



Department of Justice

STATEMENT OF

**MERRICK B. GARLAND
ATTORNEY GENERAL**

BEFORE THE

**COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

AT A HEARING ENTITLED

“OVERSIGHT OF THE UNITED STATES DEPARTMENT OF JUSTICE”

PRESENTED

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Good morning, Chair Durbin, Ranking Member Graham, and distinguished members of this Committee. Thank you for the opportunity to appear before you today to discuss the priorities and work of the Justice Department.

The mission of the Justice Department is to uphold the rule of law, to keep our country safe, and to protect civil rights. Every day, the 115,000 employees of the Justice Department work tirelessly to fulfill each of those responsibilities. I am proud of the work we have done on each of these fronts since I last appeared before you.

I. Uphold the Rule of Law. The rule of law is the foundation of our system of government. Upholding the rule of law is the priority of every Justice Department employee, every single day. The essence of the rule of law is that like cases are treated alike: that there not be one rule for the powerful, and another for the powerless; one rule for Democrats and another for Republicans; one rule for friends, another for foes; one rule for the rich, another for the poor; or different rules depending on one’s race or ethnicity. The integrity of our legal system is premised on adherence to the rule of law. In order to have confidence in our Department and in our democracy, the American people must be able to trust that we will adhere to the rule of law in everything that we do.

II. Keep Our Country Safe. The Justice Department is committed to using every resource at our disposal to help protect the safety of our communities. We continue to work to counter the foreign-based threats from nation-states, terrorist groups, radicalized individuals, and cyber criminals that seek to undermine our democratic and economic institutions and to sow fear among our people. And we continue to work to counter persistent domestic-based threats. Those include violent crime and gun violence, which undermine communities’ trust in the rule of law; drug poisonings and overdoses that shatter families; domestic violent extremist acts aimed at undermining our democratic institutions; and corporate crime and fraud that threaten our economic institutions. Our support of and partnerships with state, local, Tribal, and territorial law enforcement agencies across the country are central to this work.

III. Protect Civil Rights. Protecting civil rights was a founding purpose of the Justice Department and remains an urgent priority today. The Department’s Civil Rights Division has been at the forefront of our efforts to protect the right to vote; prevent and prosecute hate crimes; ensure constitutional policing; build trust between law enforcement and the communities they serve; enforce federal statutes prohibiting discrimination in all its forms; and expand access to justice, including for veterans, servicemembers, and military families. Now more than ever, protecting civil rights is not only the obligation of the Civil Rights Division, but it is the responsibility of every Justice Department employee, every single day.

I. UPHOLDING THE RULE OF LAW

The first core, co-equal priority—to uphold the rule of law—is rooted in the recognition that to succeed and retain the trust of the American people, the Justice Department must adhere to the norms that have been part of its DNA for over forty years. In the wake of Watergate, Attorneys General Edward Levi, Griffin Bell, and Benjamin Civiletti developed and formalized guidelines to ensure the Department’s adherence to the rule of law and to restore public confidence in its work.

The norms they established included policies intended to protect the independence of the Department from partisan influence in law enforcement investigations; to strictly regulate communications with the White House; to establish guidelines for FBI investigations and for the use of compulsory process in investigations regarding the press; to ensure respect for the professionalism of DOJ’s lawyers, agents, and staff; and to set out principles to guide the exercise of prosecutorial discretion.

When I began my tenure as Attorney General, I said it would be my mission to reaffirm those policies as the principles upon which the Department operates.

Since then, the Justice Department has reinforced and, where appropriate, updated and strengthened policies that are foundational for longstanding Departmental norms.

For example, we strengthened our policy governing communications between the Justice Department and the White House, and the White House did the same. That policy is designed to protect the Department’s criminal and civil law enforcement decisions and its legal judgments from even the appearance of political or other inappropriate influences.

We also issued a new policy to better protect the freedom and independence of the press. A free press is vital to the functioning of a democratic system under the rule of law. The policy we adopted restricts the use of compulsory process to obtain information from, or records of, the news media. The Justice Department strongly values a free press, and we are committed to protecting the First Amendment and the journalists who rely on it to keep the American people apprised of the workings of their government.

A. Protecting Our Country's Democratic Institutions

Upholding the rule of law includes protecting our country's democratic institutions. The Justice Department's investigation into the January 6, 2021, attack on the Capitol is one of the largest and most expansive investigations in our history. So far, that investigation has resulted in the arrest of more than 985 defendants for their alleged roles in the attack. We have secured convictions for a wide range of criminal conduct on January 6 as well as in the days and weeks leading up to the attack. Our work is not over.

I have great confidence in the investigators and prosecutors who are undertaking these cases. They are doing exactly what they are expected to do: making careful determinations about the facts and the applicable law in each individual case.

The Justice Department is committed to ensuring accountability for those criminally responsible for the January 6 assault on our democracy. And we remain committed to doing everything in our power to prevent this from ever happening again.

B. Protecting Those Who Serve the Public

We have all seen that Americans who serve and interact with the public at every level—many of whom make our democracy function—have been unlawfully targeted with threats of violence and actual violence. Judges, prosecutors, U.S. Senators and Representatives, school personnel, police officers, federal law enforcement agents, election officials and election workers, journalists, flight crew members, and local elected officials have all been threatened or attacked. That is dangerous for people's safety. And it is deeply dangerous for our democracy.

In 2022, the Department charged more defendants in criminal threat cases than in any year in at least the last five. Those have included investigations and prosecutions of individuals for making terrifying threats of violence to Members of Congress. In October 2022, the Department secured the guilty plea of an individual for threatening to kill a member of Congress. In December 2022, the Department charged and arrested an individual for allegedly repeatedly making calls to U.S. Senators and members of the House of Representatives in which he left voicemails threatening bodily harm. Most recently, in February 2023, the Department secured the guilty plea of an individual for making interstate threats to a member of Congress.

The Justice Department will continue to investigate violence and illegal threats of violence, disrupt that violence before it occurs, and hold perpetrators accountable.

C. Defending the Rule of Law and Ensuring Accountability for War Crimes

The Justice Department has taken a series of actions in response to Russia's unprovoked and unjust invasion of Ukraine. In March 2022, the Department launched Task Force KleptoCapture (TFKC) to further leverage the Department's tools and authorities to combat efforts to evade or undermine U.S. sanctions. TFKC is staffed with attorneys, agents, analysts, and professional staff from across the Department who are experts in sanctions and export control enforcement, anticorruption, asset forfeiture, anti-money laundering, national security investigations, and foreign evidence collection. TFKC has already taken several actions to freeze and seize the assets of sanctioned Russian oligarchs and indict individuals for violations of U.S. sanctions and for evasions of export controls.

On December 29, 2022, the President signed into law the Additional Ukraine Supplemental Appropriations Act of 2023. That Act authorizes the Department to conduct certain transfers of forfeited Russian oligarch assets to the Department of State to remediate the harms of Russia's invasion of Ukraine. In February 2023, I authorized the first-ever transfer under this new authority. The funds were identified, seized, and forfeited through the efforts of the agents, attorneys, and analysts working with TFKC.

The Department has also launched a War Crimes Accountability Team to centralize and strengthen the Department's ongoing work to hold accountable those who have committed war crimes and other atrocities in Ukraine. The Justice Department and our partners stand with the people of Ukraine and will pursue every avenue of accountability to bring to justice those responsible. In January 2023, the President signed into law the Justice for Victims of War Crimes Act, which enables the Department to prosecute war criminals present in the United States regardless of where the offense occurs.

The Department is deeply appreciative of the work of its attorneys and of Congress for their continued dedication to this cause. We will continue to use all of the Department's authorities to hold accountable Russian oligarchs and others who seek to evade U.S. sanctions, as well as to hold accountable those who break our laws, threaten our national security, and harm our allies.

II. KEEPING OUR COUNTRY SAFE

Keeping our country safe is the second core, co-equal priority of the Justice Department. The Department is committed to mobilizing its resources to protect the American people from all threats—foreign and domestic—while safeguarding our civil liberties.

Congress has provided critical resources for the Department to strengthen its national security and law enforcement capacities, to focus our efforts on disrupting threats to our country, and to build deeper and even more effective partnerships, both here at home and around the world. Today I would like to highlight five significant areas of the Justice Department's efforts to keep our country safe: (A) countering foreign and domestic terrorism; (B) protecting national security and countering cyber threats and crime; (C) combating violent crime and gun violence, including by supporting state and local law enforcement while building public trust; (D) disrupting drug trafficking networks and preventing overdose deaths; and (E) protecting Americans from economic harm.

A. Countering Foreign and Domestic Terrorism

Keeping our country safe includes countering new and emerging terrorism threats. We are doing all we can to protect the American people from terrorism in all its forms—whether originating from abroad or at home—and doing so in a manner that is consistent with our Constitution and the rule of law.

Our whole-of-Department commitment to countering terrorism includes our 94 U.S. Attorney's Offices; our law enforcement components, including the FBI; our grant-making offices; and our litigating divisions, including the National Security Division, the Civil Rights Division, and the Criminal Division.

We remain vigilant in the face of the continuing danger of attacks by foreign terrorist organizations. In July 2022, the Department announced the sentence of life imprisonment imposed by a court for a member of the Islamic State of Iraq and al-Sham (ISIS), a designated foreign terrorist organization, following conviction for conspiring to provide material support resulting in death. In addition to serving as a fighter and personally executing two Syrian soldiers on behalf of ISIS, the defendant served as a lead translator in ISIS's propaganda production and as the English-speaking narrator on multiple violent ISIS videos. Prior to this, in May 2022, the Department announced the conviction by a jury of a New York man who was a high-ranking member of ISIS. Convicted of conspiring to provide material support and providing it to ISIS, he held many responsibilities within the organization, including recruiting foreign fighters; trafficking foreign fighters from the West through Turkey and into Syria; and obtaining weapons, military equipment, maps, money, and false identifications for ISIS fighters.

Our FBI field offices and U.S. Attorney's offices also remain vigilant in regard to countering the threat of domestic terrorism. The FBI has also enhanced training provided to our state, local, Tribal, and territorial partners, while the Department's Civil Rights and National Security Divisions are working together more closely than ever. In February 2022, the Department announced convictions stemming from a domestic terrorism plot to attack energy facilities in furtherance of a racially or ethnically motivated violent extremist—white supremacist ideology—and to damage the economy and stoke division in our country. As part of this conspiracy, each defendant planned to attack power grids with powerful rifles to cost the government millions of dollars and cause civil unrest. The defendants also had conversations

about how the possibility of months-long power outages could cause war—including a race war—and induce the next Great Depression.

In all our efforts, the Justice Department is guided by our commitment to protecting civil liberties. The Department has been clear that expressing a political belief or ideology is protected by the First Amendment. But illegally threatening to harm or kill another person is not. We will use every appropriate tool at our disposal to deter and disrupt such illegal acts and to hold accountable perpetrators of those crimes.

B. Protecting National Security and Countering Cyber Threats and Crime

Together with our international partners and other federal law enforcement agencies, the Justice Department is committed to investigating, prosecuting, and otherwise disrupting threats to America's national and economic security.

With respect to nation-state threats, the governments of the People's Republic of China, Russia, Iran, and North Korea are becoming more aggressive and more capable in their malign activity than ever before. A year ago, the Department announced its broader strategy for countering nation-state threats. That strategy is threat-driven, focusing on the areas where the Department's authorities can have the most impact in combating the greatest threats to our national security, including those in the context of transnational repression; foreign malign influence; cyber; espionage; and theft of technology and intellectual property. The Justice Department will not tolerate attempts by any foreign power to undermine the rule of law upon which our democracy is based. And we will continue to fiercely protect the rights guaranteed to everyone in our country.

In recent years, malicious cyber actors have posed an increasing and constantly evolving threat. Nation-states have used cyber operations to target critical infrastructure, compromise our networks and supply chains, and cause significant economic harm. Cyber criminals have launched ransomware attacks that have also targeted critical infrastructure, including government facilities and key businesses, as well as hospitals and medical centers, putting patients' lives at increased risk during the COVID-19 pandemic.

The Justice Department is using every resource at its disposal to meet the cybercrime threat. For example, in January 2023, the Justice Department dismantled an international ransomware network responsible for extorting and attempting to extort hundreds of millions of dollars from victims in the United States and around the world. This ransomware group—known as "Hive"—used malicious software to hold digital systems hostage and demand a ransom. They targeted critical infrastructure and some of our nation's most important industries. In August 2021, they targeted a hospital with a ransomware attack that prevented the hospital from accepting new patients at a time when COVID-19 surged in communities across the country. Since July of last year, we also provided assistance to more than 300 new Hive victims around the world, helping to prevent approximately \$130 million in ransom payments.

The Department will continue to work both to prevent these attacks and to support victims who have been targeted. And together with our international partners, we will continue to disrupt the criminal networks that deploy these attacks.

To ensure that our efforts to keep our country safe from nation-state, cyber, and other threats remain informed by the most valuable and timely intelligence, the Justice Department strongly supports reauthorizing section 702 of the FISA Amendments Act. Section 702 is an indispensable tool for protecting American national security. Section 702 permits the U.S. government to collect foreign intelligence information about non-U.S. persons reasonably believed to be outside the United States. It is subject to robust targeting, minimization, and querying procedures to protect the privacy and civil liberties of U.S. persons. In protecting our national security, the Department is guided by our commitment to protect the civil rights of the American people.

C. Combating Violent Crime and Gun Violence, Supporting State and Local Law Enforcement, and Building Public Trust

(1) Combating Violent Crime and Gun Violence

The Justice Department is committed to addressing the rise in violent crime that began in 2020. In May 2021, the Justice Department launched a comprehensive anti-violent crime strategy rooted in our partnerships—partnerships among the federal law enforcement agencies that assist in the fight against violent crime; partnerships with the communities harmed by violent crime; and partnerships with the state, local, Tribal, and territorial law enforcement agencies that protect those communities every day.

As part of that strategy, all 94 of our United States Attorneys' Offices are working with their partners in state and local law enforcement to develop and implement district-specific, anti-violent crime policies.

And each of our law enforcement components is working with its state, local, Tribal, and territorial counterparts to seize deadly drugs and guns used in crimes and to apprehend dangerous fugitives.

For example, last year DEA and our law enforcement partners concluded a four-month operation that resulted in the removal of 36 million lethal doses of fentanyl from American communities.

The FBI also conducted a four-month operation in partnership with local and state law enforcement agencies. Together, we seized more than 2,700 firearms used in crimes, disrupted hundreds of violent gangs and criminal enterprises, and arrested thousands of alleged violent criminals and gang members.

Our U.S. Marshals continue to work alongside state and local law enforcement to apprehend the most dangerous fugitives. Last summer, and then again this year, U.S. Marshals conducted two, 30-day anti-violent crime operations in which they apprehended approximately 2,300 dangerous fugitives in communities nationwide.

And our ATF agents are part of multi-agency, multi-jurisdictional violent crime task forces across the country. That includes the five cross-jurisdictional strike forces I launched in 2021 to crack down on illegal gun trafficking. And ATF's Crime Gun Intelligence Centers coordinate comprehensive crime gun tracing and ballistics evidence analysis.

As part of our efforts to combat gun violence, in April 2022, the Department finalized its "frame or receiver" rule to address the proliferation of ghost guns used in violent crimes. That rule makes it harder for criminals and other prohibited persons to obtain untraceable firearms. Most recently, in January 2023, the Department issued a final rule clarifying that when manufacturers, dealers, and individuals use stabilizing braces to convert pistols into shoulder-fired rifles with a barrel of less than 16 inches—commonly referred to as a short-barreled rifle—they must comply with longstanding federal statutes that impose heightened requirements on those rifles. This rule underscores that firearm manufacturers, dealers, and individuals cannot evade these important public safety protections simply by adding accessories to pistols that transform them into short-barreled rifles.

The Justice Department has taken several significant enforcement actions to disrupt illegal gun trafficking operations. The Department is diligently working to implement the Bipartisan Safer Communities Act (BSCA), a historic piece of legislation that will aid in the effort to reduce gun violence. In January 2023, the Eastern District of New York announced a seven-count indictment charging several individuals with allegedly conspiring to illegally traffic more than 50 firearms under new gun trafficking provisions of the BSCA.

We also continue to support community-led efforts that are vital to preventing violence before it occurs. Earlier this year, the Department announced the investment of over \$231 million for the Department's Byrne State Crisis Intervention Program, which funds state crisis intervention court proceedings. Among other things, those funds will allow communities to implement the extreme risk protection order laws and programs that we know save lives. The Department has made strengthening Project Safe Neighborhoods (PSN) part of its violent crime reduction strategy. In May 2022, the Justice Department hosted a virtual, two-day national summit on reducing violence and strengthening communities. The summit convened more than 500 prosecutors, federal and local law enforcement officials, and community partners working under the auspices of PSN and the National Public Safety Partnership (PSP). Like PSN, PSP is a Department-led initiative that supplements enforcement efforts with community engagement. PSP provides training, technical assistance, and other resources from the Department's enforcement and grantmaking components to address violent crime challenges in communities. More than 50 cities have participated in this effort.

The Department—through its Office of Justice Programs, or (OJP)—has also announced \$100 million in community violence intervention grants to help communities across the United States. These resources will develop and expand the infrastructure needed to build community safety through cross-agency collaborations, the expansion of community-based organizations, and technical assistance—all of which will help prevent and reduce violent crime.

The Department’s Office on Violence Against Women (OVW) plays an important role in preventing and reducing violent crime. OVW administers 19 VAWA programs and \$700 million in funding to support effective strategies for reducing domestic and dating violence, sexual assault, and stalking. OVW has been successful by funding evidence-based practices—such as legal assistance for victims, protection order enforcement, victim advocacy, specialized law enforcement and prosecution units, and access to medical forensic examinations. For example, a swift police response to sexual assault and thorough investigation may make it more likely that a case will be referred to a prosecutor, accepted for prosecution, and result in a conviction. Victim-centered prosecution is also associated with lower incidence of re-abuse. OVW grants such as the Improving Criminal Justice Responses to Domestic Violence, Dating Violence, Sexual Assault, and Stalking Grant Program; the Rural Sexual Assault, Domestic Violence, Dating Violence, and Stalking Assistance Program; and the Legal Assistance for Victims Grant Program combat these violent crimes across every state and territory.

OVW is now implementing the many important updates to VAWA made by Congress in last year’s reauthorization. For example, in September 2022, on the 28th anniversary of the original authorization of VAWA, the Department announced \$224.9 million in grants designed to enhance services and justice solutions for victims of sexual assault, domestic violence, dating violence, and stalking. In February 2023, OVW announced funding to help Tribes across the country, including in Alaska, implement special Tribal criminal jurisdiction.

(2) Supporting State and Local Law Enforcement

The Justice Department recognizes that our state, local, Tribal, and territorial law enforcement partners bear the brunt of keeping our communities safe. We also recognize the toll that takes on law enforcement officers. We are committed to doing everything in our power to provide our local law enforcement partners with the resources they need and deserve.

Through our VALOR officer safety and wellness initiative, we continue to provide trainings, research, and guidance on preventing violence against law enforcement and supporting officer wellness. The Justice Department, in consultation with the Department of Health and Human Services, is also drafting guidance on best practices for addressing officer wellness and suicide prevention, which includes support for officers experiencing substance use disorders, mental health issues, or trauma from their duties. We have met with over fifty stakeholder groups, and we have heard them underscore what we know to be true—that addressing and providing tools for officer wellness is critical to agencies’ ability recruit and retain high-quality candidates who reflect the communities they serve.

We are also committed to addressing challenges in officer recruitment and retention. Both OJP and our Office of Community Oriented Policing Services—the COPS Office—are continuing to work on a number of programs and initiatives focused on supporting, recruiting, and retaining officers. Consistent with Executive Order 14074, we are developing guidance regarding best practices for State, Tribal, local, and territorial law enforcement agencies seeking to recruit, hire, promote, and retain highly qualified and service-oriented officers.

Last year, we awarded more than \$139 million in funding for the COPS Hiring Program to enable law enforcement agencies across the country to hire additional full-time law enforcement professionals. In the coming year, we will award even more, with over \$224 million dedicated to the COPS Hiring Program.

In October 2022, the Department announced more than \$370 million in grants—awarded by OJP—to fund state, local, and Tribal crime and violence reduction efforts and evidence-based strategies that support law enforcement operations; improve officer safety, health, and wellness; and build trust with communities.

(3) Building Public Trust

Public trust is essential to public safety. The Justice Department is committed to fostering trust and legitimacy between law enforcement and the communities we serve.

Toward that end, in May 2022, the Department updated its use-of-force policy for the first time since 2004. We also posted the new policy on our website for the first time. This Department-wide policy is in line with current best practices, core principles, and training at the highest standards of federal law enforcement. The new policy institutes a number of changes, including an affirmative duty for officers to prevent or stop any officer from engaging in excessive force or any other use of force that violates the Constitution, federal laws, or Department policies on the reasonable use of force. The policy also requires officers to be trained in, recognize, and act upon an affirmative duty to request and/or render medical aid, as appropriate. It further requires officers to be trained in and to deploy when feasible de-escalation tactics and techniques.

In June 2021, the Department’s federal law enforcement components were instructed to develop plans specific to their unique missions to expand the use of body-worn cameras. In September 2021, the Department issued the first-ever Department-wide directive limiting the use of “chokeholds” and “no-knock” warrants. Under the policy, the Department’s law enforcement components may not use “chokeholds” and “carotid restraints” unless deadly force is authorized, or “when the officer has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or to another person.” Law enforcement components are generally limited to using “no-knock” warrants only in situations where an agent has reasonable grounds to believe that knocking and announcing the agent’s presence would create an imminent threat of physical violence to the agent and/or another person. These efforts build on a range of existing efforts to strengthen police-community partnerships.

The Department has also launched other key initiatives designed to support best practices and advance constitutional policing in America. For example, in March 2022, the Department launched a new Collaborative Reform Initiative, which offers multiple levels of support for law enforcement agencies seeking assistance. Collaborative Reform is designed to build trust between law enforcement agencies and the communities they serve; improve operational efficiencies and effectiveness; enhance officer safety and wellness; and develop and disseminate evidence-based, promising, and innovative public safety practices. Additionally, in April 2022, the Department announced the creation of the National Law Enforcement Knowledge Lab—a free training, technical assistance, and resource hub for law enforcement. This initiative is intended to promote constitutional policing, improve public safety, and build trust in communities across the country, and it is designed to adapt to the needs of law enforcement agencies and communities over time. In addition, as required by Executive Order 14074, we are working to establish a National Law Enforcement Accountability Database, a centralized repository of official records documenting instances of law enforcement officer misconduct and decertification, as well as commendations and awards. We have increased participation in the FBI’s National Use-of-Force database and published quarterly reports. The Department is also developing standards for determining whether an entity is an authorized, independent credentialing body for law enforcement agencies, including that the entity requires agencies to have policies in line with certain aspects of Executive Order 14074, and leveraging our grant-making authority to encourage and support our state and local partners in adopting the best practices identified in the implementation of the Executive Order.

Last year, I announced the selection of Colette Peters as Director of the Federal Bureau of Prisons. Under her leadership, BOP is working to ensure the rehabilitation, health, and safety of incarcerated individuals; a safe and secure work environment for correctional staff; and transparency and accountability across federal detention facilities. As part of that effort, BOP is working to fully implement the First Step Act and Executive Order 14074 including by increasing programming to prepare individuals for successful reentry.

Through collaboration with our federal agency partners, and extensive stakeholder engagement with law enforcement and civil rights groups, we will continue to develop policies and best practices that will help state and local law enforcement agencies and the communities they serve.

D. Disrupting Drug Trafficking Networks and Preventing Overdose Deaths

The Justice Department is working tirelessly to get deadly fentanyl out of our communities and to dismantle and hold accountable the violent cartels that put it there.

According to the Centers for Disease Control and Prevention, approximately 107,000 people in the United States died of drug overdoses in 2021. And about two-thirds of those deaths involved synthetic opioids—primarily fentanyl. Fentanyl is 50 times more potent than heroin. Just two milligrams of fentanyl—the amount that could fit at the tip of a pencil—is a potentially lethal dose. Many people taking fentanyl do not know they are taking it. Violent drug cartels are manufacturing and moving fake pills that are designed to look exactly like brand name drugs. Instead, the fake pills contain deadly amounts of fentanyl. The DEA has seen a sharp increase in the deadliness of fentanyl-laced fake prescription pills across the country. In 2022, six out of 10 fentanyl-laced, fake prescription pills that were seized contained a potentially lethal dose.

These deaths are tragic. Too many lives have been lost to drug poisoning and overdoses. Too many families—too many communities—have been shattered by this crisis.

In response, the Justice Department is using every tool at our disposal to save lives and get fentanyl out of communities. This includes dismantling the violent cartels that flood communities with poison and dedicating our resources to addressing the public health challenges of addiction and drug use.

The Department's agents and prosecutors are working with state, local, Tribal, and territorial partners to conduct investigations in communities across the country. In 2022, the DEA and its law enforcement partners seized more than 50.6 million fentanyl-laced, fake prescription pills. That is more than double the amount seized in 2021. The DEA has also seized more than 10,000 pounds of fentanyl powder. Together, these seizures represent more than 379 million potentially deadly doses of fentanyl. That much fentanyl could kill every single American.

We are also working closely with our partners at home and abroad to disrupt narcotics trafficking, improve information sharing, and increase drug seizures. DEA is focusing its efforts on disrupting the two cartels that are responsible for significant quantities of fentanyl crossing the U.S.-Mexico border: the Sinaloa and Jalisco New Generation Cartels.

Earlier this year, I joined President Biden and other cabinet members in Mexico City for meetings with our counterparts in the Mexican government.

There, among other things, we discussed dramatically stepping up our countries' joint efforts to combat fentanyl trafficking. This includes disrupting the flow of precursor chemicals coming from the People's Republic of China to Mexico, and dismantling the clandestine labs where cartels use those chemicals to synthesize fentanyl in Mexico.

And in districts across the country, our agents and prosecutors are working every day to bring to justice those who endanger our communities with deadly drugs.

In addition to our enforcement efforts, we are committed to helping communities meet the public health challenges of addiction and substance abuse.

Last year, OJP announced grant awards totaling more than \$340 million to address the overdose epidemic.

Those awards will support drug and treatment courts; residential treatment programs; prevention and harm reduction services; recovery support; services for opioid-affected youth; and community-based strategies that improve continuity of care.

The Department also supports efforts in Congress to permanently schedule certain fentanyl-related substances as Schedule I drugs under the Controlled Substances Act, to ensure the effective law enforcement and prosecution of the sale and use of these substances.

Finally, the Department is taking action to hold accountable corporate entities that exacerbated the opioid crisis by violating the law. We are pursuing litigation against two corporations that we allege distributed or dispensed prescription opioids without the oversight that the Controlled Substances Act and its implementing regulations require. The Department calls upon responsible companies—whether pharmacies, chemical companies, drug manufacturers and distributors, or social media companies—to join us in our fight to overcome this deadly public safety and public health crisis.

E. Protecting Americans from Economic Harm

Corporate malfeasance hurts consumers, depletes pensions, bankrupts organizations, and harms governments. Fraud, theft, corruption, bribery, environmental crime, market manipulation, and anticompetitive agreements threaten the free and fair markets upon which our economy is based. And corporate crime weakens our economic institutions by undermining public trust in the fairness of those institutions. Failing to aggressively prosecute such crimes diminishes our democratic institutions by undermining public trust in the rule of law. The Justice Department is aggressively prosecuting these crimes and holding accountable those who perpetrate them.

(1) Combating Fraud and Abuse

The Justice Department remains committed to using every available federal tool—including criminal, civil, and administrative actions—to safeguard the integrity of taxpayer-funded programs.

Settlements and judgments under the False Claims Act exceeded \$2.2 billion in the fiscal year ending September 30, 2022. The government and whistleblowers were party to 351 settlements and judgments, the second-highest number of settlements and judgments in a single year.

The Department's Healthcare Fraud Unit has over 70 federal prosecutors who investigate and prosecute egregious fraud schemes amounting to billions of dollars in fraud each year. The Department is prioritizing the investigation and prosecution of: schemes that impact older adults

and vulnerable populations; COVID-19 pandemic fraud cases; prosecutions of telemedicine and genetic testing fraud schemes; crimes committed by major health care providers that operate in multiple jurisdictions; newly emerging schemes targeting Medicare Part C; opioid diversion and distribution schemes, which can result in overdoses or new patients becoming addicted to controlled substances; and fraud arising from addiction treatment facilities and sober homes.

In May 2021, I established an inter-agency task force to combat pandemic fraud. Led by Deputy Attorney General Lisa Monaco, that team of nearly 30 agencies has lowered the barriers to information sharing related to COVID fraud and has increased the flow of data between agencies. This has resulted in investigative leads that have led to prosecutions. As of December 31, 2022, the Justice Department had seized over \$1.3 billion in relief funds that criminals were attempting to steal, and had charged over 1,800 defendants with crimes in federal districts across the country since the start of the pandemic.

The COVID-19 pandemic also ushered in a new wave of exploitative practices targeted at older Americans. The Department is committed to combating scams and fraudulent schemes that target older adults. Between September 2021 and September 2022, the Department pursued approximately 260 criminal and civil cases involving more than 600 defendants to protect older adults from fraud and exploitation. Last October, I announced we were intensifying our efforts nationwide to protect older adults, including by more than tripling the number of U.S. Attorney's Offices participating in our Transnational Elder Fraud Strike Force. This Strike Force, which was created in 2019, is dedicated to disrupting, dismantling, and prosecuting foreign-based fraud schemes that target older Americans.

(2) Combating Corporate Crime

The Department's top priority for corporate criminal enforcement is securing individual accountability by investigating and prosecuting those who profit from corporate malfeasance. And over the past two years, the Department has fortified its corporate crime enforcement—first by convening an advisory group to understand how to deter crime, prevent recidivism, and protect victims, and then by issuing guidance aimed at accomplishing those goals.

We have secured convictions of individuals as well as guilty pleas against corporations—both domestic and foreign—and have imposed independent corporate monitors where necessary to protect the American people and shareholders.

The Justice Department will continue to pursue justice for the victims of these crimes, including workers, consumers, investors, and others, and we will hold accountable those who break the law.

(3) Vigorous Enforcement of the Antitrust and Consumer Protection Laws

Anticompetitive practices hurt the American people—consumers, workers, and producers alike. And they hurt the American economy. No matter the industry and no matter the company, the Justice Department is vigorously enforcing our antitrust laws. Our enforcement actions have resulted in the blocking or abandonment of six mergers that would have further consolidated industries; have led to tens of millions of dollars in restitution for workers who were harmed by a wage-fixing conspiracy; and have reinvigorated criminal enforcement of the Sherman Act by bringing prosecutions for labor-market allocation, wage fixing, bid rigging, and procurement fraud. We are engaged in active litigation against technology companies, airlines, and insurance companies whose conduct or proposed mergers we believe violate the law. We will continue to aggressively protect consumers, safeguard competition, and work to ensure economic fairness and opportunity for all.

Beyond traditional antitrust enforcement, the Justice Department is committed to using criminal, civil, and administrative actions to protect consumers. The Department will work to ensure the safety of food, medicines, and consumer products, and will safeguard consumer information from unlawful acquisition and use. Using the full array of our civil and criminal enforcement tools, we will hold accountable those who make fraudulent or misleading representations in the marketing of goods, especially where such conduct risks consumer harm.

In December 2022, Congress enacted several important improvements to the antitrust laws as part of the Consolidated Appropriations Act of 2023. These improvements include the Merger Filing Fee Modernization Act, which updates the threshold for statutory filing fees in merger enforcement to ensure that they reflect current market realities. It also includes the Foreign Merger Subsidy Disclosure Act, which protects American national security by requiring merging parties to disclose any subsidies they receive from foreign adversaries. Finally, the Act includes the State Antitrust Enforcement Venue Act, which empowers state antitrust enforcers by exempting state enforcement of the antitrust laws from the transfer and consolidation process applicable to private, multidistrict litigation.

The Justice Department strongly supports efforts by Congress—including the American Innovation and Choice Online Act—to promote competition in digital markets by passing legislation to prohibit certain anticompetitive practices by dominant online platforms. The Department also supports broader legislative efforts to provide the Department with the most effective tools to promote competition on an economy-wide basis.

III. PROTECTING CIVIL RIGHTS

Protecting civil rights is the third core, co-equal priority of the Justice Department. Now, more than ever, protecting the civil rights to which every American is entitled is the responsibility of every one of our attorneys, investigators, law enforcement agents, and staff.

A. Protecting Voting Rights

The Justice Department remains committed to vigorously protecting voting rights with the enforcement powers we have. The Department has increased the number of enforcement attorneys in the Civil Rights Division to scrutinize new laws that curb voter access or discriminate against Black voters and other voters of color. The Department has filed lawsuits across the country to protect the right to vote. It has also filed statements of interest and amicus briefs in the Supreme Court, federal district courts, and federal appeals courts across the country to weigh in on critical questions. Through this work, the Department has sought to address discriminatory voting laws, to protect language access at the ballot box, and to ensure that voters with disabilities are able to exercise the right to vote. And the Department has worked to provide guidance and outreach to state and local election officials and the public about federal voting rights laws.

The Justice Department stands ready to work with Congress to provide all necessary support to develop and advance federal legislation to protect voting rights—including legislation that would restore critical tools to help protect the fundamental right to vote.

B. Combating Hate Crimes

Hate crimes inflict immediate devastation and lasting fear not only on individuals, but on entire communities. The Justice Department is working tirelessly to investigate and combat hate crimes and hate incidents, which have significantly increased in recent years.

The Department's work to combat hate crimes has led to the convictions of the three men who targeted and killed Ahmaud Arbery because he was a Black man jogging on a public street. It led to the conviction of an individual who, motivated by racist and xenophobic beliefs about the COVID-19 pandemic, targeted and attacked an Asian family at a supermarket in Midland, Texas. It led to the conviction of a man for a series of arsons targeting Catholic, Methodist, and Baptist churches. And in July 2022, it led to the indictment of a defendant for federal hate crime and firearms offenses following the horrific attack on the Black community in Buffalo that killed 10 persons and injured three others.

The Department is also working to improve hate crime reporting, which will in turn promote more effective prevention and prosecutions of these crimes. The Department is building and solidifying police-community trust so community members will report hate crimes to authorities.

Last September, the Justice Department officially launched the United Against Hate program in U.S. Attorney's Offices across the country. The program brings together community groups, federal hate crimes prosecutors, and law enforcement at every level to build trust and strengthen coordination to combat hate crimes and hate incidents by helping individuals learn to identify, report, and prevent hate crimes. We have already launched the training in 39 offices, and it will be offered in all 94 by the end of this year.

This fiscal year, the Department will award close to \$30 million in grants to support state and local agencies in investigating and prosecuting hate crimes, in addition to grants to improve hate crime reporting. This includes grants allocated under the Jabara-Heyer NO HATE Act to fund state-run hate crime reporting hotlines and support law enforcement agencies' transition to the National Incident-Based Reporting System (NIBRS), which is now the data collection mechanism for the FBI's annual Uniform Crime Reporting Program. The entire Justice Department is hard at work maximizing our collective tools to prevent, deter, and respond to hate crimes because we believe that all people in this country should be able to live without fear of being attacked because of where they are from, what they look like, whom they love, or how they worship.

Last year, the Justice Department's COPS Office released a new hate crimes recognition-and-reporting training specifically aimed at line-level officers. The training will increase state and local law enforcement officers' ability to identify when an incident is a hate crime or hate incident. This will lead to better reporting of these incidents.

C. Advancing Constitutional Policing

The Justice Department is committed to holding accountable those who violate the Constitution, and to safeguarding the civil rights of everyone in our country.

Last year, the Department obtained convictions of four former Minneapolis police officers for their roles in the death of George Floyd. The Justice Department will continue to seek accountability for law enforcement officers whose actions, or failure to act, violate their constitutional duty to protect civil rights.

Congress gave the Justice Department the authority to conduct civil pattern-or-practice investigations, which look beyond individual incidents to assess systemic failures. Those investigations allow the Department to determine whether a police department has a pattern or practice of unconstitutional or unlawful policing. The Justice Department has initiated pattern-or-practice investigations into police departments across the United States to focus on whether the departments engage in systemic violations of the Constitution or federal law. The Department has also taken a series of actions to ensure that the remedies for pattern-or-practice violations—including consent decrees—are fair, transparent, and effective.

The Department has also taken important steps to increase the efficiency and efficacy of consent decrees and monitorships. In 2021, I asked Associate Attorney General Vanita Gupta to undertake a review of monitorships associated with pattern-or-practice investigations and settlements. During that review, the Department heard from law enforcement leaders about how to make those arrangements more effective. At the conclusion of that review, the Associate Attorney General recommended, and I agreed to, a set of 19 actions to improve monitorships.

D. Protecting Reproductive Rights

Over 50 years ago, the Supreme Court decided *Roe v. Wade*, holding that the right to an abortion was protected by the Constitution. In the decades that followed, the Court repeatedly recognized and reaffirmed that right. For nearly half a century, that right was an essential component of women's liberty in this country. But last summer, the Court overturned *Roe* and renounced this fundamental right. In doing so, it also upended the doctrine of *stare decisis*, a key pillar of the rule of law.

The Justice Department is committed to protecting and advancing reproductive freedom.

In July 2022, the Department established the Reproductive Rights Task Force, formalizing the Department's ongoing work to protect reproductive freedom under federal law. The Reproductive Rights Task Force is monitoring any state laws and enforcement actions that threaten to infringe on federal protections of reproductive rights, and identifying appropriate responses to those actions, including affirmative and defensive litigation where appropriate. The Department is also advising federal agencies on legal issues related to reproductive health and enforcing federal laws to protect those seeking reproductive health care.

We are also continuing to offer technical assistance to Congress on federal constitutional questions related to reproductive health care.

The Department strongly supports efforts by Congress to codify Americans' reproductive rights, which it retains the authority to do.

E. Advancing Environmental Justice and Tackling the Climate Crisis

In May 2022, the Department established its first-ever Office of Environmental Justice (OEJ), which serves as a central hub for our efforts to advance our comprehensive environmental justice enforcement strategy.

Through improved information sharing and coordination, OEJ helps DOJ components expand investigation and enforcement actions in overburdened and underserved communities suffering from harm caused by environmental crimes, pollution, and climate change. For example, OEJ played an essential role in the Department's work to address the long-standing failures in the public drinking water system of the city of Jackson, Mississippi. In November 2022, the Department filed a complaint against Jackson, and—following an agreement between the Department, the city of Jackson, and the State of Mississippi—the court entered a stipulated order that will stabilize the water system and build confidence in the system's ability to supply safe drinking water to the system's customers.

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The Justice Department has worked tirelessly to uphold the rule of law, to keep our country safe, and to protect civil rights. And we will continue to do so.

I am extremely proud of the work the Department's employees have done to advance that mission, and I am extremely proud of the way they have done that work.

The employees of the Justice Department are the most dedicated, skilled, and patriotic public servants with whom I have ever had the opportunity to work. Many of them put their lives on the line every day to serve our country.

They conduct themselves with the utmost integrity, and with a singular commitment to the public we serve. It is my honor to work alongside them.

Thank you for the opportunity to testify today. I look forward to your questions.