

Hearing Transcript

Senate Judiciary Committee Hearing on Department of Homeland Security Oversight

June 30, 2016

GRASSLEY:

We were going to open with an executive session, but we don't have a quorum. So, I'm going to start the hearing.

I guess now, we're just starting at -- pretty much on time. And there's some things going on that Secretary Johnson will tell us about that may interfere with our hearing, here.

But I'm going to start the hearing. And because of those circumstances, I think I'm going to put most of my statement in the record. But let me describe what I was up to.

I had several instances of -- where I think that we haven't protected our country adequately. I've got several examples.

Everybody recognize and names Kate Steinle as an example of where the immigration laws haven't been adequately carried out, and our country is in danger. And some of my analysis of that, and where I think there's some shortcomings within the administration.

And this hearing is an oversight hearing that we will get into some of these details. But because of the present situation, I think I'm going to put my statement in the record.

I'll turn now to Senator Leahy.

LEAHY:

Well, thank you very much, Mr. Chairman. I'm glad to have Secretary Johnson back to the committee.

I think hearings about the security in the nation is timely. The massacre of 49 innocent people at an LGBT night club in Orlando is a national tragedy. An ever-growing list of mass shootings across the country -- an office party in San Bernardino, a Planned Parenthood clinic in Colorado Springs, the historic Mother Emanuel Church in Charleston, a Jewish community center in Kansas City, a Sikh temple in Oak Creek, an elementary school in Newtown.

We need to take action to keep this country safe. We need to do it now. We know we can have it as we did with -- Oklahoma City, we saw what -- one of the worst mass killings in our country.

So, if we focus on homeland security, we have to look at what all these acts of domestic terrorism have done. Many have said -- certainly the majority of American people, that we've got to toughen our gun laws. They want to know that Congress is finally doing something to keep guns out of the hands of criminals and suspected terrorists.

LEAHY:

Have universal background checks, the same kind of background check I have to go through if I go to a gun store in Vermont, but to have universal background checks for gun shows and elsewhere, so people can't use the internet or gun shows to evade background checks. We need to strengthen our laws, go after (ph) firearm traffickers and straw purchasers who purchase firearms for drug cartels or other criminal gangs.

The Department of Homeland Security, the Department of Justice, the FBI need more funding to combat acts of terrorism and hate. That shouldn't be a very controversial thing. Another step we should take is finally pass comprehensive immigration reform. We did that here in the Senate three years ago. The House said they did not want to bring it up, even though they had the votes to pass it, because it would somehow violate the Dennis Hastert Rule.

I don't think that's an excuse to not have immigration reform that bring out of the shadows the millions of people who came here for a better life. It improves our national security. We know who is here. We are also safer when we are united.

Earlier this week this committee received divisive testimony from witnesses who cast suspicion on patriotic Muslim-Americans, including two members of Congress. I expect that some of these same extreme voices will use the recent bombing in Istanbul to congratulate themselves for their position.

But make no mistake, no one should congratulate themselves when there's an act of terror. And rhetoric doesn't make us safer. Certainly doesn't make us safer to cast suspicion on our neighbors and fellow citizens because they belong to a particular religious or ethnic or racial group and doesn't make us safer to talk about building walls on our borders. It doesn't make us safer to call for a Muslim ban or to suggest that terrorist sympathizers have infiltrated the administration or to insinuate that all Muslim-Americans are somehow complicit in the Orlando attack.

These are not only statements that are wrong, they actually create a greater problem. They undermine the security of this country. They feed right into the warped narrative of groups like ISIS and al-Qaeda. And they undermine the safety of the Muslim- American community, which has faced a dramatic increase in hate crimes over the past year.

So let's stop the scapegoating, the fearmongering, ugly rhetoric and divisive proposals. We all want to keep our nation strong, but let's know that sometimes the reality makes a lot more sense than the rhetoric and I put my full statement on the record.

GRASSLEY:

OK. Could I -- do you affirm that the testimony you are about to give to the -- before the committee will be the truth, the whole truth and nothing but the truth, so help you God?

JOHNSON:

I do.

GRASSLEY:

Thank you. I thank you very much for coming.

Everybody knows that Jeh Johnson's the secretary of homeland security. I've introduced him several times. I won't repeat that.

Thank you very much, and you proceed accordingly with your testimony.

JOHNSON:

Thank you, Chairman, Senator Leahy, members of this committee. I appreciate the opportunity to be here today.

You have my prepared statement. I will say just a few things for the record here this morning.

First, we do have, as reflected on the news, an unfolding situation at Andrews Air Base, which may require that I take a break from this session. And I hope you won't mind if I need to do that, Chairman.

JOHNSON:

Second, let me say a few words about what happened in Istanbul two days ago and what we know at this point. So far, based on what we know, it appears there were three attackers, three explosions. There are reports out of Turkey today about the possible identity of these three attackers.

We don't have confirmation yet of their nationality or their names. Forty-four killed, including the attackers and some 256 injured. One U.S. citizen, who suffered I understand, minor injuries. This has the hallmarks of an attack by ISIL, although there's been no claim of responsibility last time I looked.

Here in the homeland, since Brussels, we have enhanced security at airports around the nation since the Brussels attack in March. Our TSA VIPR teams have been more visible at airports and at transit centers generally. The American public should expect to see this July 4th weekend an enhanced security presence at airports, train stations and other transit centers across the country by TSA and state and local law enforcement, as well as security personnel generally.

We have enhanced aviation security over the last two years since I've been secretary. As I said last month, we will not shortcut aviation security in response to increased travel volume or longer wait times.

I'm happy to report that with the support and approval of Congress, we have reprogrammed funds to convert a number of TSOs from part-time to full-time to expedite the hiring of additional TSAs and additional TSA officers and to make other surges in resources so that wait times today at airports nationwide have been reduced.

Ninety-nine percent of the traveling public now has a wait time of 30 minutes or less nationwide. Ninety-three percent of the traveling public today has a wait time of about 15 minutes or less. We're focused on the nation's busiest airports to ensure we don't have a repeat of some of things we saw around Memorial Day weekend in the month of May.

In general, my caution is that when it comes to public places and public events, we should not focus our attention on things like airports to the exclusion of other public places and public events. As we said in our national terrorism advisory system bulletin issued just about two weeks ago, we are concerned and focused generally on public events and public places across the nation.

And in general, we continue to encourage the public to travel, to associate, to celebrate the holidays and celebrate the July 4th holiday, continue to go to public events but be aware and be vigilant. Public awareness and public vigilance can and does make a difference in terms of detecting possible terrorist plots, terrorist activity.

So with those comments, I will look forward to your questions. I'll be happy to answer any questions you have. Thank you.

GRASSLEY:

Thank you very much. We will have -- we're going to have seven minute rounds for questions. Last week, the Supreme Court affirmed the decision on the Fifth Circuit that keeps in place a nationwide injunction on the president's executive action to effectively legalized millions of undocumented immigrants.

I'd like a commitment from you today, that the administration will not implement any administrative work around the Supreme Court decision.

JOHNSON:

Chairman, the Supreme Court by equally divided vote affirmed the decision of the Fifth Circuit and we intend to abide by that injunction.

GRASSLEY:

As I said in my opening statement, although I didn't read the entire statement, Kate Steinle was killed in San Francisco one year ago today. In the last year, nothing noticeable has changed.

More American families are suffering from -- because loved ones have been hurt or killed by criminal immigrants, San Francisco is a sanctuary jurisdiction. Instead of changing their ways, last month the Board of Supervisors upheld the sanctuary policies for people in the country violating our laws.

Do you feel that you have enough tools in your arsenal to go after sanctuary jurisdictions?

JOHNSON:

I'd like to see more cooperation from counties and cities...

(CROSSTALK)

PROTESTER:

I am here for the (inaudible). Not one more deportation. Not one more deportation. Not one more deportation.

(UNKNOWN)

(inaudible).

GRASSLEY:

Order, please, order.

PROTESTER:

(inaudible).

GRASSLEY:

Order, please.

PROTESTER:

Not one more deportation (inaudible).

GRASSLEY:

We will stand in recess until the police can restore order.

PROTESTER:

Not one more deportation. Not one more deportation. Not one more deportation. Not one more deportation. Not one more deportation. Not one more deportation. Not one more deportation. Not one more deportation.

GRASSLEY:

Would you proceed or did you finish?

PROTESTER:

(inaudible) Diaz, he's (inaudible) died a few months later.

GRASSLEY:

We'll stand in recess.

PROTESTER:

You have blood on your hands. He was deported (inaudible) you know this.

(CROSSTALK)

GRASSLEY:

Will the police restore order, please?

PROTESTER:

(inaudible) young people (inaudible).

(UNKNOWN)

Sir, you have one warning.

(UNKNOWN)

What are we going to do (ph)?

GRASSLEY:

Well, they know that (ph), that's what they want (inaudible).

PROTESTER:

(inaudible) he was deported (inaudible). When he was deported, he was murdered. Senator Johnson, you have blood on your hands. Jeh Johnson got (ph) blood on your hands (inaudible).

GRASSLEY:

We will stand in recess.

PROTESTER:

Jeh Johnson, you (ph) have blood on your hands (inaudible). Jeh Johnson, you (ph) have blood on your hands.

(CROSSTALK)

PROTESTER:

...murdered just a few months after. Stop scapegoating the immigrants (ph) in the community. Jeh Johnson, you (ph) have blood on your hands. Stop scapegoating the immigrants (ph) in the community. Jeh Johnson, you (ph) have blood on your hands. Stop scapegoating the immigrants (ph) in the community.

(UNKNOWN)

Sir, you have just one (ph) warning (inaudible).

PROTESTER:

I want to be arrested (inaudible).

GRASSLEY:

I'd be very efficient if anybody else wants to be stand up and be removed to do that instead of starting the meeting again.

PROTESTER:

(inaudible) Jeh Johnson, you have blood on your hands. Stop deporting our community, drop (inaudible) now and deportations and the race (ph) and the race (ph) and deportations. You are deporting youth; they're raiding our homes while they're going to school.

GRASSLEY:

If anybody else wants to exercise their right of free speech, do it now, please. OK.

Secretary Johnson, I don't know whether you completed the answer to my question but if you would proceed, I'd appreciate it.

JOHNSON:

Yes. In general, I'd like to see more cooperation from various counties and cities in terms of working with us on immigration enforcement. We discontinued the Secure Communities program in 2014 because it wasn't working.

There were some 14,000 detainers by our immigration enforcement personnel. They were not acted upon in a number of counties and cities across the country. We replaced it with the Priority Enforcement Program, which I believe -- which I believe solves the political and legal controversy that we were seeing of the 25 counties that were the most resistant to our detainers.

Seventeen of those 25 are now working with us again on the enforcement of our immigration priorities. I think that is a good thing for public safety. We continue to have these conversations

with a number of jurisdictions. I will note that I have had conversations with city officials in Philadelphia and in Cook County, Illinois without success so far.

And I have urged a number of cities and counties that it's for the benefit of the public safety that dangerous criminals not be released who are removable so that our immigration enforcement personnel have to go find them again on the streets and round them up and put them in deportation proceedings.

We prefer cooperation in this regard. As I've said, of the 25 jurisdictions that were resisting us before, the largest ones, 17 are now working with us again. This is a work in progress and there are those where we need to continue to make progress, sir.

GRASSLEY:

I think in the final analysis and then I'm going to go to Senator Leahy, that what you just told us, talking to some cities and not getting cooperation and then 17 cities where you say you are getting cooperation, that the situation with sanctuary cities is an illegal situation and violation of federal law.

And I think that's a very good reason why a couple weeks from now or maybe next week even, we'll have a vote on Senator Toomey's amendment in regard to sanctuary cities and I hope that people will take this testimony. We've had here where the secretary says in some cases his program works, in some cases it doesn't and particularly in Chicago and New York City as an example, the need for that legislation.

GRASSLEY:

Senator Leahy?

LEAHY:

Thank you.

You know, we've talked about executive orders. I mean, we had the Supreme Court, couldn't reach a decision in U.S. v. Texas. That's one of the reasons we now have a quandary concerning DAPA and expanding DACA. (inaudible) to put it. (inaudible) decide one way or the other and not a -- if we'd had the ninth member in the Supreme Court, where for the first time in history the Senate's refused to do its job and order hearing and vote on a Supreme Court nominee. To his credit, the president did follow his oath of office and nominated somebody.

But the -- and as you said the DAPA expand DACA. Policy was the focus with limited immigration enforcement resources. We don't have unlimited resources, and on those its (ph) pose a threat to

public safety. I mentioned that, only because again, the opportunity we lost in not getting a full immigration bill through. Now we Republicans and Democrats came together in the Senate, and by almost two-to-one margin (inaudible) 68 votes.

We passed out of the Senate, a major immigration bill and months and months and months and hundreds of dollars (inaudible). There were, by all accounts enough votes to pass in the House, but the Republican leadership at the time said it would have violated the Dennis Hastert Rule, and Lord knows we must do whatever the Dennis Hastert Rule is. And so we never -- it never got passed. I would hope that people would go back and make a real effort to pass real, not finger-pointing, but real immigration laws as we did in the Reagan administration, Bush administration.

Now Secretary Johnson, you have to protect us all from threats of all kinds. The significant security vulnerability that criminals and terrorists can readily obtain powerful firearms, and is this being exploited by those who would cause us harm?

JOHNSON:

In my judgment, the answer is yes, Senator. I believe that sensible gun control, consistent with the second amendment, and consistent with a responsible gun owner's right to own a gun is a matter of homeland security. When you look at what happened in Orlando and you look at what happened in San Bernardino and the weapons used there by what appeared to have been, ISIL-inspired terrorists.

I believe that we should face the fact that we need to make it harder for terrorists to get a gun in this country and I know that there is legislation and legislative ideas pending in this Congress to do exactly that. I hope we can find a way, consistent with the second amendment to make it harder for terrorists to buy a gun in this country. It is a weapon of -- an instrument of terrorism and those determined to commit terrorist acts on our homeland are taking advantage of that. So I believe it's a matter of homeland security that we address this.

LEAHY:

In fact, I'm told at least one Al Qaida member has pointed to the U.S. gun-show loophole to encourage their sympathizers to acquire and use firearms. From your experience, is it pretty clear that terrorists in other parts of the world are aware of our weak gun laws?

JOHNSON:

I believe they are and I read such literature that you referred to as recently as this week, and we know from past practice that the literature put out by Al Qaida and ISIL that is disseminated in this country is acted upon and followed. There's sad (ph) examples of that.

LEAHY:

And I've spoken before on the floor and I'm appalled at the rise of abhorrent rhetoric that seeks to demonize and cast suspicion on the Muslim-American community. I've -- I'm still touched -- so touched by a note that my wife received from a friend, position, Muslim in another country saying how she and her family were praying for the people in Florida during the month of Ramadan and they were in their prayers because of this terrible, terrible event.

Now you work closely with the Muslim-American community, you have many patriotic Muslim-Americans in your agency. Does this kind of anti-Muslim rhetoric -- does it make us safer or less safe?

JOHNSON:

Senator you are correct that I have spent a lot of time with American Muslim communities in major metropolitan areas across the country to build bridges to these communities, because I think it is a homeland security imperative that we do so to encourage members of Muslim communities in particular, that if they see something, say something. If they see someone self-radicalizing, turning to violence, that is imperative that they inform somebody in law enforcement or a community leader perhaps.

I think that rhetoric that vilifies Muslim communities, rhetoric that vilifies a religion, is contrary to those efforts and I have said so publicly in the past. I think that given the nature of the existing threat to our homeland security, which involves home-grown, home-born violence extremists -- it is essential that we keep at our CBE efforts.

LEAHY:

Thank you and my last question, and we've heard the expressions here -- by people who are here in the audience. I see and hear some of the stories of families that have blamed violence in Central America, try to get their children out of there before they're forced into a gang, or murdered, or raped, or sexually trafficked and we see the number of raids targeting this community including picking up high school students on their way to school, sometimes detaining them for months, sometimes in solitary confinement.

Frankly, Secretary, I think it's wrong to use these teenagers to send a message. I wish -- (inaudible) the House had not shown such attention to the Hastert Rule, they allowed the immigration bill to pass, but I think when you done great work to build trust. I worry about some of these policies, especially targeting youngsters, (inaudible) immigrants deeper into the shadows. And it's not going to stop a parent whose trying to protect the life of their child from trying to flee the violence of some of our so-called allies in Central America. That's just my opinion.

Chairman?

GRASSLEY:

Secretary Johnson, would you please stay where you are? We're going to recess the hearing just to -- (inaudible) to order, we have 11 members present. On today's agenda we have one bill, which will be held over and one nominee was ripe for a vote. Ms. Rendon a nominee for U.S. attorney in the Northern District of Ohio, is strongly supportive by both Senators Portman and Brown and I understand that we can then move Ms. Rendon now by voice vote.

So turning to the agenda (inaudible), that will be held over and I believe that we can do U.S. attorney by voice vote.

There is a quorum here, those in favor of Ms. Rendon nomination to be U.S. attorney for the Northern District of Ohio, signify by saying aye.

Opposed say no.

The ayes seem to have it. The ayes do, and so she will be reported to the floor.

The (inaudible) is adjourned and we will now reconvene the hearing and I'll call on Senator Sessions.

SESSIONS:

Thank you.

(CROSSTALK)

SESSIONS:

Thank you, Mr. Chairman.

(UNKNOWN)

Excuse me, Chairman, could I just say I always wanted to be a U.S. attorney?

(LAUGHTER)

(UNKNOWN)

Didn't work out that...

(CROSSTALK)

(UNKNOWN)

I was an assistant...

(CROSSTALK)

(UNKNOWN)

That's the best public service job I've ever had.

SESSIONS:

The -- Mr. Chairman, we need to understand where we are. And the problem of the violence that we are having today is not a product of the gun law on any significant way. We've had attacks in Garland, Texas, Chattanooga, San Bernardino, Orlando -- all in the last year, maybe 13 months. These are unusual attacks, now we've Europe, now we've had Turkey -- we have a serious problem here, there's no way to look around it, we need to confront it, talk about it honestly, and deal with it.

The amnesty bill that failed in the Congress would of more than double the number of people who are given legal status in the country, created a very large permanent increase in legal immigration at a time when we don't have enough jobs for American people here today, immigrant and native born. We don't have that, wages in America have dropped since 1999, median household income by \$4,000. One of the reasons of that -- for that, is we have a loose labor market as a result of more workers than we've got jobs for.

That's just fact. So the American people didn't like the bill and it did not pass. But we've had multiple opportunities since that failure to tighten up and make our country more secure, and not one thing of significance has happened. We've not even been able to pass a bill that would fix the entry-exit visa system that's been on the books for over a decade and has never been accomplished. So the American people aren't happy, they have a right not to be happy. A good, great nation should have a lawful system of immigration that establishes who should enter, and they should be able to come in a reasonable and effective way.

SESSIONS:

But people who are not here lawfully should be removed and people who attempt to enter unlawfully should be deported. That's just the basics of the system, and so when people say not

one more deportation, what are they saying? They're saying that all you have to do is get into America unlawfully and you get to stay and you'll never be removed.

And I was disappointed that the former secretary of state recently, in a debate said, that nobody should be deported from America unless they commit a terrorist act or a violent crime.

That is just an open invitation to lawlessness. So, we've got a problem, and I worried about it. I don't think this country is doing the right thing. I think President Obama is taking extreme positions -- taking extreme positions.

Mr. Johnson, you're in a difficult position. This is a huge agency that you've got; got a number of critically important departments. And I have to say, I remain concerned about the morale in the department. It started declining before you got there, but the -- it continues to decline every single year. According to the survey of the Best Places to Work in Federal Government -- that's a private group -- Homeland Security ranked 19th out of 19 major agencies.

The employee viewpoint survey, the government data, when asked do they believe senior leaders generate high levels of motivation and commitment to the workforce, only 25 percent have said yes.

So, I just think we've got a problem here, and part of it is they go out and risk their lives and capture people illegally entering the country. Some of them are violent and could be dangerous. I'm sure you acknowledge and respect our options. But when they're released into the country or nothing happens, I think it impacts the morale of the workforce.

Are you concerned about that, and what steps have you taken to help restore that?

JOHNSON:

Several things, Senator. First, I am concerned about morale. We've been on an aggressive campaign to improve morale across DHS and across the 22 components since I have been secretary. Last year, the Fed survey revealed that morale improved somewhat in various components, like the headquarters, for example.

This year, we just completed the Fed (ph) survey. Our participation rate, though we won't know the results -- and probably until September. I know that our participation rate went up significantly. Our participation rate was low last year, the results were low last year. but I know that, through a lot effort we increase the participation rate this year, and I think it's above the government-wide average. So, that's -- that is one thing.

Number two, one of the things I heard when I first became secretary is that our immigration enforcement personnel are not on the same pay scale with law enforcement personnel. So, we revised the pay scale with for our ERO folks, and we are looking for help from Congress to make the leap (ph) available for our immigration enforcement personnel.

Beyond that...

(CROSSTALK)

JOHNSON:

... that will be a big boost to morale to our immigration enforcement personnel.

SESSIONS:

Well, I hope we can make sure that they are paid properly. But I think fundamental, their frustration is that the border patrol official -- union official testified a few weeks ago. They catch about half the people that attempt to enter unlawfully, about 330-some odd thousand are captured -- were captured last year.

And of those that are captured, he estimates 80 percent are released before being deported. So, I don't know what those numbers are. We would like to have official numbers from you.

Mr. Secretary, one of the problems that we face is how to make the country -- is to develop a good plan to see how we can make the country safer. Senator Cruz and I have sent four letters to you, beginning last August, requesting information on the terrorists that have been captured, where they were born, how they got here in a series of very rational questions.

So, we've not received an answer. We've received an answer from the Department of Justice that partly answered their question, which is they have convicted 580 people of crimes -- terrorist-related crimes since 9/11. And the data looks -- it appears they directed you or said that you have the information on where they were born, what their citizenship status is, whether they were refugees or illegal entrants or what, and you failed to give us that information.

Don't you think that that information would be valuable to Congress in assessing the problem in passing legislation that would be effective, and why haven't you given it and when will you give it?

JOHNSON:

Well, I'm happy to look into correspondence. You've addressed -- I mean, I read every letter that I get from a member of the Senate, a member of the House. We have, I'm sure you are aware, some 90 committees and subcommittees of Congress that exercise oversight jurisdiction over my department.

We have reduced the time it takes to respond to those letters to some 14 days on average. If you have not...

(CROSSTALK)

SESSIONS:

... last August, and we have three times written about it, the same letter. We finally -- the last letter, the fourth one went to the president of the United States. And I asked that he direct you to answer it.

JOHNSON:

I am happy to look into the letters you have sent me, and ensure you receive a response, sir.

SESSIONS:

Thank you.

GRASSLEY:

Senator Klobuchar.

KLOBUCHAR:

Thank you very much, Mr. Chairman. Thank you for being here, Mr. Secretary.

As you know, we've had a -- a major issue in the Twin Cities and in Minnesota with extremists recruiting, and a lot of this is either ISIS, or before that, Al-Shabaab. We've had a -- dozens of indictments, now. We had the first man killed in -- fighting with ISIS came from our state, and our U.S. attorney and the FBI have been very aggressive working with local law enforcement, working with our Somali community, which we are very proud of.

We have the biggest Somali community in the country. There are dozens of police officers that have come out of that community. And there are many, many ways to attack this, and it's a multi-pronged approach from -- going after the base of ISIS where they are in Iraq and Syria and other places, and then, of course, going after this extremism at home.

And so, my first question is just, I know that we've talked about this several times, but the grants, the DHS funding that came out of the appropriations bill this year, 50 million for countering violent extremism, just 10 million that has been allocated for communities. And what do you think the timetable is for that?

I know there has been recent grants that have gone out. Obviously, we are very focused on this, out of our U.S. attorney's office in Minnesota.

JOHNSON:

Well, first, as you know, Senator, I have spent time with the Somali community in your state. My visit there, I think you were present, I found -- I was very impressed. I met with decent, hard-working people.

I was very pleased that this year, in response to my call, we got money from Congress for grants. The idea for doing that originated with me, after the visit to Minneapolis. That -- when I heard the need for grant money, resources at the local level to help counter violent extremism.

Following the phone call that you and I had some weeks ago, I had pressed our CVE folks to know when it is that the money for this year would be made available. I am told it should be made available in the next several weeks.

This will be a first time. And I would like to see the Congress appropriate more money for CVE in the future; 10 million is a good start. But 10 million nationwide for this very important effort, in my judgment, does not get us very far. And we do need more. And I hope that Congress will consider that for '17 and beyond.

But the direct answer to your question is in the short-term, I know our people are working very, very hard to get this money available.

KLOBUCHAR:

Thank you. I also note we had issues, of course, with the TSA at the Twin Cities Airport. You and I just actually talked about this before the meeting. And we appreciate the TSA administrator coming out to Minnesota on this specific issue.

Obviously, a balance, as we've seen in Turkey just this week, a balance of security and also efficiency, and sometimes, they go hand- in-hand. And I'm glad that you are focused on adding of these dog teams, which actually help with both security and efficiency. And I will put some questions of this on the record.

Syrian refuge admissions -- Senator Durbin and I have led (ph) a letter recently asking what the status is of that. Obviously, there is a major vetting process. We all know that. But at the same time, we have made a commitment, or the administration has, to bring in 10,000 Syrian refugees, which compared to Canada, isn't even as much as they are doing. And I just wondered what the status is of that, and how many have been admitted?

JOHNSON:

Yes, as you noted, we have increased our commitment from 2000 last year to 10,00 this year in terms of Syrian refugees. We have also added security checks to the process, where they are warranted. And with a surge of resources and a lot of effort among our refugee personnel -- and this is at the same time we're dealing with Central America, and we're dealing with an increased worldwide commitment of 85,000. We just...

KLOBUCHAR:

Right. Do you know what the -- what the -- I don't mean to interrupt. I completely understand, but the numbers on the Syrian refugees, I think we had -- trying to think, we had a couple thousand that have been admitted -- 1,736. And I think that we stepped it up just the last few months...

JOHNSON:

Actually -- actually, we've just about crossed the 5,000 mark.

KLOBUCHAR:

OK. All right (ph).

JOHNSON:

In terms of Syrian refugees, and approximately 5,000 have been approved for resettlement and just have not been physically resettled yet in the United States. And another 5 or 6,000 have been conditionally approved, subject to those security checks.

So, I believe will make 10,000.

KLOBUCHAR:

OK, I appreciate that. My last question is on steel dumping enforcement -- something entirely different.

I'd like to thank you and the Customs and Border Patrol team who worked with the Commerce Department to enforce penalties against foreign steel companies who are dumping steel into our markets.

KLOBUCHAR:

We know that there has been about 13,000 workers now laid off because of illegal dumping from China. This week, I lead an effort with member of the U.S. Senate Steel Caucus to send a letter to President Obama and Prime Minister Trudeau, asking them to discuss this. Canada is experiencing similar problems.

And in Minnesota, we recently, because of the higher tariffs that have been assessed and some of the checking, which is under your jurisdiction on the ships. We actually have brought back some iron ore mines. A couple thousand workers are going back to work now. They work for Cleveland Cliffs.

We truly appreciate the efforts the union leaders and the president of Cleveland Cliffs on the business side have both attributed this change to the fact that there's been more enforcement from the administration, but we still have a long way to go.

And I just wondered if you could briefly comment on what's happening on your end with the steel dumping enforcement.

JOHNSON:

I'd have to get back to you on that, Senator.

KLOBUCHAR:

Okay. All right.

JOHNSON:

Sorry.

KLOBUCHAR:

Thank you. Well we can do that in writing. Appreciate it.

JOHNSON:

Yes, please.

KLOBUCHAR:

Thank you.

JOHNSON:

Okay.

GRASSLEY:

Senator Flake.

FLAKE:

Thank you, Mr. Chairman.

GRASSLEY:

Thank you. Good morning, sir.

FLAKE:

Good morning. Let me talk for a minute about CBP hiring. As you know, Congress approved a staffing level that's well in excess of what we have on the ground there now. We are short about 950 officers.

We are told - I had a meeting where we were trying to get to the bottom of why it's taking so long to hire some of these folks and told that for every 100 applications, every 100 applicants that apply, only one is hired and a lot of people identify the polygraph that is taken for a lot of false positives and concerned that one false positive is a scarlet letter for any employment opportunity that might come up elsewhere in government. I know that there's an issue there.

Do you want to comment?

JOHNSON:

Well, I have asked our folks to take a hard look at exactly what you just said. Is it - does it really need to be the case that one false positive disqualifies you from federal service, federal law enforcement service?

I'm aware of the statistics you cite, one in 100, and the length of time it takes to hire somebody for the border patrol for CBP. Senator, as I'm sure you know, we have surged our efforts through hiring hubs, through aggressive recruitment, aggressive recruitment among our military personnel at military bases.

FLAKE:

We did pass the Borders Jobs for Veterans Act.

JOHNSON:

Correct.

FLAKE:

Hope (ph) that that's moving the (inaudible) a bit.

JOHNSON:

Correct. And I think we are closing the gap. Slowly I think we're turning the corner and closing the gap so that we can hire up to what has been appropriated and authorized. You're correct that we are currently 90 -- I think 950 short.

But I ask CBP every time I see the senior leadership, how are we doing on the hiring, are we making a difference, are we doing as much as we can and we seem to be closing the gap. But I do think that we ought to take a hard look at whether we're shooting ourselves in the foot by - by - you know, this very lengthy cumbersome process that it takes to recruit and hire people and get them through all the vetting.

FLAKE:

When you combine this with the high attrition rate there, we would have to, I think, accept 100,000 applications. We are not going to get even close to that, just to get to the number, assuming one out of 100.

So I would encourage you to - to look at some options here and figure how we can change the process because it is not working and we are severely understaffed at some of the ports of entry. A lot of people just see the border as, you know, something that maybe we ought to put a wall or something to - to stop illegal entries. Certainly we have to have a secure border.

But in Arizona it is also a hub of commerce and that commerce can't take place if we have too few agents there in these ports of entry, as you know. We've made a lot of investments in infrastructure there, but if we don't have them staffed, it doesn't do us much good.

With regard to - let me talk for a minute about the Rodriguez decision of the Ninth Circuit that requires somebody who has been held in detention to be released. I sent a letter on February 12th of 2016. You came back to me with some data.

The numbers are staggering for those criminal aliens released from detention. There was a 35 percent rearrest rate and a 41 percent in absentia (ph) rate. Since that time, the Supreme Court has agreed to hear this case again.

Can you comment on that and can you commit to continuing to provide us with these numbers that will be helpful as we guide decisions here, because this is certainly unacceptable. 35 percent rearrest rate, 41 percent in absentia rate. Yet, we're continuing to let these people go.

JOHNSON:

Yes, we will provide the numbers, Senator. And yes, I am pleased that the Supreme Court granted (inaudible) in the Rodriguez case. I don't believe that -- well, the six-month requirement on those prior to a final order of removal was making it very difficult for us to hold onto people.

And it was contributing to the number of releases, though the number of criminal releases has gone down since I've been secretary year-to-year. The Rodriguez case is very problematic for our immigration enforcement personnel and I'm pleased the Supreme Court took (inaudible).

FLAKE:

Thank you. Let me talk about the process for a minute with so-called OTMs, or other than Mexicans, who are apprehended at the border. It's a different case with children. We understand that some of them are resettled and have to be handled differently.

For those that are not children, we can't repatriate them back into Mexico, so another process has to take place. Can you talk about that process a bit?

There are reports that they are simply put on a bus from the border or taken to the bus station and let go with just a request to appear at court with not much more than that at some future date. Can you talk about the process?

JOHNSON:

Well, as you know, about a year and a half ago we expanded upon our family unit detention capability and we set up a number of FRCs, mostly in Texas, and that, too, is in litigation in Los Angeles.

But I believe expanding that capability was a good thing, if for no other reason to process these individuals so we know who they are and we can better asses who should be bonded and who

should not and we can release them on conditions that have a reasonable likelihood of returning court.

I am concerned that we not just simply take somebody to the nearest bus station. And those apprehended at the border are a priority. And we've - we've conducted a number of operations and interior enforcement of those who were apprehended at the border. It was controversial. A lot of people, as you saw this morning, don't like that, but we have to enforce the law consistent with our priorities and one of those is border security.

I don't believe that we should send the message that if you come here you will not be sent back. I was personally in Central America last month to deliver that message. I did two press conferences. In one there were some 60 news organizations there to cover my remarks about how our borders were not open to illegal migration and that we were sending people back. I greeted flights of those who had been repatriated to El Salvador and Honduras while I was down there.

And I am pleased that the number of apprehensions on the southwest border in June look something like around 33,000, which is a decrease from May. I think May was about 40,000. And this -- May and June are typically the months of the seasonal increases.

So we are going to continue at this. We are going to make people apprehended at the border priority along with those who are threats to -- to public safety. And when we release people, I want to make sure that we are releasing them on conditions that will guarantee that they return to court when they're supposed to.

We have some capability to hold onto people and right now I think our bed space is something like 36,000, which is a little higher than usual. But this, too, is an issue that we have to wrestle with in litigation. There's a district court order that we appeal to the Ninth Circuit, makes it harder for us to manage FRCs. Don't know what the Ninth Circuit is going to do yet in that case and we will have to see.

FLAKE:

Thank you. Mr. Chairman.

GRASSLEY:

Senator Franken.

FRANKEN:

Thank you, Mr. Chairman. Secretary Johnson, welcome back to the committee. Before I start, I just want to join many of my colleagues in expressing our profound disappointment at the Supreme

Court's inability to issue a final decision on the merits of the *United States v. Texas*, a challenge to President Obama's executive actions on immigration.

Now in our view, that challenge is without merit and I was pleased to join 38 of my Senate colleagues in signing an amicus brief explaining that the deferred action programs represent a lawful exercise of the president's authority.

Unfortunately, the Supreme Court was unable to answer the questions posed by the parties in - to the litigation and that should come as no surprise. The immigration case is just one of five other cases in which the short-staffed court is deadlocked, handing down four to four ties and in two cases where the court was unable to reach consensus, essentially punted sending cases back to the lower courts.

But the legal uncertainty that will persist as a result of the court's deadlock in the immigration case doesn't just underscore the need for the Senate to fill the vacant seat on the court's bench. In this case, the court's failure to reach a decision means that fear and uncertainty will continue to hang over the heads of millions of families living in our country right now.

Families who came here seeking a better life, this - split decision should serve as a reminder to all of my colleagues that we must recommit ourselves to fixing our broken immigration system and to finishing the work that we started when the Senate passed the comprehensive immigration reform in 2013. So we need to do our job in many different ways.

FRANKEN:

I would like to start by focusing on how this uncertainty impacts children. As you know, I've long been concerned about our broken immigration system affects children. I introduced legislation called the Help Separated Children Act, that would've laid down some basic protections for children in immigration proceedings.

When the Senate took up comprehensive immigration reform back in 2013, that bill was included as an amendment. I think it passed unanimously.

I wrote that bill in response to something that happened in Worthington, Minnesota in 2006. That year, ICE carried out a series of raids that led to arrests of about 1,500 undocumented workers in six states. Unfortunately, the raids also left many children, most of them citizens, without their parents, and with no way to find them.

One second-grader in Worthington came home from school to find his two-year-old brother alone and his parents gone. For the next week, he cared for his two-year-old brother while his grandmother drove from Texas, I believe, to meet them.

That's unacceptable on its face, but we now understand that the fear and uncertainty confronted by that child can have lasting consequences. A growing body of research has shown that children of

undocumented immigrants are more likely to experience constant fear and anxiety, and as a result to experience mental health issues and emotional instability, and to exhibit behavioral problems like anxiety, aggression, and withdrawal.

Twice now, I have joined my colleagues in expressing concern about enforcement actions targeting families in the northern triangle region, El Salvador, Guatemala, and Honduras. By and large, the mothers and children at issue here have fled incredible violence in their home countries. And it seems to me that the fear generated by the most recent series of raids could exacerbate the trauma that many of these kids have already experienced.

Secretary Johnson, what steps can the department take as a matter of policy to limit the harm to children's mental and physical health? What -- what steps are already being taken?

JOHNSON:

Well, let me answer it this way. The priorities that we announced in November 2014 for immigration enforcement more sharply focus on threats to public safety and those apprehended at the border -- border security; public safety, national security and border security.

We're also encouraging our immigration enforcement supervisors in the field to exercise prosecutorial discretion when it comes to individuals they encounter. One of the bases for doing that is the family unit situation. So, if taking somebody away would leave a dependent or leave a child in jeopardy, that is something that I would hope and expect our immigration enforcement personnel -- the case you referred to was in 2006 -- but today I hope it's something that our immigration enforcement personnel would take account of. And I would encourage them to do that.

But going back to your original point, Senator, there are an estimated 11 million undocumented in this country. And the president and I wanted to provide deferred action for an estimated 4 million or so who have been here for years, who have kids who are citizens or lawful permanent residents, simply so that we can account for these people. They're not going away. And give them an opportunity to be accounted for and to get on the books, instead of working off the books like we know they do.

And we're disappointed in the court decision. And at some point, it's going to be up to Congress to wrestle with this issue. We have to account for these people. They're here. They're not going away. Contrary to the rhetoric of some, we're not going to deport a population of people the size of New York and Chicago put together.

We don't have the resources and it's not the best use of our -- of our taxpayer dollars. And so we have to account for these people and give them an opportunity to come forward, submit to a background check, and be accountable, who have families here.

And it's my hope that at some point, Congress will finally take this up and deal with it in the legislative branch. We tried in the executive branch. My hope is that Congress will recognize this problem finally and deal with it.

FRANKEN:

We tried to do that in 2013. I know I'm out of time, Mr. Chairman. I just want to submit for the record a question about the countering violent extremism, which I think was a bad name for that. And I think it -- the choice of that name, we have a very vibrant Somali-American community, Somali Minnesota community in Minnesota, as Senator Klobuchar talked about.

And again, I would like to continue talking with you about our approach on that, because I think that we need buy-in by this community. And I think that there are some -- some of the approaches have been counterproductive.

I'm sorry to go over my time, Mr. Chairman. I apologize to my colleagues.

GRASSLEY:

Senator Tillis?

JOHNSON:

If I may, we actually -- we actually don't use the term "CVE" in the field. It's an inside-the-beltway term. But out in the communities, I know that...

(CROSSTALK)

JOHNSON:

... we don't refer to it that way.

FRANKEN:

Building community resilience is something we're referring to in Minnesota now. But thank you, Mr. Chairman.

GRASSLEY:

Senator Tillis?

TILLIS:

Thank you, Mr. Chair.

And thank you, Mr. Secretary, for being here. It sounds like your day is going to be even more difficult after you leave this committee. Hopefully, not too bad.

I want to go back to border security. In your professional opinion, would an open border -- let's just tell border security to move on or keep a few counters there -- be more helpful or less helpful to you keeping the homeland safe?

JOHNSON:

An open border?

TILLIS:

Yes.

JOHNSON:

Obviously, a secure border helps to keep the homeland safe.

TILLIS:

And so, now, I assumed as much, but I wanted to make sure, because it's a small number, but there are some people here that say that we should not have borders, and that we should move freely between nations to our north and south. And it would seem to me knowing who's here and what their backgrounds are is a helpful piece of information for you to do your job.

So now if we start talking about what a fully managed border looks like, what in your opinion should we, as a matter of congressional policy, do to ease the pressure on the border -- to make the border security effort easier? What can we do?

I, for one, think that if we had a better job -- did a better job cooperating with Mexico in trying to seal their southern border, that that's one example of how we take the pressure off of your job. Can you think of other things that we should be looking at and prioritizing to make that more successful?

JOHNSON:

Well, in fact, we have cooperated, worked in a spirit of cooperation with the Mexicans to secure their southern border with the northern triangle. Over the last two years or so, they have really stepped up those efforts and we've seen that reflected on our southern border, in addition to what we are doing.

I think the answer is more technology, more surveillance, more eyes on the border. And we can always do a better job I think of identifying the hot spots and the trends. The intel that I get from -- I'll speak candidly here -- the intel that I get from Central America very often is not that good in terms of emerging trends. I'd like to see us do a better job in terms of our intel collection capabilities there.

TILLIS:

And that -- I think I've spoken with Southern Command, and I think that some of the sources of intelligence would come from them. They seem to be sort of the last command that we think about as a priority. But in fact if you look at 400,000-plus people who have died of what's referred to as narco-terrorism, it seems like we've got to acquaint people more with getting better situational awareness down there.

Can you go -- and I think one thing I like to do when we start talking about securing the border, the rhetoric is about building a wall. I don't think anybody here thinks we're going to build a 20-foot wall from one side of the Mexican border to the other. Can you talk a little bit about what a wall that gives us 90 percent situational awareness would look like in terms of technology and people?

JOHNSON:

Well, let me, if I may, let me just finish the answer to the prior question you asked.

One of the things that we have built, based off the Arizona model, are joint task forces for border security, which we have deployed in the southeast and the southwest, which I think have been a good thing because it brings to bear all the resources...

(CROSSTALK)

TILLIS:

With local law enforcement?

JOHNSON:

With components of my department, so that the components of my department are better coordinated. We've asked for explicit congressional authorization to do that, to remove some of the legal limitations that I have encountered in this effort. It's been pending in various different pieces of legislation. We tried to get this into the NDAA. It did not work.

TILLIS:

Well, Secretary Johnson, I want to just be clear. That was a question I was going to ask. Is this intra-agency or inter- agency task forces? How well are you working with other...

JOHNSON:

What I'm referring to is intra-DHS.

TILLIS:

To what extent are you going beyond that in terms of working within other federal agencies and with local law enforcement?

JOHNSON:

Since I've been secretary, and given my familiarity with DOD, we have stepped up our relationship with both Northern Command and Southern Command. I work with General Kelly a lot, and his successor. And we're always interested in doing more with the Department of Justice, both in terms of border security and dealing with our counter-narcotics mission. DHS has a mission there.

TILLIS:

Thank you. You know, the seven minutes, you always wonder how you're going to use it all, and then it evaporates pretty quickly. So I'm going to go to a completely different subject.

But I do want to submit for the record maybe the latest data on the number of people estimated coming across the border who are other than Mexican. It's my understanding it's the majority of those coming across the border. So I'll submit those for the record.

I want to talk about TSA for a minute.

JOHNSON:

Yes.

TILLIS:

And from the perspective of a customer. I fly three or flight segments a week. And it seems to me that the customer experience has more to do with the inherent personality of the person that I encounter, than a culture of customer service. You know, you can -- or if they happen to know who I am, which is very seldom.

So, I'm wondering, it made me think about it. I didn't plan on asking the question.

JOHNSON:

I hope you'll tell me what airport you're using in the question.

TILLIS:

Well, I'm going to start telling you.

JOHNSON:

OK. All right.

TILLIS:

Because the concern that I have, we're at a -- we're at a very stressful time now. And when people go to airports, even with Istanbul and others, you're going to see more. The best thing that you could do is have somebody that says "good morning, good afternoon, thank you, have a nice flight."

I've never had -- I may have had good morning once, over the last year in a half that I've been traveling to D.C. What concerns me, is that customer experience should be extraordinary. It should be -- they're all about the DBAN (ph) I think start \$25,000 a year or the EBAN (ph) employees get over \$30,000 a year.

You get into the experienced employees, they're making 30, \$40,000 a year. The people that are on the line, supervisors, much more. It seems to me that we need to create a culture of customer service that thank those customers who are paying 400, \$500,000 for coming into that airport. They do not -- we do not exist for their sake. They exist for the sake of our security.

And I'd really like to see and if you could respond, efforts you're creating that make the TSA employees think that they are in the top customer service organization, thankful that there are

people willing to fly and appreciating them for buying their service. Because they're ultimately paying for it.

And I think that right now, I don't have a consistent experience unless I happen to get, every once in a while, a person with a great attitude. And I think that that needs to change because it helps calm people's nerves and make that experience better. And I think that's what the TSA and the airports should be all about.

And I'll submit some questions for the record about what specifically you're doing to create that culture. I know you want it too but I just don't see it active and consistent on the ground.

Thank you, Mr. Chair.

GRASSLEY:

Senator Blumenthal?

BLUMENTHAL:

Welcome to the committee, Mr. Secretary. And I want to just agree with one of my colleagues that serving as United States attorney is probably the best job there is, next to serving as State Attorney General.

And I want to commend you for the extraordinary work you've done in your present position also your exemplary record of public service and many other positions in the Federal Government.

And thank you for emphasizing at very outset of your testimony, the increasing threat of ISIS-inspired and supported terrorism around the world that's threat in this country, in public places and events.

As we approach the July 4th weekend, the need for caution in many of our communities and heightened vigilance and greater resources to agencies like yours that protect us in the face of that threat. And I note, with great regret, that the administration released its proposed budget for 2017 and it slashes funding for many transportation security related programs.

All too often in this place as well as in the administration, we've failed to match rhetoric with resources and I think that for example the reductions in the Transit Security Grant Program, the Urban Area Of Security Initiative, the State Homeland Security Program, these programs are probably unknown to most Americans. But they are vital to protecting our homeland.

And I want to thank you also for supporting the initiative that Senators Markey and Durbin and I have begun to try to persuade more airlines to reduce or eliminate their fees for checking baggage, which would reduce the burden on TSA and thereby, enable us to devote more resources to the work of TSA that is so vital.

And I want to focus for the moment on priorities and practices. My experience is that there is all too often a failure to follow the stated priorities and practices that are articulated in the highest levels. The administration has said that it wants to deport felons, not families. But the actual enforcement record often belies that statement.

All too commonly, the stated priorities are inconsistent with the actual practices and enforcement of those priorities and practices all too often simply stinks. I know that's a nontraditional term and I apply it to the area that is most familiar to me because of personal experience in our state with a violent, convicted felon who should have been deported, was convicted of attempted murder, was permitted to remain in our state by ICE and then brutally murdered a 25 year old woman named Casey Chadwick (ph).

ICE repeatedly declined to investigate until I insisted equally repeatedly that it do so and the IG report that recently was completed shows an abject failure of enforcement. I think that's the only way to term it, repeated failings to deport the killer of Casey Chadwick before she was murdered.

Jean-Jacques had been convicted of attempted murder and was thought to be reported but ICE never overcame the resistance and refusal of Haiti to take him back. I recognize that ICE can't, alone, overcome that resistance or refusal. But the report shows that ICE failed to seek the proper documents from the family or from Jean- Jacques himself. Failed to enlist or elevate this issue with the Department Of State, failed even to go to the Haitian consulate in Miami to seek its cooperation.

In short, failed to deport a violent convicted felon illegally in this country. I've asked ICE how many others are there that are in the same position and it has been unable to give me a number. So I would like to ask your commitment, that you will join us in seeking specific changes in State Department policy that will sanction those countries that refuse or resist taking back their nationals, here illegally, after they commit crimes, continue to pose a danger to our nation.

JOHNSON:

Yes, you have that commitment. In fact, we've been working on that. I have been working on that. I have had conversations myself directly with my foreign counterparts about the repatriation of those who have been ordered removed from our country.

Senator, in general, in response to my new priorities, an increasing percentage of those in immigration detention today, something like 99.4 percent, fit our immigration priorities, fit our priorities for removal. An increasing percentage of those who are deported are within our priorities for removal.

I have read the IG report that you refer to. We were constrained by the Zabadas (ph) decision which as you know, says after six months if there's no clear indication that the country to whom he should be sent back is going to take him back. We have very limited authority to keep that person in immigration detention.

I'm aware of the efforts to get Haiti to take him back. I've read the IG report and I agree that we need to continue to pressure countries to take people back when they are deported.

BLUMENTHAL:

Well, we have points of leverage that we can use. It doesn't have to rely simply on our persuasive power. We can deny visas, we can suspend aid and I'm asking for more than just you're contacting your counterparts. And when I say you, I don't mean you personally.

I mean the Federal Government, the administration, people in positions of authority who can say to these countries, we are simply not going to permit you to deny this person belongs back in your country. Because he or she as a danger to our country and is here illegally, has been convicted of a crime, a violent crime.

I recognize that 99 percent may fall into a different category but that one percent constituted Casey Chadwick's murder. And that 25 year-old woman is not alive today. And I've met with her family and I've seen that heartbreak. And that's a failure of law enforcement that both of us regret.

So I hope that the second part of that IG report will be done as quickly as possible. It's still outstanding; the first part has been done and released. The second part still is underway. And I welcome your commitment and look forward to working...

(CROSSTALK)

JOHNSON:

Senator, I'm sure none of this will be satisfactory to the Chadwick family. But as you know, there are a host of considerations that go into the relationship we have with a number of countries, including some very, very big populated countries. We have over the last two years stepped up our efforts and, frankly, our pressure on a number of these countries. We've entered into MOUs to take back more of their people.

But very clearly, this is a work in progress and at some point, I'm going to advocate that we use the ultimate sanction was available to us, which is to deny visas to these countries if we don't see more progress.

BLUMENTHAL:

I am way over my time and I apologize, Mr. Chairman, but I hope that point is now not at some definite point in the future because neither you nor I want to look other families in the eye and express our regret again.

Thanks, Mr. Chairman.

GRASSLEY:

Mr. Blumenthal, I thank you very much for the question that you asked and the discussion you had because I had the very same discussion earlier, a few days ago with the secretary.

And the secretary, I don't know what can -- he ought to recommend the ultimate that he can recommend but whatever he recommends won't be carried out unless the State Department does it and the law says the State Department shall do.

And I don't know that's based upon what level of recamation (ph) he might make, but I would surely back up your effort that he made the strongest recommendation the law allows him to make and in a sense, dictates he makes, and then we've got to the get to the State Department to make sure it's carried out and we've got to forget about the sensitivities of our relationship with (ph) China and India.

Countries like that are the biggest abusers of it. Senator Hatch.

(UNKNOWN)

Thank you Mr. Chairman.

HATCH:

I thank you Mr. Chairman. I'm always sincerely saying that them (ph) being worked up, he (ph) does (ph) with regularity, and I appreciate it. I also appreciate your work you've been doing. I've watched the -- you're a fine man, you're doing the best you can and you have some severe limitations, without question.

So I just want to express that to you. I would also like to just note, personally, that the Supreme Court has split 4-4 (ph) and only four of the 61 cases since Justice Scalia's death, a lot of people don't realize that it's the functioning court and we'll just have to see what happens here. But let me get into something that I found interesting.

I have read Ted Koppel's book, it's entitled Lights Out, it's a very interesting book and it says that you were interviewed in October 2014 about our nation's preparedness in the aftermath of a successful cyber attack on the electrical power grid.

When asked what would happen in the event that several transformers were knocked out and whether a back lot exists, you responded "I'm sure FEMA has the capability to bring in back up transformers" yet when the FEMA administrator, Craig Fugate was asked the same question he responded, "most people expect that somehow we have enough tools in the tool chest to get power turned back on quickly, the answer is no."

Now its been two years since your meeting with Mr. Koppel and I will ask you the same question. What would happen in the event that several transformers were knocked out? How would you go about replacing them and what kind of back lot really does exist?

JOHNSON:

Well first of all, I remember that interview well. Mr. Koppel seemed to have a thesis that he wanted my interview to fit within and beyond what was his thesis, didn't seem to be interested in much else I had to say. We do have an incident response plan in the event that generators are knocked out. That calls for the prioritization of assets -- moving generators from one region to another.

This is a partnership with private utilities, the private sector. I -- the book overall I think is useful. I actually believe the book is useful in highlighting an issue. I think that since the earthquake in Japan that knocked out their utility there, it's been a bit of a wake up call and we have stepped up our efforts in terms of training, in terms of exercises.

We have better coordination now in this regard, but in the event of a specific incident, both we and the private sector would swing into action to determine where assets need to be moved, where generators need to be moved to prioritize addressing the public need if there's a blackout some place.

HATCH:

Mr. Secretary, I recently read a Wall Street Journal op- ed by former Senator Tom Coburn about the stock piling of arms and ammunition by a number of federal agencies. And I would ask unanimous consent to insert the Wall Street Journal op-ed into the record.

(UNKNOWN)

Without objection.

HATCH:

Like many who read -- have read this piece, I was taken aback by how many federal agencies, such as the Internal Revenue Service, the Small Business Administration and the Department of Education, have armed personnel and weapons stock piled.

Once report estimates that since 2004, the Department of Homeland Security purchased 1.7 billion, with a B, bullets and has an estimated inventory reserve at 22 months, or 160 million rounds. Now people would not be surprised that the army was doing this, but what is DHS doing with 1.7 billion bullets. And the irony is not lost on me as this administration is arming itself, it is pushing gun control for law abiding Americans.

So these are things that just kind of -- are getting under people's skin. But if you could answer that quickly I'd like to ask a few more questions.

JOHNSON:

It's been a while since I looked at that particular issue. My recollection is that the reporting on it wasn't very good and the number that people site is the number of the total authorization for the acquisition of ammunition. It wasn't necessarily the number that was actually acquired. That's my recollection of the issue Senator, but it's been about two years since I've looked at it closely.

HATCH:

OK, well speaking of gun control, do you agree with the Supreme Court that the second amendment protects an individual right to keep and bare arms and that that right is a fundamental right?

JOHNSON:

Yes sir.

HATCH:

OK, do you agree that there ought to be due process before government takes action to prevent an individual from exercising that fundamental right? Now if the answer is no can you tell me what other fundamental rights you believe government can properly deny without prior due process?

JOHNSON:

My view is this, Senator. I think that -- I've studied the Feinstein bill, studied the bill sponsored by Senator Collins and others. I think that if someone is denied the ability to purchase a gun, there ought to be some form of process involved in that.

Now if you're dealing with a pending national security investigation, there may be some sensitivities there that can't be addressed in an open proceeding. And we ought to figure out a way to account for classified information, information that is law enforcement sensitive and my overall sense is that the Feinstein bill makes a good effort at that. And I think it's imperative that we try to wrestle with this.

HATCH:

Well let just say that I -- I'd just like to say the due process is critically important, it seems to be, to liberty and to protecting our constitutional rights and that I think it's irresponsible to suggest that somehow that due process is somehow less important in a certain context or with regard to certain rights.

All constitutional rights are important and they deserve full protection, and especially fundamental rights and expressed rights in the constitution. Let me just conclude by saying this one thing.

In April, for the fourth year in a row, the H-1B visa quotas were reached in the first five days of the following period. There was a record setting 236,00 applicants from the 85,000 available visas. Now I remain committed to fixing this system so it works for both employers and American workers, and I hope that DHS will finally be willing to put partisan considerations aside and work to alleviate this glaring problem.

I know you feel -- at least I think, pretty much the same way I do. We've got to solve this problem -- we can do it, and we can do it with some reasonability it seems to me. So I just wanted to make that comment.

GRASSLEY:

Senator --

(UNKNOWN)

If (ph) I (ph) could (ph) ject (ph), I'd like to take that question for the record, sir.

GRASSLEY:

Senator Whitehouse.

WHITEHOUSE:

Thank you Chairman. For what it's worth, I'd add to Senator Hatch's conversation that the freedom to travel is also a fundamental constitutional right and that's a freedom that we don't seem to have the same concern about inhibiting by keeping people from flying when they're on the terror watch list.

My question to you, Mr. Secretary has to do with something quite specific, and I'm sorry to have to raise it to your level but you oversee FEMA, as you know. One of FEMA's responsibilities is flood mapping.

JOHNSON:

Yes.

WHITEHOUSE:

So very important responsibility, particularly for coastal states like Rhode Island, it affects people's ability to purchase a property or the decision that they make about that. It affects their decision and ability to build and it affects the insurance that they can or must have.

Rhode Island is actually pretty good at flood mapping, we have a coastal resources management council. Our coastal's own management agency that has delegated federal power for that and I think they're one of the best anywhere. We have a university...

(OFF-MIKE)

(UNKNOWN)

The situation I talked about seems to have resolved itself. That's all I wanted to let you know, OK. Excuse me, I'm sorry.

WHITEHOUSE:

It's OK. We have a university, the University of Rhode Island, that is also very expert at this. Our coastal resources management council and our experts at the University of Rhode Island tell me that the FEMA mapping for Rhode Island is wrong, and indeed not wrong by a little, really badly wrong with obvious errors like assuming that flooding can't go above levels that we actually saw flooding go above during Sandy.

So if in fact, the FEMA mapping is wrong for Rhode Island, we are coming into hurricane season in August and September and October and it's really important that we try to get this right.

So here's the problem, I was asked to set up a meeting with our coastal resources management council folks and with our URI flood mapping experts to meet with FEMA and go through what is happening and try to get an explanation of the differences between FEMA's mapping and what we are showing with our state mapping.

We've been unable to get that meeting, the -- one of the demands has been that there be a pre-meeting before the FEMA regional administrator would meet with us and we haven't even been able to schedule the pre-meeting because it evidently requires so many different people from different parts of the bureaucracy that we can't get them to have that meeting scheduled.

So time is ticking away, hurricane season is approaching, we have what the experts in the state are telling us, are dramatically flawed federal maps, and we have a federal bureaucracy that won't meet with us. Could you please clear that traffic jam for us?

JOHNSON:

Yes.

WHITEHOUSE:

Thank you.

JOHNSON:

I will make that happen.

WHITEHOUSE:

Second, by way of kudos, I was at the T.F. Green Airport in Providence a few -- I guess, months back now when there was a power outage, not just at the airport but in the locality. As a result of the power outage, TSA had to stop what they're doing because there was no longer power going to the magnetometers and the machines, and you got a very, very big backup as the front end stopped and everybody who was coming through just piled up in line.

Your TSA folks in Rhode Island responded to that by deploying themselves in such a way -- and getting everything ready to go so that when the power came back on, they had every line rolling. They had people at all the different security positions that were there. And the result was that when the power did in fact come back on, and the line was cleared extremely rapidly.

So I think you probably hear a lot of criticism about TSA. They had a problem that was unexpected. They lost power. They figured that the power would come back on at some point. They deployed themselves be ready for when it did to really accelerate everybody through the line, and it succeed. And one instance of a job well done.

Last point. Your organization manages the framework process for critical infrastructure, protecting our critical infrastructure elements from cyber attacks. I'm interested in finding out what efforts have been made to red team that framework effort, and make sure that is really achieving the goals of providing robust cybersecurity for our critical infrastructure.

I am hearing good reports from the industries involved, but what I can't tell is whether everybody is happy because really is creating robust security across our critical infrastructure. It would seem

to me that some sort of an outside red team type analysis of what is going on would be the way to make that determination. Do you have anything to that effect going on?

JOHNSON:

Let me have Assistant Secretary Caitlin Durkovich who owns this exact issue, give you a response to your question. A fuller response than I can give sitting here. It's a good question and I want her to give you a full and complete answer.

WHITEHOUSE:

Fair enough. I appreciate it...

JOHNSON:

In response to your question, I will make a plug for something that we've asked Congress to do, which is to reorganize our national protection and programs directorate into a cyber and infrastructure protection agency.

We need an agency for cybersecurity that directly aligns the cybersecurity function with the critical infrastructure function. So that's what this concept is designed to do, a more streamlined effort to align cyber with the critical infrastructure.

We've asked for a re-organization from Congress of that. I know the House Homeland Committee is considering it and possibly drafting language. And if this is something the Senate would consider, I think it would go a long way to addressing both cyber and the protection of critical infrastructure.

WHITEHOUSE:

We look forward to working with you on that. We've had good bipartisan work on cybersecurity in this committee industry and in the Senate in the past. Thank you.

GRASSLEY:

(OFF-MIKE)

CORNYN:

Good morning Mr. Secretary. Good to see you.

I believe that the Supreme Court decision and the President's executive actions on immigration was entirely predictable and, of course, affirmed -- due to the split nature of the court, the decision by the trial court in Brownsville, as you know and also by the fifth circuit.

The worst part of it is frankly, to my mind, not to overreach by the President. I know you advised him, the legality of the scope of his orders, but it is that the President essentially poisoned the well for any bipartisan, bicameral efforts to actually reform our broken immigration system.

You mentioned and Senator Blumenthal mentioned the Zadvydas case which would require you to release dangerous people into our communities after six months if you can't place them. That's exactly -- it's one of the types of things that I think we should and could address through immigration reform legislation.

But our friends across the aisle say that, "because the House didn't fall in line and rubberstamp the Senate's legislation, that, that is somehow this is a problem only with Congress." Frankly, the President was warned before he issued the executive action order in 2014 that this would poison the well. And effect I do believe that's exactly what's happened.

There would be no immigration reform during the course of this President's remaining time in office.

Let me turn your attention to Orlando and the terrible tragedy where 49 people lost their lives, 50 others I believe it was were injured by the shooter there. Was that a case of terrorism or was that an example of lax gun laws?

JOHNSON:

I would have to say -- I would have to say it was a case of an act of terrorism and I would say a little differently than you said it. I would say the one of the ways in which we can make it harder for terrorists to acquire guns like the weapons used in Orlando are more effective gun laws.

CORNYN:

You are aware of the fact that the shooter did have a license to firearms, correct?

JOHNSON:

Correct.

CORNYN:

He was a licensed security guard. So what additional laws do you think that could have or should be passed to prevent someone like to shooter in Orlando from obtaining firearms if he had a license to own them?

JOHNSON:

I believe that, and we can't always just respond and make policy in reaction to the last event. We've got to think about the next event too, Senator.

CORNBYN:

We also need to pass legislation that will solve the problem and not just pursue a preordained ideological agenda.

Let me ask you a little bit to opine something about due process of law. You are a very accomplished lawyer...

JOHNSON:

I used to be.

CORNBYN:

You are still, and served with distinction to the Department of Defense according to all reports. And I admire your skills as a lawyer. I realize you're in a different role now, making policy and serving and administration. But I understand your role.

I just wonder -- I want to ask you to revisit your comment earlier about whether a constitutional right can be deprived without due process of law. We are not just talk about the Second Amendment, we are talking about the Fifth Amendment and the 14th amendment of the constitution.

I think Senator Whitehouse asked you about the "constitutional freedom to travel" and, of course, but there is no constitutional right to fly on an airplane, is there?

JOHNSON:

I suspect there are legal opinions around that answer that question. I haven't read one lately, so...

CORNBYN:

Are you aware of any legal opinion -- respectable legal opinions that would say there's a constitutional right to get on airplane?

JOHNSON:

I know there's a freedom to travel and to freedom to associate, which is regarded as a right in this country .

CORNYN:

I agree with that. Freedom to travel, but there is no court decision, no respectable legal opinion that says, "you have a right to get on an airplane," or I suspect people would have successfully challenged the watch-list prevent people from getting on airplanes.

GRASSLEY:

The Supreme Court in the 1930s said the Hokies (ph) had a right to travel to California, but California didn't want them spent but not on an airplane.

CORNYN:

But not on an airplane?

GRASSLEY:

No, obviously.

(LAUGHTER)

JOHNSON:

Actually...

CORNYN:

So here is my...

JOHNSON:

Actually Senator...

CORNYN:

If you'd let me ask my question. Here is my question, my real question.

It really concerns me very deeply when people come and this isn't a partisan issue, but where people can say, "we can deny an American citizen an enumerated constitutional right based on their presence on a classified watch-list and no more.

And the idea that you can somehow provide due process of law on the back end by saying, "if you have been denied your constitutional right, you can come back, you can go to court, and then insist that right be enforced." That concerns me a lot.

And I agree with the question I think those posed by Senator Grassley or Senator Hatch where he asked, "well, what other -- if you can do for the second amendment why can't you do it for the other constitutional rights of American citizens have?" So there is a process on the backend but I doubt any court would say it's due process of law. If it didn't occur on the front end.

Let me ask you, who's on the no fly list?

JOHNSON:

Who?

CORNYN:

Who was on the no fly list for these watch-list? These are classified lists right?

JOHNSON:

I didn't hear your question, sorry.

CORNYN:

Who is on the no fly list?

JOHNSON:

Who is on the no fly list?

Would you like a list? I don't have it with me.

CORNYN:

How many of them are American citizens?

JOHNSON:

It's a defined list.

CORNYN:

How many are based in part at least on the identity as Muslims?

JOHNSON:

I don't believe we put people on the no fly list based on religion.

CORNYN:

Well, I hope not. I hope not because I believe discriminating against people based on religion is wrong and we both agreed that. But there is no requirement that the government come forward and provide any evidence in order to an independent third party to put someone on a no fly list, is there?

JOHNSON:

No, not the private sector.

CORNYN:

Is this a case where people are being profiled based on religion? Based on where they live? Based on their travel habits? Or what is the presence of a person's name on the no fly list based on?

JOHNSON:

There is criteria spelled out. I don't recall sitting of whether that criteria is public, but there is criteria that is spelled out.

CORNYN:

I believe that is right, it is not public, and it is secret, and so it's on a classified list.

If you had evidence that somebody on one of those lists have committed a crime, probable cause, they could be arrested, correct?

JOHNSON:

Hopefully, yes.

CORNYN:

So something less than proof of probable cause of a crime that has been committed will permit somebody's name to be on the no fly list?

JOHNSON:

It is not just based on conviction of a crime. It's based on the fact that there could be a pending investigation. It's based on a number of things that don't necessarily amount to conviction of a crime or some judicial judgment.

CORNYN:

Based on suspicion that somebody might commit an act of terrorism in the future? My -- my...

JOHNSON:

But it's a little more complicated than that, sir, but yes.

CORNYN:

It's more complicated than that, but yet?

JOHNSON:

It's criteria spelled out that, as you point out, is not public.

CORNBYN:

Well, I just -- I think it's really important, because we don't profile people based on their religion. That the basis upon which people are being denied their constitutional rights because their name happens to be on a secret no fly list, that that be presented to an impartial magistrate who can then make the decision whether that prohibition of the constitutional right or denial of a constitutional right is permissible or not.

Because I think we are on a very slippery slope, if based on secret lists that the government maintains people could be denied their constitutional rights without due process of law.

Thank you, Mr. Chairman.

JOHNSON:

Chairman, may I respond? If you don't mind, Senator.

GRASSLEY:

(OFF-MIKE).

JOHNSON:

I -- Senator, I believe that in this environment, that includes terrorist-inspired attacks on our country, that includes the homegrown violent extremists, we owe it to ourselves to figure out a way, short of a criminal conviction or any of the other statutorily enumerated criteria that currently exists to give the attorney general the discretion to say no to a gun purchase under particular circumstances -- along with some form of process, so that that individual can challenge that decision.

I think this is a matter of homeland security, that we try to wrestle with this issue. And there are a lot of smart people in this Congress, including the gentleman I'm looking at right now, who, I think if you came together with some of the other very smart gentlemen I'm looking at right now, could figure this out.

I think we owe it to Homeland Security to try to do this. And I can't do this in the executive branch. We need the Congress to wrestle with this issue. And I think this Congress has done some -- solved some pretty hard issues, like cybersecurity late last year.

And I think that in this environment, we owe it to the public to try to take this.

CORNYN:

And that would include freedom of speech, freedom of religion, freedom of association? What other constitutional rights would you say could be denied unilaterally by the government based on their presence on a secret watch list?

JOHNSON:

Well, I think there are circumstances where, if we, through law, provide a process for denying somebody the ability to acquire an assault weapon or an assault-like weapon because they are about to commit an act of terror, that it should -- if properly constructed, survive any sort of court challenge.

I have a lot of confidence in this Congress to be able to figure this out.

CORNYN:

There's a bill that does it. It's called the Cornyn Amendment. It got 55 votes in the United States Senate on a bipartisan basis.

Thank you.

SCHUMER:

Thank you, Mr. Chairman. It's great to be here. I'm sort of amazed at the conversation of my colleague and dear friend, (inaudible) mate from Texas.

All of a sudden, when it comes to the Fourth Amendment we have emergency powers. Police officers in danger, they don't have to go through a process. And my colleague and I have agreed, we're on the -- we tend to be a little more on the hawkish side of those kind of things, on the pro-law enforcement side.

But all of a sudden, when it comes to guns, the standard becomes absolutely ridiculous. If we are saying that the only time you should be prohibited from buying a gun or going on an airplane in this new world of terrorism is if the criteria that can convict -- the criteria exists that law enforcement has that can convict you of a crime, that is a path to oblivion. And the people who will be laughing at that are the leaders of ISIS and those they inspire.

That is absolutely way beyond what I ever heard. And we don't hear that argument, say, on search and seizure in the Fourth Amendment from my colleague. And let's treat them all the same. I believe there's a right to bear arms. I believed it before Heller.

I believe every law-abiding American has the right to have a gun, and don't agree, as someone who advocates for gun control, with the people who believe the First Amendment and the Fourth are on the liberal side, or the First Amendment and the Fourth Amendment and all these others should be expanded to the -- to a huge extent, and the Second Amendment should be seen, say, through the pinhole of malicious.

But it's the opposite here. There is a balancing test, and guns are more dangerous than walking down the street. And to say we should have the same standard -- we can resend your -- doesn't make any sense in the world of terrorism. And my guess, 95 percent -- I know, 95 percent of Americans and 90 percent of the gun owners agree with me, that there should be -- you shouldn't get a gun if you're on the no fly list.

You should have a right to appeal. You outlined it very well. So, I would say -- I would say to my dear friend, looking out for his self-interest, don't keep walking down that path. It's a path to real problems for America, and it's hardly the right political path that either party should walk down.

With that, let me go to separate questions. And I was going to welcome you -- I was going to welcome you, because not only are you a great, great secretary, but you are one of -- at least at my count, five New Yorkers. And don't say this in New Jersey stuff.

(LAUGHTER)

We have Loretta Lynch, and we have you, and we have Jack Lew and we have Secretary Perez and Secretary King, so we are very proud of all of you -- to change the subject. I don't know how many Texans there are on the committee, but I would welcome many, because they're a very good state.

OK. I -- my first question is about something you and I have talked about for a while. It's a different subject, but very important to the people of Western New York, and that is the Peace Bridge. And I think it's a critical component to a larger effort to resolve congestion, improve commerce and security, as well as air quality and environment in Western New York.

As you know, the Department of Homeland Security, in consultation with the CBP conducted a pilot study of pre-inspection that clearly demonstrates -- demonstrated fully implementing the program could save significant time at the border crossing.

Additionally, locating who is on the Canadian side of the border can help resolve some of the logistical challenges we face on our U.S. We have less room as you know, Mr. Secretary. The Buffalo side has less room.

I understand that fully implementing this program will require legislation here in Congress. I'm working with my colleagues, including Ranking Member Leahy -- he has a Canadian border, too -- on that legislation.

However, as you know, in addition to the legislation, which I hope will pass this year, we need a specific MOU with Canada at the Peace Bridge.

SCHUMER:

Where are your negotiations with the new Canadian government to make this happen? We had a new government. Will you commit to getting an MOU permanent pre-inspection completed before the Peace Bridge by the end of the year?

JOHNSON:

Senator, it's been a while since I have checked in on progress concerning the Peace Bridge. I should have done that before I knew I was going have this hearing.

SCHUMER:

Even after all that nice praise I gave you?

JOHNSON:

Yes, I know. I have to check to see where we are in the status of our discussion, Senator. I'd be happy to get back to you.

SCHUMER:

But would you make every effort to get this done by the end of the year?

JOHNSON:

I will make every effort to do the right thing and get this done...

SCHUMER:

By the end of the year.

JOHNSON:

The end of the year. Well, the end of the year is rapidly approaching. The end of my time is rapidly approaching.

SCHUMER:

That's why I'm saying the end of the year. They may even have a New Yorker as head of -- secretary of Homeland Security, although we will have one as president.

JOHNSON:

Senator, let me check in on this.

SCHUMER:

Well, let me just say, I really urge you to work as quickly as you can to get this done. We don't have much more time to wait. This has been a long process. The Canadian government has changed twice in the parts of that process. But we are in a good place now. This is really important to western New York, which is beginning to grow, and the Toronto area, which has grown in terms of commerce, in terms of everything else.

So please, I implore you to spend some little time on this and get it done.

JOHNSON:

OK.

SCHUMER:

All right, I have a little more time so I would like to follow up on Senator Klobuchar's question on TSA waiting lines. As you know, there's been a great deal of focus on TSA wait times, and it's probably going to get worse in the travel season.

I appreciate your efforts to on-board additional agents and station them at high priority airports like the three we have in the New York metropolitan area, one of which is in New Jersey, I might add. However, re-training canine teams to aid passenger screening is another way, proven way to help improve airport throughput because the dogs can check the luggage, check everything. They almost never make a mistake. They are wonderful canines, wonderful animals.

Can you give us any indication when TSA will be able to fully fill the recommended canine team numbers for each New York airport? Currently we are short. You know, they are mobile, obviously, so you take them to the place where there is a longest line and they can speed things up.

JOHNSON:

I know we have brought on additional canine teams in response to the increased travel volume. The canine teams have made a huge difference. There is no better technology than a dog's nose. And we have a plan to bring on more. The exact timetable for the New York area airports I don't know sitting here right now.

I do want to take the opportunity to thank Congress for responding so promptly to my reprogramming request to convert part-time to full-time and to expedite the hiring of new people. It has made a huge difference. And as I said earlier today, 99 percent of the public has an average wait time of 30 minutes or less; 93 percent has an average wait time of 15 minutes or less. I just checked on JFK before I came here. I think it may be something around 10 or 12 minutes at JFK.

But this is something we are going to continue to work on through the summer. Summer in general has a lot more air travel. We are not out of the thick of it yet. And longer term, I want to see us build back the TSA workforce. We downsized over a number of years and I think it's time to reverse that trend and start building this back up.

SCHUMER:

Agree with you, and would like to help you build back the workforce.

Thank you, Mr. Chairman.

GRASSLEY:

Senator Lee.

LEE:

Thank you, Mr. Chairman.

Thank you for being here, Secretary Johnson. Last week the Supreme Court affirmed a decision by the U.S. Court of Appeals for the Fifth Circuit upholding a nationwide preliminary injunction halting the implementation of the Obama administration's DAPA program, applicable to certain qualifying undocumented immigrants.

Now in the lower federal courts, in the District Court and before the Fifth Circuit, the administration argued that the scope of the preliminary injunction at issue should be narrowly confined to Texas.

JOHNSON:

Yes.

LEE:

Alternatively they argued that even if it shouldn't be narrowly confined to Texas that it should at a minimum be narrowly confined to the total of 26 states, including Texas, that were part of the lawsuit.

Now the Fifth Circuit significantly rejected that position, rejected that argument right on its merits. Among other things the Fifth Circuit held that partial implementation of DAPA would detract from the integrated scheme of regulation created by Congress. The Fifth Circuit also reasoned that, quote, "There is a substantial likelihood that a geographically limited injunction would be ineffective because DAPA beneficiaries would be free to move among states," close quote.

Now, given the fact that the Fifth Circuit rejected this argument, given the fact that the Fifth Circuit's opinion and order upholding that preliminary injunction has now itself been upheld, what is your position on whether DHS has any legal authority to selectively implement the DAPA program? Meaning to selectively implement it, either outside of Texas, outside the Fifth Circuit, or outside of those 26 states?

JOHNSON:

There is no plan to do that, if that's what you are asking. We will abide by the Court's injunction as affirmed by the Fifth Circuit and the Supreme Court. Now ...

LEE:

You are willing to honor the nationwide effect of the Fifth Circuit's opinion?

JOHNSON:

We don't have a plan to do otherwise, Senator. And we intend to honor the court order. I will tell you, going back to my days as General Counsel of DOD, a District Judge in California enjoined don't ask-don't tell in 2010. It's one district judge. And we interpreted that as a worldwide injunction, and I directed that the field respond accordingly, though it was one district court.

LEE:

You don't seem to think any reason to do differently here?

JOHNSON:

Sitting here, I don't have a plan to try to implement it in some places and not others. I mean, I am hoping that Congress will wrestle with this issue itself. That has not happened, unfortunately. It hasn't happened in the Senate, hasn't happened in the House. I think it's an issue that we need to reckon with.

Senator Cornyn says we poisoned the well. We waited for Congress to act...

LEE:

Secretary Johnson, I understand your position. I've got limited time here and I understand your position, but I am grateful for your representation of that point. Will you update us if that position changes?

JOHNSON:

Yes. We don't have a plan to...

LEE:

But you will update us if that changes, if you have...

JOHNSON:

In some form or fashion, yes, sir.

LEE:

OK, thank you. Now I am interested in your answer to the last question, in part because of the deeply troubling actions of some Department of Justice lawyers in their representations to the courts in this case.

Last month Judge Haney, the federal district judge assigned to this case, held that counsel was, quote, "intentionally deceptive" in its egregious representations -- misrepresentations to the court and to the 26 plaintiff states.

According to the court, quote, "DOJ admitted that both DHS and DOJ personnel knew that the three-year dock (ph) of renewals were being granted," close quote, by DHS as early as December 2014, pursuant to the 2014 DHS directive.

Now despite the Department of Homeland Security's preemptive implementation, the Department of Justice assured Judge Haney, gave Judge Haney absolute assurance, and also gave an assurance to opposing counsel, to counsel representing these 26 states, including Texas, in December 2014 and again in January 2015, that the agency would not begin implementing the 2014 DHS directive until at least February 2015.

That turned out not to be the case. Now unsurprisingly, this representation, the representation characterized by Judge Haney as intentionally deceptive, this lawyerly runaround, turned out to serve the agency's objectives. According to the court these were material misrepresentations that allowed DHS's attorneys to effectively mislead the suing states into foregoing a temporary restraining order, or an earlier hearing, to try to stop the implementation of this program, of the president's unilateral executive action on immigration.

So in the meantime, during this period in which we are talking about, DHS granted or renewed over 100,000 modified DAPA applications, using the DHS directive. So let me ask you, when did your agency tell the Department of Justice that it had in fact begun implementing the 2014 DHS directive?

JOHNSON:

Senator, this is a matter in litigation before Judge Haney, as you noted. So I don't know that it would be appropriate for me to comment on it, except to say that the timeline for granting three-year versus two-year deferred action pursuant to a new policy was evident on the face of the new policy, which was in the court's record. In the court's record we laid out in the policy the timetable for beginning to grant the three-year EAD's versus two-year EAD, so that was not a secret.

So beyond that...

LEE:

Do you disagree with Judge Haney's characterization that there were material misrepresentations made to the court and to the 26 states, including Texas, that were the plaintiffs in that?

JOHNSON:

Sir, it's in litigation. I won't agree or disagree. It's a litigated matter and it will be addressed by the Department of Justice, I'm sure.

LEE:

Well, I do think it's important to be addressed, and I would love to get to the bottom of it. I hope and expect that any time our country's lawyers are representing the United States government that they will tell the truth, and that they will not misrepresent, especially materially misrepresent things to the court and to opposing counsel.

I see my time has expired. Thank you, Secretary Johnson.

Thank you, Mr. Chairman.

GRASSLEY:

(OFF-MIKE)

CRUZ:

Thank you, Mr. Chairman. Mr. Secretary, welcome. Thank you for testifying.

JOHNSON:

Good morning, sir.

CRUZ:

Good morning. On Tuesday of this week this committee's oversight subcommittee conducted a hearing on the systematic scrubbing of law enforcement and intelligence materials. Your department was invited to attend and the Department of Homeland Security refused to attend the hearing.

At that hearing we heard testimony that described a systematic effort if one compares, for example, the 9/11 Commission report. The word jihad appears in that report 126 times. The word Muslim appears in that report 145 times. The word Islam appears in that report 322 times.

And yet since that 9/11 Commission report, different policies have come into effect. And as a matter of systematic policy, those terms are no longer allowed to be used in this administration. The FBI counterterrorism lexicon uses the word jihad zero times. The national intelligence strategy of 2009 uses the word jihad zero times. The strategic implementation plan to prevent violent extremism of 2011 uses the word zero times. The national intelligence strategy in 2014 uses the word zero times.

We also heard testimony from a former employee of the Department of Homeland Security, Phil Haney (ph), that in October 2009, more than 800 Customs and Border Patrol documents were ordered modified, scrubbed or deleted, to remove references to jihad or the Muslim Brotherhood or other similar references.

Was Mr. Haney's (ph) testimony that the Department of Security ordered over 800 documents in CBP altered or deleted, was that testimony accurate?

JOHNSON:

I have no idea. I don't know who Mr. Haney (ph) is. I wouldn't know him if he walked in the room.

CRUZ:

So you have not investigated whether your department ordered documents to be modified in 2009 to remove references to jihad, radical Islamic terrorism, Muslim Brotherhood. You have not investigated that question.

JOHNSON:

No, I have not taken the time to investigate what Mr. Haney (ph) said, no.

CRUZ:

And when the United States Senate Judiciary Oversight Committee conducted a hearing on that, did you or anyone on your staff inquire into those issues?

JOHNSON:

No, but you have me right here, right now, to ask questions of.

CRUZ:

But your answer is, if you don't know. I am asking you, in 2009 and again in 2012, Mr. Haney (ph) testified there were two purges, and that was the word he used, purge, at the Department of Homeland Security to remove references to radical Islamic terrorism. Is it accurate that the records were changed?

JOHNSON:

Same answer I gave you before. I have no idea, sir.

CRUZ:

You have no knowledge of any records being changed at the Department of Homeland Security?

JOHNSON:

Same answer. I have no idea, sir.

CRUZ:

Would it concern you if it was accurate?

JOHNSON:

Senator, I find this whole debate to be very interesting, but I have to tell you, when I was at the Department of Defense, giving the legal sign-off on a lot of drone strikes, I didn't particularly care whether the baseball card said Islamic extremist or violent extremist. I think this is very interesting but it makes no difference to me in terms of who we need to go after, who is determined to attack our homeland.

The other point I would like to make, sir, is that -- and I have to think in practical terms at Homeland Security. I think this is all very interesting, makes for good political debate, but in practical terms if we in our efforts here in the homeland start giving the Islamic State the credence that they want, to be referred to as part of Islam or some form of Islam, we will get nowhere in our efforts to build bridges with Muslim communities, which we need to do in this current environment right now, that includes homegrown violent extremists.

They all tell me...

CRUZ:

My time is limited for this.

JOHNSON:

Hold on just a second, please. They all tell me that ISIL has hijacked my religion, and it is critical that we bring these people to our side. To do this...

CRUZ:

You are entitled to give speeches other times. My question was if you are aware that the information has been scrubbed. I would note the title of the hearing on Tuesday was willful blindness, and your testimony to this committee now is that you have no idea, and apparently have no intention of finding out, whether...

JOHNSON:

That's not what I said.

CRUZ:

...whether DHS materials have been scrubbed. And you suggested just a moment ago that it's essentially a semantic difference. Well, I don't believe it's a semantic difference, that when you erase references to radical jihad, it impacts the behavior of law enforcement and national security to respond to red flags and prevent terrorist attacks before they occur.

Let's take Nidal Hisan. Nidal Hisan, the Obama administration was aware he was communicating with Anwar al-Awlaki, a known radical Islamic terrorist. The Obama administration was aware that Nidal Hisan had inquired of Anwar al-Awlaki the permissibility of waging jihad against his fellow soldiers. And yet the administration did not act, and Nidal Hisan walked through Fort Hood in my home state of Texas, murdering 14 innocent souls, yelling, alluha, Akbar.

Do you think it was a mistake not to respond to those red flags ahead of time and prevent the terrorist attack at Fort Hood?

JOHNSON:

I disagree with your factual predicate. Those are not facts.

CRUZ:

What do you disagree with?

JOHNSON:

I disagree with your factual predicate.

CRUZ:

What specifics do you disagree with, sir?

JOHNSON:

In one minute I could possibly answer your question.

CRUZ:

Pick anything.

JOHNSON:

It was wrong in a number of respects.

CRUZ:

Pick one thing, sir.

JOHNSON:

First of all, you are assuming that the federal government in advance of the attack on Fort Hood saw all these different red flags. That's not correct.

CRUZ:

So are you testifying to this committee -- let's take the facts I introduced one piece at a time. You are an experienced attorney. Number one, was it true or false the Obama administration knew before the attack that Nidal Hasan was communicating with Anwar al-Awlaki.

JOHNSON:

How are you defining the Obama administration, sir?

CRUZ:

The Federal Bureau of Investigation.

JOHNSON:

The entire Federal Bureau of Investigation. I can't answer that question sitting here.

CRUZ:

The answer is yes, and it is in public record, sir.

JOHNSON:

I can't answer the question.

CRUZ:

All right, let's take another example. We have similar examples of red flags, the Tsarnaev brothers. Russia informed the United States they were affiliated with radical Islamic terrorism. We interviewed the elder Tsarnaev brothers. The Department of Homeland Security missed when the elder Tsarnaev went to Chechnya and met with radical Islamic terrorists.

The administration missed when there was a public posting of the elder Tsarnaev brother calling for jihad, and in the Boston bombing they set off pressure cookers, murdering three people and wounding roughly 180.

Was it a mistake not to respond more effectively to those red flags and prevent that active radical Islamic terrorism?

JOHNSON:

Well, I disagree with some of what you said, but I do believe that there were some lessons learned from that episode, sir, and I believe that as a result we are doing a better job of connecting all the right dots.

CRUZ:

Mr. Secretary, the concern -- and my time is expiring, so this will be my final question. The concern is this pattern of failing to connect the dots that keeps occurring over and over and over again. It occurred in San Bernardino when the female terrorist gave a fake address in Pakistan, and yet the administration failed to discover that.

In a court in Orlando, where the terrorist was interviewed three times, pledged his allegiance to Al Qaeda and Hezbollah, had what was an associate of the first American suicide bomber in Syria, and yet we didn't act to prevent it.

And what concerns me, and I believe should concern the Department of Homeland Security is that because of this effort, scrubbing your law enforcement materials of any acknowledgment of radical Islamic terrorism, when you see the red flags of radical Islamic terrorism, you do not follow up on them effectively and we have terrorist attack after terrorist attack after terrorist attack that could have been prevented but for this administrations willful blindness.

JOHNSON:

May I respond?

CRUZ:

Please do.

GRASSLEY:

And then we will go to Senator Perdue. And then just to notify everybody, when we had that demonstration I lost four and a half minutes of my first 7 minutes, so I'm going to take that when Senator Perdue is done, and then we will go to Senator Klobuchar if she wants a second round.

JOHNSON:

First of all, virtually every day I read about the good work of our law enforcement personnel, our homeland security personnel and our intelligence community connecting the dots to identify potential terrorist plots. Terrorist plots on our homeland, irrespective of the label you want to put on it.

I think our people are smart enough to identify somebody who is a violent extremist, who is self-radicalizing, who is moving toward violence, when there are some warning signs, like somebody who sees somebody buying a gun, or training or buying weapons of explosive material. Every day I see people connecting the dots across our law enforcement, homeland security, intelligence communities.

Are there lessons learned? Could we do a better job? The answer is probably yes. But every day I see this happening and I think we are doing a better job, and I think that our people are smart enough to identify potential terrorist behavior, whether you call it Islamic or extremist or anything else.

I think the labels, frankly, are less important, except where we need to build bridges to American Muslim communities and not vilify them so that they will help us help them. That is my answer to your question, sir.

CRUZ:

Thank you.

GRASSLEY:

Senator Perdue.

PERDUE:

Thank you, Mr. Secretary. A year ago in April you were here and I asked you a question about these overstays. You gave me the answer that you had seen some preliminary reports but they lacked fidelity. And then in January the report came out, and in that report it showed about 500,000 visa overstays of non-immigrant workers and tourist visas in 2015 alone.

And ICE later last year, in testimony before the Senate, disclosed that they were only investigating about 3000 visa entry overstays. My question to you, with 40 percent of the illegal aliens in this country estimated to be visa overstays, in my math that is somewhere around 5 million people, if I get that math right. Directionally correct anyway.

So with that in mind, what is DHS doing to increase the number of visa overstay cases that it's investigating, and what are you finding in the visa cases that you are? And how many deportations of those, or how many deportations did we manage last year?

JOHNSON:

I don't know that the number 40 percent is accurate. The report that was issued in January revealed our estimate that there were somewhere between 400,000 and 500,000 visa overstays, but that's a rolling number because people enter and then people leave. It's not a...

PERDUE:

But over some fixed period of time there are reports that show directionally about 40 percent are here illegal due to visa overstays.

JOHNSON:

That part I'm not -- I don't know if I could testify to the accuracy.

PERDUE:

Well, I'm not asking about the accuracy of that. Really, I'm more concerned about the investigation.

JOHNSON:

But let me ask you a question...

PERDUE:

Well, I think I'm asking you the questions.

JOHNSON:

No, let me answer your question.

PERDUE:

Oh, please, yes.

JOHNSON:

In response to that report I directed our immigration enforcement people to more specifically prioritize visa overstays so that we identify those we should focus our resources on, who have overstayed their visa beyond a certain period of time, not just two, three, four days, who came to this country after a certain period of time, and who represent threats to public safety.

We are developing those priorities right now. In the meantime, we do put in removal proceedings people who have overstayed their visas, but with the benefit of this report, which starts with B-1, B-2 visas, we are prioritizing visa overstays to get at this population.

PERDUE:

Are we still -- is the 3,000 number still fairly directionally correct of the number of investigations that are outstanding?

JOHNSON:

I'm actually not sure of the accuracy of that. I'd have to get back to you on that, sir.

PERDUE:

I'd like to get a response to that.

JOHNSON:

Yes.

PERDUE:

And then also, how many deportations. I know you may not have that number today but I would love to see that over the last year. That wasn't in the report.

And the other is, I'd like to move on now to biometric entry-exit program. In 1996 Congress required the implementation of that system. Now 20 years later, and even the 9/11 Commission called for it as well, said it would be an essential tool in defending our country.

Exit tracking's in places like U.K., France, even Saudi Arabia. You know, I'm encouraged by some of the pilot programs. I know Atlanta Hartsfield has been one of those, Jackson Hartsfield there. I would love to get your take on early indications from that whole project. And are there rollout plans to expand that nationwide?

JOHNSON:

Yes.

PERDUE:

And what's the timetable roughly?

JOHNSON:

Congress, as you know, Senator, appropriated I think a billion dollars for biometric exit, and I said to my people at the beginning of the year, this has been a congressional mandate since 1996. Time

to do this. And so we have the pilot in Atlanta, as you noted, and I put our folks on a timetable where we will have begun this, started this by 2018.

We won't have gotten to full nationwide, but we will have this in place, at least pieces of it, by 2018. I believe that biometric exit in particular is a best practice, and we need to move toward it.

PERDUE:

So the early indications of that pilot are positive then.

JOHNSON:

I believe so.

PERDUE:

And would give us hope that the directional plan of putting it in nationally is something...

JOHNSON:

I believe so.

PERDUE:

OK. Number one. And when we get to the Syrian refugee issue, how many Syrian refugees have entered the country in the last year?

JOHNSON:

So far this fiscal year we settled I think around -- we just crossed the 5,000 mark. Last year it was about 1,600. This year we have surged resources to deal with this population and vet them, and it's around 5,000 right now for this fiscal year.

PERDUE:

Of the visa overstays, there are about 2,000 or 3,000 people there from watched countries, countries like Pakistan, Iraq, Afghanistan, Syria. Do we keep track of those people once they are here? Does DHS have any information about where those people are and what they are involved in at all?

JOHNSON:

We do, but often when we go to look for them, the information is outdated. Somebody has moved on from that address, and so we have to, through investigative means, track them down.

PERDUE:

How many cases should we be investigating a year, given the high number of visa overstays, whatever that number is. Three thousand can't be adequate, given the 500,000...

JOHNSON:

Well, I'd like to see us prioritize within this population those who represent public safety threats, those who have overstayed their visa for a very, very long period of time, and that probably means the number of investigations should go up, sir.

PERDUE:

The last question in that vein is, we look at the idea about who on these watch lists, we debated that over the last few weeks relative to this terror attack in Orlando. My question is, if somebody is on the watch list, if somebody is on a no-fly list, and they are here illegally, why are they still here illegally? Wouldn't they be a priority? If we have identified them not to be on a -- if they are on a no-fly list, they are here illegally, wouldn't they be a priority for us to investigate and deport?

JOHNSON:

Well, most likely, if we are talking about non-U.S. citizens...

PERDUE:

Yes.

JOHNSON:

Most likely they are priorities, most likely they are under investigation, some form of...

PERDUE:

Can you give us some information on -- some follow-up information...

JOHNSON:

There may be law enforcement-sensitive reasons why we don't act on them at the moment.

PERDUE:

I understand.

Thank you, Mr. Chairman.

GRASSLEY:

Thank you, Senator Perdue.

I didn't read my opening statement because it was so long, and I knew we had a long meeting here with you, but I want to read a few sentences from it so you know what I am leading to my first question.

This month, just two weeks ago, five people were trapped by a fire and killed in Los Angeles apartment building. The man who allegedly started the fire was in the country illegally and had been previously arrested for domestic violence and drug charges. Four of the five victims have been identified so far and are all constituents from Ottumwa, Iowa.

Too many Americans have lost their lives and too many families have had to feel the real and devastating impact caused by sanctuary cities and lax immigration enforcement. So what has changed since Kate Steinle was killed a year ago? Not enough.

As I mentioned earlier, Sarah Root was killed when Evan Mehia (ph), an undocumented person who was drag-racing under the influence of alcohol, ran into her car earlier this year. This driver was later released from custody because the federal government refused to issue a detainer. Because of the twisted priorities that we seem to have in this country on the immigration policy, there are consequences to actions, or particularly when actions are taken. Criminals are not being detained, and even when somebody's life has been taken.

This is why I introduced a bill last night that would address this problem. So I, along with the Senators of Iowa and Nebraska sent a letter to Immigration and Custom Enforcement to request information on drunk driver that killed Sarah Root. Instead of providing the information requested, ICE responded that the information was protected by the Privacy Act.

First, the Privacy Act authorizes disclosure to Congress. Second, the Privacy Act does not cover people who are in the United States illegally, and there has been court cases on that, even court cases that said resident aliens sometimes are covered by the Privacy Act.

Your department misapplied the Privacy Act by claiming to protect people in the country illegally. And of course we listened to Sarah's family because they are from Iowa and they are very disturbed about it. They could not comprehend why he was having -- seemed to have more rights than they do.

Would you ensure that your policies match the statute? Don't you think that Sarah Root's family deserves to know all available information about their daughter's killer?

JOHNSON:

Yes. Consistent with law I will look into the request that you have made, Chairman, and ensure you receive a reply.

GRASSLEY:

Thank you. I sent you a letter regarding the nomination of secretary's award for valor to Irene Martin, the head of San Bernardino U.S. Citizenship and Immigration Services offices, who refused to let Homeland Security investigation agents detain terror suspect, and whom the Inspector General later found to have lacked candor.

Your department confirmed that Martin was nominated in March, long after the disturbing incident occurred in December, and after whistleblowers raised concerns about her actions in January.

Do you think it is OK to nominate employees like Martin, who are under Inspector General investigation, for the secretary's award of valor?

JOHNSON:

I'm aware of your letter. I'm aware of the issue. I haven't acted on whether or not this employee should receive the valor award, and I want to look at the complete package, sir.

GRASSLEY:

Thank you very much. Two more questions. You and I have had a few discussions about EB-5 program, and I thank you. At least two occasions we have had long discussions about that, so thank you. I know you share my concerns about the program.

I appreciate the fact that you are working to issue regulations that mirror reforms that Chairman Goodlatte, Senator Leahy, Congressman Conyers and I have been pushing over regulations you plan to roll out soon, finally do away with gerrymandering to prevent regional centers from using an unlimited number of census tracts to build in affluent areas, even though they are not high unemployment areas, as the law envisions.

JOHNSON:

Limiting gerrymandering was one of the changes that we are developing consistent with your recommendations, sir. And as I think we discussed the other day we intend to put these changes out for notice and comment. I think in November. As soon as November. But that's on the list, yes, sir.

GRASSLEY:

Thank you. This is my last question. When you and I spoke this week, you took credit for a decrease in the number of criminal immigrants who have been released, from 36,000 to 30,000. But this is still too many criminals who are released into our community, and I think a threat to public safety.

Some would suggest that you are releasing fewer people because you are detaining fewer people. That is evidenced by the case of Sarah Root. Your so-called enforcement priorities allow drunk drivers to roam free.

Will you consider changing your policies to ensure that all individuals who are charged with driving under the influence are priorities for removal?

JOHNSON:

Well, I have certainly encouraged that in specific cases, including this one, that it may be an important federal interest to put a person in removal proceedings in those type of circumstances.

The other thing I will say, Senator, is you know the number of criminal releases since I have been secretary has declined from FY-13 to FY-14, down to 30,000. FY-15, because of some policy changes we made the number was around 1,900, which is even lower, and I suspect that in this year it will be lower -- it won't be higher but it will be lower probably.

I would like to see that number reduced, and I think that the changes we made to the system about two years ago have had that effect.

GRASSLEY:

In regard to drunk driving -- and this isn't a question. I will end with this comment. I think that there was pressure in the one case that I am talking about, and I think you ought to consider all the cases that involve drunk driving and change that policy.

Senator Klobuchar. And she's going for a second round. I don't have a second round, so we'll be done when she is done.

KLOBUCHAR:

OK, thank you, Mr. Chairman. I'll be brief. I really just had one question. I just wanted to, listening to some of my colleagues here.

I am a former prosecutor and have been very supportive of your efforts to protect the homeland and our efforts to go after ISIS and these terrorist groups at their roots. And I do think it's important to remember who the enemy is. We always had a saying in our office as prosecutors that our job was to convict the guilty protect the innocent.

And our enemy is not words. As you pointed out, I have no problem saying the word Islamic extremism. I've said it before, I'll say it again. But I don't see this as our enemy, words and what words people happen to use. I don't see the enemy as our Muslim community. I see in my own state dozens of police officers coming from our Somali community, or Muslim, who do everything that they can to fight off this extremism and to make sure that our community is safe.

I see Muslims serving in the military. I see Muslim congressmen, including my own, and one of the witnesses that Senator Cruz called for his hearing this week actually went after that congressman and implied that he was somehow affiliated with this, when in fact he is on the ISIS kill list, right. He is on the ISIS kill list because he has stood up against this kind of extremism.

So I just think that when we look at this we cannot indict an entire religion, entire community. Those are the innocents. The innocents are the refugees and the immigrants that are innocent in these cases. They are the people we protect and they are the people we work with to go after this evil.

I will note the FBI Director James Comey has said the notion that the U.S. is anti-Muslim is part of ISIL's narrative and Al Qaeda's narrative and other terrorist groups. David Pretraeus says that. The ramifications of such rhetoric could be very harmful and lasting. As policy, these concepts are totally counterproductive. Rather than making our country safer, they will compound the already grave terrorist danger to our citizens.

I don't say this naively. I just want to keep our citizens safe. I view this as the number one role of our government, and the number one purpose of our government is to keep our citizens safe. That includes safe from terrorists.

My only question to you is to just comment about this anti-Muslim rhetoric that we are seeing. We are seeing an increase in hate crimes, and how you, charged with our nation's security or homeland security, differentiate between going after terrorists and extremists and indicting an entire religion.

JOHNSON:

I think it is counterproductive to our homeland security efforts to throw an entire -- throw a veil of suspicion over an entire religion. I think that's what the Islamic State would like us to do because it would be productive to their efforts to cast their current efforts as Islam against the West, or Islam against Christians, or Islam against America. They would like to see it in those terms.

I think that there is a distinction to be drawn between terrorism, violent extremists, and the Islamic faith, which is, as you know, a religion of peace. And those who follow that faith believe in peace. It is the third or fourth largest religion in the world, and it is a diverse religion. It is as diverse as Christianity.

So there is always a temptation to paint a religion or a race or an ethnicity with a very broad brush, and I think that it is counter to our efforts at national security, at homeland security to do so. I believe that in this environment, as I have said many times, it is imperative that we continue our efforts to build community partnerships with grants, with outreach, with partnering with philanthropies, the tech sector.

I'm glad that there seems to be bipartisan support in this Congress for doing so. I think it's imperative that we continue these efforts.

KLOBUCHAR:

I really appreciate that, and I know in our state we have worked really hard, as you know, to go after this extremism, to indict and convict people that want to aid it or be part of it. At the same time, recognizing that we have some really amazing people from the Muslim community that live in our state, and trying to see those differences and balance is part of what we do every single day. So I appreciate your closing words there. Thank you.

JOHNSON:

Thank you.

GRASSLEY:

I thank you for your patience mostly. Thank you for answering our questions, and when you couldn't answer a question, you said you would get us answers and writing. We thank you for your cooperation. Thank you for coming, and our meeting is adjourned.

JOHNSON:

Thank you.