



# Department of Justice

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STATEMENT

OF

ALBERTO R. GONZALES  
ATTORNEY GENERAL

BEFORE THE

COMMITTEE ON THE JUDICIARY  
UNITED STATES SENATE

CONCERNING

OVERSIGHT OF THE DEPARTMENT OF JUSTICE

PRESENTED ON

JULY 24, 2007

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Good morning Chairman Leahy, Ranking Member Specter, and Members of the Committee. I would like to thank you for the opportunity to appear here today to discuss the Department of Justice's ongoing efforts to help protect the United States from terrorism, to investigate and prosecute criminal behavior, and to vindicate Americans' civil and constitutional rights. I look forward to discussing the work that the Department has done in the three months since my last appearance before this Committee and to outline my priorities for the Department in the months ahead. As always, I welcome this opportunity to listen to your specific concerns and to enlist your support for the important work of the Department.

**Terrorism and National Security**

The terror events in London and Glasgow on the 29<sup>th</sup> and 30<sup>th</sup> of June remind us of the importance of having laws that ably support our efforts to combat those who would bring terror to our shores. And the Director of National Intelligence recently confirmed in a National Intelligence Estimate on the terrorist threat to the U.S. Homeland that the threat remains serious. The Violent Crime and Anti-Terrorism Act of 2007, which I recently delivered to Congress, and FISA Modernization legislation, which the Administration delivered to Congress earlier this year, would give federal law enforcement and our Intelligence Community critical tools they need in the War on Terror, while safeguarding the rights and liberties of all Americans.

These bills are, in short, designed partly to fill gaps in our ability to address terrorist plots. Since the terror attacks of September 11, 2001, the Department's top priority has been protecting the nation from the threat of terrorism. With the creation of the Department's new National Security Division, we now have attorneys and staff members within one organizational component dedicated to using all available intelligence and law enforcement tools in our effort to investigate and prosecute individuals committed to launching further attacks within the United States. The consolidation of the Department's national security capabilities into one division has promoted coordination and enhanced our ability to detect and disrupt terrorist threats. The Violent Crime and Anti-Terrorism Act of 2007 and the Administration's FISA Modernization proposal will enhance our abilities further still.

*Anti-Terrorism Provisions in the Violent Crime and Anti-Terrorism Act of 2007*

A key part of terrorist planning is the recruitment of terrorists and training for an attack. In order to help the Department thwart plots at the earliest stages of this process, I urge Congress to enact several measures aimed directly against terrorist recruitment, solicitation, and training. Specifically, the Violent Crime and Anti-Terrorism Act of 2007 includes a provision banning so-called “martyr payments”— payments to would-be suicide bombers or their families. Such monetary rewards encourage terrorists to commit these heinous acts by promising support to their surviving family members. The bill also criminalizes the solicitation of a federal crime of terrorism, much as the law already criminalizes solicitation of general crimes of violence. In addition, the bill amends the statute that currently bans individuals from receiving military-type training from a terrorist organization; this amendment criminalizes attempts and conspiracies to obtain such training as well and would increase penalties for such crimes.

With so many Americans and United States government employees located in dangerous places abroad, it is more important than ever to ensure that we have adequate protections in place for our nationals who are overseas. The Department has identified some gaps in the laws aimed at protecting our nationals abroad and has proposed amendments to address these gaps. For example, the bill makes it a federal offense to kidnap American nationals outside the United States, clarifies that sexual abuse of Americans overseas is a crime, forbids the abduction of officers and employees of the United States who are seized because of their official work, and raises the penalties for similar existing crimes. Moreover, to improve the safety of American airline passengers, including those en route to overseas destinations or returning to the United States, the bill imposes sanctions for creating a serious threat to the safety of an airplane or passengers (for instance, by trying to open an airplane door while in flight).

The bill also includes, of course, authorities that would improve our ability to investigate and punish terrorists. Courts should be able to mete out to terrorists the same penalties that drug dealers are subject to, including the denial of federal benefits. The bill confers this authority. Another provision will reduce unnecessary delays and burdens on the government in investigating terrorism cases and increases the maximum penalty for obstruction of justice in the course of a terrorism investigation.

Each of the anti-terror provisions in the bill will enhance our capacity to investigate, disrupt, prosecute, and punish terrorists and those who seek to join or to support them. I sincerely hope that we can work together to put these measures in place and to advance the Department’s ability to protect Americans’ security both at home and abroad.

## *FISA Modernization Legislation*

I also want to briefly discuss the Administration's continuing interest in working with the Congress and this Committee to update the Foreign Intelligence Surveillance Act of 1978 (FISA). While FISA has been and continues to be one of our most valuable intelligence tools, it is imperative that the statute be modernized to account for the new technologies and threats of the 21st century.

It has been almost thirty years since FISA was enacted, and revolutionary advances in telecommunications technology in that time have upset the delicate balance that the Congress originally struck in the statute. As a result, FISA now imposes a regime of court approval on a wide range of intelligence activities that do not substantially implicate the privacy interests of Americans—an unintended consequence that has impaired our intelligence capabilities. In many cases, FISA now requires the Executive Branch to obtain court orders to monitor the communications of individuals posing a threat to our national security located overseas. This process of obtaining a court order necessarily slows, and in some cases may prevent, the Government's efforts to conduct surveillance of communications that are potentially vital to protecting the national security.

This situation is unacceptable—we must quickly reform FISA's outdated legal framework and ensure that the Intelligence Community is able to gather the information it needs to protect the Nation. The diversion of the resources of the Intelligence Community, the Department of Justice, and the Foreign Intelligence Surveillance Court (FISC) to FISA applications targeting foreign terror suspects overseas also must be remedied. As you surely agree, these precious resources would be better spent safeguarding the liberties of people in the United States.

The Administration has proposed comprehensive amendments to FISA to address these and other concerns. In addition to updating FISA, the Administration's proposal would extend liability protection to companies that are alleged to have cooperated with authorized intelligence activities in the wake of the September 11th attacks. By modernizing FISA, we can both provide the Intelligence Community with an enduring, agile, and efficient means of collecting critical foreign intelligence information and strengthen the privacy protections for U. S. persons in the United States. I look forward to working with the Congress on this critical issue.

## *Recent Accomplishments*

With the tools we do have, we continue to concentrate on identifying and remedying vulnerabilities that terrorists can exploit in their plotting and planning, especially those efforts that target Americans here at home. Cutting off the provision of support and resources to foreign terrorists and terrorist organizations is critical to preventing and disrupting terrorist attacks and planning. I am committed to maintaining our focus on the investigation and prosecution of terrorism cases and to our continued success in charging and convicting those who plan and support terrorist plots. We will

persist in our vigilance, and we will use the full range of criminal charges available to us—including non-terrorism offenses such as false-statement charges, immigration fraud, human smuggling, and use of fraudulent travel documents—to charge defendants before their plans culminate in acts of terror.

The Department recently has enjoyed several successes in pursuing those who would do us harm. We have brought charges against several individuals engaged in such plots, including four men who plotted to carry out a series of bombings at New York's JFK Airport and six members of a southern New Jersey group charged with conspiring to attack the Army's Fort Dix in New Jersey. And we will continue to prosecute those who seek to support al-Qaeda—those like Rafiq Sabir, a physician whom a jury convicted of conspiring to aid jihadists abroad and providing material support to al Qaeda; and Tarik Shah, who agreed to provide martial arts training for al Qaeda operatives.

The Department also continues to play a critical role in obtaining authorization under FISA to conduct electronic surveillance and searches related to suspected terrorists and spies. These efforts have increased significantly since September 11th; in the past five years, the number of approved FISA applications has increased from 934 in 2001 to 2,176 in 2006. The Department's efforts in this area have allowed law enforcement and intelligence agencies to gather the information necessary to prevent terrorist attacks and combat espionage activities in the United States.

#### *National Security Oversight and Compliance*

In the midst of these efforts, I am pleased to report that the Department is also implementing a significant new national security oversight and compliance effort. This effort encompasses substantial changes within the Department of Justice aimed at improving the Department's controls over its national security activities. The effort will include the implementation of new oversight and compliance programs, including a dedicated Oversight Section within the Department's National Security Division. These oversight and compliance programs will be at the forefront of the Department's ongoing effort to ensure that our national security investigations are conducted in a manner consistent with our laws, regulations, and policies, including those designed to protect the privacy interests and civil liberties of our citizens. These innovations reflect a new level of internal oversight and an appreciation of the need for strong measures to improve compliance in our national security activities.

These institutional reforms also reflect an appreciation of the challenges that the Department faces in accomplishing its national security mission. The Department's Inspector General issued a report in March raising important concerns about the FBI's use of National Security Letters. After describing the broader oversight initiatives the Department is undertaking, I would like to briefly update the Congress on the many specific corrective actions that the Department has undertaken since the Inspector General released his report.

Since the attacks of September 11th, 2001, the FBI's national security mission has dramatically expanded, and the Department's National Security Division has taken steps to develop its national security oversight capacity to keep pace with the level of operations. For example, for the past several years, the Department has complemented its FISA minimization reviews with accuracy reviews designed to ensure the factual accuracy of every assertion contained in the FBI declarations submitted to the Foreign Intelligence Surveillance Court. We are also increasing the frequency of these field office reviews; DOJ attorneys are on a pace to complete 30 such reviews by the end of this year, as compared with the 23 reviews conducted in 2006.

Most importantly, we are taking advantage of the opportunity presented by Congress' creation of the Department's new National Security Division. Since its establishment, the National Security Division has been building its capacity and increasing the tempo of its oversight activities. With the new oversight initiative we announced this month, DOJ attorneys have been given, for the first time, the clear mandate to examine all aspects of the FBI's national security program for compliance with law, regulations and policies.

To accomplish this expanded mandate, we are standing up a dedicated Oversight Section, as approved by the Congress last year, within the National Security Division's Office of Intelligence. This section is part of a broader proposed reorganization of the National Security Division. It will consist of attorneys and staff members specifically dedicated to ensuring that the Department fulfills its national security oversight responsibilities across the board.

We have begun exercising this oversight through a regular process of conducting National Security Reviews of FBI field offices and Headquarters national security units. These reviews are staffed by career Department attorneys with years of law enforcement and intelligence experience from the National Security Division and the FBI's Office of General Counsel, along with officials from the Department of Justice's Privacy and Civil Liberties Office. These reviews, which the Division started conducting in April 2007, broadly examine the FBI's national security activities, its compliance with applicable laws, policies, and Attorney General Guidelines, and its use of various national security tools, such as National Security Letters. The reviews are not limited to areas where shortcomings have already been identified; instead, they are intended to enhance compliance across the national security investigative spectrum.

Since establishing this new national security review process in April, the National Security Division already has completed national security investigation reviews in five field offices, and the first Headquarters unit review began on July 23, 2007. By the end of this year, the Department will have completed a total of 15 reviews in field offices and headquarters units.

The Oversight Section will also play an important role in other areas. At my direction, it will review all referrals by the FBI to the President's Intelligence Oversight Board, focusing on whether these referrals indicate that a change in policy, training, or oversight mechanisms is required. The Oversight Section will report to me semiannually on such referrals and will inform the Department's Chief Privacy and Civil Liberties Officer of any referral that raises serious civil liberties or privacy issues. In addition, it will provide compliance-related training for National Security Division lawyers and FBI agents and analysts.

The FBI Director has also recently proposed the creation of an FBI Office of Integrity and Compliance. The mission of this proposed office would be to implement a strong compliance program, which would assist FBI management at all levels in maintaining a culture in which ethics and compliance are paramount. The creation of this office and the implementation of the new FBI-wide compliance program would represent important innovations in the way the FBI does business.

The Office of Integrity and Compliance would be headed by a career Assistant Director who will report directly to the FBI's Deputy Director, providing the office with direct access to the top decision makers within the FBI. It would develop compliance standards, training programs, and risk assessments, ensure that necessary audits are performed, and deliver an annual report to key stakeholders. It would work closely with the Inspection Division to revise inspection protocols to include compliance risk and to ensure that compliance monitoring is carefully planned and executed. Finally, the compliance program would be institutionalized with a robust management structure including a Steering Committee chaired by the FBI Director and five Executive Management Committees. These committees would analyze the environment and legal requirements in each operational area, identify specific risk areas, and assess and establish policies, procedures, and training to mitigate those risks.

In addition to the structural reforms and other measures discussed above, some of which were in development well before the Inspector General's report, the Department has also taken a number of additional measures in response to the specific shortcomings identified by the Inspector General with respect to National Security Letters (NSLs). Upon receiving the Inspector General's report, the FBI Director and I ordered several significant corrective actions throughout the Department. At this time, we have fully implemented nearly all of the Inspector General's recommendations and also have made reforms beyond those called for by the Inspector General.

In March, as part of the FBI's effort to examine the scope of the problems identified by the Inspector General's report, the FBI Director ordered a one-time, historical audit of the FBI's use of NSLs in all 56 FBI field offices. This review was a substantial undertaking, requiring the deployment of over 100 inspectors and the review of thousands of investigative files. The review has now been completed, and it largely confirmed the Inspector General's overall statistical findings with respect to the rate of NSL errors attributable to the FBI.

With respect to the use of so-called “exigent letters,” the FBI has issued a Bureau-wide directive prohibiting the use of the type of letters described in the Inspector General’s report. Furthermore, the Inspector General and FBI have agreed to conduct a joint investigation, led by the Inspector General, into the use of exigent letters to examine whether there has been any violation of criminal law, administrative misconduct, or improper performance of official duties.

The FBI has taken a number of steps to improve the accuracy of the reporting of NSL statistics to Congress. Last year, the FBI began developing a new NSL tracking database and plans to deploy the system to a field office for testing this month and to all field offices by the end of 2007. The FBI has also corrected deficiencies in its current database to reduce the potential for error and is correcting any known errors in its data.

The FBI also issued revised comprehensive guidance on NSLs after consultation with the Congress, privacy and civil liberties groups, the Justice Department’s National Security Division, and the Department’s Chief Privacy and Civil Liberties Protection Officer.

The FBI has initiated the development of a new training course on the use of NSLs. Once this course is fully developed, the FBI will issue a directive mandating training for all Special Agents-in-Charge, Assistant Special Agents-in-Charge, Chief Division Counsel, and all appropriate FBI agents and analysts. While this course is being developed, the FBI’s Office of General Counsel has instructed its National Security Law Branch attorneys that they must conduct mandatory NSL training any time they are in a field office.

In addition, at my request, the Justice Department’s Chief Privacy and Civil Liberties Officer and the Office of the Director of National Intelligence jointly convened a working group to examine how NSL-derived information is used and retained by the FBI.

To ensure that our prosecutors as well as our investigators properly use NSLs, I directed the Department’s Executive Office for United States Attorneys to review its existing training materials and guidance relating to terrorism investigations and prosecutions to ensure that NSLs are described properly in those materials.

Finally, in accordance with another IG recommendation, the Department has developed a legislative proposal aimed at clarifying the scope of information that can be acquired under certain NSL provisions. We would be happy to work with the Committee on this proposal.

I am personally committed to ensuring that National Security Letters are used responsibly and in compliance with all legal requirements, and I look forward to working with this Committee to address any questions it may have about my efforts.

## Violent Crime

One of the most important functions of the Department of Justice is to combat violent crime and to help investigate and prosecute the nation's worst criminals. I am pleased to report that national crime rates remain near historic lows, thanks in large part to the courageous efforts of local, state and federal law enforcement agencies. And several major metropolitan areas continue to report decreases in the number of violent crimes in their communities. It must be acknowledged, however, that the FBI's 2005 Uniform Crime Report (UCR) and 2006 Preliminary UCR did signal a slight increase in the aggregate number of violent crimes in America. These data do not reveal a nationwide trend; instead, they show local increases in some violent crimes in certain communities. Despite the continuation of historically low crime rates, the Department takes seriously any increase in crime and renews its commitment to preventing violent crime across the country in partnership with state and local law enforcement agencies and prosecutors.

### *Initiative for Safer Communities*

Recent visits by Department of Justice officials with representatives of 18 metropolitan areas nationwide underscored the local nature of violent crime. These community-centered conversations, which were undertaken as parts of the Initiative for Safer Communities that I launched in October 2006, revealed some common themes in cities experiencing an increase in violent crime but exposed no single cause or set of causes.

Among other factors, communities expressed concern about the increasingly young age of their violent offenders and about the dangers posed by loosely organized street gangs and by guns placed in the hands of criminals. Some communities expressed concern about the ability of their local or state criminal justice systems to impose appropriate sanctions for violent criminals. Our conversations with these communities reinforced the notion that each locality faces unique challenges and must address those challenges with a solution that is cognizant of both the local causes of crime and the local resources available to address it.

One consistent message we heard across the country was officials' appreciation for the distinctive advantages of federal prosecution. State and local authorities value the ability of the federal system to impose stiffer penalties—including prison time without parole—to some of the "worst of the worst" violent offenders. That is why, in May of this year, I directed all federal prosecutors and Department components, working in partnership with state and local law enforcement and prosecutors, to redouble their efforts to identify those violent crime cases that could be most effectively pursued under federal law.

The increase in the number of violent crimes, coupled with the value of prosecuting significant violent offenders in the federal system, makes it all the more important to ensure the effectiveness of our federal criminal laws. Law enforcement

personnel at all levels are doing their job; our laws must help—and not hinder—their important efforts. With these considerations in mind, I urge this committee to take up the Violent Crime and Anti-Terrorism Act of 2007.

*Violent Crime and Anti-Terrorism Act of 2007*

In addition to strengthening our anti-terrorism authorities, this broad legislative proposal is aimed at ensuring that law enforcement and prosecutors have the tools they need to investigate and to prosecute violent criminals and to keep American communities safe. Of particular note, the bill makes the U.S. Sentencing Guidelines mandatory, as Congress intended, rather than merely advisory. The bill thus restores the certainty—and fairness—of federal sentences and reinforces the Department's ability to keep serious offenders off of our streets. The bill also provides rights of appeal for both the United States and the defendant to challenge the sentencing determinations made by a trial court. This change will permit the Department to vindicate the fairness of the guidelines when a criminal's sentence is more lenient than sentences that are imposed on others who have been convicted of the same crime.

The legislation promises to improve criminal law as it applies to other areas as well. It amends the armed career criminal statute to create a tiered penalty approach for felons with prior drug trafficking or violent felony convictions, giving judges and prosecutors the framework they need to properly punish hardcore criminals. Additionally, the legislation increases the maximum penalty for the general federal criminal conspiracy statute, making the law more effective in prosecuting conspiracies to commit offenses. Another important provision increases the maximum sentences that individuals convicted of felony crimes of violence or drug trafficking crimes will face if they have entered the United States illegally. Moreover, the bill would allow federal prosecutors to pursue violent offenders more effectively across the board with longer and more consistent statutes of limitations.

Sending a tough message to those who violate federal firearms laws, the bill strengthens the statutory prohibition on illegal firearms transfers by doubling the maximum penalty for transferring a firearm that will be used to commit a violent crime or drug trafficking offense. The bill also establishes a firm but flexible system of graduated sanctions for certain violations of the Gun Control Act. These provisions will provide greater incentive for federal firearms licensees to comply with the law and will assist the Bureau of Alcohol, Tobacco, Firearms and Explosives in effectively addressing specific violations.

Violent crime is often committed for financial gain, and criminal enterprises cannot survive without money to fuel their operations. The bill therefore includes the Proceeds of Crime Act: a comprehensive update and enhancement of the federal criminal forfeiture and money laundering laws. By targeting criminal proceeds, the Act strikes directly at the heart of the criminal enterprise, taking away the financial incentive that motivates many crimes in the first place. The Act also expands statutory authority, and provides more uniform procedures, to forfeit money and property used to commit crimes.

### *Violent Crime Initiatives and Task Forces*

The Violent Crime and Anti-Terrorism Act will substantially enhance the Department's ability to prevent and to punish violent crime. Moreover, the Act will support initiatives that the Department has instituted in pursuit of these vital objectives. I should highlight two of the Department's programs aimed at addressing the dangers posed by violent criminals: Project Safe Neighborhoods (PSN) and the Comprehensive Anti-Gang Initiative.

As you may know, PSN originally focused on reducing gun violence by promoting community-based, multi-faceted solutions to be implemented by coalitions of local, state and federal partners. I expanded PSN to include new and enhanced anti-gang efforts, and I am pleased to report that this fiscal year the Department is awarding approximately \$50 million in state and local grants to support these cooperative efforts to reduce gun violence and gang crime.

The Department has also recently expanded its Comprehensive Anti-Gang Initiative. When I last testified before this committee, the Initiative operated in six sites across the country. I have since expanded the Initiative to four additional sites: Indianapolis, IN; Raleigh-Durham, NC; Oklahoma City, OK; and Rochester, NY. This effective program focuses prevention, enforcement, and offender reentry efforts in a given target area, partnering with faith-based and other community organizations aiming to rehabilitate neighborhoods stricken by gang violence. I believe that no one should have to live in fear of gangs or violent crime. The Comprehensive Anti-Gang Initiative is one way in which the Department brings hope to those who live in violent environments.

Numerous other Department efforts lead the way in clearing communities of violent offenders, including those that are gang-related. The Department established an Anti-Gang Coordination Committee to organize the Department's wide-ranging efforts to combat gangs. At the district level, each United States Attorney has appointed an Anti-Gang Coordinator to provide local leadership and focus to our anti-gang efforts. The Anti-Gang Coordinators, in consultation with their local law enforcement and community partners, have developed comprehensive, district-wide strategies to address the gang problems in their districts.

In addition, the Department has created a new national gang task force, called the National Gang Targeting, Enforcement and Coordination Center (GangTECC). GangTECC is composed of representatives from the Bureau of Alcohol, Tobacco, Firearms and Explosives, Bureau of Prisons, Drug Enforcement Administration, Federal Bureau of Investigation, and United States Marshals Service as well as the Department of Homeland Security's U.S. Immigration and Customs Enforcement and other partners. The center coordinates overlapping investigations, ensures that tactical and strategic intelligence is shared among law enforcement agencies, and serves as a central coordinating center for multi-jurisdictional gang investigations involving federal law enforcement agencies. GangTECC works hand-in-hand with the National Gang Intelligence Center, which integrates the gang intelligence assets of all Department of

Justice agencies, and has established partnerships with other federal, state, and local agencies that have gang-related information.

GangTECC has contributed to a number of important anti-gang operations in the past year. In addition to supporting the recent and successful prosecution of MS-13 leaders in Maryland, GangTECC has coordinated anti-gang initiatives in several cities across the country, including Baltimore, MD; Cleveland, OH; Dallas, TX; Trenton, NJ; and the communities of Bakersfield, Modesto, and Sacramento in California. GangTECC, working with the National Gang Intelligence Center and Gang Squad, the Department's new gang prosecution unit, is presently supporting—and in some cases spearheading—significant investigations of high-level gang members in several states. Some of these investigations even reach outside the United States and involve cooperation with our foreign law enforcement partners.

The Department has also established and leads numerous joint violent crime-related task forces, including the FBI-led Safe Streets Task Forces and Gang Safe Streets Task Forces that focus on dismantling organized gangs; U.S. Marshals-led Regional Fugitive Task Forces and district-based task forces that focus on fugitive apprehension efforts; and ATF-led Violent Crime Impact Teams, which comprise agents from numerous federal, state, and local law enforcement agencies and identify, target, and arrest violent criminals to reduce the occurrence of homicide and firearm-related violent crime. The FBI's Safe Streets Task Force program recently added a new task force in Orlando, bringing the total number of these task forces to 180. The ATF added Violent Crime Impact Teams to Mesa, Ariz.; Orlando, Fla.; San Bernardino, Calif.; and San Juan, Puerto Rico—raising the total number of teams to 29 nationwide. These efforts are making a difference. Violent Crime Impact Teams alone have recovered more than 13,950 firearms and captured 1,960 criminals identified as the “worst of the worst.” Further, the opening of the USMS Gulf Coast Regional Fugitive Task Force operating in Alabama and Mississippi brings the total number of USMS-led regional and district fugitive task forces to 92. In FY 2006, USMS task forces collectively apprehended over 80,000 fugitives, many of whom were wanted in federal and state courts for violent offenses.

Every program that I have discussed and all of the Department's efforts to combat violent crime would benefit from the passage of the Violent Crime and Anti-Terrorism Act of 2007.

In addition to helping law enforcement fight violent crime, the proposed legislation amends and strengthens laws targeting sexual predators, drug traffickers and terrorists. Specifically, the law mandates a minimum sentence of two years for possessing child pornography and provides technical and other improvements to laws used to combat drug trafficking. Beyond these beneficial changes, I strongly believe that the bill's anti-terror provisions make the passage of this bill immensely important.

## *Additional Initiatives in the FY 2008 Budget*

State and local authorities value flexibility and the ability to target Federal resources where local law enforcement needs those resources most, including fighting violent crime. This is why the President's FY 2008 Budget proposes to consolidate more than 70 grant programs, many of which are small, earmarked, or hindered by inflexible formulas, into just four flexible and competitive grants.

### **Protection of Children**

Protecting children against sexual predators has been a key priority of my tenure as Attorney General, and I am proud of the Department's efforts thus far to combat the terrible crimes that are all too often committed against children. The Department has moved forward aggressively to implement key reforms of the Adam Walsh Child Protection and Safety Act of 2006 and other efforts to protect our nation's youth, and I am pleased to be able to report on what we have most recently accomplished.

As you know, the Adam Walsh Act adopted a comprehensive new set of national standards for sex offender registration and notification and directed the Department to issue guidelines and regulations to interpret and implement these requirements. The Act also created the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking ("SMART Office") to administer the requirements. The SMART Office's director has developed detailed guidelines to assist the States, territories, and Indian tribes in incorporating the Adam Walsh Act standards in their sex offender registration and notification programs. I reviewed and approved those Guidelines on May 17, and they were published both on the Department's website and in the Federal Register. A public comment period on them is open until August 1st. Once the comments are received and evaluated, we will publish the final guidelines to help the States, territories, and Indian tribes comply with Act.

In addition to strengthening the substantive standards for sex offender registration and notification, the Adam Walsh Act provides for increased Federal assistance to states and other jurisdictions for the enforcement of registration requirements and protection of the public from sex offenders. For example, the Act directs the Department to use the resources of Federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who fail to register as required. Under new section 2250 of title 18 of the U.S. Code, sex offenders who knowingly violate the Act's registration requirements under circumstances supporting Federal jurisdiction, such as failure to register following relocation from one State to another, can be imprisoned for up to 10 years. Since the enactment of section 2250, Marshals Service investigations have resulted in the issuance of 166 arrest warrants for fugitives in violation of the law. Marshals and other law enforcement officials have now arrested 120 of those fugitives. The Department's Criminal Division and the United States Attorneys' Offices have developed policy and guidance for prosecutions under the new Federal failure to register offense and are moving forward aggressively in bringing Federal prosecutions in appropriate cases.

In addition, the Adam Walsh Act enacted important reforms affecting the correctional treatment of sex offenders. For example, the Act adopted new provisions for civil commitment of sexually dangerous persons. This means that a person in the custody of the Bureau of Prisons is now subject to court-ordered civil commitment if it is proven by clear and convincing evidence that: (i) the person has engaged in sexually violent conduct or child molestation, and (ii) the person suffers from a serious mental illness, abnormality, or disorder as a result of which the person would have serious difficulty in refraining from further sexually violent conduct or child molestation if released. Pursuant to the Act's civil commitment provisions, the Bureau of Prisons has certified 43 inmates (not limited to those incarcerated for sex offenses) as sexually dangerous persons, a decision that initiates judicial commitment proceedings. The Bureau of Prisons is formalizing the screening and certification of inmates who satisfy the statutory "sexually dangerous person" criteria, and civil commitment of such persons for the protection of the public and for their care and treatment will be sought in all appropriate cases.

The 2008 Budget includes resources to strengthen BOP's ability to manage the Federally sentenced sex offenders in the Bureau's custody in accordance with the Adam Walsh Act. These enhancements will help address the security issues raised by a growing sex-offender inmate population and the need to reduce recidivism among such offenders following their release.

Another important aspect of the Adam Walsh Act is the inclusion of provisions aimed at preventing use of the Internet to exploit children. Of course, the Internet is one of the greatest technological advances of our time, but it also makes it alarmingly easy for sexual predators to find and contact children, as well as to trade, to collect, and even to produce images of the sexual exploitation of children. The Act amended existing law to protect children from such exploitation by requiring that producers of graphic nude images (even without depictions of sexual intercourse) maintain for inspection records proving that all persons depicted in those images were 18 years of age or older at the time the images were made. On July 12, the Department published in the Federal Register a new proposed rule to implement this provision.

The Adam Walsh Act also provided a statutory basis for the backbone of the Department's efforts to combat child exploitation, Project Safe Childhood (PSC). We have begun to marshal our collective resources and raise online exploitation and abuse of children as a matter of public concern. We have sought to do this through enhanced coordination of our law enforcement efforts, especially with the Internet Crimes Against Children task forces and our other State and local partners. And we have sought to reach out to parents and children about how to stay safe online through cooperation with our non-governmental partners like the National Center for Missing and Exploited Children (NCMEC). We also took the lead in the international community, sponsoring resolutions on effective crime prevention and criminal justice responses to combat sexual exploitation of children adopted this past April by the United Nations Commission on Criminal Justice and Crime Prevention and the Group of Eight major industrial powers.

The Department's enhanced law enforcement efforts have begun to show results. In the first nine months of FY 2007, the U.S. Attorneys have brought more than 1,500 cases of child pornography offenses, online sexual solicitation of minors, and traveling to sexually abuse a child, a pace that if continued in the next three months will yield more than 2000 prosecutions, up 25 percent over the 1,600 in FY 2006. Our conviction rate thus far is 92 percent. In the first eight months of FY 2007, the Federal Bureau of Investigation's Innocent Images National Initiative opened 1,654 cases, a pace that if continued over the next four months will yield more than 2,481 investigations, up 16 percent over the 2,135 in FY 2006. Meanwhile, in the first half of the fiscal year, the Internet Crimes Against Children (ICAC) task forces increased the number of arrests for online child exploitation and abuse to 1,139, up nearly 20 percent over the same period in FY 2006. Through these prosecutions our goal is to stop those who prey on our children and also to deliver a strong message of deterrence: When you target kids, we will target you.

The Department has undertaken two other important steps to reduce the incidence of child sexual exploitation and abuse facilitated by the Internet, and these steps have begun to show results.

Together with NCMEC and the Ad Council, we have supported a public service advertising campaign called "*Think Before You Post*," which is designed to educate teenage girls about the potential dangers of posting and sharing personal information online. Popular social networking sites such as MySpace, Facebook, and Sconex make it easier for children and teens to post and share personal information, pictures, and videos, which may make them more vulnerable to online predators. Girls are particularly at risk of online sexual exploitation—a recent study by University of New Hampshire researchers for NCMEC found that, of the approximately one in seven youths who received a sexual solicitation or approach over the Internet, 70 percent were girls.

The *Think Before You Post* campaign sends a strong reminder to children and their parents to be cautious when posting personal information online because, "[a]nything you post, anyone can see: family, friends, and even not-so-friendly people." The public service announcements were distributed to media outlets throughout the country and can also be viewed at the Department's website [www.usdoj.gov](http://www.usdoj.gov). I commend these announcements to your attention.

Coordination of our law enforcement efforts through our 93 U.S. Attorneys will also be advanced by the recent launch of the PSC Team Training program. This program, which I launched at NCMEC's Alexandria headquarters in February, will reach every district by the end of 2008 through a series of regional training sessions. The training program will create a platform from which federal, state, and local law enforcement agencies and non-governmental organizations can effectively work together across state and even national borders. In February, teams from Alabama, Arkansas, Missouri, Texas, and Washington received training. The next training session was held in Miami in May, bringing together teams from Florida, Puerto Rico, and the Virgin

Islands. In June, teams from Kentucky, South Carolina, Tennessee, and West Virginia were trained, and our next training session in August will include teams from Connecticut, New York, and New Jersey.

## **Drug Enforcement**

The Department continues to aggressively investigate and prosecute illegal drug traffickers and drug trafficking organizations. Last fiscal year, federal drug prosecutions accounted for more than 25 percent of all cases filed by our U.S. Attorneys and 36 percent of federal defendants.

### *Drug Trafficking Organizations*

Drug trafficking organizations continue to supply the vast majority of drugs into the United States. The Department's most effective approach to fighting these trafficking organizations combines the skills and resources provided by the Drug Enforcement Administration (DEA) and the Organized Crime and Drug Enforcement Task Force (OCDETF) program to gather intelligence, aggressively investigate and bring to justice violent members of these organizations. The Department generally relies on the expertise of multiple federal agencies along with our international, state, and local partners, to mount a comprehensive attack on major drug organizations and the financial infrastructures that support them.

This approach has been successful. In June of this year, Manuel "Hoover" Salazar-Espinosa, designated by the Justice Department as one of the world's most significant drug kingpins, was convicted in New York of conspiring to import cocaine, distributing cocaine with intent to import, and conspiring to launder narcotics proceeds. According to the evidence at trial, Salazar-Espinosa conspired with notorious Mexican cocaine cartel leaders to transport ton-quantities of Colombian cocaine through Mexico to the City of New York on a weekly basis. Salazar-Espinosa also assisted in the laundering of \$12 million to \$14 million in narcotics proceeds per week during the period 2002 to 2005. The Department's prosecutors also proved Salazar-Espinosa's responsibility for a 1.3-ton cocaine shipment destined for the United States, which was seized while concealed in the arm of a crane in Panama in July 2005. In February of this year, the Department secured convictions of Anayibe Rojas Valderrama and two co-defendants for conspiring to import five kilograms or more of cocaine into the United States and conspiring to manufacture and distribute five kilograms or more of cocaine intending and knowing that the cocaine would be unlawfully imported into the United States. Rojas Valderrama was the finance officer of the 14th Front of the FARC. She was extradited from Colombia to the United States in March 2005 to stand trial on the U.S. charges, and is the first FARC leader to be convicted in the United States.

## *Methamphetamine*

With the recent passage of the Combat Methamphetamine Epidemic Act (the Combat Meth Act), domestic lab production of methamphetamine has dramatically declined. The Combat Meth Act regulates the sale of the legal ingredients used to make methamphetamine; strengthens criminal penalties; authorizes resources for State and local governments; and enhances the regulation of methamphetamine by-products, among other things. The Department is committed to enforcing these new provisions of the law rigorously in order to end the domestic production of methamphetamine. I am pleased to report that, as State laws regulating methamphetamine precursors have gone into effect along with the Combat Meth Act, we have seen a significant decline in the number of domestic methamphetamine labs.

The United States Government has established a strong partnership with Mexico to combat methamphetamine. Since the Attorney General of Mexico and I announced several anti-methamphetamine initiatives designed to improve enforcement, training, information sharing, and public awareness, significant progress has been made. For example, Mexico has begun imposing import quotas tied to estimates of national needs. The Mexican Government has reduced the amount of pseudoephedrine, ephedrine, and combination product importation permits to 70 tons during 2006, a reduction of 53 percent from the 2005 import level.

DEA has expanded the role of its Clandestine Lab Enforcement Teams to target Mexican methamphetamine trafficking organizations and has developed a special field intelligence program, Operation White Fang, to identify and target the organizations responsible for producing and trafficking methamphetamine across the entire southwest border. DEA is also providing training to Mexican law enforcement and prosecutors on topics ranging from chemical identification to officer safety.

## *Opium Production in Afghanistan*

The illicit production of opium in Afghanistan continues to be a worldwide problem. Through training and education of Afghan officials, as well as ongoing criminal investigations, the Department, in partnership with the Department of State, continues to combat the opium trade. The Criminal Division's Senior Federal Prosecutors Program continues to be an important presence in Kabul; this program was critical in assisting the Afghans to draft a new comprehensive counter-narcotics law. The Department will continue to build upon its successes, foster international support, and constantly seek new ways to reduce and eliminate this dangerous drug trade.

## **Identity Theft**

Identity theft has become of increasing concern to the American people. Among other things, it results in lost confidence in online commerce and in the reliability of businesses and government agencies that collect and maintain personal data. Moreover, the aggregate losses from such crimes can amount to billions of dollars and millions of hours of recovery time for individuals, businesses, and the government.

The Department plays dual roles in combating identity theft. Our principal role is prosecutorial: Our prosecutors seek to bring identity thieves to justice and to recover the proceeds of crimes for their victims. The Department is also one of the two agencies leading the President's Identity Theft Task Force, which I chair.

On April 23, I had the privilege, along with FTC Chairman Deborah Platt Majoras, of transmitting to the President a comprehensive Strategic Plan, developed by the Identity Theft Task Force, for combating identity theft. The Strategic Plan is the result of an unprecedented federal effort to identify the best way forward to attack this pernicious crime and represents a milestone in America's efforts to fight back against identity thieves—a blueprint for a coordinated, across-the-board effort to better protect America's families from this insidious offense.

The 31 major recommendations in the Task Force Strategic Plan target the entire life cycle of identity theft—from the acquisition of sensitive data to its misuse and from the investigation and prosecution of identity thieves to recovering lost assets for their victims—and provide guidance for all sectors of the economy. The report fully acknowledges that the government also has to do a better job of preventing and responding to identity theft. This integrated approach reflects a belief that the problem of identity theft can be best handled only when all stakeholders are focused on the same goals.

The report includes four particularly ambitious and important recommendations that I would like to highlight here. First, federal agencies should reduce the unnecessary use of Social Security numbers, which are one of the most valuable commodities to an identity thief. Second, national standards should be established to require private sector entities to safeguard the personal data they compile or maintain and to provide notice to consumers when a breach occurs that poses a significant risk of identity theft. Third, federal agencies should implement a broad, sustained awareness campaign to educate consumers, the private sector, and the public sector on methods of deterring, detecting, and defending against identity theft. Fourth, Congress should consider a variety of legislative proposals aimed at improving our ability to prevent, to investigate, and to prosecute identity theft and related crimes.

Recognizing that many of our current criminal statutes have not been updated to allow law enforcement to keep pace with new and developing methods of identity theft, the Task Force recommended a legislative package that would facilitate identity theft enforcement by, among other things, closing loopholes in existing laws. Doing so would

help ensure that prosecutors have the appropriate tools for charging identity theft crimes. For example, one section proposes amending the identity theft and aggravated identity theft statutes to ensure that identity thieves who misappropriate information belonging to corporations and organizations can be prosecuted. Another would amend existing statutes to assure the ability of federal prosecutors to charge those who maliciously use spyware and keylogger software.

Our legislative proposals, which the Department formally transmitted to Congress on July 19, 2007, also included a provision amending the restitution statutes to ensure that victims can recover the value of time they reasonably spent in attempting to make themselves whole after a theft. We appreciate the Committee's prior leadership in this area, and I look forward to working with this Committee to ensure that these provisions are enacted into law.

### **Intellectual Property Enforcement**

Intellectual Property (IP) protection is a core component of U.S. economic health and the key to preserving America's competitive position in the global marketplace. The Justice Department has made combating IP crime a priority, and we are committed to enforcing the law in this area and to pushing for even stronger legal protections.

We have seen the real and tangible consequences of counterfeiting and piracy as they deprive artists and innovators of the fruits of their creations, divert business from honest merchants, provide a ready source of revenue for organized criminal groups, and defraud—and often physically endanger—innocent consumers. Our response must move forward on several fronts. We must strengthen our global law enforcement efforts, work to increase the number of international operations we conduct jointly with other countries, and ensure strong intellectual property laws here in the United States.

The Department continues to increase efforts to protect U.S. intellectual property against counterfeiting and piracy with a special emphasis on prosecuting cases that implicate health and safety. While some view IP crime as harmless or victimless, the reality is that criminals who manufacture and sell counterfeit products can pose a substantial risk to the health and safety of American consumers. Imagine a heart patient undergoing emergency surgery at a hospital that unknowingly purchased counterfeit—and substandard—surgical equipment. Or a truck driver who buys counterfeit brake pads that diminish his ability to avoid an accident. Preventing these potential catastrophes is the central reason we take this issue so seriously. These crimes have an impact on the economy, but they are about far more than just dollars and cents.

As you know, the Department created an Intellectual Property Task Force to bolster our efforts across the board. For instance, last June, the Department's Task Force on Intellectual Property announced that it had implemented 31 recommendations to improve IP protection and enforcement in the United States and abroad, as described in detail in the Progress Report of the Department of Justice's Task Force on Intellectual Property (June 2006).

In the past two years, we have significantly expanded the Computer Hacking and Intellectual Property (CHIP) network of Federal prosecutors dedicated to the prosecution of high-tech and IP crime. The total number of CHIP prosecutors has increased to 230 (with at least one in each U.S. Attorney's Office), and the number of specialized CHIP Units has nearly doubled to 25 cities nationwide. The Task Force's unprecedented efforts to improve criminal IP enforcement have yielded, among other successes, substantial increases in Federal investigations and prosecutions of IP violations.

In addition, last year, the Department committed to increasing the number of IP prosecutions and improving our international cooperation and outreach efforts. Through the dedicated efforts of U.S. Attorney's Offices, our Criminal Division, and law enforcement across the country, we accomplished those goals.

For instance, in 2006, we convicted 57 percent more defendants for criminal copyright and trademark offenses than in 2005. Of those convictions, the number of defendants receiving prison terms of more than two years increased even more sharply—up 130 percent. FBI arrests in IP cases increased by nearly 40 percent, with the number of convictions increasing by more than 50 percent. Increased enforcement and stiffer sentences send an important message to these counterfeiters and pirates that we take their crimes seriously and that they will be investigated, prosecuted, and punished for those crimes.

It is imperative that countries work together to ensure strong enforcement worldwide. There can be no safe havens for intellectual property criminals if IP crimes are to be curtailed. Last month, following one of the first extraditions ever for an IP offense, the leader of one of the oldest and most notorious internet software piracy groups was sentenced to more than four years in prison for his part in an illegal distribution of at least \$50 million worth of pirated software, movies, and music.

In cases like this, we have worked with prosecutors throughout the United States and internationally to protect the rights of IP owners and to enforce the law. Last year alone Department of Justice prosecutors provided training and technical assistance on IP investigations and prosecutions to over 3,300 foreign prosecutors, investigators, and judges from 107 countries. We are training more every day.

In order to advance our international efforts, the Department last year placed the first-ever IP Law Enforcement Coordinator in Bangkok, Thailand. Later this year, we will be sending a second coordinator to Eastern Europe.

When I meet with my counterparts in other countries, I make sure to include IP crimes in the discussion. Last May, at a meeting of G8 Justice and Home Affairs Ministers in Germany, my counterparts and I adopted a set of principles to enhance international cooperation in fighting IP crime, and we will continue this work over the coming year. Throughout Central and South America, in Asia, and in Europe, we are

making clear that these important issues need to be taken seriously—not just for the sake of Americans but for the benefit of consumers and entrepreneurs worldwide.

We must also continue our efforts at home, however. In order for us to protect the intellectual property that is so important to our national economy and to meet the global challenges of IP crime, U.S. laws must be up to date. On May 14, I submitted to the Congress a bill, the Intellectual Property Protection Act of 2007, that imposes stronger penalties for repeat copyright offenders and increases the maximum penalty for counterfeiting offenses when the defendant has knowingly or recklessly caused or attempted to cause serious bodily injury or death.

The Intellectual Property Protection Act of 2007 hits IP criminals in their wallets by strengthening applicable forfeiture and restitution provisions. Doing so ensures that IP criminals will forfeit their illicit profits as well as any property used to commit their crimes and strikes at the very motivation underlying the criminal enterprise: money.

A major theme that cannot be sounded too frequently—and that I thank this Committee for appreciating—is that IP crime is not a mere technicality or victimless crime. Counterfeiting and piracy are serious problems with real victims, and these problems pose a threat not only to American industries but to public health and safety as well. Those who seek to undermine this cornerstone of U.S. economic competitiveness may believe that they are making easy money; that they are above the law or below the radar screen of law enforcement. It is our responsibility and commitment to show them that they are wrong. This Committee's prompt consideration of and action on the Intellectual Property Protection Act of 2007 will help us do just that.

### **Immigration Enforcement and Border Security**

Next, I would like to offer a review of the Department's ongoing work on immigration enforcement and border security. This critical area of law enforcement was, of course, the subject of intense debate and careful consideration in May and June as the Senate considered the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007. I would like to thank the members of this Committee for your participation in that important national discussion as well as for the efforts that many of you made to advance the President's call of comprehensive immigration reform. As the President has noted, we will not fully succeed in stemming the tide of illegal immigrants or in securing America's borders without a comprehensive solution to the immigration puzzle. That bill was a good if imperfect step toward a workable and sustainable solution. I hope that this debate will continue.

That said, the Department remains committed both to enforcing the immigration laws and to helping the Department of Homeland Security in securing our borders even in the absence of comprehensive reform legislation. Immigration offenses thus remain the largest category of cases that the Department files. Nearly one third of the 60,000 new criminal cases filed last year were for immigration offenses.

We have resolved to do even more. In the latter half of 2006, the Department sent 30 additional prosecutors to the districts along the southwest border to help them pursue a greater number of immigration and narco-trafficking cases. Since 2000, the overall number of Assistant U.S. Attorneys working in the southwest border districts alone has increased by about 29 percent.

With enhanced immigration enforcement efforts such as the Department of Homeland Security's termination of the so-called "catch-and-release" practice with non-Mexican aliens arriving at the Southwest Border, the number of illegal aliens entering along the border appears to have declined. To sustain and build upon this progress, we are seeking to increase the number of immigration prosecutions we file where we have the necessary referrals from the Border Patrol and the capacity to take on more cases. In that respect, I am pleased to report that the U.S. Attorney's Office for the Southern District of California is projected to file more than 1,600 immigration cases in FY 2007, a 7% increase over the last fiscal year. In Arizona, the U.S. Attorney's Office is projected to file more than 2,225 cases, which would represent a 7.2% annual increase. Moreover, our border districts prosecute tens of thousands of misdemeanor cases for entering without inspection in violation of 8 U.S.C. § 1325 that are not included in our case filing statistics.

To further expand our capacity to prosecute immigration offenders, the President has proposed in his 2008 budget \$7.4 million for a Border and Immigration Prosecution Initiative that would provide for the hiring of 55 additional prosecutors to prosecute immigration cases. In addition, the budget seeks \$7.5 million to hire 40 Deputy U.S. Marshals to manage the increased workload resulting from increased immigration enforcement along the Southwest Border. These resources are needed so that we can continue to increase our prosecutions and deter illegal border crossings in the ongoing effort to achieve operational control of the border.

As you know, the Department not only prosecutes those who commit immigration offenses but also adjudicates civil actions brought by the Department of Homeland Security to remove individuals who are in the United States illegally. These matters are adjudicated within the Department of Justice by the Executive Office for Immigration Review (EOIR), an agency that includes immigration judges and members of the Board of Immigration Appeals (Board). As I have previously reported, the Department last year completed a comprehensive review of EOIR's operations, and last August I directed that a number of reforms be undertaken to improve the overall adjudication process and to remedy the procedural deficiencies and management issues that were identified.

I am pleased to report to the Committee that we have made tremendous strides in implementing these reforms, and the new procedures have significantly assisted the current immigration judges and Board members in the performance of their duties. Moreover, a new hiring process has been implemented to select the very best candidates to serve in these career positions in the future. This new process, which I approved this spring, has been formalized to make the hiring of immigration judges and Board

members more routine, consistent, and transparent. In furtherance of that goal, the initial vetting, evaluation, and interviewing functions have been placed within the Office of the Chief Immigration Judge and within the Executive Office for Immigration Review as a whole.

In addition, EOIR has developed extensive training programs for both new appointees and veteran immigration judges, has noticeably improved its transcription services, and has placed supervisory immigration judges in the field to provide improved and more consistent management of the immigration courts. EOIR is also set to issue procedural manuals and other resource materials for use both by the immigration judges and by those who appear before them in immigration courts, and EOIR is about to begin replacing the immigration courts' antiquated audio recording system with greatly improved digital systems.

Identifying problems as they arise is essential to ensuring quality, and thus EOIR has established channels through which private individuals and government attorneys now can report their concerns about the conduct, professionalism, or quality of decisions of immigration judges. In order to avoid the occurrence of such problems, the Department is undertaking the promulgation of codes of conduct for immigration judges and Board members. The Department has already published proposed codes for review and comment.

The integrity of the immigration courts requires more than the unflinching professionalism of immigration judges; it requires the prevention of fraud and abuse as well. In pursuit of this objective, we have created a formal process by which immigration judges can refer suspected instances of immigration fraud and abuse for investigation and potential prosecution. Forty-five such cases have already been referred.

The Board is contributing to the quality and consistency of immigration decisions itself by publishing more precedent decisions this year than it has over the previous six years and by drastically decreasing its reliance on summary one-line decisions. These summary decisions now account for less than 10% of the Board's total decisions.

Finally, the Committee will be pleased to learn that EOIR has greatly improved its public outreach efforts over the last year by doubling the size of the Legal Orientation Program for unrepresented detained aliens, expanding pro bono programs for unaccompanied alien children, and increasing the number of court-sponsored pro bono attorney training programs.

There is still much to do to ensure that our immigration courts function as efficiently and fairly as possible. It is incumbent on us to meet the challenge of rapidly processing large numbers of cases, so that the immigration laws of this nation are effectively enforced. This not only serves the rule of law, it ensures that an immigrant's first experience with the U.S. Government is demonstrably fair, reliable, and efficient, and that it positively reflects the generosity and openness of this great country. I thank

the Committee for its attention to the immigration system and look forward to working with the Committee as we continue our reforms in the coming months.

### **Crisis Response—Hurricane Katrina**

Over and above our established priorities, the Department of Justice remains ready and able to respond to unforeseen events and disasters and to maintain an appropriate law-enforcement presence in their wake. The most notable example of this is the Department's work in assisting the city of New Orleans as it rebuilds its critical criminal justice infrastructure after Hurricane Katrina. The Department has made more than \$30 million in grants available to Orleans Parish and others in the greater new Orleans region to help rebuild the criminal justice system there. In total, the Department has made available to the state of Louisiana over \$86 million in justice assistance grants (JAG) and Katrina relief law enforcement infrastructure funds.

Grant funding, however, is only one small part of our efforts to assist New Orleans. To address the emerging violent crime concerns there after the hurricane, the Department dispatched attorneys to New Orleans to temporarily increase the number of prosecutors bringing cases on behalf of the U.S. Attorney's Office for the Eastern District of Louisiana. In addition, nine more assistant U.S. attorneys (AUSAs) were hired to assist with Katrina-related fraud and violent crime prosecutions, and one more AUSA will be hired to prosecute cases involving gang violence. Other Department agencies have also provided additional staffing: the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) assigned six additional ATF Special Agents to New Orleans to supplement the Violent Crime Impact Team (VCIT), which focuses on reducing gun crime; the USMS assigned four additional deputy U.S. marshals to supplement the Crescent Star Fugitive Task Force, which conducts investigations to locate and apprehend violent felony fugitives across 13 parishes in the Eastern District of Louisiana; and the FBI detailed an additional 9 special agents to New Orleans to supplement the Violent Gangs Safe Streets Task Force, which works closely with the New Orleans Police Department in criminal enterprise investigations. To leverage their presence in the area, Drug Enforcement Administration (DEA) special agents have been granted temporary authority to investigate not only drug crimes but all federal offenses.

In addition to supporting local law enforcement, the Department has contributed to violent crime prevention resources and supported victims' services. The Bureau of Justice Assistance has obligated approximately \$100,000 to coordinate efforts to restart a Police Athletic League (PAL) and to expand Boys and Girls Clubs in the impacted area. The Department's Office on Violence Against Women (OVW) has committed up to \$3 million to create a comprehensive victim service- and support-center that will help victims of domestic and sexual assault crimes obtain multiple services in a single location. The services provided to the victims by faith-based and other community organizations will include emergency housing, medical care, counseling services and employment assistance. In conjunction with the center, the Department's Office for Victims of Crime is funding two highly trained victim assistance specialists for the next three years to develop a regional victim service committee, providing essential training,

outreach, advice, counseling, and services to victims and witnesses served by the local justice system. Additionally, the Bureau of Justice Assistance continues to make progress in implementing the lessons learned from these disasters, including providing training and assistance to local justice agencies and systems with respect to continuity of operations and related disaster-response planning efforts that are critical to ensuring that law and order can be maintained.

The Department also continues to battle fraud arising from the tragedies triggered by Hurricanes Katrina, Rita, and Wilma in 2005. Since I established the Hurricane Katrina Fraud Task Force in September 2005, the Task Force has moved aggressively against all forms of disaster-related fraud, ranging from Internet scams to identity theft to government contract fraud. To date, the Task Force has indicted more than 700 persons in 40 judicial districts. Many of these have already resulted in guilty pleas or convictions at trial. For example, we have already successfully prosecuted corrupt government officials who tried to extort money from honest contractors and benefit applicants, contractors who tried to cheat the government in debris-removal contracts, and fraudsters who concocted elaborate schemes to obtain hundreds of thousands of dollars in emergency benefits to which they were not entitled. The work of the Task Force—and of the many U.S. Attorneys, federal agents, and Inspectors General who have worked tirelessly to pursue these cases—has been outstanding and has created a model for how such cases should be handled in the future.

### **Politicization of Hiring in the Department**

I am very proud of the results that the Department of Justice has achieved. As the testimony above demonstrates, the Department's employees continue to work day in and day out to protect Americans. That said, reinforcing public confidence in the Department is also critical and will be one of my top priorities as Attorney General for the remainder of my term. I know that this Committee shares this concern, and I would like now to address briefly one issue in particular.

I believe very strongly that there is no place for political considerations in the hiring of our career employees or in the administration of justice. As such, the allegations of such activity have been troubling to hear. From my perspective, there are two options available in light of these allegations. I could walk away or I could devote my time, effort and energy to fix the problems. Since I have never been one to quit, I decided that the best course of action was to remain here and fix the problems. That is exactly what I am doing.

As you know, upon learning of these troubling accusations, we promptly referred these matters to the Office of Professional Responsibility and Office of the Inspector General. This was the right course of action for the Department and I have complete faith and confidence that their investigations will be thorough, comprehensive, and, ultimately, very helpful in rooting out and addressing any mistakes that occurred on my watch.

But I am not going to wait for the results of these investigations to begin taking steps to ensure that any previous mistakes are not repeated. I have appointed experienced personnel, revised certain policies and procedures, and have communicated to the Department leadership that I will not tolerate any improper politicization of this Department. I will continue to make efforts to ensure that my staff and others within the Department have the appropriate experience and judgment so that previous mistakes will not be repeated. And I will continue to ensure that the Department attracts and hires highly qualified individuals from the broadest base possible without reference to their political affiliations.

The Department's work is critical. In order to continue to serve the American public well, we need to reinforce public confidence and to attract and retain the best possible employees. We are working to ensure that this happens.

### **Conclusion**

The work of the Department of Justice is far broader than even the sum of the important areas that I have canvassed here, and the notable efforts I have recounted are mirrored across every division and component of the Department. The efficacy and impact of the Department's work will continue to grow with this Committee's guidance and assistance. To that end, I look forward to answering your questions and working with you on the legislative proposals that I have highlighted for your consideration. Thank you.