

**Prepared Statement of Senator Chuck Grassley of Iowa
U.S. Senate Committee on the Judiciary
Hearing on Oversight of the Department of Homeland Security
Tuesday, April 28, 2015**

Oversight is a critical function and a constitutional responsibility of the legislative branch. Every year, this committee tries to invite the Secretary of Homeland Security to brief us on the state of affairs of the department. It's an opportunity to question the administration's policies as well as an opportunity for the department to take responsibility for its actions.

It's a pleasure to have Secretary Johnson here today. This is the first opportunity for our committee to question him publicly since the President's executive actions on immigration announced last November.

Even though there is an injunction against the executive actions, we can still get a good idea of what to expect from the enjoined programs based on the way the department has implemented the Deferred Action for Childhood Arrivals, or "DACA" program.

It appears, for example, that applications for deferred action are being rubberstamped, evidenced by the fact that criminals and gang members are receiving this special benefit despite supposed policies against it.

Take, for example, the case of a DACA recipient in North Carolina, Emmanuel Rangel-Hernandez, who is accused of murdering four people, including a former reality TV model.

Last week, the department admitted Rangel-Hernandez had received DACA despite his gang membership, which was known to adjudicators, and despite already being in deportation proceedings.

The agency response indicated a lapse in the processing of Rangel-Hernandez's application. However it's not yet clear who ultimately made the decision to approve the application. We need to get to the bottom of it. We know that the agency has terminated 282 DACA requests because of gang and/or criminal issues. So, this appears to be a bigger problem.

This tragedy compels the question: What background checks are in place and are they adequate to ensure that benefits are not being provided to those who pose a threat to the homeland and public safety? And, does this administration truly have a zero-tolerance policy for the granting of immigration benefits to criminals and gang members, as suggested by the President?

The committee will also want to hear from the Secretary about the proposed expansion of DACA and why the department provided over 100,000 DACA work authorization extensions despite assurances its lawyers gave the federal court that it would not implement any aspect of the President's executive action until February 18, 2015.

Whether discussing the 2012 DACA program or the 2014 executive actions, there remain questions about the legality of the President's actions. There are also questions about how the

department will fund the programs, and whether legal immigrants will suffer due to the prioritization for benefits of people in the country illegally.

The Secretary must also answer as to why this administration is allowing people here illegally to be put on a path to citizenship, which is clearly a constitutional responsibility of Congress. This path to citizenship is afforded through the administration's use of advance parole, which they are encouraging DACA applicants to take advantage of. This loophole will set a dangerous precedent that will allow lawbreakers to obtain the benefits of lawful permanent residence and citizenship after showing a total disregard for American law.

One thing seems very clear: there is little will or desire by this administration to enforce the laws on the books and to back up agents in the field who swore to uphold the law.

This administration needs to answer for the release of criminal aliens into our communities. In fiscal year 2013, the department released from detention over 36,000 convicted criminal aliens in removal proceedings or after they had been ordered removed. Then in fiscal year 2014, it released 30,558 convicted criminal aliens. They had convictions ranging from homicide to sexual assault to kidnapping to aggravated assault to drunk driving.

According to ICE statistics, 56.8 percent of the 30,558 releases in 2014 were purely discretionary. The remainder were due to court mandates and the inability to obtain travel documents. Why did this administration release almost 60 percent of criminals in their custody, and what are they going to do about it? I expect the Secretary to address this today.

I expect the Secretary to also address the problems with the EB-5 immigrant investor program. Not only are there gaping holes that risk our national security, there are serious management problems that were highlighted by the Inspector General.

The Inspector General laid out how preferential treatment was granted to those well connected. It is very clear that the Secretary does not plan to hold the former Director, who now sits at the number two post, accountable for his actions. Instead, it appears that the violations of ethical conduct will go unpunished – all while agents and adjudicators in the field are being reprimanded and threatened if they don't "get to a yes" or follow the President's lawless policies.

I'd also like to hear Secretary Johnson's thoughts on combatting the array of national security threats the country faces.

The rise of ISIS, of course, presents a significant threat to the homeland.

This past weekend, it was reported that the federal government is actively investigating an ISIS plot to commit a terrorist attack inside the United States, perhaps by targeting uniformed personnel in California. The Transportation Security Administration alerted local law enforcement to be on the lookout and to increase security.

Earlier this month, there were a number of arrests of American citizens for their involvement with ISIS. The Justice Department has alleged that ISIS helped to train a man from Ohio. The man had traveled to Syria and was directed to return to the United States to commit a terrorist attack here, where he was arrested.

Other individuals, including a Kansas man and two people in New York, were allegedly inspired by ISIS propaganda on the internet to commit terrorist attacks here.

And numerous other Americans have been arrested on the way to the airport as they allegedly attempted to travel to Syria to join ISIS.

The President has downplayed the threat posed by ISIS. But it reportedly has billions of dollars, controls significant territory, and is executing innocent men, women and children across the Middle East, including Americans. It is obviously a threat that requires a serious and sustained response to keep our homeland safe.

Another threat I expect the Secretary to discuss is the ever-increasing risk of cyberattacks. News reports are filled with shocking examples of the federal government's lack of preparedness against this this threat.

It was reported this past weekend that the President's unclassified email was hacked in late 2014. Defense Secretary Carter recently disclosed that earlier this year, Russian hackers accessed an unclassified Pentagon computer network.

Moreover, a recent Government Accountability Office report found that DHS lacked a strategy for protecting government building and access control systems from intrusion by hackers, terrorists, corrupt employees and criminal groups.

Cybersecurity can't be on the periphery of our national security strategy any longer. It has to be at the center.

There are many issues to discuss today, and I thank the Secretary for being here today. Before turning to the Secretary, I'd like to turn to Ranking Member Leahy for opening remarks.