STATEMENT OF
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BEFORE THE
UNITED STATES SENATE COMMITTEE ON THE JUDICIARY

AT A HEARING ENTITLED
“OVERSIGHT OF THE UNITED STATES DEPARTMENT OF JUSTICE”

PRESENTED
OCTOBER 27, 2021
Good morning Chairman Durbin, Ranking Member Grassley, 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.

On my first day in office, I spoke to all Department employees about three co-equal priorities that should guide our work: upholding the rule of law; keeping our country safe; and protecting civil rights. These remain the Department’s core priorities:

**First, upholding the rule of law.** The rule of law is the foundation of our democracy. The essence of the rule of law is that like cases are treated alike. That there not be one rule for Democrats and another for Republicans; one rule for friends, another for foes; one rule for the rich and 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.

**Second, keeping our country safe.** Every person living in this country expects and deserves that their government protect them against a wide range of threats – from international and domestic terrorism to cyber-attacks to violent crime and drug trafficking. As our country’s chief law enforcement officer, I am committed to supporting law enforcement at all levels as they work to protect our country from these threats, while also zealously guarding civil liberties and ensuring our own accountability to the American people.

**And third, protecting civil rights.** The essence of equal justice under law is that all persons are protected in the exercise of their civil rights. Many still face discrimination in voting, housing, education, employment, and the criminal justice system; experience hate- and gender-based violence; and disproportionately bear the brunt of the harm caused by economic crises, pandemic, pollution, and climate change. Protecting civil rights was a founding purpose of the Justice Department and remains an urgent priority today.

In my testimony this morning, I will address each of these core and co-equal priorities in more detail.

**I. Upholding the Rule of Law**

The first core priority – upholding 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 since Edward Levi’s tenure as the first post-Watergate Attorney General. Those norms – of independence from improper influence; of the principled exercise of discretion; and of treating like cases alike – define who we are as public servants.

In the seven months I have served as Attorney General, the Justice Department has reaffirmed 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 partisan 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 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.

The policy we adopted in July restricts the use of compulsory process to obtain information from, or records of, members of the news media. To further protect members of the news media in a manner that will be enduring, I asked the Deputy Attorney General to undertake a review to further explain, develop, and codify the policy into Department regulations. The Department also remains strongly supportive of congressional legislation to protect members of the news media.

II. KEEPING OUR COUNTRY SAFE

The Justice Department’s second core priority is keeping our country safe. The Department is committed to doing everything in its power to protect the American people from all threats, foreign and domestic, while also protecting our civil liberties.

Our nation continues to face a multitude of serious and evolving threats, ranging from foreign terrorism to domestic terrorism and from cybercrime to violent crime. These threats are as complex as at any time in our history. And the consequences of not responding to them have never been greater.

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) counterterrorism; (B) cybersecurity; (C) reducing violent crime; (D) addressing drug trafficking networks and overdose deaths; and (E) protecting our democratic institutions.

A. Countering Foreign and Domestic Terrorism

Last month marked the 20th anniversary of the attacks of September 11, 2001. That day is forever seared into our memories; nothing can change the profound way the events of September 11 affected us – individually, as a government, and as a nation. At the Justice Department, we commemorated this anniversary by rededicating ourselves to doing all we can to protect the American people from terrorism in all its forms – whether originating from abroad or at home – and to doing so in a manner that is consistent with our values and the rule of law.
Twenty years after the attacks of September 11, the Justice Department remains acutely aware of the serious and evolving threat posed by international terrorism. The FBI is the lead federal law enforcement agency for investigating and preventing acts of both international and domestic terrorism, and as the Director reaffirmed in testimony before a congressional committee last month, “[p]reventing terrorist attacks, from any place, by any actor, remains the FBI’s top priority.”

Foreign terrorist organizations have not stopped their efforts to carry out attacks against us here in the United States. The dedicated professionals of the Justice Department work every day to deter and disrupt such threats. As a Department, we will never underestimate the risk of another devastating attack by foreign terrorists.

Our whole-of-Department commitment includes our 94 U.S. Attorneys’ 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 are strengthening our 200 Joint Terrorism Task Forces, the essential hubs for both international and domestic counterterrorism cooperation across all levels of government nationwide. And together with partners across the federal government, we are working to counter the threat of Weapons of Mass Destruction (WMD), including by preventing terrorist groups and lone offenders from acquiring these materials either domestically or internationally. For FY22, we are seeking more than $1.5 billion – a 12% increase – for our counterterrorism work.

We remain vigilant in the face of the continuing danger of attacks by foreign terrorist organizations, while also recognizing that some threats have evolved significantly since 9/11. As the FBI and Department of Homeland Security have assessed, we face a serious threat from “lone offenders, often radicalized online, who look to attack soft targets with easily accessible weapons.” We continue to see a rise in what the FBI calls “homegrown violent extremism” – individuals in this country who become exposed to and inspired by radical ideologies espoused by foreign terrorist organizations.

In March, the Intelligence Community (IC), in a report drafted by the Department of Homeland Security, the FBI, and the National Counterterrorism Center under the auspices of the Office of the Director of National Intelligence, assessed that domestic violent extremists “pose an elevated threat” in 2021. The IC assessed that “racially or ethnically motivated violent extremists and militia violent extremists present the most lethal [domestic violent extremist] threats.” In the FBI’s view, the top domestic violent extremist threat we face comes from

4 Id.
“racially or ethnically motivated violent extremists, specifically those who advocate for the superiority of the white race.” The IC assessed that the militia violent extremist threat also “increased last year and that it will almost certainly continue to be elevated throughout 2021.”

In all our efforts, the Justice Department is guided by our commitment to protecting civil liberties. In our country, espousing an extremist ideology is not itself a crime. Nor is expressing hateful views or associating with hateful groups. But when someone tries to promote or impose an ideology through acts of violence, those acts can be among the most dangerous crimes we confront as a society. Regardless of the motivating ideology, we will use every appropriate tool at our disposal to deter and disrupt such acts and to bring their perpetrators to justice.

**B. Countering Cyber Threats and Cybercrime**

Keeping our country safe also requires countering cyber threats – whether from nation-states, terrorists, or common criminals. In recent years, a widening range of cyber actors has posed a significant and increasing threat to our national security, economic security, and personal security. In the last year alone, nation-states – including the PRC, Russia, Iran, and the DPRK – have used cyber operations to target U.S. COVID-19 vaccines and research, compromise our networks and supply chains, steal our intellectual property, and sow divisions to undermine our democracy. At the same time, cyber criminals have launched ransomware attacks that have targeted our critical infrastructure, businesses, schools, hospitals, and medical centers, putting patients’ lives at an increased risk amidst the worst pandemic in more than a century.

In April, the Justice Department launched a comprehensive strategic cyber review, aimed at improving our ability to investigate and prosecute state-sponsored cyber threats, transnational criminal groups, infrastructure and ransomware attacks, and the use of cryptocurrency and money laundering to finance and profit from cyber-based crimes.

Over the past six months, we have developed and implemented improvements on several fronts, including with respect to ransomware attacks. The FBI is currently investigating over 100 different types of ransomware, each of them with scores of victims. To tackle this threat strategically, we also launched the DOJ Ransomware and Digital Extortion Task Force, which is bringing all our tools to bear to protect the American people from the rise in ransomware, to pursue accountability, and to deliver justice for victims. In June, for example, the Department seized and recovered for the victim a $2.3 million ransom payment that had been made in bitcoin to the group known as DarkSide that targeted Colonial Pipeline, causing gas shortages along the East Coast. And we are aggressively pursuing the entire ransomware ecosystem to disrupt and deter such attacks.

Earlier this month, the Department announced the creation of a National Cryptocurrency Enforcement Team, which will draw on the Department’s established expertise in investigating and prosecuting criminal misuse of cryptocurrency to pursue cases against cryptocurrency

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6 IC Report.
exchanges, infrastructure providers, and other entities that enable criminal actors to profit from abusing cryptocurrency platforms. In addition, the Department’s Civil Cyber-Fraud Initiative will use the False Claims Act to both enforce civil fines on government contractors and grant recipients as well as protect whistleblowers.

To ensure our efforts continue to be robust and fully coordinated across the Justice Department in the years to come, we established new guidelines regarding investigations and cases related to ransomware and digital extortion, and we launched a new Cyber Fellowship program, which will help develop a new generation of prosecutors and attorneys equipped to handle emerging national security threats.

The Administration strongly supports congressional action to require victim companies to report significant incidents and the Department stands ready to engage with Congress regarding the minimum elements of a cyber incident reporting bill. Mandatory incident reporting would greatly assist federal efforts to defend the nation against cyber threats, pursue the actors responsible for them, and respond and share information to protect the private sector.

C. Combating Violent Crime

Protecting our communities from violent crime and gun violence is also essential to keeping our country safe.

That is why in May of this year the Justice Department launched a comprehensive violent crime strategy, which harnesses all our relevant Departmental components and resources to those ends. We have deployed a whole-of-Department approach to address this challenge, which engages not only the Justice Department’s 94 U.S. Attorneys’ offices, but also our law enforcement components (the ATF, DEA, FBI, and U.S. Marshals Service), our grant-making components (the Office of Justice Programs (OJP), the Office of Community Oriented Policing Services (COPS), the Office for Victims of Crime (OVC), and the Office on Violence Against Women (OVW)), and our litigating divisions, including the Criminal Division.

Last month, the FBI released its final crime data for 2020 and confirmed what our law enforcement community saw on the front lines every day: substantial increases in murder and aggravated assault rates between 2019 and 2020. In 2020, the United States witnessed a nearly 30% increase in the murder rate; 77% of those homicides were committed with a firearm.

Community-led efforts are vital to preventing violence before it occurs. That is why we are strengthening Project Safe Neighborhoods, a cornerstone initiative that brings together law enforcement and community stakeholders to develop solutions to pressing violent crime problems.

To support local police departments and help them build trust with the communities they serve, our FY22 budget requests over $1 billion in grants.

The Justice Department has also made available funding, through over a dozen grant programs, that can be used to support evidence-based community violence intervention strategies.
at all stages – from the earliest violence interruption strategies to post-conviction reentry services.

In addition, the FBI is making available cutting-edge analytical tools to support state and local law enforcement efforts to identify the most violent offenders. And earlier this month, the Department announced that our COPS Office is awarding $33 million in Community Policing Development (CPD) grants that will support, among other things, continuing the COPS Office Collaborative Reform Initiative Technical Assistance Center (CRI-TAC).

We also know that an effective violent crime reduction strategy must address the illegal trafficking of firearms. The Department is currently undertaking a comprehensive new study of firearms trafficking that will help agents, prosecutors, and policymakers tackle criminal gun trafficking. In recent months, the Department has proposed rules to address the proliferation of “ghost guns” that are increasingly recovered from crime scenes and to clarify that pistols equipped with certain stabilizing braces are subject to the same statutory restrictions as easily concealable short-barreled rifles.

As the Deputy Attorney General testified before this Committee earlier this month, the Justice Department is hopeful that the Senate will act swiftly to reauthorize and strengthen the Violence Against Women Act (VAWA). Among other things, VAWA reauthorization is an opportunity to help reduce homicides by strengthening federal firearms laws, including by closing the so-called “boyfriend loophole” that leaves countless victims at risk.

The Justice Department has also stepped up efforts to hold gun dealers that break the rules accountable for their actions and crack down on the illegal use and trafficking of firearms. In July, the Department of Justice launched five cross-jurisdictional strike forces to reduce gun violence by disrupting illegal firearms trafficking in key corridors across the country. We have also cracked down on transnational weapons trafficking networks operating in the U.S. and Mexico through the DEA’s Special Operations Division, which has worked with partners across government to investigate, arrest, and prosecute hundreds of network members responsible for trafficking thousands of weapons.

**D. Addressing Drug Trafficking Networks & Overdose Deaths**

The Justice Department is committed to keeping our country safe from violent drug trafficking gangs and cartels. These criminal networks are fueling the overdose epidemic in our country. Opioids, including illicit fentanyl, caused nearly 70,000 fatal overdoses in 2020. Last week, the Centers for Disease Control and Prevention’s National Center for Health Statistics reported that during the 12 months between March 2020 and March 2021, more than 96,000 Americans died from drug overdoses. The pervasiveness of these illicit drugs, and the fatal overdoses that too often result, is a problem that cuts across our entire country, from small towns to big cities.

The Justice Department will continue to use all the resources at our disposal to save lives. We will continue to investigate and prosecute the sources of supply, including transnational drug trafficking networks and Mexican cartels. And we will continue investigating precursor
chemical suppliers from the PRC and elsewhere and continue targeting illicit Internet distributors, especially on the Dark Web. To these ends, the Department has continued Operation Synthetic Opioid Surge, which operates in 10 high-impact areas with the country’s highest overdose death rates. The districts participating in the program have seen a decline in opioid overdoses.

In addition, following the confirmation of a new Administrator this summer, DEA has stepped up its efforts nationwide to target the criminal drug networks flooding the U.S. with deadly, fentanyl-laced fake pills. Between August 3 and September 30, 2021, the DEA – working in concert with federal, state, and local law enforcement partners – seized 1.8 million fentanyl-laced fake pills, enough to kill more than 700,000 Americans, and arrested 810 drug traffickers in cities, suburbs, and rural communities spanning the United States.

E. Protecting Our Democratic Institutions

Finally, keeping our country safe includes protecting its democratic institutions. The Justice Department is currently engaged in a complex and resource-intensive investigation, one of the largest and most expansive in our history: the investigation of the January 6 attack on the Capitol. The violence we witnessed that day was an intolerable assault, not only on the Capitol and the brave law enforcement personnel who sought to protect it, but also on a fundamental element of our democracy: the peaceful transfer of power.

In response to that attack, the Justice Department has undertaken an extraordinary effort to ensure that the perpetrators of criminal acts on January 6 are held accountable. The prosecution efforts are being led by the U.S. Attorney’s Office for the District of Columbia with assistance from U.S. Attorney’s Offices across the country. The Department’s senior leadership is kept informed and consulted on a frequent basis. To date, 55 of 56 FBI field offices have opened investigations. Citizens from across the country have provided more than 200,000 digital media tips, and the FBI continues to request the public’s assistance in identifying individuals sought in connection to the January 6 attack. And in less than 300 days, approximately 650 defendants have been arrested in nearly all 50 states for their roles in the attack.

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

III. Protecting Civil Rights

The Justice Department’s third core priority is protecting civil rights. This was a founding purpose when the Justice Department was established in 1870. We began our work during Reconstruction to enforce the rights promised by the Thirteenth, Fourteenth, and Fifteenth Amendments. This required confronting the racist conduct of the Ku Klux Klan and others who used terror and violence to keep Black Americans from exercising their civil rights. Today, 151 years after the Department’s founding, far too many still face discrimination in voting, housing, and the criminal justice system; and disproportionately bear the brunt of the harm caused by pandemic, pollution, and climate change.
A. Reinvigorating Civil Rights Enforcement

The Civil Rights Act of 1957 created the Department’s Civil Rights Division, with the mission of upholding the civil and constitutional rights of all Americans. Today, the Division’s work remains vital, including bringing cases to safeguard voting rights, prosecute hate crimes, and end unlawful discrimination.

I. Voting Rights.

The right to vote is the cornerstone of our democracy, the right from which all other rights ultimately flow. In signing the 1982 reauthorization of the Voting Rights Act, President Reagan stated: “The right to vote is the crown jewel of American liberties, and we will not see its luster diminished.” And in signing the 2006 reauthorization, President Bush stated that, “[t]he right of ordinary men and women to determine their own . . . future lies at the heart of the American experiment.”

But in recent years, the protections of federal voting rights law have been drastically weakened. The Supreme Court’s decision in *Shelby County v. Holder*, 570 U.S. 529 (2013), effectively eliminated the preclearance protections of the Voting Rights Act, which had been the Department’s most effective tool to protect voting rights over the past half-century. Since that decision, there has been a dramatic rise in legislative efforts that will make it harder for millions of citizens to cast a vote that counts. So far this year, states have enacted more than two dozen new laws that make it harder for eligible voters across the country to vote. We stand ready to work with Congress to provide all necessary support as you consider federal legislation to protect voting rights – legislation that would provide the Department with the tools it needs.

In the meantime, the Department of Justice will not stop working to protect the rights to which all eligible voters in our country are entitled. Since June, we have doubled the number of attorneys in the Civil Rights Division’s enforcement staff for protecting the right to vote. We are scrutinizing new laws that seek to curb voter access, and where we see violations, we will not hesitate to act. We are also scrutinizing current laws and practices to determine whether they discriminate against Black voters and other voters of color. In June, the Department sued Georgia over its new election law, Senate Bill 202, on the ground that it infringes on the rights of Black voters. And because this redistricting cycle is the first since 1960 to proceed without the key preclearance provisions of the Voting Rights Act, the Department has published new guidance to make clear the voting protections that apply to all jurisdictions as they redraw their legislative maps.

In addition, consistent with the policy and directives set forth in Executive Order 14019, the Department has supported access to voter registration for all eligible individuals in federal custody or individuals leaving federal custody.

Finally, we have launched a task force to address the rise in threats against election officials. Since the creation of the task force, the Criminal Division’s Public Integrity Section has trained staff in the offices of all 94 U.S. Attorneys and in all 56 FBI field offices nationwide on election threats.
2. Hate Crimes.

Although the Justice Department’s work to address unlawful acts of hate has a deep history, it remains an immediate and pressing challenge that constantly requires new thinking. The FBI’s Hate Crime Statistics for 2020 showed a significant increase in reported hate crimes and indicated that the majority were motivated by race and ethnicity. Black Americans remain the group most often targeted; one of the starkest trends in the 2020 data is that reported anti-Asian hate crimes rose 70%.

In March, I directed an expedited internal review to determine how the Department could deploy all the tools at its disposal to counter the rise in hate crimes and hate incidents. While that review was nearing completion, Congress passed the COVID-19 Hate Crimes Act and the Jabara-Heyer No Hate Act.

With the insights from our internal review and the authorities in the new laws, the Justice Department is working tirelessly to confront hate crimes and hate incidents. The FBI has elevated criminal civil rights matters – which includes hate crimes – to its highest-level national threat priority. This makes confronting unlawful acts of hate a focus for each of the Bureau’s 56 field offices and increases the resources the FBI commits to the issue. We have also appointed Department-wide coordinators for our hate crimes work, and the Civil Rights Division is expediting its review of federal hate crimes.

Every level of government must improve incident reporting and data collection. And language access remains a key barrier to reporting. To address this gap at the federal level, the Department will establish a full-time Language Access Coordinator.

Our response to unlawful acts of hate must go beyond criminal prosecutions and maximize our non-criminal resources. Among other things, the Department has prioritized revitalizing the Community Relations Service (CRS), known as America’s Peacemaker. In the past year, CRS has facilitated many community-based sessions focused on hate crimes and hate incidents. These sessions help targeted communities identify and access the resources and support they need.

3. Unlawful Discrimination.

This year, the Department has, among other things, fought housing discrimination by challenging discriminatory lending practices. It has protected persons with disabilities by enforcing the Americans with Disabilities Act. We have been on the front lines of combating discrimination on the basis of gender identity and sexual orientation, consistent with Executive Order 13988. And we are currently undertaking a complete review of our Title VI implementation and enforcement, to ensure that we are supporting grant recipients in using federal funds consistent with anti-discrimination law.
B. Ensuring Support & Accountability for Law Enforcement

The Justice Department’s commitment to trust and accountability is why an important part of both our civil rights program, and our strategy to reduce violent crime, is to foster trust and legitimacy between law enforcement and the communities we serve. The Department is taking steps to ensure transparency and trust in our own law enforcement components.

In June, 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 to their federal agents. Today, our law enforcement components are wearing body worn cameras in select cities during Phase I of our implementation program. In September, the Department issued the first ever Department-wide directive limiting the use of chokeholds and no-knock warrants.

The Justice Department is also dedicating substantial resources to supporting state and local law enforcement accountability. In each of the approximately 18,000 local law enforcement agencies in our country, dedicated law enforcement officers put themselves in harm’s way to protect others. The Justice Department is uniquely aware of the challenges faced by those who serve. And we recognize the complex issues that make their already difficult jobs even harder. We know that most law enforcement officers do their difficult jobs honorably and lawfully. Good officers welcome accountability because accountability is an essential part of building trust with the community, and public safety requires public trust.

The Justice Department is charged with ensuring that the constitutional and federal statutory rights of all people are protected. In recent months, the Department has initiated pattern-or-practice investigations of police departments in Minneapolis, Louisville, and Phoenix. These investigations focus on whether the departments engage in systemic violations of the Constitution or federal law. This includes assessing, among other things, whether the departments have a pattern or practice of using excessive force, engaging in discriminatory policing, retaliating against individuals for exercising First Amendment rights, or improperly detaining people with behavioral disabilities.

We have also taken a series of actions to ensure that the remedies for pattern-or-practice violations, including consent decrees, are fair, transparent, and effective. These actions will ensure that consent decree monitors are performing a public service, not seeking to maximize profit, including by capping fees. Monitors will serve set terms, with renewal dependent on an assessment of their performance and cost-effectiveness. Monitorships will not go on indefinitely – they will be subject to a court hearing after no more than 5 years and extended only if the court finds that termination is not warranted.

C. Ensuring Equal Access to Justice

Alongside reinvigorating civil rights enforcement, the Department is revitalizing and expanding our efforts to ensure equal access to justice for all.
Trust in the rule of law – the foundation of American democracy – depends upon the public’s faith that government seeks equal justice. But without access to justice, the promise of equal justice rings hollow.

Over the past 18 months, our country has faced multiple crises – from the worst economic crisis since the Great Depression to the worst pandemic in more than a century. Deep and longstanding inequities in our justice system have been exposed and exacerbated. Far too many Americans have been pushed into poverty, losing their jobs, their homes, and even their lives.

To address these challenges and meet the moment, the Justice Department is taking steps to reinvigorate and expand our access-to-justice work. We look forward to working with Congress to restore a standalone Access to Justice Office within the Department, dedicated to addressing the most urgent legal needs of communities across America. The Office will improve the federal government’s understanding of and capacity to address the most urgent legal needs of communities nationwide. In the meantime, together with the White House Counsel’s Office, the Justice Department has reconvened the 28 departments and agencies across the federal government who comprise the Legal Aid Interagency Roundtable (“Roundtable”). The Roundtable is dedicated to increasing the availability of meaningful access to justice for all, regardless of wealth or status, by advancing the most innovative solutions to closing the justice gap across all levels of government and beyond.

IV. Additional Areas of Departmental Focus

In addition to these core priorities, an important area of Departmental focus is promoting a fair, equitable, and efficient immigration court system, by reducing the immigration backlog and increasing access to legal representation. We are working to onboard a significant number of new immigration judges and staff to process the outstanding cases.

Another important area of Departmental focus is ensuring economic opportunity and fairness by reinvigorating antitrust enforcement, combating fraud, and protecting consumers. We are aggressively enforcing the antitrust laws by challenging anticompetitive mergers and exclusionary practices, and by prosecuting price-fixing and allocation schemes that harm both consumers and workers. And we have stood up a COVID-19 Fraud Enforcement Task Force to bring to justice those who have tried to defraud the government of money intended for the most vulnerable among us.

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In sum, in seven months the Justice Department has accomplished a lot of important work for the American people. And there is much more to be done. Thank you for the opportunity to testify today. I look forward to your questions.