

**Nomination of Jeff Sessions to be Attorney General of the United States
Questions for the Record
Submitted January 17, 2017**

QUESTIONS FROM SENATOR KLOBUCHAR

Synthetic Drugs

Synthetic drugs continue to be a major nationwide problem. Part of the problem is that sellers of these dangerous drugs have managed to find loopholes in the law, often avoiding detection by disguising their products and labeling them as “not for human consumption.”

- Can you comment on this issue, and will you commit to addressing the sale and distribution of synthetic drugs as Attorney General?

RESPONSE: You raise an important point about a very serious problem facing our country. Synthetic versions of illicit drugs are often used as a way to circumvent drug laws and enforcement efforts, and many of these synthetics are marketed directly to young people, sometimes in colorful packaging and offered for sale in legitimate businesses. Synthetic or not, the addiction and adverse health effects caused by these drugs are real. If I am fortunate enough to be confirmed as Attorney General, I will faithfully execute the laws of the United States, and I will work with Congress to find solutions to these problems and loopholes.

High Intensity Drug Trafficking Area (HIDTA) Designation for Five Minnesota Counties

The deadly opioid abuse and heroin epidemic has devastated communities in Minnesota and across the country. Until recently, Minnesota was one of the only states without a designated High Intensity Drug Trafficking Area (HIDTA). This program, which was established in 1988, is intended to reduce drug trafficking by facilitating cooperation and information sharing among federal, state, and local law enforcement agencies. Although the HIDTA program is administered by the Office of National Drug Control Policy (ONDCP), the Drug Enforcement Administration (DEA) plays an active role in supporting the program.

- As Attorney General, would you continue to support the important work being done by the HIDTA program?

RESPONSE: Yes.

- After I wrote a letter to the Office of National Drug Control Policy (ONDCP) in August 2016, five Minnesota counties (Hennepin, Ramsey, Anoka, Dakota, and Washington) were included in the Wisconsin HIDTA designation. It is important to me that the five Minnesota counties receive meaningful funding through this designation. If you are confirmed as Attorney General, will you commit to looking into this issue?

RESPONSE: Yes.

Drug Courts

Drug courts are a proven and effective tool to help non-violent offenders receive the treatment they need, while also saving taxpayers money and reducing crime. I have led efforts to advocate for funding for these important programs in the Senate. I understand that you brought the first expert on drug courts to Alabama in the early 1980s in an effort that led to the establishment of the Mobile County Drug Court.

- Will you commit to continuing your support of drug courts if you are confirmed as Attorney General?

RESPONSE: Drug courts can be a very effective tool for helping non-violent drug users receive treatment that they need, and I am proud of my work in this area. If I am fortunate enough to be confirmed as Attorney General, I will continue to support the appropriate use of drug courts.

Antitrust: Platform Competition

As Ranking Member of the Antitrust Subcommittee, I have heard complaints that the internet is now dominated by a small number of companies that serve as platforms for the digital economy – similar to the way railroads did a century ago. Others argue that these companies remain integral to creating opportunities for start-up businesses to grow and succeed.

- What should the Antitrust Division be doing to ensure that digital markets remain open and competitive?

RESPONSE: It is important that the Antitrust Division have a thorough understanding of emerging markets and new technologies. If I am confirmed as Attorney General, the Antitrust Division will not hesitate to enforce federal antitrust law to protect competition in these markets.

Antitrust: Anheuser-Busch InBev's Acquisition of SABMiller

Recently, the Department of Justice filed its consent decree regarding Anheuser-Busch's acquisition of SABMiller. Conditions that protect beer wholesaler independence and that require Anheuser-Busch to report its acquisitions of craft brewers are critical to protecting the vital competition and innovation that craft brewers have provided the market.

- Will you commit to vigorously enforcing the terms of the consent decree to protect competition and to carefully review any additional consolidation in the beer industry, including the acquisition of craft brewers by large national or international competitors?

RESPONSE: As I testified before the Committee, if I am confirmed, I would have no hesitation enforcing antitrust laws to protect against anti-competitive transactions. The Antitrust Division will look at all markets to ensure compliance with federal antitrust law. It will conduct a thorough evaluation of proposed mergers and acquisitions to determine

whether they violate federal antitrust law. I look forward to working with you and other members of Congress to learn more about these particular issues and to ensure that the Department has the information and tools it needs to carry out its duties in antitrust enforcement.

Antitrust: Agricultural Consolidation

Currently, both E. I. du Pont de Nemours and Company merger with the Dow Chemical Company and Bayer AG's acquisition of Monsanto Company, Inc., are under review by the Department of Justice. Minnesota is the nation's fifth-largest agricultural producing state, and our farmers contribute nearly \$21 billion to Minnesota's economy each year. I have heard concerns that each merger could undermine incentives to develop new traits and to license technology, that the Dow-DuPont merger could increase prices for corn seeds and soybean seeds, and that Bayer's acquisition of Monsanto could excessively increase concentration for certain types of herbicides.

- Will you commit to closely examining these transactions to make sure they do not harm farmers, limit innovation, or increase seed prices?

RESPONSE: While it would be premature to comment or commit specifically on any matters currently being reviewed by the Department, if I am confirmed as Attorney General, the Antitrust Division will conduct a thorough evaluation, consistent with federal law, of all proposed mergers and acquisitions to determine whether they violate federal antitrust law and policies. The agricultural sector of our nation's economy is of vital importance, and I look forward to working with you and other members of Congress to learn more about these particular issues and to ensure that the Department has the information and tools it needs to carry out its duties in antitrust enforcement.

National Voter Registration Act (NVRA)

Another responsibility of DOJ's Voting Section is to enforce the National Voter Registration Act (NVRA), or the "motor voter law." Many states do not comply with the voter access provisions of the bipartisan NVRA, and, to date, DOJ has not been particularly active in enforcing these provisions.

- If you are confirmed as Attorney General, will you commit to active enforcement of Sections 5 and 7 of the NVRA, which, respectively, require states to provide voter registration opportunities at DMVs and at state public assistance and disability offices?

RESPONSE: If I am confirmed as Attorney General, I will enforce all federal laws, including the National Voter Registration Act.

- Another important section of the NVRA is Section 8, which sets requirements for how states maintain voter registration lists for federal elections. What role, if any, do you believe DOJ has in enforcing Section 8 of the NVRA, to purge duplicate registrations or

registrations of deceased voters from the rolls? What protections do you believe are required to ensure that legitimate voters are not inappropriately purged from the rolls?

RESPONSE: As I testified before the Committee, the intensity of every election must be monitored and it is a responsibility of the government to ensure its integrity. This includes the Department of Justice’s responsibility to enforce all federal voting laws, including all sections of the national Voter Registration Act.

Freedom of the Press

In your hearing, I asked you if you would commit to following the standards now in place at the Justice Department to not put reporters in jail for doing their jobs. You responded that you did not know and “had not studied those regulations.”

- Upon further consideration, will you commit to not putting reporters in jail for doing their jobs?

RESPONSE: I have not had the occasion to study the outgoing Administration’s regulations on this matter. If I am confirmed as Attorney General, I would discuss this matter with the Justice Department’s career experts before making any decision to maintain or modify the current regulations. I would note, however, that the existing regulations did not prevent the outgoing Administration from aggressively investigating and prosecuting a larger-than-normal number of leak cases. Leaks of classified information can be damaging to U.S. national security, and can also violate the federally-protected rights of other federal employees—for example, in cases where restricted information from an individual’s personnel file is leaked to the press. In some cases, the only way to investigate wrongdoing is by subpoena. Such subpoenas to reporters, however, raise concerns about intimidation or restriction of the press. A free press plays a vital role in ensuring the accountability of powerful institutions in our society. For these reasons, I support Justice Department caution when contemplating the use of a subpoena to obtain material from a journalist.

Immigration

Research has shown that not only do immigrants already help grow the size of the economy for all Americans, but, according to one study, immigration reform would increase the wages of all Americans by \$625 billion over a decade and create on average 145,000 new jobs each year. According to another recent study, immigrants contributed \$22.4 billion to Minnesota’s GDP, totaling 7.5 percent of the state’s GDP in 2012. Immigrants also own 8.5 percent of businesses in the Minneapolis-St. Paul region alone.

- When I raised the issue of the economic benefits of immigration in your hearing, you said, “I think as a nation, we should evaluate immigration on whether or not it serves and advances the national interest, not the corporate interest.” Can you elaborate on this statement? Do you believe that immigration benefits the U.S. economy?

RESPONSE: Immigration can benefit the U.S. economy; but excessive labor flow will depress wages and job prospects of U.S. workers.

National Security / Extremist Activities

Protecting national security should always be a top priority of the Justice Department. In the Twin Cities, extremist recruitment has been a particular challenge. I was pleased that, in 2014, the Twin Cities were among three metropolitan areas selected for a pilot program to counter violent extremism run by the Departments of Justice and Homeland Security. Our local community groups, faith leaders, U.S. Attorney, and law enforcement have partnered together to create a program called Building Community Resilience. I have repeatedly asked for the strongest possible level of funding for these efforts.

- While much of the funding made available to this program has been through the Department of Homeland Security (DHS), the Department of Justice (DOJ) has also provided funding in the past. Will you commit to supporting efforts like this to counter extremist recruitment as Attorney General?

RESPONSE: If I am confirmed as Attorney General, I would be pleased to receive and review information concerning efforts that are effective at steering individuals away from extremist ideologies that have led to acts of terrorism. It will ensure that the resources of the Department of Justice and our partnerships with state and local law enforcement are utilized in a way that will ensure public safety and full enforcement of the law while being effectively managed.

In Minnesota, we know that law enforcement must partner with community leaders to build trust and put in place the programs that can guard against extremist recruiting efforts. Our U.S. Attorney Andy Luger has prosecuted dozens of terrorism cases and brought together community leaders working to address extremism. In addition, community groups are engaging populations that ISIS seeks to exploit and providing much-needed social services to communities that are underserved.

- If you are confirmed, how would you work to support programs like the one in Minnesota that seek to strengthen trust between law enforcement and communities?

RESPONSE: Effective engagement of state and local law enforcement, and supporting their outreach efforts in communities, is absolutely critical to protecting all Americans. If I am fortunate enough to be confirmed as Attorney General, I will ensure that the resources of the Department of Justice and our partnerships with state and local law enforcement are utilized in a way that will ensure public safety and full enforcement of the law.