIENCE: USA! USA! USA!

THE PRESIDENT: Welcome home, Sergeant Williams. Thank you very much.

As the world bears witness tonight, America is a land of heroes. This is a place where greatness is born, where destinies are forged, and where legends come to life. This is the home of Thomas Edison and Teddy Roosevelt, of many great generals including Washington, Pershing, Patton, and MacArthur. This is the home of Abraham Lincoln, Frederick Douglass, Amelia Earhart, Harriet Tubman, the Wright Brothers, Neil Armstrong, and so many more. This is the country where children learn names like Wyatt Earp, Davy Crockett, and Annie Oakley. This is the place where the pilgrims landed at Plymouth and where Texas patriots made their last stand at the Alamo (applause) the beautiful, beautiful Alamo.

The American nation was carved out of the vast frontier by the toughest, strongest, fiercest, and most determined men and women ever to walk on the face of the Earth. Our ancestors braved the unknown; tamed the wilderness; settled the Wild West; lifted millions from poverty, disease, and hunger; vanquished tyranny and fascism; ushered the world to new heights of science and medicine; laid down the railroads, dug out the canals, raised up the skyscrapers. And, ladies and gentlemen, our ancestors built the most exceptional republic ever to exist in all of human history,

and we are making it greater than ever before. (Applause.)

This is our glorious and magnificent inheritance. We are Americans. We are pioneers. We are the pathfinders. We settled the New World, we built the modern world, and we changed history forever by embracing the eternal truth that everyone is made equal by the hand of Almighty God. (Applause.)

America is the place where anything can happen. America is the place where anyone can rise. And here, on this land, on this soil, on this continent, the most incredible dreams come true.

This nation is our canvas, and this country is our masterpiece. We look at tomorrow and see unlimited frontiers just waiting to be explored. Our brightest discoveries are not yet known. Our most thrilling stories are not yet told. Our grandest journeys are not yet made. The American Age, the American Epic, the American adventure has only just begun.

Our spirit is still young, the sun is still rising, God's grace is still shining, and, my fellow Americans, the best is yet to come. (Applause.)

Thank you. God Bless You. And God Bless America. Thank you very much. (Applause.)

END

10:24 P.M. EST

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## White House Press Office

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**From:** White House Press Office  
**Sent:** Thursday, February 6, 2020 4:52 PM  
**To:** camellia.assefi.delaplane@usdoj.gov  
**Subject:** Remarks by President Trump to the Nation



Office of the Press Secretary

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FOR IMMEDIATE RELEASE

February 6, 2020

REMARKS BY PRESIDENT TRUMP  
TO THE NATION

East Room

12:21 P.M. EST

THE PRESIDENT: Well, thank you very much. (Applause.) Thank you. Thank you. Wow. (Applause.) Well, thank you very much, everybody. Wow. We've all been through a lot together, and we probably deserve that hand for all of us, because it's been a very unfair situation.

I invited some of our very good friends. And we have limited room, but everybody wanted to come. We kept it down to a minimum. And believe it or not, this is a minimum.

But a tremendous thing was done over the last number of months, but really, if you go back to it, over the last number of years. We had the witch hunt. It started from the day we came down the elevator, myself and our future First Lady, who's with us right now. Thank you, Melania. (Applause.)

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And it never really stopped. We've been going through this now for over three years. It was evil. It was corrupt. It was dirty cops. It was leakers and liars. And this should never, ever happen to another President ever. I don't know that other Presidents would have been able to take it. Some people said, no, they wouldn't have. But I can tell you, at a minimum, you have to focus on this because it can get away very quickly. No matter who you have with you, it can get away very quickly. It was a disgrace.

Had I not fired James Comey who was a disaster, by the way it's possible I wouldn't even be standing here right now. We caught him in the act. Dirty cops. Bad people. If this happened to President Obama, a lot of people would have been in jail for a long time already. Many, many years.

I want to start by thanking some of and I call them friends, because, you know, you develop friendships and relationships when you're in battle and war, much more so than, "Gee, let's have a normal situation."

With all that we've gone through, we've done, I think, more than any President and administration, and really, I say, for the most part, Republican congressmen, congresswomen, and Republican senators. We've done more than any administration in the first few years, if you look at all of the things we've done.

I watched this morning as they tried to take credit for the stock market from (laughter) from think of that. Let me tell you, if we didn't win, the stock market would have crashed. And the market was going up a lot before the election because it was looking we had a good chance to win, and then it went up tremendously from the time we won the election until the time we took office, which was November 8th to January 20th. And that's our credit. That's all our credit. And leading up to that point was our credit because there was hope.

And one of the reasons the stock market has gone up so much in the last few days is people think we're doing so well. They liked the State of the Union speech. (Applause.) It really is it's a true honor to give it.

Making the State of the Union speech, I was with some people

that have been around; they've been all over the world. And one of them, a highly sophisticated person, said, "You know, no matter where you go in the world, it doesn't make any difference there is nothing like what I witnessed tonight." The beauty, the majesty of the Chamber. The power of the United States, the power of the people in this room.

Really, an amazing I don't think there is anything like that anywhere in the world. You can go to any other country, you can go to any other location, any other place. It's the beauty of everything. It's what it represents and how it represents our country.

I want to start by introducing some of the people that are here. I know some are going to be left out. But they work so hard. And this is really not a news conference. It's not a speech. It's not anything. It's just we're sort of it's a celebration, because we have something that just worked out. I mean, it worked out. We went through hell, unfairly. Did nothing wrong. Did nothing wrong. I've done things wrong in my life, I will admit. (Laughter.) Not purposely, but I've done things wrong. But this is what the end result is. (Applause.)

(The President holds up the front cover of The Washington Post newspaper.)

We can take that home, Honey. Maybe we'll frame it. (Laughter.) It's the only good headline I've ever had in the Washington Post, I'll tell you. (Laughter.) But every paper is the same. Does anybody have those papers? Does anybody have them? Because they're really like that. So I appreciate that.

But some of the people here have been incredible warriors. They're warriors. And there's nothing, from a legal standpoint this is a political thing. And every time, I'd say, "This is unfair. Let's go to court." They'd say, "Sir, you can't go to court. This is politics." And we were treated unbelievably unfairly.

And you have to understand, we first went through Russia, Russia, Russia. It was all bullshit. (Laughter.) We then went through the Mueller report. And they should have come back one day later. They didn't. They came back two years later, after

lives were ruined, after people went bankrupt, after people lost all their money.

People came to Washington to help other people. "Bright eyed and bushy tailed," I say. They came one or two or three people in particular, but many people.

We had a rough campaign. It was nasty. It was one of the nastiest, they say. They say Andrew Jackson was always the nastiest campaign. They actually said we topped it. (Laughter.) It was a nasty it was a nasty both in the primaries and in the in the election.

But, you see, we thought, after the election, it would stop. But it didn't stop; it just started. And tremendous corruption. Tremendous corruption.

So we had a campaign. Little did we know we were running against some very, very bad and evil people with fake dossiers, with all of these horrible, dirty cops that took these dossiers and did bad things. They knew all about it. The FISA courts should be ashamed of themselves.

It's a very tough thing. And then we ended up winning on Russia, Russia, Russia. It should have taken the one day, as I said, and it took years.

Then Bob Mueller testified. That didn't work out so well for the other side. (Laughter.) But they should have said, that first week because it came out. Is that right, Jim Jordan? They knew in the first two days actually. Devin, is that right? Two days. They knew that we were totally innocent.

But they kept it going, Mark. They kept it going forever because they wanted to inflict political pain on somebody that had just won an election that, to a lot of people were surprised. I mean, we had polls that said we were going to win. We had Los Angeles Times and a few a few papers, actually, said it was we were going to win but it was going to be close.

And we did win. It was one of the greatest wins of all time. And they said, "Okay, he won." And, you know, I wrote this down because that was where a thing called the "insurance policy"

to me, when I saw the insurance policy and that was done long before the election. That was done when they thought that Hillary Clinton was going to win.

And, by the way, Hillary Clinton and the DNC paid for millions millions of dollars the fake dossier. And now Christopher Steele admits that it's a fake because he got sued by rich people. I should have sued him too. But when you're President, people don't like suing.

I want to thank my legal team, by the way not for that advice, but for other advice. (Applause.) Pat, Jay. Pat. You guys stand up, please. (Applause.) Great job. (Applause.)

Right at the beginning, they said, "Sir, you have nothing to worry about. All of the facts are on your side." I said, "You don't understand. That doesn't matter. That doesn't matter." And that was really true.

They made up facts. A corrupt politician named Adam Schiff made up my statement to the Ukrainian president. He brought it out of thin air. Just made it up. They say he's a screenwriter a failed screenwriter. He tried to go into unfortunately, he went into politics after that. (Laughter.) Remember he said the statement, which is a mob statement: "Don't call me. I'll call you." I didn't say that.

Fortunately, for all of us here today and for our country, we had transcripts. We had transcribers professional transcribers. Then they said, "Oh, well, maybe the transcription is not correct." But Lieutenant Colonel Vindman and his twin brother right? we had some people that really amazing.

But we did everything. We said, "What's wrong with it?" "Well, they didn't add this word or that one." It didn't matter. I said, "Add it. They're probably wrong, but add it."

So now everyone agrees that they were perfectly accurate. When you read those transcripts, Tim Scott I don't know if Tim is here, but he said, "Sir..." He was the first one to call me. "Sir, I read the transcript. You did nothing wrong." And, Mitch, he stayed there, right from the beginning. He never changed.



And, Mitch McConnell, I want to tell you: You did a fantastic job. (Applause.) Somebody said, "You know, Mitch is quiet." I said, "He's not quiet. He's not quiet." These are the he doesn't want people to know him. And they said, "Is Mitch smart?" I said, "Well, let's put it this way: For many, many years, a lot of very smart bad, in many cases, sometimes good but people have been trying to take his place. And to the best of my knowledge, I've never even heard the subject come up, because they've been wiped out so fast. (Laughter.) This guy is great, and I appreciate it, Mitch. (Applause.)

And he's also given us 191 now. (Applause.) A hundred and ninety one federal judges. Two Supreme Court judges, right? It's up to 191. (Applause.) True.

Great guy. Great guy. He's a tough guy to read. I'm good at reading people. A tough guy to read. I'd call him. My wife would say, "How did you do with Mitch?" "Uhh, I don't know." (Laughter.) That's what makes him good when you can read somebody. Fantastic job.

And he understood, rightfully, that this was crooked politics. This was crooked politics. How about all these people, they're running for office. They're saying the worst things about me, like eight senators on the Democrat side. Most of them got wiped out. You know, they got their 1 percent or less. Most of them got less. They decided to go home. "Let's go back to California." Let's go back to wherever they came from. "Let's go back to New York."

How about that one? Our New York senator, Gillibrand. "Let's go back to New York," after they get nothing. And then they take an oath that they will be fair, that they will be reason and all of the different things. And they had to sign. They're not fair.

But here's the beauty: So we have four left. They're saying the most horrendous things about me. It's okay, it's politics. And then they're supposed to vote on me. They're trying to replace me, and then they're supposed to be voting. So I think it's I mean, I think it's incredible.

But so, Mitch, I want to thank you very much.

Incredible. And you have some of your folks here, and they're incredible people and they've been, right from the beginning.

And, again, you're out of session. Unfortunately, I didn't you know, I only told these folks, "Let's do this today." We did a prayer breakfast this morning, and I thought that was really good. In fact, that was so good it might wipe this out. But by the end by the time we finished this, we'll wipe that one out those statements. (Laughter.)

I had I had Nancy Pelosi sitting four seats away, and I'm saying things that a lot of people wouldn't have said (laughter) but I meant every (laughter) I meant every word of it.

But we have some of the folks that are going to be leaving right after this, and they work hard and they did work hard. Bill Cassidy, Senator. Stand up, Bill. What a guy. (Applause.) Great man. When I need to know about health insurance and preexisting conditions and individual mandates, I call Bill or I call Barrasso. We get those two guys; they know more than anybody.

A man who just became a senator he's a little bit like me; we have a couple of them. A very successful guy in business, and he said, "What the hell, I'll run for the Senate" from Indiana. And he ran. And I saw him on television, destroying his opponent in a debate. I said, "You know, this guy could win." And I got behind him. And, Mike Braun, you have done some great job. Thank you very much. (Applause.) Tough. Tough. Thank you.

A man who got James Comey to choke, and he was just talking in his regular voice. He is the roughest man. He's actually an unbelievable and I appreciate the letter you sent me today. I just got it. But he's got this voice that scares people. (Laughter.) You know, people from Iowa can be very tough. We're doing very well in Iowa.

But I'll tell you, Chuck Grassley he's looking at Comey: "Well, you tell me, what did you say?" (Laughter.) Now, he wasn't being rough. That was just the way he talked. (Laughter.) And that was when Comey I think that was when Comey announced that he was leaking, lying, and everything else,

right? He choked because he never heard anybody talk like that.  
(Laughter.)

You know, you should have gone I wish you got angry. You could have gotten the whole ballgame. He would have said, "I give up." (Laughter.) Chuck Grassley is an incredible guy.  
(Applause.)

And a man who you know, he was running against a tough, smart campaign and we learned how good she was, right? She was a great campaigner. In fact, by the end of the campaign, she was actually I thought she was more for me than you were, Josh. I was worried. (Laughter.) I saw her ad; she was saying the greatest things about me. And you know who I'm talking about.

And I went to a great place Missouri and I said, "Who do you have to beat her?" And they said, "Well, we have four people." I said, "Let me see them. I'm got to interview..." can you imagine? I'm interviewing people for the United States Senate. This is what I do. Where have I gone? But I love it. I love it because we're getting great people.

The first one I met was Josh Hawley. After about 10 minutes, I said to the people, "Don't show me anybody else. This is the guy." He was the attorney general. Did a phenomenal job in the state. Highly respected. And Claire McCaskill.

So, the theory was you couldn't beat her. Great campaigner. Remember the last campaign, she was going to be taken out. She was always going to be taken out, then she wins and people say, "How did that happen?" Didn't happen with him.

But she got so friendly toward me. In fact, one of the ads I still have. I'm putting it in the archives as one of the best ads I've ever made. (Laughter.) And she tried to convince people that we were best friends. But Josh ended up winning by five or six points.

You were unbelievable. You were tough. And you are something. And one of the greatest supporters on the impeachment hoax was Josh Hawley. He was incensed actually; I watched it. He was incensed at what they were doing and what they were saying.

And those were the ones you know, I had some that said, "Oh, I wish you didn't make the call." And that's okay, if they need that. It's incorrect. It's totally incorrect. And then you have some that used religion as a crutch. They never used it before. An article written today: "Never heard him use it before." But today, you know, it's one of those things. But, you know, it's a failed presidential candidate, so things can happen when you fail so badly running for President.

But, Josh Hawley, I want to thank you. You were right from the beginning. Man, did I make a good choice. (Applause.) Thank you, Josh. Tremendous future. A man who is brilliant and who actually was deceived, to an extent, comes from a great state, Utah, where my poll numbers have gone through the roof. And one of the senators' poll numbers, and not this one, went down big. You saw that. You saw that, Mike?

But Mike Lee is a brilliant guy. He's difficult. (Laughter.) Whenever I sign bills you know, we do sign a lot of legislation that's it's big and it's powerful, but it's sort of everybody has to approve it. And I see 99 to 1 (laughter) 99 to 1. I say, "Don't tell me who's the one." (Laughter.) "Is it Mike?" "Yes." (Laughter.) And he always has a good reason for it too, by the way. But he is he's incredible. And right at the beginning, he knew we were right, Mike, and I appreciate it very much. You're just fantastic. And say hello to the people of Utah and tell them, "I'm sorry about Mitt Romney. I'm sorry." (Laughter and applause.) Okay?

We can say that Mike Lee is, by far, the most popular senator from the state. But you've done a fantastic job, Mike, in many ways. In many ways.

A young woman who I didn't know at all, but she's been so supportive and I've had great support from other people in that state. And she's been so supportive, and she's been downright nasty and mean about the unfairness to the President. And Kelly Loeffler, I appreciate very much. Thank you. (Applause.) Great.

She saw it very early on, and we have I don't know if we have other senators here, but we got a hell of a lot of congressmen. And I'll go over them quickly, but they have they have also been you know, it helped when we won 197 to nothing.

That's got to be a first, Kevin. Right? Is that, like, a first?

The Republicans have this image. See, I say Democrats are lousy politicians because they have lousy policy: open borders, sanctuary cities. They have horrible policy. Who the hell can win? Oh, their new policy is: Raise taxes. They want to raise taxes. You know, all my life, I wasn't in politics, but I'd say, if you're a politician, you want to say, "We're going to lower taxes." They want to raise taxes.

So they have open borders, sanctuary cities. "Raise everybody's taxes. Get rid of everybody's healthcare." A hundred and eighty million people in the United States. And they're really happy. "And we're going to give you a healthcare that's going to cost more money than the country could make in 30 years if it really does well." That's one year.

So I've always said they're lousy politicians, but they do two things: They are vicious and mean. Vicious. These people are vicious. Adam Schiff is a vicious, horrible person. Nancy Pelosi is a horrible person. And she wanted to impeach a long time ago. When she said, "I pray for the President. I pray for the..." she doesn't pray. She may pray, but she prays for the opposite. (Laughter.) But I doubt she prays at all.

And these are vicious people, but they do two things: They stick together, historically. I'm not talking now. They stick together like glue. That's how they impeached, because they had whatever the number is 220 people. So if they don't lose anybody, they'll be able to impeach anybody. You could be George Washington. You could have just won the war, and they say, "Let's get him out of office." And they stuck together, and they're vicious as hell. And they'll probably come back for more, but maybe not because the Republican Party's poll numbers, Mitch, have now gone up more than any time, I think, since 2004, 2005, and you know what happened then.

But in normal times decades, you would call it; that was a little unusual time; it was for a very short period the Republicans [sic] Party Party's poll numbers and Donald Trump's poll numbers are the highest I've ever had them. So maybe they were. It's no way to get your poll numbers up. It's not worth it because from my family's standpoint, it's been very unfair for

my family. It's been very unfair to the country.

Think of it. A phone call. A very good phone call. I know bad phone calls. This is a phone call with many people. I think Mike Pompeo was probably on the call. Where is Mike? Mike Pompeo was on the call. Many people were on the call. I know there were many people. They even have "apprenti," bringing up an old favorite word of mine. "The Apprentice." They have "apprenti." They have people on these calls. And I know there are many.

When I speak to the head of a nation and they have many people on. I mean, also on do you think they just in the case of Ukraine, he's a new president, seems like a very nice person, by the way. His whole thing was corruption. He's going to stop corruption. We even have a treaty 2001, 1999. It's a treaty signed treaty that we will work together to root out corruption in Ukraine.

I probably have a legal obligation, Mr. Attorney, to report corruption. But they don't think it's corrupt when a son that made no money, that got thrown out of the military, that had no money at all, is working for \$3 million up front, \$83,000 a month. And that's only Ukraine. Then goes to China, picks up \$1.5 billion. Then goes to Romania, I hear, and many other countries.

They think that's okay? Because if it is is Ivanka in the audience? Is Ivanka here? Boy, my kids could make a fortune. (Laughter.) They could make a fortune. It's corrupt. But it's not even that; it's just general corruption.

And the other thing, as mentioned in the call and something that I've told Mike Pence, our great Vice President I would tell him all the time, and I told him when he went on the trip, because he was over there. He never mentioned anything about this when you had your meeting. It's a terrible thing.

But I told Mike. I said, "Mike, we're giving them money, and, you know, you're always torn about that because we have our country to build, we have our cities to build and our roads to fix. But we're giving them money. Tell me, why isn't Germany paying money? Why isn't France? Why isn't United Kingdom paying money? Why aren't they paying money? Why are we paying them

money?" Is that a correct statement, Mike?

I say, "Find out what the hell is going on." And I told that to all of my people, OMB. I said I asked that question: "How much is Germany paying? Why isn't Germany paying?" Why is the United States always the sucker? Because we're a bunch of suckers. But that's turning around fast. But it makes it harder when stuff like this happens, because you want to focus, and you want to focus perfectly.

Think what we could have done if the same energy was put into infrastructure, prescription drug prices. Think of what we could have done. And I'm now talking both sides. Think of what we could have done if we had the same genius because it's genius.

I will say, it's genius on the other side maybe even more so because they took nothing and brought me to a final vote of impeachment. That's a very ugly word to me. It's a very dark word. Very ugly. They took nothing. They took a phone call that was a totally appropriate call. I call it a "perfect call" because it was. And they brought me to the final stages of impeachment.

But now we have that gorgeous word I never thought a word would sound so good. It's called "total acquittal." (Applause.) Total acquittal.

So so I want to, if I could, real fast, just introduce a few of the people. I have to start with I have to start with Kevin. Man, did you do a job. Lucky you're there. Lucky you're there because it wouldn't have worked out. If you don't have the right people I'll tell you, Kevin McCarthy has done an incredible job. (Applause.) Really. Stand up.

And he loves this job, and he loves this country. I'll tell you what: Mitch and Kevin, they love what they do. Now, Mitch wouldn't even tell you he liked it. (Laughter.) I'd say, "Mitch, do you like it?" "I don't know." (Laughter.) He's the greatest poker player, right?

Kevin will say, "I love it." Right? And I will say that you're going to be Speaker of the House because of this impeachment hoax. (Applause.) I really believe it. I really

believe it. And I'm going to work hard on it. I'm going to try and get out to those Trump those Trump areas that we won by a lot.

And, you know, in '18, we didn't win. We just won two seats in North Carolina two wonderful seats in North Carolina that were not supposed to be won. But I went and I made speeches, and we had rallies, and we did a great job and we won. We took two seats. Nobody writes about that. If we lost them, it would have been the biggest story of the year.

But we're going to go, we're going to do a job, and we're going to win a lot of seats. We're going to win a lot of seats. People are very angry that Nancy Pelosi and all of these guys I mean, Nadler I know him much of my life; he's fought me in New York for 25 years. I always beat him. And I had to beat him another time. And I'll probably have to beat him again. Because if they find that I happen to walk across the street, and maybe go against the light or something, "Let's impeach him." (Laughter.)

So we'll probably have to do it again because these people have gone stone cold crazy. But I've beaten them all my life, and I'll beat them again if I have to. (Applause.) But what they're doing is very unfair. Very unfair.

So Kevin McCarthy has been great. So, a few names, right? And there'll be a few you forget. If you want, you can raise and I'll say, "Great. Love to have you. Wonderful." (Laughter.) But we're going to do the best we can. And I have my Cabinet, but my Cabinet is different I appoint them. Okay? I didn't see all of them helping so much. (Laughter.) You know, they were running their various bureaucracies, right? (Laughter.) No, my Cabinet is great, and they're all here.

But today is the day to celebrate these great warriors, right? These are great warriors. They really fought hard for us. And

So I'll start: Kelly Armstrong, North Dakota. Kelly, thank you. Great job. (Applause.) Great job.

Jim Banks of Indiana. Jim, thank you. Great job. (Applause.)



Andy Biggs. Where is Andy? Boy, oh, boy, Andy. He got (applause) there's a guy. He's tough. I hear we're doing well in Arizona, huh? It's going good, yeah? I think so. I think I saw a poll that was very good for me. I think we have to make sure Martha is going to do I think Martha is going to do good. But we have some states that are going to be not easy, but Arizona has been great.

And we're stopping illegal aliens from coming in. We're putting up walls. New Mexico, too, a state that's never been in play for Republicans, is totally in play. Right? Nevada is really looking good. We're doing well. We're doing well. We're going to have a great there's more spirit. I will say this: There's more spirit now for the Republican Party, by far, than the Democrats.

You know, Mike Pence just got back from a place a beautiful place that Chuck Grassley knows well: Iowa. And he was talking about these fiasco the Democrats, they can't count some simple votes, and yet they want to take over your healthcare system. Think of that. (Laughter.) No, think of it.

But we also had an election out there, and we got 98 percent of the vote. We have two people running, you know, and I guess they consider them non people, but they are running. I mean, one was a governor. One was a congressman. They're running. We got 98 percent of the vote.

And everybody from the media was saying, "Who are those crowds over there?" You know, they expect it to be one of these competitive where everybody is running because they want to win, they want to win. And it was Trump. Right, Mark Meadows? It was Trump. This was a Trump crowd.

And a lot of actually, a lot of my guys went there. They went to Iowa. And a lot of friends went there, and we had tremendous they say the spirit the spirit for the Republican Party right now is stronger, I think, than it's ever been in the history of our country. I think it's stronger than it's ever been. (Applause.)

And that includes Honest Abe Lincoln. You know, a lot of

people forget Abe Lincoln. I wish he were here. I'd give him one hell of an introduction. Right? (Laughter.) But he was he was a Republican. Abe Lincoln. Honest Abe.

Bradley Byrne, Alabama. What a great place. (Applause.) Thank you, Bradley.

A man who has been an unbelievable friend of mine and spokesman, and somebody that that I really like. And I know, Kelly, you're going to end up liking him a lot. Something is going to happen that's going to be very good. I don't know. I haven't figured it out yet. But Doug Collins where is he? Where is Doug? (Applause.) You have been so great. Thank you very much, Doug. Thank you very much. Thank you. Really amazing job.

A young man who is born with a great gene, because I know his father and how great a politician he was. But he's from Florida. Sometimes controversial, but actually, he's not controversial. He's solid as a rock and he's a friend of mine. Matt Gaetz. Matt? (Applause.) Thank you, Matt. Thank you. Great job.

All right, this guy. So he's the NCAA meaning, a couple of years ago, when he was in college wrestling champion. NCAA. That's the big deal. That means, in all of college, you're the champ, you're the best. His record was ridiculous. Nobody would nobody could beat him. And I see it. You know, every time, I see it. When I first got to know him Jim Jordan when I first got to know Jim, I said, "Huh, he never wears a jacket. What the hell is going on?" (Laughter.) He's obviously very proud of his body. (Laughter and applause.)

And they say where he works out you know, where the congressmen, senators, they work out they say, when Jim works out even though he's not as young as he was, but he works out the machine starts burning. You know, it's just a different form of a workout than us. Right, Sonny? And there he is. Look at that guy.

But one day I'm looking, and he looks tough. And I'm looking, and I'm looking at those ears. And I say, "Those ears have something going on there." I said, "Did you ever wrestle?"

"Yeah, I did." But he doesn't talk. But I checked. This guy was a world this guy was a champion, top, top wrestler. And when I had the top I had all of the teams.

And, by the way, your Super Bowl champions are coming, I think next week or soon. Very soon. And every one of them want to be here. (Applause.) And the coach loves us. The coach is great. Andy Reid. And every one of them want to be here. We have people love it.

But we had all of the NCAA championship teams here. They had the golf, the basketball. They had every team here. And one of the teams was wrestling. The wrestling team. Was that Penn State? And Penn State won the title. They have a great team.

And I walked up with Jim, and it's like I didn't exist. (Laughter.) Those wrestlers, they grabbed him. They love Jim Jordan, and we love you too because you are some warrior. (Applause.) True. True.

A woman who became a star we have a couple of women that became stars. You two. And I always liked the name of her you know, I liked the name, "Lesko." I liked it. That's how I picked it. I liked the name. I saw that face. I saw that everything. They gave me cards. She had like seven opponents, right?

And you have no idea how much the public appreciates how smart, how sharp you are. This I can't tell. I can't tell. They just said, "You know, she's really good. She's really talented." And I said, "Let's go." We worked with her. She won her race. Tough race. It's no longer tough. Because what she does out there is incredible. Arizona loves her.

But you were so incredible, representing I don't say "me" representing our country and getting it out of this impeachment hoax. What you did was incredible.

So, Debbie, please stand up. Debbie Lesko. (Applause.)

A man who I I became very friendly with I don't know why. Do you ever have where I'll ask the media: If certain people call, you take their calls. Other people call if they don't have information, they won't take anybody's call. But other

people call, and you don't.

This is a guy he just he's just a very special guy. His wife I actually like better than him, to be honest. (Laughter.) Because he doesn't know that I know that he didn't actually support me right from the beginning, but she did. (Laughter.)

And on my worst day right? on my worst day, my worst I won't tell you why it was my worst, but it was not one of those good days she got on a bus, got many other buses and women all over North Carolina, and they toured North Carolina. Well, Mark was back sort of semi supporting another candidate, which he ended up leaving very quickly. I don't think you had a choice, because of your wife, but thank her.

And Mark Meadows, he's an extraordinary guy. I mean, the only problem is, I guess, he's announcing he'd only win by 40 points, but he's announcing that he'll be not running this time. Do you have somebody good to run? Somebody going to win your district by at least 20 points, please? Okay? But he's a tremendously talented man, not just as a politician. As a human being, he's incredible.

And during these horrible times I mean, the way he worked and Jim and all of you guys the way they worked so it was like their life was at stake. So many.

Ron DeSantis is another one. He worked so hard. Then he called me. He said, "Sir, I'd like to run for governor." I said, "Governor? I don't want you to run. I like you staying." "No, I want to run for governor." And I said, "Well, if you have to." "I'd like your support." I said, "How can I support you? You're at three." He was at three. He had no money. Somebody was at 38 and they had \$22 million cash, right? I said, "Look, if it's important, I'll do it," because they he's been another great warrior. And he's by the way, he ran. I endorsed him. His numbers went through the roof.

The man who we beat, who was expected to win easily, called me after the race. He said, "You endorsed him, and it was like a nuclear bomb went off. There was nothing I could do." He never even spent his money. He saved it.

But Ron DeSantis is another one, and now he's the governor of Florida. And, by the way, he's a great governor. He's a very popular governor. His numbers are in the 70s. And he's done a great job.

But, Mark, I want to thank you very much. Fantastic job. Thank you very much. Mark Meadows. (Applause.)

And Mike Johnson of Louisiana. Where's Mike? Central casting. What a job. You can represent me anytime. (Applause.) You can represent me anytime. Thank you. What a job you've done. Thank you, Mike.

And a man nobody has ever heard of, except the other side. He's the other side's worst nightmare. This guy goes down into dungeons and basements; he'll find a document, no matter what. He's the most legitimate human being. He's the hardest worker. He's unbelievable. He took tremendous abuse. I mean, abuse.

The the media and, you know, the other side, and the bad ones, the leakers, the liars, the dirty cops they wanted to destroy him. They tried. They got close, but he wouldn't let it happen. And, honestly, in a certain way, he was the first one. Wouldn't you say, Jim and Mark and everybody? This was the first guy. He came out of nowhere. He's saying, "These people are corrupt." He's still saying it. And he was unbelievable. Devin Nunes. He was unbelievable. Unbelievable. (Applause.) That's so true, Devin.

He'd come in and say I didn't even know hi;, I just heard there were like there was this congressman who kept going into a basement into files. (Laughter.) He knew something was wrong. You felt it, right? And now we know a lot more than we knew then, right? You never thought it was as bad as it is. And hopefully we're going to take care of things, because we can never, ever allow this to happen again. (Applause.)

Scott Perry of Pennsylvania. Scott, thank you. (Applause.) Thank you, Scott. Really great. And you're doing very well over there, by the way. Just saw your numbers. A man who is a I mean, central casting. If I'm going to pick Perry Mason, I'm going to do a remake of Perry Mason other than

Bill Barr, I'd pick this guy. But I have to say, I'll pick Barr. I pick Barr first, right? (Laughter.) John Ratcliffe, right? But I have to tell you, if we're doing a remake of Perry Mason, the man I get there's nobody in Hollywood like this John Ratcliffe, right? (Applause.) Stand up, John.

So such a great lawyer. Incredible guy. Incredible talent. But just a great lawyer and we appreciate it. He gets on that screen, and everyone says, "I agree." The other side folds up so fast. We'll probably be using a lot of you in the next year. But you have been fantastic, John. We appreciate it. Thank you very much.

A man who's braver than me and braver than all of us in this room. He got he got whacked. He got whacked. My Steve, right? I went to the hospital with our great First Lady that night. Right, honey? And we saw a man that was not going to make it. He was not going to make it. He was the doctor and I told him his wife I said, "She loves you." "Why do you say that?" Because she was devastated.

A lot of wives wouldn't give a damn. (Laughter.) A lot of a lot of wives a lot of wives would have said, "Oh, yeah." I said, "How's he doing?" "Oh..." She couldn't even talk. She was inconsolable. Most wives would say, "Not good. Listen, I'm going home now." (Laughter.) But the doctor came in the wife is like she was a total mess. She was really devastated. And he really it looked like he had a 20, 25 percent chance. I think you set a record for blood loss.

And, Steve Scalise, I actually, honestly, I think you're better looking now. You're more handsome now. (Laughter.) You you weren't that good looking. You look good now. (Laughter.) He looks better now. Can you believe it? I don't know what the hell that is. (Applause.) It's true. Better now. (Applause.) What a guy.

And he was practicing he was practicing for the baseball game against, I guess, the Democrats, right? And this whack job started shooting. Hurt Roger I don't know if Roger is here. But hurt a number of people hit them. But really hit Steve. He Steve was at second base. He was the second baseman. And he went down and it was terrible. I mean, I saw the whole thing

and it was terrible.

Fortunately, you had two brave policemen with you. Because of your high position in Congress, you had two policemen and they were amazing the man and a woman. And they came and they didn't have rifles. They were against a, supposedly, pretty good sharpshooter with rifles good equipment. And all they had was a gun. And they started coming in from the outfield, shooting. And they're so far away that a handgun is not preferred. This guy has the rifle and he's hitting people. And he was going to move up and there was no out. I mean, if he would have been able to move up, there was no way to get out. The entrance was a single entranceway on the other side, where he was.

So everyone went into the dugout ran into the dugout, but Steve was really hit badly in the stomach, and with a bullet that rips you apart. It was supposed to do that. It rips it rips you apart.

And these two people came charging forward. Boom. Boom. Boom. And one of them you know who one of them him? got the shooter. Hit him. And then got him. Killed him from the long distance. It was amazing. If you didn't have those two people you can imagine, right? You could imagine what would happen.

So Melania and I went to the hospital that night. And he was in such bad shape, and he's been working ever since, so hard. But six months ago, they had a baseball game at the Nationals Park. And I'm watching and it's it's on television. And it's just, you know, a game. People you want to win it, right? And Steve's at second base. The poor guy can't even walk.

Do you remember Bobby Richardson for the New York Yankees? He was known for range, Louie. Range. He had the greatest range. If a ball is hit to shortstop Bobby Richardson is the second player, the second baseman Bobby Richardson would field the ball. If it's hit to first base, he'll throw it to the first baseman. He had unbelievable range. This was not Steve Scalise. (Laughter.) Steve had no range. (Laughter.) One foot and he has to fall down, right? Because, you know, he was trying to get better. I don't know who the hell put you on the field. (Laughter.)

And this is a true story. So the game starts and the first pitch Steve is standing at second base and the guy is really in bad shape. And I said, "This is terrible." A shot groundball shot is hit to second and Steve. I say I didn't have time to think too much, but I said, "This is not good. That ball is going toward him."

And this guy stopped that ball, caught the call. He's now laying down. He throws the ball to first base. He gets him out. I said, "It's the most incredible thing." I've never seen athletically (applause) I've never seen anything like it, right?

And he gets him out and they then took him out of the game, which was a very wise thing because you could never do that again in a million years. (Laughter.) But you weren't going to let that ball go through. I don't care if it was hit by the greatest of all time, right? That ball was not going through you, because you are a warrior. Steve is he is fantastic. You are fantastic. You and Liz and Kevin.

What a great what a group. I mean, what a group. I got lucky. I got lucky because you need the right people. If I had the wrong people there, he maybe a different story. Maybe we'd be celebrating something else. But I really want to thank you, Steve Scalise.

And, Elise, you I just read this story; she's the most incredible what's going on with you, Elise. So I even said you know, I was up campaigning for her, helping her. But I thought, "She looks good. She looks like good talent." But did I not realize, when she opens that mouth, you were killing them, Elise. (Laughter.) You were killing them. (Applause.)

Elise and there's a big story in the New York Post I love the New York Post because they treat me well. There aren't too many of you that do. But today, you're treating me well. I even had a great headline New York Times, Washington Post. I had all of these great headlines. Maybe we should just end it right there. (Laughter.)

But you had the greatest story, yesterday in the Post, that



people from all over the country are contributing to her campaign. They were so enthralled with the way you handled yourself, what you said, the way you said it. And I'll always be your friend. I think it was it's really an amazing story. What a great future you have. What a great future. Thank you. (Applause.) The First Lady agrees, by the way. The First Lady agrees.

And Michael Turner, you can represent me anytime. Where's Michael? Where is he? (Applause.) Or you can represent me. How good were you? There's another there's another Perry Mason type, I think. Right? What do you think, John? But, Michael, you were fantastic and we appreciate it.

Brad Wenstrup. Where's Brad? Brad. (Applause.) Great, great job. This is a big day for lawyers. You notice only the lawyers stayed? All the lawyers stayed behind.

Lee Zeldin. How good are you? How good are you? (Applause.) Man.

And, Louie, your name is not down. They didn't give me your name. Do you know if I didn't announce Louie (laughter) whoever the hell made this list, I got to get rid of because I if I wouldn't have announced Louie, it might have been the end of the presidency. (Laughter.) Louie, you have been so great. So tough and so smart. I got it just (laughs) I got it. But Louie has been amazing. He's a tough guy. He's a smart guy. He's streetwise like crazy. We love Texas, and we're with you all the way, Louie. We're with you all the way. Thank you very much. (Applause.)

So that's the story. We have a great group of warriors, and there are others left, and, I guess, probably, I'm sure I didn't mention a few, and I apologize if that's the case. How's CPAC doing? Good? Huh? My man, stand up please, will you? He's the one who said, "You should run." (Applause.) Right?

Matt said it's like five years ago, six years ago. And I made a speech, and then they do some kind of a straw poll: "Who made the best speech?" And he said, "I made the best speech." With all this professional I hate to say this: With all these professional politicians, they voted, by far, the best speech was

Trump. He calls me, he says, "You should run for politics." I say, "What do I know about politics?"

But you know what? We learned quickly, and our country has never done better than it's doing right now. (Applause.) So it's been good. (Applause.) But thank you, Matt. Great. Say hello.

So that's the story. We've been treated very unfairly. Fortunately, we have great men and women that came to our defense. If we didn't, this would have been a horrific incident for our country. When you have Lisa and Peter, the lovers, the FBI lovers: "I want to believe the path you threw out for" Deputy Director Andrew McCabe. That's the office. "There's no way he gets elected" meaning me. "There's no way he gets elected."

This is Peter, to Lisa. He's probably trying to impress her, for obvious reasons. (Laughter.) "There's no way he gets elected. But I'm afraid we can't take the risk." Now, think of this. In other words, if I get elected, they can't "they"; two low lifes they can't take the risk. They can't take the risk. Think of it.

And that's where it came up, the greatest word of all: "insurance policy." So he says, "But I'm afraid we can't take the risk. She may lose." It's like an insurance policy. In the unlikely event you die before you're 40 in other words, if I won, they were going to do exactly what they did to us. They were going to try and overthrow the government of the United States a duly elected president.

And if I didn't fire James Comey, we would have never found this stuff. Because when I fired that sleazebag, all hell broke out. They were ratting on each other. They were running for the hills. Let's see what happens. Let's see what happens. It's in the hands of some very talented people. We're going to have to see what happens.

But I can tell you, in my opinion, these are the crookedest, most dishonest, dirtiest people I've ever seen. They said this is Strzok: "God, Hillary should win 100 million to one." This is about me. This is an agent from the FBI. Look how they let her off. Thirty three thousand emails deleted. Nothing happens to her. Nothing happens. It's unbelievable.

But think of that "God, Hillary should win" when these guys are investigating Hillary. Then they go to work for Mueller the two of them and when Muller found out that everybody knew that they were 100 percent this way, he let them go. But they deleted all of their emails and text messages.

So when we got the phone, they were all deleted. Could you imagine the treasure trove? They illegally deleted. So they left. They left Bob Mueller. He had the look, but he didn't have a lot of other things. Always had the look. Mr. G Man.

And I love the FBI and the FBI loves me 99 percent. It was the top scum. And the FBI people don't like the top scum.

So think of that: 100 million to one. And he's investigating me. And then, "God, Trump is a loathsome human being, isn't he?" These are the people looking at me. I'm really not a bad person. And Page said, "Yes, he's awful." How would you like to have that? This is just this is the good stuff. There's stuff a hundred times worse than that. These are all dirty people.

And now, I just heard that they're suing the United States of America because they were interfered with. We're not going to let it happen. Just not going to let it happen. We cannot let this happen to our country. We can't. (Applause.)

So, I'm going to leave now. And I don't know if any of you have anything to say. You could say it. But this is sort of a day of celebration, because we went through hell.

And I'm sure that Pelosi and Cryin' Chuck I've known this guy all the the only time I ever saw him cry was when it was appropriate. Known him for a long time. Cryin' Chuck. But I'm sure they'll try and cook up other things. They'll go through the state of New York. They'll go through other places. They'll do whatever they can. Because instead of wanting to heal our country and fix our country, all they want to do in my opinion, it's almost like they want to destroy our country. We can't let it happen.

Jim Jordan, did you want to say something? Go ahead. Huh? Mark?

REPRESENTATIVE MEADOWS: No, I just I wanted to just say that this reflection today, it is a small reflection of the kind of support you have all across the country. We've got your back. (Applause.)

THE PRESIDENT: Well, thank you. Thank you. Thank you. (Applause.)

This was a highly partisan situation. Pelosi said I copied it down exactly. Before the impeachment she wanted to impeach from day one, by the way. Don't let it fool you. You know, she said, "No, the impeachment is a very serious thing." I said, "She wants to impeach. Watch."

Impeachment is so divisive to the country that unless there's something so compelling and so overwhelming and bipartisan bipartisan. It was 197 to nothing. And other than one failed presidential candidate and I call that "half a vote" because he actually voted for us on the other one. But we had one failed presidential candidate. That's the only half a vote we lost. So, we had almost 53 to nothing. We had 197 to nothing. And the only one that voted against was a guy that can't stand the fact that he ran one of the worst campaigns in the history of the presidency.

But she said, "There's something so compelling it has to be so compelling and so overwhelming and bipartisan. I don't think we should go down that path, because it divides the country" she was right about that "and it's just not worth it." That was Nancy Pelosi a year ago. Right?

And I think it's a shame. I think it's a shame. But as I said, if we can put this genius to work on roads and highways and bridges and all of the things we can do prescription drugs. You know, we had Secretary Azar is here and I want to thank him for this, but we had first time in 51 years, where drug prices actually came down last year. First time in 51 years. But what we can do, working with both parties in Congress, is would be unbelievable. It would be unbelievable all we can do.

And I know Chuck Grassley is working very hard on it and Mitch is working very hard on it. But what we can do is is incredible. What we can do, just generally. We've done so much

without it. We've rebuilt our military. We've cut regulations at a level that nobody thought possible. We'll always protect our Second Amendment; we all know that.

But I just want to tell you that it's an honor to be with you all. I want to apologize to my family for having them have to go through a phony, rotten deal by some very evil and sick people. And Ivanka is here, and my my sons and my whole family, and that includes Barron. (Applause.) That includes Barron, who is up there as a young boy.

Stand up, honey. (Applause.) Ivanka, thank you, honey. Come. Come. (Applause.) (The President hugs Ivanka Trump.)

Come here, baby. (Applause.) (The President hugs the First Lady.)

So I just want to thank my family for sticking through it. This was not part of the deal. I was going to run for President, and if I won, I was going do a great job. I didn't know that I was going to run, and then when I got in, I was going to have to run again and again and again. Every week, I had to run again. That wasn't the deal, but they stuck with me.

And I'm so glad I did it because we are making progress and doing things for our great people that everybody said couldn't be done. Our country is thriving. Our country is just respected again. And it's an honor to be with the people in this room.

Thank you very much, everybody. (Applause.) Thank you. Thank you very much. Thank you. (Applause.)

END

1:23 P.M. EST

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# Gun Control, Veterans Benefits, and Mental Incompetency Determinations

Updated April 5, 2017

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## Summary

On March 16, 2017, the House of Representatives passed the Veterans 2<sup>nd</sup> Amendment Protection Act (H.R. 1181) by a roll call vote (240-175). Under H.R. 1181, the Department of Veterans' Affairs (VA) would be prohibited from determining any beneficiary for whom a fiduciary is appointed, because he or she "lacks the capacity to contract or handle his or her own affairs," as "adjudicated as a mental defective" for the purposes of gun control, unless a magistrate or judicial authority also rules that the beneficiary is a danger to himself or herself or others.

Pursuant to the Brady Handgun Violence Prevention Act, 1993 (Brady Act; P.L. 103-159), since 1998, the VA has provided records on beneficiaries for whom a fiduciary has been appointed to the Federal Bureau of Investigation (FBI) for inclusion in the National Instant Criminal Background Check System (NICS). Pursuant to the NICS Improvement Amendments Act of 2007 (NIAA; P.L. 110-180), the VA was required to notify beneficiaries of the ramifications of mental incompetency determinations and a potential loss of their gun rights, as well as provide those beneficiaries with an avenue of administrative relief, by which they could appeal such determinations and have their rights restored. In the 21<sup>st</sup> Century Cures Act (P.L. 114-255), Congress included a provision that codified certain VA procedures related to mental incompetency determinations and potential loss of gun rights.

Since 2008, however, the legislative history also shows that some Members of Congress have viewed those VA procedures, even after the implementation of NIAA provisions, as inadequate. From the 110<sup>th</sup> through the 113<sup>th</sup> Congresses, proposals similar to H.R. 1181 were reported from committee, passed either the House or Senate, or both. In the 114<sup>th</sup> Congress, related amendments were considered, but not passed, on the Senate floor in the wake of mass shooting incidents in December 2015 in San Bernardino, CA, and in June 2016 in Orlando, FL. In the 115<sup>th</sup> Congress, moreover, a measure was passed that vacated a final rule issued by the Social Security Administration (SSA) in December 2016 that would have established parallel but different procedures for Social Security disability programs and NICS referrals (P.L. 115-8). Under the vacated rule, SSA disability beneficiaries who were appointed a "representative payee" to handle their day-to-day affairs and whose disability could be tied to a mental impairment would have been referred to the FBI for inclusion in NICS.

According to the FBI, as of December 31, 2016, federal departments and agencies had contributed 173,083 records in the NICS index "adjudicated mental health" file, of which the VA contributed 167,815 (98.1%). Supporters of H.R. 1181 view the existing VA procedures as an incongruity in the law. They ask why the VA is the only federal department or agency that has made substantial numbers of NICS referrals to the FBI based on mental incompetency determinations, even though other federal agencies that provide similar disability and income security benefits have not done so. In their opinion, this seeming incongruity calls into question whether the VA benefit claims and disability rating procedures are substantive enough on their own to justify the taking of a constitutionally enumerated right like the right to keep and bear arms under the Second Amendment. Opponents of H.R. 1181 contend that the VA has complied with the Brady Act and NIAA and that public safety is enhanced by its NICS referrals to the FBI. They contend further that the VA procedures act to protect VA beneficiaries from the harm that might result if they acquired firearms and used them improperly due to reasons possibly related to their mental incompetency. In their view, moreover, Congress seconded the VA procedures by codifying them in P.L. 114-255.



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## Introduction

On March 10, 2017, the House Committee on Veterans' Affairs reported the Veterans 2<sup>nd</sup> Amendment Protection Act (H.R. 1181; H.Rept. 115-33). Representative David P. Roe, Chair of the House Committee on Veterans' Affairs, introduced H.R. 1181. This bill would clarify the conditions under which veterans and survivors who are beneficiaries of programs administered by the Department of Veterans Affairs (VA) may be treated as "adjudicated as a mental defective" under the Gun Control Act of 1968 (GCA).<sup>1</sup> On March 16, 2017, the House passed H.R. 1181 by a recorded vote: 240 to 175 (Roll no. 169).

## Background

Under the Brady Handgun Violence Prevention Act, 1993 (Brady Act; P.L. 103-159), Congress required the Attorney General to establish a National Instant Criminal Background Check System (NICS) within five years of enactment.<sup>2</sup> Under the Attorney General's delegated authority, the Federal Bureau of Investigation (FBI) established NICS and through this system the permanent background check provisions of the Brady Act became operational on November 30, 1998.<sup>3</sup> Through NICS, federally licensed gun dealers (otherwise known as federal firearms licensees, or FFLs) initiate background checks through NICS on any customers who are not federally licensed gun dealers, before transferring a firearm to him or her. Through NICS, such checks query other government computer databases for criminal history and other public records on an unlicensed customer that could indicate that he or she is ineligible to receive, possess, ship, or transport a firearm under federal state, local, tribal, or territorial law.<sup>4</sup>

Under the Brady Act, Congress also authorized the Attorney General to secure from any federal department or agency information on any person whose receipt or possession of firearms would violate the GCA.<sup>5</sup> To implement such information sharing, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) promulgated a regulation and defined the term "adjudicated as a mental defective" to include any person whom a court, board, commission, or other lawful authority has determined that, as a result of marked subnormal intelligence, mental illness, incompetency, condition, or disease:

- is a danger to himself or herself, or others;

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<sup>1</sup> 18 U.S.C. Chapter 44, §921 et seq.

<sup>2</sup> P.L. 103 159, November 30, 1993, 107 Stat. 1536. Congress passed the Brady Act after nearly six years of sometimes contentious debate. As originally introduced in the 100<sup>th</sup> Congress, the Brady bill (H.R. 975 and S. 466) called for a seven day waiting period on handgun transfers. Supporters deemed this waiting period necessary to give law enforcement officials the time necessary to conduct a thorough background check. Later versions of the bill would have implemented a five business day waiting period. Opponents of the waiting period called for an "instant" computerized criminal history background check systems as had been implemented in four states (VA, FL, MD, and DE).

<sup>3</sup> 18 U.S.C. §922(t).

<sup>4</sup> Under the GCA, the "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone) (see 18 U.S.C. §921(a)(2)). U.S. territories include American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands.

<sup>5</sup> P.L. 103 159, Section 103(e). Under the Brady Act, Congress also authorized a federal grant program known as the National Criminal History Improvement Program (NCHIP) to assist state, local, tribal, and territorial governments (hereinafter, state and local governments) in making disqualifying records accessible to NICS through existing national criminal justice information sharing computer networks, or to enter disqualifying records directly into a NICS Index in cases where there was no pre existing, nationwide process and infrastructure for such information sharing. NCHIP is administered by the Bureau of Justice Statistics (BJS) at the Department of Justice's Office of Justice Programs.

- lacks the mental capacity to contract or manage his or her own affairs;
- is found insane by a court in a criminal case; or
- is found incompetent to stand trial, or not guilty by reason of lack of mental responsibility, pursuant to certain provisions of the Uniform Code of Military Justice.<sup>6</sup>

Since 1998, the VA has been providing records to the FBI for inclusion in the NICS Index on beneficiaries for whom a fiduciary (a person selected to manage veteran's benefits) has been appointed by the VA on his or her behalf, because the appointment of a fiduciary is based on a VA determination that the beneficiary is "mentally incompetent" under veterans law.<sup>7</sup> Based on this VA determination, the beneficiary is also considered "adjudicated as a mental defective" under the GCA, because he or she "lacks the mental capacity to contract or handle their own affairs."<sup>8</sup>

Under such circumstances, a VA disability rating specialist notifies the benefits claimant that the VA proposes to "rate" them "mentally incompetent," at which point the claimant can request a hearing and submit evidence to the contrary if he or she wishes. The VA also advises the beneficiary regarding his or her right to appeal any final rating regarding the veteran's ability to receive and manage his or her own VA benefits.

For a time, however, the VA did not always inform the benefits claimant of the consequences of the mental incompetency determination with regard to his or her firearms eligibility under federal law. Notwithstanding the VA mental incompetency appeals procedures described above, until 2007, avenues of administrative relief by which a VA beneficiary deemed mentally incompetent could petition to have his or her gun rights restored were narrow, if not nonexistent.

Pursuant to the NICS Improvement Amendments Act of 2007 (NIAA; P.L. 110-180), the VA has been required to notify beneficiaries of the ramifications of mental incompetency determinations and a potential loss of their gun rights. The act also required the VA to provide those beneficiaries with an avenue of administrative relief, by which they could appeal such determinations and have their rights restored.<sup>9</sup> In the 21<sup>st</sup> Century Cures Act (P.L. 114-255), Congress included provisions that codified certain VA procedures related to mental incompetency determinations and potential loss of gun rights.<sup>10</sup>

Since 2008, however, the legislative history shows that some Members of Congress have viewed the VA procedures as inadequate. They particularly take issue with tying firearms ineligibility under the ATF definition of "adjudicated as a mental defective" solely to an individual's incapacity "to contract or manage his [or her] own affairs." From the 110<sup>th</sup> through the 113<sup>th</sup> Congresses, proposals similar to H.R. 1181 were reported from committee, passed either the House or Senate, or both. In the 114<sup>th</sup> Congress, related amendments were considered, but not passed, on the Senate floor in the wake of mass shootings in December 2015 in San Bernardino, CA, and in June 2016 in Orlando, FL.<sup>11</sup> In the 115<sup>th</sup> Congress, a measure was passed that vacated a final rule issued by the Social Security Administration (SSA) that would have established

<sup>6</sup> U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, "Definitions for the Categories of Persons Prohibited From Receiving Firearms (95R 051P)," 62 *Federal Register* 35634 34639, June 27, 1997.

<sup>7</sup> 38 C.F.R. §3.353(a).

<sup>8</sup> 18 U.S.C. 922(g)(4) and 27 C.F.R. §478.11.

<sup>9</sup> P.L. 110 180; January 8, 2008; 121 Stat. 2559.

<sup>10</sup> P.L. 114 255, December 13, 2016; 130 Stat. 1307, codified at 38 U.S.C. §5501A.

<sup>11</sup> For further information, see CRS Report R44655, *Gun Control: Federal Law and Legislative Action in the 114th Congress*, by William J. Krouse.

parallel but different procedures for NICS referrals on Social Security disability programs beneficiaries (P.L. 115-8).<sup>12</sup>

Under H.R. 1181, the VA would be prohibited from determining any beneficiary for whom a fiduciary is appointed as “adjudicated as a mental defective” for the purposes of gun control, because he or she lacks the mental capacity to contract or handle his or her own affairs, unless a magistrate or judicial authority also rules that the beneficiary is a danger to himself or herself or others. Members of the House of Representatives made several arguments for and against H.R. 1181.<sup>13</sup> The discussion below reflects the debate on H.R. 1181 on the House floor on March 16, 2017.

Supporters of H.R. 1181 maintain that the existing VA benefit claims and disability rating procedures are not substantive enough on their own to justify the taking of a constitutionally enumerated right like the right to keep and bear arms under the Second Amendment. Supporters of H.R. 1181 underscore that the VA procedures are unbalanced, because the VA merely has to show that the beneficiary is “mentally incompetent” because he or she lacks the mental capacity to contract or handle his or her own affairs; yet, to regain his or her Second Amendment rights, the beneficiary must demonstrate to the VA that he or she is not a threat to himself or herself, or others. In other words, the bar for the beneficiary to regain his or her gun rights is much higher than for the initial VA mental incompetency determination.

Opponents of H.R. 1181 counter that the VA has complied with the Brady Act and NIAA and that public safety is enhanced by its NICS referrals to the FBI. Opponents note that Congress seconded the VA procedures by codifying them in P.L. 114-255. They contend that the VA procedures act to protect VA beneficiaries from the harm that might result if they acquired firearms and used them improperly due to reasons possibly related to their mental incompetency. To support this argument, they point to two factors: the gun-related suicide rate among veterans and the number of seriously mentally ill among VA beneficiaries who have been determined to be mentally incompetent.<sup>14</sup> Some opponents of H.R. 1181 also contend that the bill’s provisions are retrospective, meaning the VA and FBI would be required to remove all existing VA referrals from NICS, possibly allowing seriously mentally ill VA beneficiaries to have future access to firearms.

Supporters of H.R. 1181 agree that there could be VA beneficiaries who have been determined to be mentally incompetent who are also seriously mentally ill, but they maintain that the bill’s provisions are only prospective. For future determinations and NICS referrals, however, supporters of H.R. 1181 maintain that even seriously mentally ill beneficiaries would need to be found a danger to themselves or others based on a ruling by a magistrate or other judicial authority. They argue further that the existing VA procedures stigmatize the mentally ill

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<sup>12</sup> For further information, see CRS Report R44752, *Gun Control, Mental Incompetency, and Social Security Administration Final Rule*, by William J. Krouse, Scott D. Szymendera, and William R. Morton.

<sup>13</sup> Veterans 2<sup>nd</sup> Amendment Act, *Congressional Record*, daily edition, vol. 163 (March 16, 2017), pp. H2102-2114.

<sup>14</sup> During House debate on H.R. 1181, Representative Elizabeth Esty cited statistics that out of 170,000 beneficiaries in 2015 who were deemed mentally incompetent, 20,000 were diagnosed with schizophrenia, over 11,000 with dementia, and 5,000 with Alzheimer’s disease. Several Members, including Representative Esty, observed that the VA has reported that about 20 veterans per day commit suicide and that compared to other suicide victims nationwide a disproportionate share of those veterans commit suicide with a firearm. *Ibid.*, pp. H2104 and H2106-H2107. According to the VA, about two thirds of veterans who committed suicide in 2014 did so with a firearm. For further information on veterans and suicide, see U.S. Department of Veterans’ Affairs, *VA Suicide Prevention Program: Facts About Veteran Suicide*, July 2016, [https://www.va.gov/opa/publications/factsheets/Suicide\\_Prevention\\_FactSheet\\_New\\_VA\\_Stats\\_070616\\_1400.pdf](https://www.va.gov/opa/publications/factsheets/Suicide_Prevention_FactSheet_New_VA_Stats_070616_1400.pdf).

disproportionately as perpetrators of criminal violence, when some research indicates that the mentally ill are more likely to be the victims of crime.<sup>15</sup>

If enacted, H.R. 1181 might raise several oversight issues for Congress because the Attorney General would still be required to secure prohibiting records from federal departments and agencies under the Brady Act and NIAA. For example, would the VA be obligated to establish an administrative process whereby beneficiaries who lacked the mental capacity to contract or handle their day-to-day affairs would also be evaluated to determine whether they were a danger to themselves or others? If the bill's provisions are retrospective, would the VA be obligated to cull through its existing NICS referrals to determine who among those beneficiaries should have their cases placed before a "magistrate or judicial authority" based on the grounds that they likely pose a danger to themselves or others? What precedent and expectations would the enactment of H.R. 1181 set for SSA and any other federal agencies that provide disability benefits?

## NICS and Firearms Ineligibility

Through NICS, FFLs initiate a background check by contacting either the FBI or a state or local agency serving as a point of contact (POC).<sup>16</sup> Only FFLs are permitted to use the NICS system, and a NICS check cannot be initiated until the FFL and intending customer have completely filled out and signed an ATF Form 4473.<sup>17</sup> On this form the intending customer attests that he or she is not a prohibited person and that he or she are who they say they are. The FFL attests that it has examined government-issued identification documents, verifying that the intending customer has completely and properly recorded his or her identity, address, and other biographical information based on those identification documents. By signing the ATF Form 4473, both the FFL and intending customer attest that all the information is truthful. Under the GCA, there are criminal penalties for providing false information on the ATF Form 4473 for both the FFL and the intending customer.<sup>18</sup>

Under the GCA, there are nine classes of persons prohibited from shipping, transporting, receiving, or possessing firearms or ammunition:

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<sup>15</sup> Liza Gold and Robert I. Simon, *Gun Violence and Mental Illness*, American Psychiatric Association Publishing, 2016, Introduction, p. XXIV.

<sup>16</sup> See 18 U.S.C. §922(t). The FBI handles background checks entirely for most states, while other states serve as full or partial points of contact (POCs) for state and local firearms background check purposes. In POC states, federally licensed gun dealers contact a state agency, and the state agency contacts the FBI for background checks. Thirteen full POC states include California, Colorado, Connecticut, Florida, Hawaii, Illinois, Nevada, New Jersey, Oregon, Pennsylvania, Tennessee, Utah, and Virginia. Four partial POC states (for handgun transfers only) include Maryland, New Hampshire, Washington, and Wisconsin. Three POC states (for handgun permits only) include Iowa, North Carolina, and Nebraska. All other states are non POCs.

<sup>17</sup> ATF recently revised the ATF Form 4473 Firearms Transaction Record, effective January 16, 2017, <https://www.atf.gov/firearms/atf-form-4473-firearms-transaction-record-revisions>.

<sup>18</sup> Under 18 U.S.C. §922(a)(6), it is illegal for any person to make any false statement to a FFL with respect to any fact material to the lawfulness of a prospective firearms transfer. Violations are punishable by up to 10 years of imprisonment under 18 U.S.C. §924(a)(2).

Under 18 U.S.C. §924(a)(1)(A), it is illegal for any person knowingly to make any false statement with respect to the records that FFLs are required to maintain under 18 U.S.C. §924(a)(1)(A). Violations are punishable by up to five years of imprisonment under 18 U.S.C. §924(a)(1)(D).

Under 18 U.S.C. §922(b)(5), it is illegal for an FFL to dispose of a firearm without making entries in records required to be kept under 18 U.S.C. §923. Violations are punishable by up to five years of imprisonment under 18 U.S.C. §924(a)(1)(D).

- persons convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- fugitives from justice;
- unlawful users or addicts of any controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. §802);
- persons adjudicated as “mental defective” or committed to mental institutions;
- unauthorized immigrants and nonimmigrant visitors (with exceptions in the latter case);<sup>19</sup>
- persons dishonorably discharged from the U.S. Armed Forces;
- persons who have renounced their U.S. citizenship;
- persons under court-order restraints related to harassing, stalking, or threatening an intimate partner or child of such intimate partner; and
- persons convicted of a misdemeanor crime of domestic violence.<sup>20</sup>

In addition, there is a 10<sup>th</sup> class of persons prohibited from shipping, transporting, or receiving (but not possessing) firearms or ammunition:

- persons under indictment in any court of a crime punishable by imprisonment for a term exceeding one year.<sup>21</sup>

It is also unlawful for any person to sell or otherwise dispose of a firearm or ammunition to any of the prohibited persons enumerated above, if the transferor (seller, federally licensed or unlicensed) has reasonable cause to believe that the transferee (buyer) is prohibited from receiving those items.<sup>22</sup>

Under the GCA, there is also a provision that allows the Attorney General to consider petitions from a prohibited person for “relief from disabilities” and have his firearms transfer and possession eligibility restored.<sup>23</sup> Since FY1993, however, a policy rider attached to ATF annual appropriations for salaries and expenses has prohibited the expenditure of any funding provided under that account on processing such petitions.<sup>24</sup> While a prohibited person arguably could petition the Attorney General, bypassing ATF, it appears that such an alternative has never been successfully tested. As a result, the only way a person can reacquire his or her lost firearms

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<sup>19</sup> Until 2011, ATF interpreted this provision to apply to any noncitizen whose immigration status was “nonimmigrant alien,” regardless of whether the alien had been required to obtain a visa prior to arrival at a U.S. port of entry. In 2011, ATF was informed by the DOJ Office of Legal Counsel (OLC) that its interpretation was too broad and that the prohibition “applies only to nonimmigrant aliens who must have visas to be admitted, not to all aliens with nonimmigrant status.” See 2011 WL 6260326 (O.L.C.) (Oct. 28, 2011). As such, nonimmigrants who enter the country validly without a visa (e.g., under the Visa Waiver Program) are eligible to purchase firearms and ammunition; however, those individuals must meet a residency requirement, which requires them to demonstrate that they have “the intention of making a home” in the state where they wish to purchase the firearm. See 77 *Federal Register* 33625 33634 (June 7, 2012).

<sup>20</sup> 18 U.S.C. §922(g).

<sup>21</sup> 18 U.S.C. §922(n).

<sup>22</sup> 18 U.S.C. §922(d).

<sup>23</sup> 18 U.S.C. §925(c). See also Relief from Disabilities Under the Act, 27 C.F.R. §478.144.

<sup>24</sup> For FY1993, see P.L. 102 393; 106 Stat. 1732 (1992). For FY2016, see P.L. 114 113; 129 Stat. 2242, 2302 (December 18, 2015). The FY2016 limitation provides: “That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. §925(c).”



eligibility is to have his or her civil rights restored or disqualifying criminal record(s) expunged or set aside, or to be pardoned for his crime.<sup>25</sup>

According to the FBI, over the 16-year period 1999-2014, there were over 202.5 million NICS transactions made by either the FBI's NICS Section or state and local agencies serving as POCs. These transactions amounted to over 167.5 million background checks for either firearms transfers or state-issued licenses and permits and resulted in over 2.5 million initial denials.<sup>26</sup> Some of these denials were later overturned on appeal. In 2014, for example, about one-third of denials by the NICS Section were appealed and about one-in-seven of those appealed denials were overturned.<sup>27</sup>

Over the 16-year period, the NICS Section alone completed nearly 93.5 million background checks for firearms transfers and state-issued licenses and permits, resulting in nearly 1.17 million initial denials, or 1.2% of total checks for those years. Of these initial denials, 16,669 were based on mental health-related involuntary commitments or adjudications, or 1.5% of total denials for those years.

It is noteworthy that this percentage of denials based on mental health concerns has increased in recent years, reflecting federal efforts under P.L. 110-180 to encourage greater information sharing between the FBI and state and local authorities on involuntary commitments and adjudications. In calendar year 2014, for example, the NICS Section conducted nearly 8.3 million background checks, resulting in 90,895 denials: of these denials, about 3,557 denials were based on mental health involuntary commitments or adjudications, or 3.9% of total denials.<sup>28</sup> For the same calendar year, 2014, state and local agencies serving as POCs conducted over 6.7 million checks, resulting in 102,468 denials: of these denials, 3,134 were based on mental health involuntary commitments or adjudications, 3.1% of total denials.<sup>29</sup>

## Mental Incompetency and Firearms Ineligibility

To implement the Brady Act, interagency discussions were held in 1996 and 1997 about who should be considered "adjudicated as a mental defective" for the purposes of gun control. These discussions were largely led by the ATF, the agency principally responsible for administering and

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<sup>25</sup> Notwithstanding the appropriations limitation on this GCA provision, this avenue of discretionary relief probably would not have been available to VA beneficiaries who had a fiduciary appointed on their behalf, and thus were referred by the VA to the FBI NICS Index as mentally incompetent.

<sup>26</sup> For the FBI NICS Section, a single background check usually involves a single NICS transaction. For state and local agencies serving as POCs, however, a single background check sometimes involves more than one NICS transaction. The FBI reports checks and denials made by the NICS Section on a monthly basis. The FBI also reports NICS transactions made by state and local agencies serving as POCs on a monthly basis, but it does not report the corresponding NICS checks and denials made by those POCs. Under the direction of BJS, NICS transaction data are analyzed and checks and denials made by state and local agencies serving as POCs are reported, but there is a one to two year lag in that reporting. For example, BJS released the most recent NICS statistics for both the FBI NICS Section and the state and local agencies serving as POCs in June 2016 for calendar years 2013 and 2014. See U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Background Checks for Firearm Transfers, 2013 2014 Statistical Tables*, by Jennifer C. Karberg, Ronald J. Frandsen, Joseph M. Durso, Trent D. Buskirk, and Allina D. Lee, June 2016, NCJ249849, 28 pp.

<sup>27</sup> Data on appeals made by state and local agencies serving as POCs and estimates based on state surveys conducted by BJS are much more fragmentary, but suggest that the percentage of those overturned denials is higher than for the FBI.

<sup>28</sup> U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Background Checks for Firearm Transfers, 2013 2014 Statistical Tables*, by Jennifer C. Karberg, et al., June 2016, NCJ249849, pp. 5 and 7.

<sup>29</sup> Ibid.

enforcing federal gun control laws. On June 27, 1997, the ATF promulgated a final rule defining the following terms:

“Adjudicated as a mental defective” includes a determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence or a mental illness, incompetency, condition, or disease, (1) is a danger to himself or others, or (2) lacks the mental capacity to contract or manage his own affairs. The term also includes (1) a finding of insanity by a court in a criminal case and (2) those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. Sections 850a, 876(b).

“Committed to a mental institution” means a formal commitment of a person to a mental institution by a court, board, commission, or other lawful authority. The term includes commitments: (1) to a mental institution involuntarily; (2) for mental defectiveness or mental illness; or (3) for other reasons, such as drug use. The term does not include a person who is admitted to a mental institution for observation or who is voluntarily admitted.

“Mental institution” includes mental health facilities, mental hospitals, sanitariums, psychiatric facilities, and other facilities that provide diagnoses by licensed professionals of mental retardation or mental illness, including psychiatric wards in general hospitals.<sup>30</sup>

In its final rule, ATF noted that the VA had commented on the proposed rulemaking and had “correctly interpreted” the proposed definition of “adjudicated as a mental defective” to include persons who have been determined to be “mentally incompetent” by the Veterans Benefits Administration (VBA).<sup>31</sup> In a proposed rulemaking, the ATF opined that the inclusion of “mentally incompetent” VA beneficiaries in the definition of “adjudicated as a mental defective,” under the clause that a beneficiary “lacks the mental capacity to contract or handle his [or her] own affairs,” was wholly consistent with the legislative history of the GCA.<sup>32</sup> In compliance with the GCA, as amended by the Brady Act, and the ATF definition of “adjudicated as a mental defective,” the VBA provided the FBI with disqualifying records on 88,898 VA beneficiaries for the November 1998 implementation of NICS.

Under VA procedures, an individual is considered “mentally incompetent” if he or she lacks the mental capacity to contract or manage his or her own affairs for reasons related to injury or disease.<sup>33</sup> And, after 1998, these beneficiaries also fell under the definition of “adjudicated as a mental defective” under the administrative definition promulgated by ATF described above. Traditionally, the VA had used such determinations of mental incompetence as a basis for appointing a fiduciary to receive and manage a beneficiary’s VA benefits. According to the VA, during the determination process beneficiaries were notified that VA proposed to rate them “incompetent” and that they were able to request a hearing and submit evidence to the contrary if they wished. The VA also advised these beneficiaries regarding their right to appeal any final rating regarding their ability to receive and manage their own VA benefits. The VA, however, did not necessarily inform a beneficiary that he or she would lose his or her gun rights as a consequence of a VA determination of mental incompetency. Nor were the beneficiaries informed of the subsequent VA referrals to the FBI NICS Section.

The Veterans Health Administration (VHA) has not, with any known frequency, submitted any disqualifying records on VA medical care recipients to the FBI for inclusion in NICS for any

<sup>30</sup> *Federal Register*, vol. 62, no. 124, June 27, 1997, p. 34634.

<sup>31</sup> *Ibid.*, p. 34637.

<sup>32</sup> *Ibid.*

<sup>33</sup> See 38 C.F.R. §3.353 and *Federal Register*, vol. 61, no. 174, September 6, 1996, p. 47095.



medical/psychiatric reason such as post-traumatic stress disorder (PTSD). Although veterans with PTSD or any other condition, who have been involuntarily committed under a state court order to a VA medical facility because they posed a danger to themselves or others, are ineligible to ship, transport, receive, or possess a firearm or ammunition under federal law, the VHA does not appear to make a related referral about that ineligibility to the FBI. Instead, the state in which the court resides may submit the disqualifying record to the FBI, if such a submission would be appropriate and permissible under state law.<sup>34</sup>

Nevertheless, the decision by the VA to submit VBA records on “mentally incompetent” veterans to the FBI for inclusion in the NICS mental defective file generated some degree of controversy in 1999 and 2000.<sup>35</sup> Critics of this policy underscored that veterans routinely consented to “mentally incompetent” determinations so that a fiduciary could be appointed for them. Those critics contended that to take away a veteran’s Second Amendment rights without his foreknowledge was improper.<sup>36</sup> At that time, they also pointed out that no other federal agencies were providing similar disqualifying records to the FBI. VA spokespersons countered that they were required by law [the Brady Act] to provide those records to FBI and that the VA process for making mental incompetency determinations was not “haphazard.”<sup>37</sup> This controversy eventually subsided, only to re-emerge when Congress considered NIAA in 2007.

## NICS Improvement Amendments Act of 2007

In April 2007, a lone assailant armed with two pistols shot to death 32 individuals and nonfatally wounded another 17, before shooting himself to death at the Virginia Polytechnic Institute and State University (Virginia Tech) in Blacksburg, VA. Due to his disturbing on-campus behavior, the assailant had previously been evaluated by health care professionals and ordered by a judge to undergo “outpatient” mental health treatment, because he was deemed to be a threat to himself or others. At that time, however, Virginia state law only referred the subjects of “inpatient” court orders for such treatment to the FBI for inclusion in the NICS index. Following this mass shooting, the Virginia governor, now-Senator Timothy Kaine, reviewed the state statute and determined that henceforward subjects of either court-ordered inpatient or outpatient mental health care under such circumstances would be referred to the FBI for inclusion in the NICS index.<sup>38</sup>

In response to the Virginia Tech mass shooting, Congress passed the NICS Improvement Amendments Act of 2007 (NIAA).<sup>39</sup> This act includes provisions designed to encourage states to make available to the Attorney General certain records related to persons who are disqualified from acquiring firearms, particularly disqualifying records related to mental health adjudications, as well as domestic violence misdemeanor convictions and restraining orders. To accomplish this,

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<sup>34</sup> For further information on the treatment of mental illness and substance abuse for the purposes of gun control, see Donna M. Norris, M.D. et al., “Firearm Laws, Patients, and the Roles of Psychiatrists,” *American Journal of Psychiatry*, August 2006, pp. 1392–1396.

<sup>35</sup> John Dougherty, “VA Give FBI Health Secrets: Veterans’ Records Could Block Firearms Purchases,” *WorldNet Daily.com*, June 22, 2000; and “VA Defends Vets’ Records Transfers to NICS System,” *New Gun Week*, vol. 35, issue 1650, July 10, 2000, p. 1.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> For further information, see *Mass Shootings at Virginia Tech, April 16, 2007: Report of the Virginia Tech Review Panel Presented to Timothy M. Kaine, Governor, Commonwealth of Virginia*, August 2007, 147 pp.

<sup>39</sup> P.L. 110-180, January 8, 2008; 121 Stat. 2559.

the act establishes a framework of incentives and disincentives whereby the Attorney General is authorized to either waive a grant match requirement or reduce a law enforcement assistance grant depending upon a state's compliance with the act's goals of bringing such firearms-related disqualifying records online.

Among some gun rights advocates, however, opposition to the NIAA arose based on the assertion that, under these amendments, any veteran who was or had been diagnosed with PTSD and was found to be a "danger to himself or others would have his gun rights taken away ... forever."<sup>40</sup> Members of Congress included a provision in NIAA that required agencies to inform a claimant beforehand that they could lose their gun rights and privileges if they are found to be mentally incompetent as a condition of a benefit program's administration and eligibility. In addition, as under the state grant provisions, NIAA required those referring agencies to establish a firearms disabilities relief program, whereby any individual referred to the NICS index for reasons related to mental incompetency would be able to petition to have his or her gun rights and privileges restored, if and when he or she had overcome the incapacities that led to the initial finding.

The Bureau of Justice Statistics (BJS) has awarded \$109.8 million in NICS improvement grants to state and local governments from FY2009 through FY2016.<sup>41</sup> According to the BJS, there were 298,571 prohibiting records related to persons "adjudicated as a mental defective" or "committed [involuntarily] to a mental institution" in the NICS index as of January 1, 2007.<sup>42</sup> Of those records, state and local authorities had contributed 159,418 records (53.4%).<sup>43</sup> According to the FBI, there were 4,658,676 active prohibiting records on persons "adjudicated as a mental defective" or "committed [involuntarily] to a mental institution" in the NICS index as of December 31, 2016.<sup>44</sup> Of those records, state and local authorities had contributed 4,487,573 records (96.3%).<sup>45</sup> From the beginning of 2007 to the end of 2016, the number of those records contributed by state and local authorities to the NICS index had increased by 2,715%.

Federal agencies had contributed 171,083 such records to the NICS index, of which the VA had contributed 167,815 (98.1%), as of December 31, 2016.<sup>46</sup> By comparison, federal agencies had contributed 139,153 records to the NICS index as of January 1, 2007, the bulk of which were

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<sup>40</sup> Larry Pratt, "Veterans Disarmament Act to Bar Vets from Owning Guns," PrisonPlanet.com, September 23, 2007, <http://www.prisonplanet.com/articles/september2007/230907Disarmament.htm>.

<sup>41</sup> U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, "NICS Act Record Improvement Program (NARIP) Awards FY 2009 2016," <https://www.bjs.gov/index.cfm?ty=tp&tid=491#funding>. Over the last 22 fiscal years (FY1995 FY2016), Congress appropriated nearly \$772.8 million for NCHIP, or an annual average of \$35.1 million. The initial goal of NCHIP was to improve electronic access to firearms related disqualifying records, particularly felony indictment and conviction records. In the last three fiscal years, not less than \$62.0 million of NCHIP funding was set aside for purposes authorized under the NICS Improvement Amendments Act of 2007 (NIAA; P.L. 110 180). Over the five years (FY2009 FY2013), Congress appropriated an additional \$63.6 million for purposes authorized under NIAA, under a grant program that the BJS designated the NICS Amendments Record Improvement Program (NARIP). The goal on NARIP is to improve electronic access to disqualifying records on persons "adjudicated as a mental defective," convicted of a domestic violence misdemeanor, or subject to a domestic violence restraining order. BJS administers both NCHIP and NARIP.

<sup>42</sup> U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Background Checks for Firearm Transfers, 2007 Statistical Tables*, July 16, 2008, Table 9, <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=682>.

<sup>43</sup> Ibid.

<sup>44</sup> U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division, National Instant Criminal Background Check System (NICS) Section, *Active Records in the NICS Index as of December 31, 2016*, p. 6, <https://www.fbi.gov/file-repository/active-records-in-the-nics-index-by-state.pdf/view>.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

contributed by the VA.<sup>47</sup> The December 2016 SSA final rule established a similar program to the VA's; however, the SSA had not referred any disqualifying records to the FBI for inclusion in NICS Index before Congress passed legislation to vacate its rule.<sup>48</sup>

## **NIAA Requirements for Federal Departments and Agencies**

NIAA included several provisions that address the submission of disqualifying records by federal departments and agencies to the FBI for inclusion in NICS.

### **Attorney General's Authority to Secure Records**

NIAA (P.L. 110-180) amends the Brady Handgun Violence Prevention Act<sup>49</sup> to strengthen the Attorney General's authority to secure from any department or agency of the U.S. government information on persons who are prohibited from possessing or receiving a firearm under federal or state law.<sup>50</sup> The Brady Act, as amended by NIAA, requires those departments or agencies to (1) "furnish electronic versions" of that information quarterly; (2) update, correct, modify, or remove those records as required to maintain their timeliness, if those records are stored in any databases that are maintained or made available to the Attorney General, and (3) inform the Attorney General of any record changes so NICS could also be updated to reflect those changes. Furthermore, the act requires the Attorney General to submit to Congress an annual report on the compliance of each U.S. department or agency that possesses such disqualifying records.<sup>51</sup>

### **Record Accuracy and Confidentiality**

NIAA requires the Attorney General to ensure that any information submitted or maintained in NICS be kept accurate and confidential and that obsolete and erroneous names be removed from NICS and destroyed in a timely manner.<sup>52</sup> NIAA also requires the Attorney General to work with the states to develop computer systems that would electronically notify the Attorney General when a court order has been issued, lifted, or otherwise removed, or when a person has been adjudicated as mentally defective or committed to a mental institution.

### **Records Prohibited from Inclusion in NICS**

NIAA prohibits any department or agency of the U.S. government from providing the Attorney General with any record regarding the mental health of a person, or any commitment of a person

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<sup>47</sup> U.S. Department of Justice, Office of Justice Programs, *Bureau of Justice Statistics, Background Checks for Firearm Transfers, 2007 Statistical Tables*, July 16, 2008, Table 9, <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=682>.

<sup>48</sup> P.L. 115-8, February 28, 2017, 131 Stat. 15. For further information, see CRS Report R44752, *Gun Control, Mental Incompetency, and Social Security Administration Final Rule*, by William J. Krouse, Scott D. Szymendera, and William R. Morton.

<sup>49</sup> P.L. 103-159, Section 103(e).

<sup>50</sup> Section 101(a) of P.L. 110-180.

<sup>51</sup> For a list of federal departments and agencies that make NICS referrals, see U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division, National Instant Criminal Background Check System (NICS) Section, *Active Records in the NICS Index as of December 31, 2016*, p. 6, <https://www.fbi.gov/file-repository/active-records-in-the-nics-index-by-state.pdf/view>.

<sup>52</sup> Section 101(b)(2) of P.L. 110-180.

to a mental institution, if (1) the adjudication or commitment has been set aside or expunged, or the person has otherwise been fully released or discharged from all mandatory treatment, supervision, or monitoring; (2) the person in question has been found by a court, board, commission or other lawful authority to no longer suffer from a mental health condition; or (3) the adjudication or commitment is based solely on a medical finding of disability, without an opportunity for hearing by a court, board, or other lawful authority, and the person has not been “adjudicated as a mental defective.”<sup>53</sup>

## **Relief from Mental Defective Disability**

NIAA requires further that each department or agency of the U.S. government that makes adjudications related to the mental health of a person that impinges upon eligibility to possess or receive firearms to establish a process by which a person who is the subject of such an adjudication or determination could apply for relief from that disability.<sup>54</sup> (In this sense, the disability is the person’s ineligibility to transfer or possess a firearm under 18 U.S.C. §922(d)(4) or (g)(4).) The act requires further that applications for disability relief be processed not later than 365 days after receipt, and if the agency fails to resolve an application within 365 days for any reason (including a lack of appropriated funds), the application is deemed to have been resolved, triggering de novo judicial review.<sup>55</sup>

In addition, administrative “relief and review” provided under NIAA (subparagraph 101(c)(2)(B)) that would allow a prohibited beneficiary to petition to have his or her guns rights restored is required to be made available according to standards outlined in 18 U.S.C. section 925(c).<sup>56</sup> For persons who are granted relief from disability under the act, or who are the subject of mental health records that the act prohibits from being turned over to the Attorney General, the underlying events that were the basis for those records are deemed not to have occurred for the purposes of determining firearms transfer and possession eligibility under federal law.

## **Notice of Firearms Eligibility Loss and Disability Relief**

NIAA requires any federal department or agency that conducts proceedings to adjudicate a person as a mental defective to provide both oral and written notice of the following to the benefits claimant at the beginning of the adjudication process:

- that persons “adjudicated as a mental defective” are prohibited from purchasing, possessing, receiving, shipping or transporting a firearm or ammunition under federal law;
- what the penalties are for violating related federal firearms provisions; and

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<sup>53</sup> Section 101(c)(1) of P.L. 110 180.

<sup>54</sup> Subparagraph 101(c)(2)(A) of P.L. 110 180.

<sup>55</sup> De novo review is a standard of review used by a court to rule on evidence and matters of law without giving deference to a lower court’s legal conclusions or findings. As of December 2016, 32 states have established administrative relief programs to comply with the grant eligibility provisions of P.L. 110 180.

<sup>56</sup> Subparagraph 101(c)(2)(B) of P.L. 110 180. Under 18 U.S.C. §925(c), the Attorney General is allowed to consider petitions from a prohibited person for “relief from disabilities” and have his firearms transfer and possession eligibility restored. Since FY1993, however, a rider on the ATF annual appropriations for salaries and expenses has prohibited the expenditure of any funding provided under that account on processing such petitions. For FY1993, see P.L. 102 393; 106 Stat. 1732 (1992). For FY2015, see P.L. 113 235, 128 Stat. 2187 (2014).

- what relief from such disability with respect to firearms is available under federal law.<sup>57</sup>

## VA Implementation of Brady Act and NIAA

As noted above, the VA has contributed the bulk of the federal records in the NICS index related to individuals who have been “adjudicated as a mental defective.” Hence, the VA and its policies are one example of federal implementation of the Brady Act, as amended by NIAA. Under current VA regulations, the VA has the authority to determine the competency status of a person receiving VA benefits.<sup>58</sup> The VA may appoint a fiduciary to receive benefits on behalf of a beneficiary determined to be incompetent. In addition, the VA is to refer the name of any beneficiary determined to be incompetent to the FBI for inclusion in the NICS.<sup>59</sup>

### Individuals Who Have Their Names Reported to NICS

The VA is to report the names of all beneficiaries determined to be incompetent to the FBI for inclusion in the NICS. The VA’s regulations define a “mentally incompetent person” as:

one who because of injury or disease lacks the mental capacity to contract or to manage his or her own affairs, including disbursement of funds without limitation.<sup>60</sup>

This regulatory definition of a “mentally incompetent person” does not include any consideration of whether the person is considered to have a propensity for violence or is considered a threat to himself or herself or others. Thus, for example, a veteran who during the determination process for Veterans Disability Compensation (VDC) indicates that because of a traumatic brain injury he is experiencing some short-term memory loss which affects his ability to manage his finances, could be determined to be “mentally incompetent” even if there is no evidence that this veteran’s condition would impair his ability to safely own or handle a firearm or that he is a threat to himself or others.

When making a determination as to the competency of a beneficiary, the regulations require that VA only make a determination of incompetency if either:

- the medical evidence is clear, convincing, and leaves no doubt as to the beneficiary’s incompetency; or
- there is a definite expression regarding the beneficiary’s incompetency by responsible medical authorities.<sup>61</sup>

In addition, the regulations provide that if there is reasonable doubt as to the incompetency of the beneficiary, the beneficiary will be determined to be competent.<sup>62</sup>

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<sup>57</sup> Paragraph 101(c)(3) of P.L. 110 180.

<sup>58</sup> 38 C.F.R. §3.353.

<sup>59</sup> The authority for the VA to refer the names of beneficiaries determined to be incompetent to the FBI for inclusion in the NICS is not explicitly provided for in the VA regulations. However, it is described in Department of Veterans Affairs, *M21 1 Adjudication Procedures Manual*, Section III.v.9.B.4.a., [http://www.knowva.ebenefits.va.gov/system/templates/selfservice/va\\_ss/#!/portal/554400000001018/topic/554400000004210/M21\\_1\\_Adjudication\\_Procedures\\_Manual](http://www.knowva.ebenefits.va.gov/system/templates/selfservice/va_ss/#!/portal/554400000001018/topic/554400000004210/M21_1_Adjudication_Procedures_Manual).

<sup>60</sup> 38 C.F.R. §3.353(a).

<sup>61</sup> 38 C.F.R. §3.353(c).

<sup>62</sup> 38 C.F.R. §3.353(d).

## **How Are Affected Individuals Notified by the VA and What Information Is Provided?**

Federal regulations require that a beneficiary be notified by the VA about the agency's proposed determination of incompetency.<sup>63</sup> It is the policy of the VA that both this notice, as well as the notice of the final determination of incompetency, include information on the impact of an incompetency decision on the beneficiary's right to purchase, possess, receive, or transport a firearm or ammunition.<sup>64</sup>

## **How Do Affected Individuals Have Their Records Removed from the NICS?**

Beneficiaries who have had their names submitted by the VA to the FBI for inclusion in the NICS due to determinations of incompetency may contest both the determination and the inclusion of their names on the NICS. The VA's determination of incompetency is subject to the same due process and appeals procedures as other VA decisions.<sup>65</sup> For the purposes of a determination of incompetency, this includes the following procedures provided in regulation and codified in statute pursuant to Section 14017 of the 21<sup>st</sup> Century Cures Act:

- notice by the VA to the beneficiary of the proposed determination and supporting evidence;
- the opportunity for the beneficiary to request a hearing;
- the opportunity for the beneficiary to present evidence, including the opinion of a medical professional or other person, as to the beneficiary's capacity to manage his or her benefits; and
- the opportunity to be represented by counsel, at no cost to the federal government, and bring a medical professional or other person to provide testimony at any hearing.<sup>66</sup>

A beneficiary dissatisfied by the decision of the VA regarding his or her competency has the right to a hearing before the Board of Veterans Appeals (BVA) and the right of judicial review of the BVA's decision by the U.S. Court of Appeals for Veterans Claims. Decisions of the U.S. Court of Appeals for Veterans Claims may be appealed to the U.S. Court of Appeals for the Federal Circuit.

In addition to contesting or appealing the determination of incompetency, a beneficiary may separately seek relief from the VA's decision to report his or her name to the FBI for inclusion in the NICS. Because the decision of the VA to report a beneficiary to the FBI for inclusion in the NICS is not considered a decision by the agency on a benefit provided by law, the VA does not have a duty to assist the beneficiary with the request for relief; burden of proof is on the beneficiary requesting relief; and failure to meet the burden of proof is sufficient cause for the request for relief to be denied.<sup>67</sup>

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<sup>63</sup> 38 C.F.R. §3.353(e).

<sup>64</sup> Department of Veterans Affairs, *M21 1 Adjudication Procedures Manual*, Section III.v.9.B.4.b.

<sup>65</sup> 38 C.F.R. §§3.103 and 3.353(e).

<sup>66</sup> P.L. 114 255, December 13, 2016; 130 Stat. 1307; codified at 38 U.S.C. §5501A.

<sup>67</sup> Department of Veterans Affairs, *M21 1 Adjudication Procedures Manual*, Section III.v.9.B.4.c. Federal law at 38



When deciding whether or not to grant a veteran's request for relief, the VA must consider the following types of evidence:

- a current statement from the beneficiary's primary mental health physician that assesses the beneficiary's current and past mental health status; and
- evidence concerning the beneficiary's reputation.<sup>68</sup>

The VA must deny a request for relief if there is clear and convincing evidence that the beneficiary would be a danger to himself or herself or others if the relief was granted.<sup>69</sup> If such evidence does not exist, the VA must consider granting the request for relief.<sup>70</sup> In order to grant relief, there must be clear and convincing evidence that affirmatively, substantially, and specifically, shows that:

- the beneficiary is not likely to act in a manner that is dangerous to the public; and
- granting relief will not be contrary to the public interest.<sup>71</sup>

A decision of the VA to deny relief cannot be appealed to the BVA or U.S. Court of Appeals for Veterans Claims, but is subject to judicial review by a U.S. District Court.<sup>72</sup>

## Legislation in the 114<sup>th</sup> Congress

During the seven-year period 2008-2014, the Senate and the House both acted on proposals that would basically prohibit the VA from finding a veteran or other beneficiary to be "mentally incompetent" and thus a "mental defective" for the purposes of gun control, unless such a finding were made by a judge, magistrate, or other judicial authority based upon a finding that the beneficiary posed a danger to himself or others.

In the 114<sup>th</sup> Congress, the Senate considered several amendments that addressed gun control, mental incompetency, and or veterans' benefits following the December 2015 San Bernardino, CA, and June 2016 Orlando, FL, mass shootings. Although the Senate blocked all these amendments on procedural grounds, Congress included a provision in an enacted bill that addresses VA procedures.<sup>73</sup> Discussion of similar legislation considered in the 110<sup>th</sup> through the 113<sup>th</sup> Congresses is included in an **Appendix** to this report.

### Manchin-Toomey Amendment

On December 3, 2015, during Senate consideration of the Restoring Americans' Healthcare Freedom Reconciliation Act (H.R. 3762), Senators Joe Manchin and Patrick Toomey offered an amendment (S.Amdt. 2908) that would have amended veterans law to prohibit the VA from turning records on veterans or other beneficiaries who had been determined mentally incompetent

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U.S.C. §5103A requires the VA to assist claimants in obtaining evidence necessary to substantiate their claims for benefits.

<sup>68</sup> Department of Veterans Affairs, *M21-1 Adjudication Procedures Manual*, Section III.v.9.B.4.h.

<sup>69</sup> *Ibid.*, Section III.v.9.B.4.i.

<sup>70</sup> *Ibid.*, Section III.v.9.B.4.j.

<sup>71</sup> *Ibid.*

<sup>72</sup> *Ibid.*, Section III.v.9.B.4.g.

<sup>73</sup> For further information, see CRS Report R44655, *Gun Control: Federal Law and Legislative Action in the 114th Congress*, by William J. Krouse.

over to the FBI for inclusion in the NICS index unless certain notification and review conditions had been met.<sup>74</sup> Under the amendment, the Secretary of Veterans Affairs first would have been required to provide to a beneficiary, who had been deemed mentally incompetent for VA purposes, notification that included (a) the determination made by the Secretary; (b) a description of the implications of such a determination upon one's firearms eligibility under federal law; and (c) the right to request review by the board that would have been established by the VA or a court of competent jurisdiction.

Within 180 days of enactment, the Manchin-Toomey amendment would have required the Secretary of Veterans Affairs to establish a board that would have reviewed, upon request by a VA beneficiary, whether the individual's status as mentally incompetent for the purpose of receiving benefits prevented him from possessing firearms under the GCA. As mentioned above, a VA beneficiary would have had the option to request such a review from this board or from a court of competent jurisdiction. Under the Manchin-Toomey provision, the board would have been able to consider the individual's honorable discharge or decoration in determining whether he or she "cannot safely use, carry, possess, or store firearms due to mental incompetency." A beneficiary who received a determination from the board also would have been permitted to seek judicial review in federal court of the board's decision. It appears that until this review process was complete, a person would not have been considered "adjudicated as a mental defective" for purposes of firearms eligibility. As such, it appears that the Secretary, by implication, would not have been permitted to make a NICS referral during this period of time.

If a beneficiary did not request review by a board or court of competent jurisdiction within 30 days after receiving the initial notification from the Secretary, then the beneficiary who was to be determined mentally incompetent would have been considered "adjudicated as a mental defective" for purposes of the GCA. This suggests that the Secretary would not have been able to make a NICS referral until the 30-day period had passed.

For VA beneficiaries who had already been considered "adjudicated as a mental defective" after being determined mentally incompetent by the VA, the Manchin-Toomey amendment would have required the Secretary to provide, within 90 days of enactment, written notice to these individuals of the opportunity for administrative review and appeal, as would have been established by the amendment. Furthermore, the amendment would have also required the Secretary to review and revise all policies and procedures whereby beneficiaries are determined to be mentally incompetent, so that any individual "who is competent to manage his own financial affairs, including receipt of Federal benefits, but who voluntarily turns over the management thereof to a fiduciary is not" considered "adjudicated mentally defective" for purposes of the GCA. Within 30 days of conducting this review, the Secretary would have been required to submit to Congress a report detailing the results of the review and any resulting policy and procedural changes. The Senate blocked this amendment on procedural grounds.

On June 15, 2016, Senator Manchin submitted a nearly identical amendment (S.Amdt. 4716) during consideration of the FY2017 Departments of Commerce and Justice, Science, and Related Agencies (CJS) Appropriations bill (H.R. 2578, the expected vehicle for S. 2837); however, the amendment was not brought to a vote. Also, in the 114<sup>th</sup> Congress, Representatives Peter King and Mike Thompson introduced a measure, the Public Safety and Second Amendment Rights Protection Act of 2015 (H.R. 1217), which was nearly identical to the Manchin-Toomey amendment.

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<sup>74</sup> As described in the **Appendix** to this report, the Senate previously considered the Manchin Toomey amendment (S.Amdt. 715 to S. 649, 113<sup>th</sup> Congress) following the Newtown, CT, mass public shooting in April 2013. For further information, see also CRS Report R42987, *Gun Control Legislation in the 113th Congress*, by William J. Krouse.



## Murphy Amendment

On June 16, 2016, by comparison, during Senate consideration of the Departments of Commerce and Justice, Science, and Related Agencies Appropriations Bill, 2017 (H.R. 2578, the expected vehicle for S. 2837), Senator Christopher Murphy offered an amendment (S.Amdt. 4750) that would have codified the ATF current regulatory definition of “adjudicated as a mental defective.”<sup>75</sup> The Senate blocked this amendment on procedural grounds.

## Grassley Amendments

In the 114<sup>th</sup> Congress, Senator Charles Grassley offered amendments (S.Amdt. 2914 and S.Amdt. 4751) during consideration of H.R. 3762 and H.R. 2578, respectively. These amendments would have also amended the GCA and replaced the term “adjudicated as a mental defective” with the term “mentally incompetent” in both 18 U.S.C. Section 922(d) and (g). In addition, these amendments would have also amended the GCA to define the terms “has been adjudicated mentally incompetent or has been committed to a psychiatric hospital,” “order or finding,” and “psychiatric hospital.” These definitions and other language would have narrowed the scope of whose records, and under what circumstances, a federal or state agency could refer to the FBI for inclusion in the NICS mental defective file. The Senate blocked this amendment on procedural grounds.

In addition, during the 114<sup>th</sup> Congress, Senator Grassley submitted an amendment (S.Amdt. 4120) during consideration of the National Defense Authorization Act for Fiscal Year 2017 (S. 2943). This amendment would have prohibited the VA Secretary from making a NICS referral to the FBI on any person as “adjudicated as a mental defective,” “without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.” This amendment was not brought to a vote.

## P.L. 114-255 Provision

In December 2016, Congress included a provision in the 21<sup>st</sup> Century Cures Act that codified elements of the VA’s implementation of NIAA.<sup>76</sup> Section 14017 of this act amended 38 U.S.C. with a new section, 5501A, to prohibit the VA Secretary from making certain determinations of mental competency about VA benefits claimants, unless the claimant is:

- notified of the proposed adverse determination and the supporting evidence;
- provided an opportunity to request a hearing to address such a proposed adverse determination;
- given the opportunity to present evidence, including an opinion from a medical professional or other person, on his or her capacity to manage his or her own monetary benefits paid to or for him or her by the Secretary under this title; and
- given the opportunity to be represented by counsel at a hearing and to bring a medical professional or other person to provide relevant testimony at any such hearing at no expense to the government.

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<sup>75</sup> The Murphy amendment reflects language previously included in a proposal introduced by Senator Chuck Schumer and Representative Jackie Speier, the Fix Gun Checks Act (S. 2934 and H.R. 3411) in the 114<sup>th</sup> Congress.

<sup>76</sup> P.L. 114 255, December 13, 2016; 130 Stat. 1307; codified at 38 U.S.C. §5501A. For further information, see CRS Report R44718, *The Helping Families in Mental Health Crisis Reform Act of 2016 (Division B of P.L. 114 255)*, coordinated by Erin Bagalman.

In short, this provision gives benefit claimants the ability to present evidence from their own health care providers and have counsel present during an administrative hearing to contest a determination of mental incompetency by the VA.

## Related Congressional Action in the 115<sup>th</sup> Congress

In the wake of the December 2012 Newtown, CT, mass shooting,<sup>77</sup> the Department of Justice (DOJ) issued guidance to agencies regarding the identification and sharing of relevant federal records and their submission to the NICS. DOJ later determined that SSA must report to the Attorney General information about certain Social Security and Supplemental Security Income (SSI) beneficiaries for whom a representative payee was appointed because they were determined by SSA to be unable to manage their benefits due to a mental impairment.

SSA issued a notice of proposed rulemaking concerning its implementation of the NIAA on May 5, 2016,<sup>78</sup> and published its final rule on December 19, 2016.<sup>79</sup> The final rule specified the conditions under which SSA would have reported for inclusion in the NICS a Social Security or SSI disability beneficiary's disqualifying records. The rule also outlined SSA's process for notifying affected individuals as well as the administrative appeals process under which such individuals would have requested relief from the federal firearms prohibitions. The final rule became effective on January 18, 2017; however, compliance would not have been required until December 19, 2017.<sup>80</sup>

In addition, the ATF issued proposed regulations to clarify further individuals who might fall under this definition. This proposed regulation has not been made final.<sup>81</sup> It is significant to note that the NICS index is not intended to be a registry of all individuals diagnosed with a mental illness. Nonetheless, the subsequent legislative history shows that some Members of Congress have long taken issue with the ATF interpretation of the term "adjudicated as a mental defective."<sup>82</sup>

On February 2, 2017, the House of Representatives passed a Congressional Review Act disapproval resolution (H.J.Res. 40) to overturn a final rule promulgated by the SSA regarding implementation of firearms restrictions for certain persons.<sup>83</sup> The House joint resolution passed

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<sup>77</sup> On December 14, 2012, in Newtown, CT, a 20 year old male entered Sandy Hook Elementary School and shot 20 1<sup>st</sup> graders and 6 adult staff members to death. He also shot his mother to death. For further information, see *Report of the State's Attorney for the Judicial District of Danbury on the Shootings at Sandy Hook Elementary School and 36 Yogananda Street, Newtown, Connecticut on December 14, 2012*, November 25, 2013, 116 pp.

<sup>78</sup> Social Security Administration (SSA), "Implementation of the NICS Improvement Amendments Act of 2007," 81 *Federal Register* 27059, May 5, 2016.

<sup>79</sup> SSA, "Implementation of the NICS Improvement Amendments Act of 2007," 81 *Federal Register* 91702, December 19, 2016.

<sup>80</sup> See 20 C.F.R. §§421.100 421.170.

<sup>81</sup> U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, "Amended Definition of 'Adjudicated as a Mental Defective' and 'Committed to a Mental Institution' (2010R 21P)," 79 *Federal Register* 774, January 7, 2014.

<sup>82</sup> In the 110<sup>th</sup>, 111<sup>th</sup>, 112<sup>th</sup>, and 113<sup>th</sup> Congresses, either the Senate or House, or both, acted on bills that would have prohibited the VA from finding a veteran or other beneficiary to be "mentally incompetent" and thus a "mental defective" for the purposes of gun control, unless such a finding were made by a judge, magistrate, or other judicial authority based upon a finding that the beneficiary posed a danger to himself or others. None of these bills were enacted. For further information, see CRS Report R42987, *Gun Control Legislation in the 113th Congress*, by William J. Krouse.

<sup>83</sup> For further information, see CRS Report R43992, *The Congressional Review Act (CRA): Frequently Asked*

by recorded vote: 235-180 (Roll no. 77). The joint resolution also bars the SSA from promulgating any rule in the future that would be “substantially the same” as the disapproved rule unless the agency received a new statutory authorization to do so. On February 15, 2017, the Senate passed the House disapproval resolution (H.J.Res. 40) by a recorded vote: 57-43 (Roll no. 66). On February 28, 2017, President Donald Trump signed this resolution into law (P.L. 115-8) effectively vacating the SSA final rule.

## Possible Issues for Congress

Prior to the Brady Act, there were no systematic, nationwide efforts to collect electronic records at the federal level on persons “adjudicated as a mental defective” or “committed to a mental institution” for the purposes of gun control. Hence, to more fully implement the Brady Act and develop NICS, efforts were made to acquire records on such persons from federal departments and agencies, as well as state and local governments. To advance these efforts, the ATF promulgated a regulation defining the term, “adjudicated as a mental defective.” As discussed above, this definition was developed in consultation with the VA, and was reviewed by then Attorney General Janet Reno’s Department of Justice. The existing VA benefit claims and disability ratings procedures for making “mental incompetency” determinations based on the need to appoint a fiduciary for a beneficiary were deemed substantive enough to consider a person “adjudicated as a mental defective” under the GCA. During the FBI’s initial rollout of NICS, the SSA reviewed its procedures and decided they were not substantive enough to justify making mental incompetency determinations for the purposes of gun control. In the wake of the December 2012 Newtown, CT mass shooting, however, the White House under then-President Barack Obama and then-Attorney Generals, Eric Holder and Loretta Lynch, directed the SSA to reconsider that decision.

Congress, meanwhile, passed the 21<sup>st</sup> Century Cures Act (P.L. 114-255) in the last days of the 114<sup>th</sup> Congress. As described above, this law included provisions that codified the VA procedures related to mental incompetency determinations and potential loss of gun rights that Congress required under NIAA. Some observers view the codification of the VA procedures as a congressional endorsement of those procedures. They argue that post-NIAA VA procedures strike the correct balance between protecting mentally incompetent VA beneficiaries from the harm they might do themselves, and protecting the public from the harm they might do to others, while protecting their rights under the Second Amendment.

In December 2016, the SSA published a final rule that would have established similar, but slightly different, procedures for certain disability compensation beneficiaries. The SSA rule would have not only based the mental incompetence determination on an inability to handle one’s day-to-day affairs, but would have also tied that determination to certain diagnosed mental impairments. In addition, the SSA rule would have also placed lower and upper age limits on those determinations for the purposes of NICS referrals.<sup>84</sup> Consequently, the SSA final rule would not have been as inclusive as the VA benefit claims and disability rating procedures, possibly calling into question

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*Questions*, by Maeve P. Carey and Christopher M. Davis.

Also, see Social Security Administration, “Implementation of the NICS Improvement Amendments Act of 2007,” 81 *Federal Register* 91702 91715, December 19, 2016.

<sup>84</sup> Under the now vacated SSA final rule, NICS referrals would not have been made for beneficiaries under the age 18 years or over Social Security’s full retirement age (currently 66 years). Under the Obama Administration, ATF considered whether a lower bound age limit ought to be promulgated in a proposed rule, but it made no specific proposal with regard to such an age limit in that rule, which has not been finalized. U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, “Amended Definition of ‘Adjudicated as a Mental Defective’ and ‘Committed to a Mental Institution’ (2010R 21P),” 79 *Federal Register* 774, January 7, 2014.

whether the VA procedures were overly inclusive. Nonetheless, the SSA final rule did not address whether such beneficiaries also demonstrated that they were a danger to themselves or others. As noted above, under the Congressional Review Act, Congress passed a bill that vacated that SSA final rule in the early days of the 115<sup>th</sup> Congress (P.L. 115-8).

Supporters of H.R. 1181 have stated that they believe that the existing VA benefit claims and ratings procedures are not substantive enough to justify taking a person's gun rights, calling into question where, when, how, and by whom would it be appropriate to make mental incompetency determinations for the purposes of gun control. Under H.R. 1181, the VA could still be obligated to make such determinations as part of its benefit claims and disability ratings procedures. If so, would the VA be required to establish new policies and procedures, under which cases for final mental incompetency determinations for the purposes of gun control would be placed before a "magistrate or judicial official"? In addition, if the provisions of H.R. 1181 are retrospective, could the VA also be required to cull through all its active NICS referrals and submit administrative cases against some, but not all, of those beneficiaries to a "magistrate or judicial official" on the grounds that they could be a threat to themselves or others?

These circumstances also call into question what obligations the SSA might still have, if any, under the GCA in light of the recently vacated final rule and the possible enactment of H.R. 1181. Should the VA and SSA place such mental incompetency determination cases for the purposes of gun control before the same adjudicative body? Would they have parallel administrative processes, and common adjudicative bodies that handle similar mental incompetency cases? Or would the VA and SSA have separate processes and adjudicative bodies? Or would they take those cases to state and local magistrates and judicial officials to adjudicate?

Another set of questions relates to whether other federal departments and agencies, such as, for example, agencies of the Department of Health and Human Services, ought to be contributing records to NICS on mentally incompetent beneficiaries who potentially pose a danger to themselves or others. For example, how would those departments and agencies handle mental incompetency determinations for the purposes of gun control? It is unclear what either set of requirements, the existing VA procedures or the possible enactment of H.R. 1181, could mean for state and local governments that have submitted, or would submit, records on persons deemed too mentally incompetent to be trusted with a firearm. If the VA procedures stand or H.R. 1181 is enacted, the Attorney General might be called to set expectations in terms of guidance for state and local governments, especially absent any state laws governing the referral of such records to the FBI for inclusion on the NICS Index. For now, there appears to be a lack of consensus about the type and severity of mental incompetence or mental illness that ought to be the basis for including a prohibiting record on an individual in a nationwide information sharing platform like the NICS Index for the purposes of gun control.

## Appendix. Legislative History 110<sup>th</sup>-113<sup>th</sup> Congresses

Proposals similar to H.R. 1181 were reported from committee, and passed either the House or Senate, or both from the 110<sup>th</sup> through the 113<sup>th</sup> Congresses (2007-2014).

### 110<sup>th</sup> Congress

In the 110<sup>th</sup> Congress, Senator Richard Burr first introduced the Veterans' 2<sup>nd</sup> Amendment Protection Act (S. 3167). This bill would have provided that "a veteran, surviving spouse, or child who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective" for purposes of the Gun Control Act, "without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such veteran, surviving spouse, or child is a danger to him or herself or others." Later, Senator Burr successfully offered similar language as an amendment to the Veterans' Medical Personnel Recruitment and Retention Act of 2008 (S. 2969) that included similar language, during Committee on Veterans' Affairs markup of that bill on June 26, 2008. However, Senate leadership did not bring S. 2969 to the floor for further consideration.

### 111<sup>th</sup> Congress

In the 111<sup>th</sup> Congress, Senator Burr reintroduced his proposal (S. 669) to change the effect that being determined mentally incompetent has on one's eligibility to possess or purchase a firearm under federal law. The Senate Veterans' Affairs Committee reported this stand-alone bill on June 16, 2009 (S.Rept. 111-27), which included the following assessment:

Under a Memorandum of Understanding entered into between the FBI and VA, VA agreed to make available for inclusion on the NICS database information about VA beneficiaries who are determined to be mentally incompetent on account of their inability to contract or manage their own affairs pursuant to part 3.353 of title 38, Code of Federal Regulations. Determinations of incompetency under part 3.353 result in an appointment of a fiduciary.

The evidence gathered to support a finding of incompetency, under part 3.353 of VA's regulations, is used to inform a judgment about whether a beneficiary is capable of managing their VA benefit payments. No evidence is gathered as part of this process to inform a judgment about whether a beneficiary presents a danger to themselves or others, or whether they should be prohibited from purchasing, possessing, or operating a firearm. Furthermore, although beneficiaries are entitled to a hearing once notified that it is proposed they will be determined incompetent, the initial hearing is before VA personnel, not an independent authority. From the date of the initial request of the Attorney General through October, 2007, VA has shared information with NICS on over 116,000 individuals for whom it has appointed a fiduciary. VA was unable to provide the Committee with updated information about how many additional names have been added or removed from NICS since October 2007. Despite the fact that other agencies, such as the Social Security Administration, appoint fiduciaries to manage benefit payments for their beneficiaries in a manner similar to VA's process, VA beneficiaries constitute the overwhelming majority of individuals referred to the FBI by the Federal government.<sup>85</sup>

However, Senate leadership did not bring S. 669 to the floor for further consideration.

The House Veterans' Affairs Committee considered and approved a similar proposal that Representative John Boozman offered as an amendment to a draft bill—the Veterans Benefits and

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<sup>85</sup> U.S. Congress, Senate Committee on Veterans' Affairs, *Veterans' 2<sup>nd</sup> Amendment Protection Act*, 111<sup>th</sup> Cong., 1<sup>st</sup> sess., June 16, 2009, pp. 2-4.



Economic Welfare Improvements Act of 2010—in full committee markup on September 15, 2010. The Boozman amendment was included in the reported version of the bill (H.R. 6132; H.Rept. 111-630), which included the following passage:

The Committee agrees that there is a non sequitur in rationale under current law in assuming that simply because a veteran, or other beneficiary, needs to have a fiduciary appointed, then the veteran is mentally defective and should go on the NICS list. The NICS Improvement Amendments Act of 2007, P.L. 110 180 (121 Stat. 2559), allows those veterans whose names are given to NICS to appeal the action to the agency that made the decision.

However, when the House considered H.R. 6132 under suspension of the rules, the version of the bill that was called up did not include the Boozman amendment. Representative Jerry Moran introduced a similar bill (H.R. 2547), but no further action was taken on that measure.

## 112<sup>th</sup> Congress

In the 112<sup>th</sup> Congress, the House reconsidered the issue of veterans, mental incompetency, and firearms eligibility, and passed a bill, but it was not enacted. On May 13, 2011, Representative Denny Rehberg introduced the Veterans 2<sup>nd</sup> Amendment Protection Act (H.R. 1898). This bill would have prohibited the VA from determining a beneficiary to be mentally incompetent for the purposes of gun control, unless such a determination were made by a judge, magistrate, or other judicial authority based upon a finding that the beneficiary posed a danger to himself or others. On July 22, 2011, the House Committee on Veterans' Affairs Subcommittee on Disability and Memorials marked up and reported the Veterans' Benefits Training Improvement Act of 2011 (H.R. 2349). During markup, Representative Denny Rehberg successfully offered language that was nearly identical to H.R. 1898 as an amendment to H.R. 2349. On October 6, 2011, the full committee reported this bill (H.Rept. 112-241), which included the following paragraphs:

Testimony submitted by the Reserve Officers Association (ROA) in connection with the Subcommittee on Disability Assistance and Memorial Affairs hearing on July 7, 2011, pointed out the risks of VA assigning labels through an administrative process to those who have served in the military, which only serve to inflame the public's distrust of the mental capacity of those same individuals. In this case, VA's designation of veterans appointed a fiduciary as "mentally incompetent" automatically attaches to it a placement on the NICS list, a list filled with criminals and others who have demonstrated through their actions that they present a danger to society. The GCA process [that the] VA has been directed to follow unfairly labels veterans as potentially dangerous without appropriate due process.

The Committee is in absolute agreement that individuals who are a danger to themselves or others should not be permitted to own or possess a firearm. However, the Committee is deeply troubled with what appears to be an arbitrary and discriminatory process that allows a non judicial authority to presume individuals seeking help from VA as threats to society when they may only need help managing their financial affairs. The Committee believes a rational process, in an appropriate forum, is an absolute necessity before Constitutional rights are abridged for any American, but especially America's veterans.<sup>86</sup>

On October 11, 2011, the House considered and passed H.R. 2349 by a voice vote with the Rehberg amendment. Senator Burr subsequently reintroduced his bill (S. 1707)—the Veterans Second Amendment Protection Act—on October 13, 2011, but no further action was taken on this bill.

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<sup>86</sup> U.S. Congress, House Committee on Veterans' Affairs, *Veterans Benefits Act of 2011*, 112<sup>th</sup> Cong., 1<sup>st</sup> sess., October 6, 2011, pp. 14 15.

## 113<sup>th</sup> Congress

In the 113<sup>th</sup> Congress, on May 8, 2013, the House Committee on Veterans' Affairs approved the Veterans 2<sup>nd</sup> Amendment Protection Act (H.R. 602), by voice vote. Under H.R. 602, a person who is a beneficiary of disability compensation and pension programs administered by the VA, who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness could not be considered "adjudicated as a mental defective" for the purposes of federal firearms eligibility determinations, without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others. H.R. 602 was introduced by Representative Jeff Miller. An identical bill (H.R. 577) was introduced by Representative Steve Stockman.

Senator Burr reintroduced his bill (S. 572), which was identical to the two House proposals. On June 12, 2013, in testimony before the Senate Committee on Veterans' Affairs, the Administration voiced its opposition to S. 572 and, by implication, to H.R. 602:

The bill would, in effect, exclude VA determinations of incompetency from the coverage of the Brady Handgun Violence Prevention Act. VA does not support this bill.

VA determinations of mental incompetency are based generally on whether a person, because of injury or disease, lacks the mental capacity to manage his or her own financial affairs. We believe adequate protections can be provided to these Veterans under current statutory authority. Under the [National Instant Criminal Background Check System] NICS Improvement Amendments Act of 2007, individuals whom VA has determined to be incompetent can have their firearms rights restored in two ways: First, a person who has been adjudicated by VA as unable to manage his or her own affairs can reopen the issue based on new evidence and have the determination reversed. When this occurs, VA is obligated to notify the Department of Justice to remove the individual's name from the roster of those barred from possessing and purchasing firearms. Second, even if a person remains adjudicated incompetent by VA for purposes of handling his or her own finances, he or she is entitled to petition VA to have firearms rights restored on the basis that the individual poses no threat to public safety. VA has relief procedures in place, and we are fully committed to continuing to conduct these procedures in a timely and effective manner to fully protect the rights of our beneficiaries.

Also, the reliance on an administrative incompetency determination as a basis for prohibiting an individual from possessing or obtaining firearms under Federal law is not unique to VA or Veterans. Under the applicable Federal regulations implementing the Brady Handgun Violence Prevention Act, any person determined by a lawful authority to lack the mental capacity to manage his or her own affairs is subject to the same prohibition. By exempting certain VA mental health determinations that would otherwise prohibit a person from possessing or obtaining firearms under Federal law, the bill would create a different standard for Veterans and their survivors than that applicable to the rest of the population and could raise public safety issues.<sup>87</sup>

During Senate consideration of the Safe Communities, Safe Schools Act of 2013 (S. 649), language regarding veterans and firearms was included in amendments offered by Senators Joe Manchin and Patrick Toomey, Senator Charles Grassley, and Senator Burr. The Senate rejected these amendments, but a final vote was not taken on S. 649.

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<sup>87</sup> U.S. Department of Veterans Affairs, written statement of Curtis L. Coy, Deputy Under Secretary for Economic Opportunity, Veterans Benefits, presented to the Senate Committee on Veterans' Affairs, June 12, 2013, available at [http://www.veterans.senate.gov/hearings.cfm?action=release.display&release\\_id=6d839502\\_3b01\\_4a1f\\_9dd2\\_6292724455a0](http://www.veterans.senate.gov/hearings.cfm?action=release.display&release_id=6d839502_3b01_4a1f_9dd2_6292724455a0).

Senator Burr's amendment was identical to his bill (S. 572) and the House-reported bill (H.R. 602) described above. While similar in spirit, the Manchin-Toomey amendment would have established more specific requirements than the amendment offered by Senator Burr (S.Amdt. 720), which is identical to Senator Burr's bill (S. 572), and the House-reported bill (H.R. 602). The Burr amendment was rejected by a recorded vote: 56-44 (Record Vote Number: 102).

Under the Manchin-Toomey amendment (S.Amdt. 715), the Secretary of Veterans Affairs first would have been required to provide to a beneficiary, who has been deemed mentally incompetent for VA purposes, notification that includes (a) the determination made by the Secretary; (b) a description of the implications of such a determination upon one's firearms eligibility under federal law; and (c) the right to request review by the board that would be established by the VA or a court of competent jurisdiction. The Manchin-Toomey amendment was rejected by a recorded vote: 54-46 (Record Vote Number: 97).<sup>88</sup>

Alternatively, the Grassley amendment (S.Amdt. 725), which was commonly referred to as the "GOP substitute," would have substituted the term "mentally incompetent" in both 18 U.S.C. §922(d) and (g), in lieu of "adjudicated as a mental defective," and would have amended the GCA to define "has been adjudicated mentally incompetent or has been committed to a psychiatric hospital," "order or finding," and "psychiatric hospital." These definitions and other language would have arguably narrowed the scope of whom, and under what circumstances, a federal agency like the VA could refer a record on an individual to the FBI for inclusion in the NICS mental defective file. If enacted, this amendment might have required the VA to revise its policies and procedures with regard to NICS referrals, because a narrower scope of mentally incompetent veterans would have probably fallen under this definition than does today under the current mental defective definition. It is also questionable whether the amendment would have had wide effect on state procedures, because a thorough, published review and comparison of state NICS referral procedures on mentally incompetent persons has not been conducted by DOJ or any other federal agency. Arguably, few states, if any, have adopted administrative procedures that would match the scope of the VA administrative procedures with regard to mental incompetency and NICS referrals. The Grassley GOP substitute amendment was rejected by a recorded vote: 52-48 (Record Vote Number: 98).

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<sup>88</sup> For a more detailed description of the Manchin Toomey Amendment, see discussion in "Legislation in the 114th Congress" in the main body of this report. The language in the Manchin Toomey amendment in the 113<sup>th</sup> Congress (S.Amdt. 715) is identical to the Manchin Toomey amendments in the 114<sup>th</sup> Congress (S.Amdt. 2908 and S.Amdt. 4716).



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SIC 3  
9/13/19

Tuesday, Sept. 4<sup>th</sup>, 2019

President Donald J. Trump  
Office of the President of the United States  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

Dear Mr. President,

We, the undersigned legislators of South Carolina, are deeply concerned about the recent mass shootings of innocent people by mentally deranged persons intent on murder. Making sense of each tragic act of violence and formulating appropriate policy responses designed to protect innocent Americans requires a proper understanding of the context and the facts.

According to the F.B.I. and the Bureau of Justice, overall property and violent crime rates have been in decline since 1993. These statistics show that violent crime rates have fallen from 747 per 100,000 people in 1993 to 382 per 100,000 people in 2017.

Nevertheless, public perception is that violent crime is continuously on the rise. We, the undersigned believe that this is due to the news media's sensational coverage of mass shootings. The reality is that Americans have been blessed with a steady decline in property and violent crime rates for 26 years, in no small degree thanks to the courageous acts of law-abiding gun owners who successfully stop or prevent tragic deaths every day. These instances go unmentioned by the mainstream media.

We, the undersigned are concerned that the overwhelming majority of mass shootings (over 94%) occur in "gun-free zones." While law-abiding citizens actually follow the law, mass murderers do not. This, of course, makes the law-abiding citizens vulnerable in "gun-free zones." "Gun-free zones" are in fact safe havens for criminals. You yourself have publicly acknowledged these mass murderers' use of "gun-free zones" in past speeches to the public.

We, the undersigned are extremely concerned that Congress is not addressing the real issue of "gun-free zones," instead of focusing on "red flag" laws. We believe that these "red flag" laws will be abused and used to target law-abiding citizens.

According to the National Alliance on Mental Health, 1 in 5 Americans suffers from a mental health issue in a given year. Absent the institutionalization of disturbed individuals, the person presenting actual threats to society will remain a threat after their firearms are removed. These individuals will still have access to vehicles, knives or countless other lethal items to commit mass murder.

In states like Maryland, Oregon, and California that have enacted these "red flag" laws, the individuals subject to "emergency protection orders" are effectively guilty until proven innocent. This flips due process on its head. "Red flag" laws erode the very cornerstones of our country, the right to keep and bear arms and due process. They also put law enforcement and citizens in adverse, unnecessary circumstances that will lead to more instances of police brutality and tragic death.



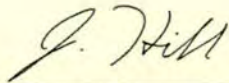
During your candidacy for President, the former administration used the F.B.I. and F.I.S.A. courts against you. We are urging you not to give the federal government any more power to bypass our Constitution. Furthermore, we the undersigned urge you to remember your oath to protect and defend the Constitution of the United States, which expressly prohibits taking the inherent human rights of Americans without prior due process. Specifically, these "red flag" laws are gross violations of the 2<sup>nd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> Amendments. Regardless of the political pressure to do otherwise, we the undersigned lawmakers of South Carolina will stand together with you to protect and defend the rights of our citizens from unconstitutional Federal actions, which we have also sworn to do before God.

As Milton Friedman once said, "the government solution to a problem is usually as bad as the problem." We, the undersigned believe that "red flag" laws will provide a false sense of security and only create new problems. Furthermore, mental health is greatly influenced by the strength of the family. As we pursue better laws to protect the innocent, we should remember that the best solution to violence and hate is not found in government action, but in families where a mother and father cultivate core values like love, virtuous character, and community.

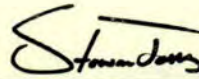
Thank you in advance for your support of due process, the Second Amendment, and our Constitution.

Respectfully,

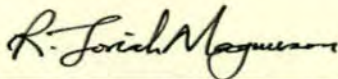
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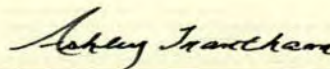
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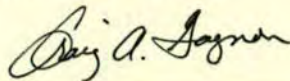
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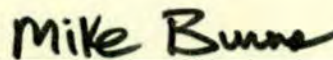
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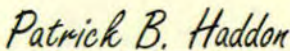
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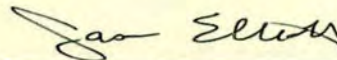
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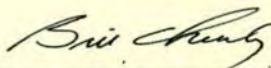
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Rep. Patrick B. Haddon



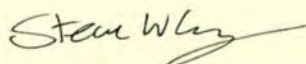
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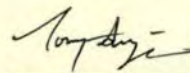
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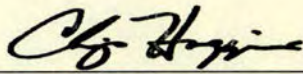
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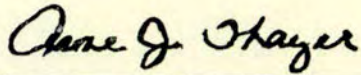
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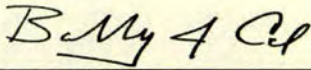
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Rep. Chip Huggins



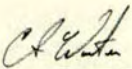
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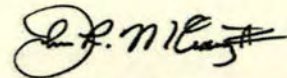
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Rep. Rick Martin



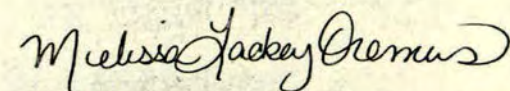
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Rep. John R. McCravy III



Rep. Mandy W. Kimmons



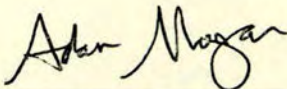
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Republican nominee, District 84 (unopposed)



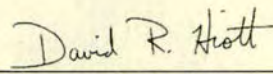
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Rep. Sylleste Davis



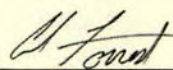
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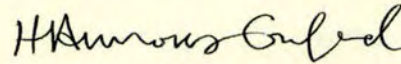
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Rep. Mark N. Willis



Rep. Cal Forrest



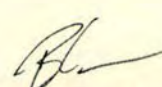
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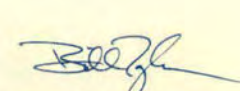
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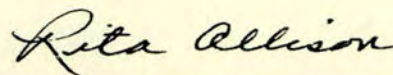
Rep. Alan D. Clemmons



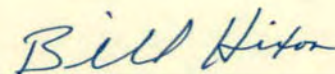
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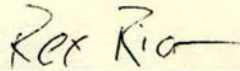
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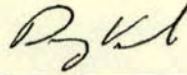
Rep. Bill Hixon



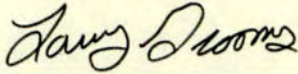
**SC Senate Members:**



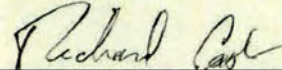
**Sen. Rex F. Rice**



**Sen. Danny Verdin**



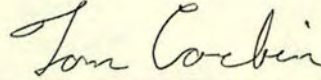
**Sen. Larry Grooms**



**Sen. Richard J. Cash**



**Sen. Wes Climer**



**Sen. Tom Corbin**

**cc:     Senator Lindsey O. Graham, 290 Russell Senate Office Building, Washington, DC 20510**  
**Senator Tim Scott, 104 Hart Senate Office Building, Washington, DC 20510**  
**Rep. James E. Clyburn, 200 Cannon House Office Bldg., Washington, DC 20515**  
**Rep. Joe Cunningham, 423 Cannon House Office Bldg., Washington, DC 20515**  
**Rep. Jeff Duncan, 2229 Rayburn House Office Bldg., Washington, DC 20515**  
**Rep. Ralph Norman, 319 Cannon House Office Bldg., Washington, DC 20515**  
**Rep. Tom Rice, 512 Cannon House Office Bldg., Washington, DC 20515**  
**Rep. William Timmons, 313 Cannon House Office Bldg., Washington, DC 20515**  
**Rep. Joe Wilson, 1436 Longworth House Office Bldg., Washington, DC 20515**



# **GUN OWNERS OF AMERICA**

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May 1, 2018

Hon. Jeff Sessions  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Ave NW  
Washington, DC 20530

RECEIVED  
MAY 10 2018  
U.S. DEPT. OF JUSTICE

Re: Request to Reconsider Plan to Administratively Ban "Bump Stocks"

Dear Attorney General Sessions:

On May 1, 2018, Gun Owners of America -- one of the nation's largest, oldest, and most vocal gun rights groups in the country -- sent this attached letter to Pres. Donald Trump on his plan to administratively ban "bump stocks."

I ask you to consider this letter, and ultimately, reverse any attempt to regulate or ban bump stocks.

Sincerely yours,

Tim Macy  
Chairman

## Background

Several days after the Parkland, Florida, mass school shooting, on February 20, 2018, your press office issued a memorandum from you to Attorney General Jeff Sessions, directing the Department of Justice “to propose for notice and comment a rule banning all devices that turn legal weapons into machineguns.”<sup>2</sup> Likewise, on February 26, 2018, you announced during an interview: “[B]ump stocks — we’re writing that out. I’m writing that out myself. I don’t care if Congress does it or not. I’m writing it out myself, okay?”<sup>3</sup> Of course, so-called “bump stocks” were not used in the Parkland shooting, but they reportedly were used in last year’s October 1, 2017 Las Vegas shooting.

ATF has had an opportunity to evaluate bump stocks on numerous occasions — and yet, each time the agency has reviewed bump stocks, it has determined that — under the law — they are unregulated parts, completely **outside the scope of the agency’s authority**. As your February memorandum recognized, even the Obama Administration — perhaps the most anti-gun presidency in history — previously determined that bump stocks do not “turn legal weapons into machineguns.” Likewise, last year the *New York Times* reported that “private and public comments from Justice Department officials following the October shooting suggest there is little appetite within the agency to regulate bump stocks, regardless of pressure from the Trump administration.”<sup>4</sup> Finally, even anti-gun Senator Dianne Feinstein has recognized that the executive branch cannot regulate bump stocks by itself: “[t]here’s no need for another review.... current law does not allow the agency to ban or regulate bump-fire stocks.” *Id.* Mr. President, there are very few thoughtful people who would argue that bump stocks are machineguns. I would like to explain why that is.

### Under Applicable Law, Bump Stocks Clearly Are Not Machineguns

Federal law defines a machinegun as “any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically **more than one shot**, without manual reloading, by a **single function of the trigger**.” 26 U.S.C. § 5845(b) (emphasis added). Given this clear statutory definition, ATF has never in five decades seen the need to promulgate regulations to elaborate or further explain this definition.

A bump stock is not a machinegun, because it does not enable a firearm to fire more than **a single round** for each “**single function of the trigger**.” ATF has described a bump stock’s

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<sup>2</sup> Memorandum to Attorney General Jeff Sessions from President Trump (February 20, 2018).

<sup>3</sup> A. Blake, “Trump is talking about doing something that might be illegal — again,” *The Washington Post* (Feb. 27, 2018).

<sup>4</sup> A. Watkins, “Despite Internal Review, Justice Department Officials Say Congress Needs to Act on Bump Stocks,” *The New York Times* (Dec. 21, 2017).

function as follows: “In order to use the installed device, the shooter must apply constant forward pressure with the non-shooting hand and constant rearward pressure with the shooting hand.”<sup>5</sup> When this is accomplished, the rearward recoil of the firearm pushes the firearm (including its trigger) away from the firing hand, temporarily breaking the trigger finger’s contact with the trigger. However, the shooter’s simultaneous forward pressure by the support hand forces the firearm forward again, re-engaging the trigger with the trigger finger. Importantly, each time the weapon fires and recoils, the shooter’s finger is temporarily disengaged from the trigger, permitting the trigger to “reset,” and complete a “single function of the trigger.”

Under the statute, a firearm must also fire “**automatically**” in order to be a machinegun. The word “automatically,” according to the National Firearms Act, means “more than one shot without manual reloading by a single function of the trigger.” In other words, with **one function of the trigger, an automatic firearm will continue to fire until the trigger is released, ammunition is depleted, or the firearm malfunctions**. Indeed, that is how a machinegun works. By applying a one-time, continual squeeze to the trigger, a machinegun will continue to fire, recoil, reset, and fire again. So long as the trigger is depressed, that continual operation is “automatic.” Not so with a bump fire stock — a bump stock-equipped firearm still fires one round with one function of the trigger. As ATF admits, “[t]he stock has no automatically functioning mechanical parts or springs and **performs no automatic mechanical function** when installed.” ATF June 7, 2010 letter (emphasis added).<sup>6</sup> When a shooter is assisted by a bump fire stock — he simultaneously must apply opposing constant forward pressure and constant rearward pressure, in order to have his finger “pull” the trigger. However, mechanically and functionally the firearm is still a semi-automatic firearm, firing one round with one function of the trigger. There’s nothing “automatic” about that.

Finally, bump fire can be achieved without a bump stock. The rapid, semi-automatic “bump fire” permitted by a bump fire stock is nothing new — it has been around for decades — long before bump fire stocks were invented. A bump fire stock is simply a device to allow a person to “bump fire” a semi-automatic firearm more easily. Mr. President, if your administration arbitrarily classifies bump fire stocks as machineguns, consistency would require classifying every pair of Levi’s jeans as machineguns — on the theory that they have belt loops which can be used to enable bump firing.<sup>7</sup> Indeed, ATF would also be required to classify human beings themselves as machineguns, since some shooters are able to bump fire their semi-automatic firearms using nothing more complicated than their trigger finger.<sup>8</sup>

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<sup>5</sup> See <http://www.vpc.org/wp-content/uploads/2017/10/ATF-bump-fire-letter-2010.pdf>.

<sup>6</sup> <https://slidefire.com/files/BATFE.pdf>.

<sup>7</sup> See <https://www.youtube.com/watch?v=ykfPIJjraPQ>.

<sup>8</sup> See <https://www.youtube.com/watch?v=7RdAhTxyP64>.



Mr. President, as your public comments have noted, bump fire stocks may, in fact, permit semi-automatic firearms to “**mimic**” a rate of fire typically associated with machineguns. 82 *Fed. Reg.* at 60930. But that does not **make them** machineguns. Certainly, a bump fire stock enables a shooter to engage in rapid — but still semi-automatic — fire. Yet a high rate of fire alone does not transform a semi-automatic into an automatic weapon under the NFA. ATF’s prior private letter rulings have reached the correct — and obvious — conclusion: “[a] ‘bump-stock’ is a firearm part and is not regulated as a firearm under [the] Gun Control Act or the National Firearms Act.”<sup>9</sup>

President Trump, if you order your administration to outlaw bump stocks, without regard for the limitations on ATF authority under federal law, you will put into place a slippery slope for future, anti-gun presidents who follow you. If you choose to ignore the statutory definition of a machinegun, and instead create a new definition based on anything that “increases the rate of fire” of a semi-automatic firearm, then far more is at risk than mere bump stocks.

These regulations are proposing a radical change — as they effectively define a gun as a machinegun even if the trigger resets for every round that is fired, so long as the finger only pulls the trigger once. The regulations state on p. 13457 of the Federal Register from March 29, that the term “automatically” is being amended to include a “mechanism that allows the firing of multiple rounds through a single function of the trigger; and ‘single function of the trigger’ means a single pull of the trigger.”

So while bump stock devices will now be treated as machineguns under these regulations, these regs also threaten to do the same to AR-15s or other semi-automatic rifles, particularly in the next anti-gun administration.

There is no doubt that a future administration could use this regulation to ban AR-15s and other semi-automatic rifles. In the past, one had to fundamentally change the firing mechanism of a semi-automatic firearm to convert it into a fully automatic firearm. But now, according to these regulations, a bump stock is a machinegun — and it can “readily restore” a semi-auto into a machinegun, simply because the gun owner can effectively fire the weapon continuously with a “single pull” of the trigger. According to these proposed regulations, this satisfies the legal definition of a rifle that is classified as a machinegun (26 USC 5845(b)). It won’t matter that a gun which is being bump fired has not been fundamentally altered.

Mr. President, I don’t believe that you want to ban every semi-automatic rifle in America. But under an anti-gun Democrat administration, they could be on the brink of extinction because of these regulations.

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<sup>9</sup> See <https://slidefire.com/files/BATFE.pdf>. Even some of the most anti-gun members of Congress apparently agree that current law does not regulate bump fire stocks, as they have introduced legislation to do just that. See also H.R. 4168, <https://www.congress.gov/bill/115th-congress/house-bill/4168/text>.

## **ATF Has No Generalized Authority to Regulate Firearms or Accessories, Outside the Specific Language of the Statute**

Federal law is intentionally structured so that it does NOT give generalized authority to the ATF or to anyone else to regulate firearms and accessories. Rather, it prohibits certain acts and gives ATF (and, on occasion, other agencies) the jurisdiction to enforce those prohibitions.

6 U.S.C. 531 gives ATF the power to (1) investigate “criminal and regulatory violations of the federal firearms ... laws”, (2) investigate “violent crime or domestic terrorism,” as defined in 18 U.S.C., (3) carry out some of the discrete functions it exercised in the Department of the Treasury, and (4) carry out those functions vested in the Attorney General by statute and delegated to ATF. Thus, ATF’s jurisdiction is defined by federal statutory provisions.

Similarly, with few exceptions, each of the subsections in the core of federal firearms law (18 U.S.C. 922) begins with the words “It shall be unlawful” and then proceeds to proscribe a specific discrete act. Thus, unlike other agencies, ATF does not have open-ended regulatory authority.

This is intentional. By way of contrast, the Consumer Product Safety Commission (CPSC) has authority to ban certain unsafe products, or require they be modified to make them safer. If ATF had similar authority to ban or regulate firearms, parts and accessories, it could use that authority to ban any or all firearms. Clearly, this would not be an acceptable outcome under the Second Amendment.

Therefore, since ATF does not have the authority to classify a “bump stock” as a machinegun, it does not have the authority to regulate “bump stocks” at all. Any other result would be a concession that ATF has the inherent authority to regulate or ban large categories of firearms — or all firearms.

### **Conclusion**

Gun Owners of America has not and never will accept the premise — adopted by anti-gun federal judges — that Second Amendment rights can be infringed, so long as the government has a sufficiently important or compelling reason for doing so. Rather, the Second Amendment sets forth its own standard of review: “shall not be infringed.” It is clear that bump stocks cannot be regulated under the law, and may not be regulated without infringing the Second Amendment rights of Americans.

Mr. President, during your presidential campaign, you promised that you would be a champion of Second Amendment rights. After the 2016 Pulse Nightclub shooting in Florida, you wisely recognized that “if you had one person in that room that could carry a gun and knew how to use it, it wouldn’t have happened, or certainly to the extent that it did.”<sup>10</sup> In your campaign

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<sup>10</sup> L. Qiu, “President Trump’s Contradictory, and Sometimes False, Comments About Gun Policy”

platform, you correctly acknowledged that “bans are a total failure. That’s been proven every time it’s been tried. ... Law-abiding people should be allowed to own the firearm of their choice. The government has no business dictating what types of firearms good, honest people are allowed to own.”<sup>11</sup> And, in 2017, you promised that “an ‘eight-year assault’ on gun ownership rights had come to a ‘crashing end’....”<sup>12</sup>

Unfortunately, Mr. President, it now appears that — under your administration — gun owners’ rights are under a greater threat than at any time in recent history. Gun owners were called paranoid for thinking President Obama was coming for their guns — yet you have now announced that **you quite literally are** coming for their guns. On behalf of Gun Owners of America, I call upon you to stand true to your promises to protect Americans’ Second Amendment rights.

Mr. President, I would remind you that those who wish to regulate bump stocks are not part of your “base” — the ones who elected you to office. You will accomplish nothing by supporting so-called “reasonable regulations.” The anti-gun left will not be appeased by your proposals. Rather, they will only feel emboldened to further trample our rights.

Mr. President, among the Americans who elected you to office were Gun Owners of America’s members. They are often single-issue voters, and they have good memories. They will not tolerate a President who compromises their constitutional rights, just because he felt that “something had to be done” to respond to the latest mass shooting.

Mr. President, the ball is in your court. Please keep your promises to defend the Second Amendment.

Sincerely yours,



Tim Macy  
Chairman

cc: Hon. Jefferson B. Sessions III  
Attorney General of the United States

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to Lawmakers,” *The New York Times* (Feb. 28, 2018).

<sup>11</sup> [https://assets.donaldjtrump.com/Second\\_Amendment\\_Rights.pdf](https://assets.donaldjtrump.com/Second_Amendment_Rights.pdf).

<sup>12</sup> K. Liptak, “Trump: ‘8-year assault’ on Second Amendment is over,” CNN (Apr. 28, 2017).

March 24, 2020

Attorney General William P. Barr  
U.S. Department of Justice  
950 Pennsylvania Avenue N.W.  
Washington, D.C. 20530

Director Christopher A. Wray  
Federal Bureau of Investigation  
935 Pennsylvania Avenue N.W.  
Washington, D.C. 20535-0001

Acting Director Regina Lombardo  
Bureau of Alcohol, Tobacco, Firearms & Explosives  
99 New York Avenue N.E.  
Washington, D.C. 20226

Re: Request for Action to Avoid Breakdown in NICS Background Check System

Dear General Barr, Director Wray, and Acting Director Lombardo:

As you no doubt are aware, the FBI's National Instant Criminal Background Check System ("NICS") has been experiencing a dramatic increase in volume in recent days, largely due to firearm purchases stimulated by concern about the COVID-19 virus. According to The Washington Examiner, the National Shooting Sports Foundation ("NSSF") recently reported that "NICS staff experienced over a 300% increase compared to this same time period in 2019." Gun Owners of America ("GOA") recently heard from an FFL of a NICS check that took 22 hours to receive a disposition. There have reportedly been similar experiences across the country.<sup>1</sup>

Of course, having spikes in NICS volumes is not an unprecedented situation. Indeed, NICS has experienced significant increases in background checks numerous times in the past, such as during Black Friday shopping, holiday periods, and in other times of political uncertainty, such as after calls for more gun control laws, and before elections.

Currently, the COVID-19 pandemic is revealing and exacerbating the underlying constitutional infringements with the NICS system. If state or federal governments do not remain open, then Americans will be denied their Second Amendment-protected right to purchase firearms. The long-term solution is for Congress to repeal this law. But in the short-term, the federal government is faced with a choice: ignore the Brady Transfer Date, thus intimidating gun stores into denying Americans their rights, or reallocate resources so that Americans will not be denied their rightfully purchased firearms.

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<sup>1</sup> See A. Hawkins, "Coronavirus Gun Sale Surge Overwhelms State, Federal Background Check Systems," *Breitbart* (Mar. 23, 2020).



Hence, for three different reasons, unless you take action, COVID-19 could exacerbate problems with the NICS system and create particularly dangerous problems for many Americans.

First, NSSF reports that “[w]hile much of the NICS System is automated and yields an immediate ‘proceed’ or ‘deny’ determination, transactions that result in a delayed status require the work of NICS examiners to investigate whether the transaction should be approved or not. With daily volumes roughly double that of last year, the NICS team is increasingly unable to respond within three business days, creating a backlog in the delayed checks.” *Id.* The current national demand for firearms may be unprecedented.

However, it has been widely reported that, even in normal demand situations, the FBI already does not investigate all delayed NICS responses within three business days. For example, ABC News reported “delayed denials” occurred 4,170 times in 2016, causing agents to need to recover firearms that had been properly transferred after three business days. In fact, it has been reported that “the FBI did not complete over 1.1 million background checks from 2014 through July 2019.” *Id.*

Accordingly, GOA is concerned that Americans do not have “instant” access to firearms, in most cases, during this time in which Americans are demonstrating that they highly value their Second Amendment-protected rights.

While GOA understands that higher volumes of NICS checks may lead to an increased number of “delayed” investigations that cannot be completed within the statutory time limit of three business days, that alone does not justify any change to the system to delay those gun purchases. Rather, FBI can simply assign additional personnel to the task, or can wait and work through the backlog after things return to normal and recover any “denied” transfers that may have occurred. Indeed, that is what the statute requires.

Although it is possible that this interpretation **may result** in a few purchasers temporarily not being verified as eligible to possess firearms, the alternative of shutting down the system in certain states most certainly **will result** in denying access to firearms by those who need them.

Second, the FBI now appears to be changing the rules as to how the NICS system normally operates. The FBI has posted to its NICS website the following troubling statement:

We are aware that states may be considering options to protect the health and safety of their employees, which may include a reduction in office availability or even closure to some offices. **Should a state choose to limit days of operation by completely closing state offices one or more days a week or even indefinitely, this could potentially impact the Brady Transfer Date (BTD) by changing the time in which an FFL can legally transfer a firearm in a delayed status.** The NICS Section urges FFLs to be cognizant of the impact this may have to your day-to-



day operations, and also to stress the importance of adhering to the BTD that is provided to you at the time a transaction is put into a Delay status. The Brady Act does not federally prohibit an FFL from transferring a firearm after the third business day expires, even if the NICS Section has been unable to provide a proceed response, pursuant to 18 U.S.C. § 922(t)(1). [Emphasis added.]<sup>2</sup>

NSSF suggests that the FBI's rationale is as follows: "The three business day time frame does not begin until relevant state offices are open for business ... when state offices are closed it does not constitute a 'business day' for purposes of calculating the 'three business days' period before an FFL may transfer a firearm to a non-licensee as mandated by the Brady Act."<sup>3</sup> This interpretation appears to be based on a strained reading of the text of 18 U.S.C. § 922(t)(1)(B), which states that an FFL has the option to transfer a firearm to a person when either (i) the NICS system approves the transfer, or (ii) "3 business days (**meaning a day on which State offices are open**)"<sup>4</sup> have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section." Emphasis added.

The statutory language — "a day on which State offices are open" — has commonly been understood to mean to exclude weekends and holidays — days on which state offices are traditionally not open for business. This language simply cannot be understood to include a situation where a state chooses to shutter its offices for an extended period of time, as some states are reportedly contemplating in response to COVID-19. Were it otherwise, then a state would be left free (even in "normal" times) to disable completely the functioning of the NICS system in that state, by first becoming a Point of Contact ("POC") state, and then refusing to act as a POC by declining to run NICS checks for FFLs. Indeed, the "three business day" period would never even start to run, since an FFL would not be able to contact the NICS system to start a check. Surely, that is not what the Brady Act allows or even contemplates.

Indeed, FBI regulations are clear in requiring POC states to carry out their duties in order to maintain their status as such. 28 CFR § 25.2 states that:

A POC **will receive** NICS background check requests from FFLs, **check** state or local record systems, **perform** NICS inquiries, **determine** whether matching records provide information demonstrating that an individual is disqualified from possessing a firearm under Federal or state law, **and respond** to FFLs with the results of a NICS background check. [Emphasis added.]

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<sup>2</sup> <https://www.nicsezcheckfbi.gov/>

<sup>3</sup> See *The Washington Examiner*, *supra*.

<sup>4</sup> We assume the qualification "a day on which State offices are open" only applies to "point-of-contact" states, where state officials are involved in the NICS process. For other states, a licensee deals directly with the FBI's NICS system, with no need to involve "state offices." If you intend to apply your new interpretation to non-POC states, please advise us of that decision.



Likewise, 28 CFR § 25.6 states that:

FFLs **will** contact the POC [and] [u]pon receiving a request for a background check from an FFL, a POC **will** ... [t]ransmit the request for a background check via the NCIC interface to the NICS [and] **will** ... [n]otify the FFL that the transfer may proceed, is delayed pending further record analysis, or is denied. [Emphasis added.]

Thus, both federal law and FBI regulations clearly envision a non-discretionary duty that, if a state agrees to act as a POC to NICS, the state **“will” perform** the functions necessary to permit FFLs to contact and obtain results of NICS checks.

Accordingly, Gun Owners of America asks your office to rescind the posting on the NICS website, and to adopt the interpretation that, with respect to federal law,<sup>5</sup> the three business day period begins to run when an FFL attempts to contact a POC state for a NICS check, and can be extended only by ordinary weekends and holidays, and not by a state decision to temporarily shutter its POC offices for some indeterminate period of time.

Third, exacerbating this situation, ATF has recently begun a campaign to use letters to eliminate the 18 U.S.C. § 922(t)(3) exemption for holders of concealed carry permits. ATF appears to be making a concerted effort to target all currently exempted states for unlawful elimination from the § 922(t)(3) exception. Gun Owners of America recently filed suit against ATF to stop this unlawful practice. *See Gun Owners of America, Inc. et al. v. U.S. Justice Department et al.*, 1:20-cv-10639 (E.D.M.I.), Complaint for Declaratory and Injunctive Relief (Mar. 9, 2020).<sup>6</sup> The result of this misguided ATF campaign is to force more and more firearm sales into the NICS system, that would otherwise have been exempted by the simple showing of a concealed carry permit. While these ATF letters are still in force, it makes it all the more necessary for the NICS system to function properly — and instantly — as Congress intended.

Accordingly, GOA requests that the Justice Department revoke the ATF letters that were sent to Alabama,<sup>7</sup> Minnesota,<sup>8</sup> and Michigan,<sup>9</sup> preventing holders of concealed carry permits from purchasing firearms utilizing the statutory NICS waiver for permit holders, at least until the current litigation is resolved and while the COVID-19 crisis continues. This is not a radical

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<sup>5</sup> Of course, there may be additional state requirements that a state level background check be performed before an FFL can transfer a firearm. *See, e.g.*, Fl. Stat. 790.065.

<sup>6</sup> <https://gunowners.org/wp-content/uploads/2020/03/Complaint-in-120-cv-10639-TLL-PTM-Gun-Owners-of-America-Inc.-et-al-v.-U.S.-Justice-Department-et-al.pdf>.

<sup>7</sup> “Public Safety Advisory to All Alabama Federal Firearms Licensees,” U.S. Department of Justice (July 22, 2019).

<sup>8</sup> “Open Letter to All Minnesota Federal Firearms Licensees,” U.S. Department of Justice (Oct. 23, 2019).

<sup>9</sup> “Public Safety Advisory to All Michigan Federal Firearms Licensees,” U.S. Department of Justice (Mar. 3, 2020).

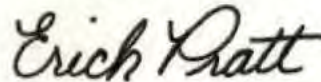
change, as it would simply revert to the status quo of a few short months ago. Importantly, it would also decrease the burden on the NICS system, and allow persons in these three states with concealed carry permits (who have already had submitted to extensive background checks) to purchase firearms unimpeded by bureaucratic delay.

### Conclusion

Gun Owners of America has always believed that the NICS federal background check system is unconstitutional because it infringes the Second Amendment rights of Americans. Of course, the infringement caused by an operational NICS system is far less dangerous than the elimination of the right to acquire arms from dealers resulting from a crippled NICS system, or a rogue state's refusal to act in a diligent manner as a POC. GOA is committed to preserving and protecting the Second Amendment rights of Americans, in both good times and bad.

In times of uncertainty, the right to keep and bear arms is more important than ever. The Second Amendment cannot simply be put on hold because of COVID-19, any more than can the First or Fourth Amendments. Accordingly, we would urge you to take the appropriate steps to ensure that Americans can acquire firearms during this time of need, unimpeded by delay due to state or federal government inability or unwillingness to process NICS checks in a timely fashion.

Sincerely yours,



Erich Pratt  
Senior Vice President

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# Citizens Committee for the Right to Keep and Bear Arms

Alan M. Gottlieb  
*Chairman*  
Dave Workman  
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March 29, 2016

Hon. Jeff Sessions  
U.S. Attorney General  
Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

RECEIVED  
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Dear Attorney General Sessions:

Over the past 12 months as the nation's highest ranking law enforcement officer, you have seen a number of local and state governments laboring to establish policies that directly or indirectly challenge federal law on several levels.

As you know, many if not most of these same governments have been pursuing an anti-Second Amendment agenda that in many cases would turn law-abiding citizens into criminals by the mere stroke of a pen and the enforcement of regulations that are of questionable constitutionality.

The Citizens Committee for the Right to Keep and Bear Arms is a national organization with some 650,000 members and supporters. It is our belief that state or local governments that endeavor to infringe upon or impair the Second Amendment rights of honest citizens should relinquish any expectation of funding support from the Justice Department. We should not reward municipal or state governments for trampling on constitutionally-protected rights.

The anti-Second Amendment municipal governments of such cities as New York, Chicago, San Francisco and Seattle, and legislatures in states including New Jersey, Connecticut, California and Massachusetts should not be receiving taxpayer funds while violating the constitutional rights of the citizens in their jurisdictions.

These political subdivisions spend an inordinate amount of public money to enforce laws that violate fundamental individual civil and constitutional rights. These funds should be used to protect the public from violent criminals and terrorists. For example, when Chicago lost a federal lawsuit to the Second Amendment Foundation for violating its citizens' constitutional rights, the city paid SAF's court-ordered legal bills by taking money from police department funds.

Why should American taxpayers see their hard-earned money used to erode their fundamental rights? The logical answer, of course, is that they should not. Those of us on the front lines of this civil rights battle see this as the ultimate abandonment of common sense. When government becomes the enemy of its constituents, it should be penalized, not rewarded.

On behalf of more than 650,000 members and contributors to the Citizens Committee for the Right to Keep and Bear Arms, I implore you to withhold federal funding support of local and state governments that adopt policies, regulations or statutes that erode our Second Amendment rights and protections.

Sincerely,

A handwritten signature in black ink that reads "Alan M. Gottlieb". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Alan Gottlieb  
Chairman