

Nomination of Loretta E. Lynch to be Attorney General of the United States
Questions for the Record
Submitted February 9, 2015

QUESTIONS FROM SENATOR SCHUMER

- 1) My home state of New York has faced an exponential increase in abuse of opioids, particularly heroin, over the last several years. What are some of the steps you will take as Attorney General to combat this burgeoning epidemic?

RESPONSE: As a United States Attorney, I have seen the horrible damage done to families and communities by opioids. I know that the Department of Justice has worked closely with federal, state, and local partners to fight this growing epidemic through a mix of enforcement and treatment efforts. With respect to enforcement, DEA, the United States Attorneys' Offices, and the Criminal Division proactively investigate supply chains to prevent controlled substances from reaching the hands of non-medical users and to bring to justice traffickers who seek to profit from addiction. In addition, the following are vital components of a comprehensive approach to the heroin and prescription painkiller epidemic: to ensure prevention through education, early intervention, and expanded treatment options; to explore alternatives to incarceration; and to provide reentry programs focused on treatment and prevention of relapse. I know the Department has encouraged law enforcement agencies and first responders to train and equip their personnel with the overdose-reversal drug known as Naloxone, which can save lives, and that the Department has created an online tool kit to assist these efforts. If I am confirmed as Attorney General, I would expect the Department to continue all of these efforts.

- 2) I was glad to see that the President has requested an increase to the Community Oriented Policing Services Programs in his recent budget proposal. The funding provided by the COPS program ensures that local law enforcement agencies have the resources they need to keep our communities safe. Will you continue to support programs such as COPS and the Byrne JAG program as Attorney General?

RESPONSE: The COPS program is critical in funding the hiring of community policing professionals, and offering training, technical assistance and information resources to law enforcement, community members, and local government leaders. Likewise, the Byrne JAG program provides states, tribes, and local governments with the funding necessary to support law enforcement in a variety of ways. I understand that funding for COPS and the JAG program has been a priority for the Department under Attorney General Holder, and I would continue that commitment if I am confirmed as Attorney General.

- 3) In 2012, Congress gave the Attorney General broad authority to use emergency scheduling powers for dangerous synthetic narcotics compounds that are often marketed to young adults. These compounds, labeled by titles such as "K2" or "Spice" pose a serious threat to our citizens. I have asked that the Drug Enforcement Administration work with the

Department of Justice and the Attorney General to more quickly identify these compounds as they develop; as Attorney General, will you make this a priority in your work with the DEA?

RESPONSE: I share your concern regarding synthetic drugs, which are highly dangerous, do not have known legitimate medical uses, and are not approved by the FDA. They pose a great danger to the public, especially children and teenagers. I understand that the DEA has been carefully monitoring the emergence of new synthetic drugs, and employs a broad range of measures to combat their use, including investigation and prosecution, administrative scheduling, and education and training for law enforcement, health professionals, and communities. If confirmed as Attorney General, I will support these important efforts.

- 4) Over the last several years I have advocated that federal law enforcement aggressively work to disable websites on the “dark web” that have assisted in the illegal sale of controlled substances, guns, and other dangerous contraband. “Silk Road” and “Silk Road 2.0” have been successfully taken down through the excellent work of the FBI, but more must be done as other sites emerge in their place. This is one of many reasons why I believe that it is important to increase the Department’s efforts in cybercrime prevention. As Attorney General, how do you think the Department can improve in this area?

RESPONSE: If confirmed as Attorney General, I will embrace the Department's responsibility to protect Americans' privacy and security on-line, just as I have as the United States Attorney for the Eastern District of New York. I know that the Department is already working hard to address the wide variety of threats on the Internet, from child exploitation to large scale data breaches to terrorism. As a United States Attorney I saw firsthand the challenges involved in such cases. But I also saw how the Department rises to meet such challenges in complex international cybercrime cases like the \$45 million ATM cyber heist my office prosecuted.

As you recognize, the Department must be proactive and strive to prevent cybercrime and cyber-enabled crime to the greatest extent possible. The Department has already instilled this mission throughout the United States Attorneys’ Offices, each of which has assigned specialized prosecutors to participate in the Computer Hacking and Intellectual Property network and the National Security Cyber Specialists network. And many Offices, such as the Eastern District of New York, have created specialized units dedicated to combating criminal and national security threats in cyberspace. I am also encouraged that the Department is engaging with the rest of the federal government and with private industry to conduct valuable outreach and to implement broad cybercrime prevention strategies through entities like the Cybersecurity Unit in the Computer Crime and Intellectual Property Section of the Criminal Division. If confirmed as Attorney General, I will support and build on these efforts.

With regard to the “dark web” in particular, I will work to continue the progress that is already being made by the Department. As you know, a defendant was just convicted in the Southern District of New York for crimes relating to the operation of the Silk Road site, and another defendant is awaiting trial for his role in that site’s successor, Silk Road 2.0. Beyond those particularly infamous sites, I know that the Department recently coordinated with law enforcement in 16 other countries to take down dozens of illegal online marketplaces operating

as hidden sites on the Tor network. I believe that this type of technical innovation and international cooperation will be increasingly important as we face more sophisticated and more global threats. Successes like these should deter criminals who wrongfully believe that they are beyond justice on such dark markets. We must continue to pursue and disrupt the criminal activities of those who are not deterred.

Continued improvement in this area will require collaboration with Congress. There is no question that law enforcement's job protecting us online is getting bigger and it is getting more difficult. I look forward to working with Congress to ensure that law enforcement has the resources and the tools it needs to protect our country and its people online.

- 5) In late 2013, Avonte Oquendo, a child with Autism Spectrum Disorder (ASD) went missing from his school in Brooklyn, and, tragically, was found deceased after a city-wide search over several months. With the help of Attorney General Holder, I worked to expand the acceptable uses for Byrne JAG grants to include programs for voluntary autism tracking devices ran by local law enforcement. Should you be confirmed as Attorney General, will you help me continue to promote this application of JAG funds? Will you commit to continue the Department's efforts to find ways to address the issue of "wandering" in children with ASD?

RESPONSE: I am grateful for your leadership on this issue, and am sadly familiar with the tragic disappearance and death of Avonte Oquendo as it occurred in my hometown, Brooklyn. As a United States Attorney, I have not closely studied the grant funding issue, but I understand that the Department has determined that state and local recipients of funding through the Edward Byrne Memorial Justice Assistance Grant Program may use their funds to purchase transmitter bracelets to assist with locating missing children with ASD as part of a law enforcement program. If confirmed as Attorney General, I would look forward to working with you to protect children who have ASD.