OVERSIGHT OF THE DEPARTMENT OF HOMELAND SECURITY

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THURSDAY JUNE 30, 2016

United States Senate,

Committee on the Judiciary,

Washington, D.C.

The Committee met, pursuant to notice, at 9:41 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Chuck Grassley, Chairman of the Committee, presiding.

Present: Senators Grassley, Hatch, Sessions, Cornyn, Lee, Cruz, Flake, Perdue, Tillis, Leahy, Schumer, Whitehouse, Klobuchar, Franken, and Blumenthal.

OPENING STATEMENT OF HON. CHUCK GRASSLEY, A U.S. SENATOR FROM THE STATE OF IOWA

Chairman Grassley. We were going to open with Executive Session, but we do not have a quorum, so I am going to start the hearing. I guess now we are just starting it pretty much on time.

And there are some things going on that Secretary Johnson will tell us about that may interfere with our hearing here, but I am going to start the hearing. And because of those circumstances, I think I am 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 have

not protected our country adequately. I have got several examples. Everybody would recognize the name of Kate Steinle as an example of where immigration laws have not been adequately carried out and our country is in danger, and some of my analysis of that and where I think there is 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 am going to put my statement in the record.

I will turn now to Senator Leahy.

OPENING STATEMENT OF PATRICK LEAHY, A U.S. SENATOR FROM VERMONT,

Senator Leahy. Thank you very much, Mr. Chairman. I am glad to have Secretary Johnson back to the committee. I think hearings about security in the nation is timely. The massacre of 49 innocent people at a LGBT nightclub in Orlando is a national tragedy.

The 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 Emmanuel 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 -- have it as we did when in Oklahoma City we saw 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 a majority of the American people, we have 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.

Have universal background checks, the same kind of

background check I have to go through if I go to the gun store in Vermont, but have universal background checks for gun shows and elsewhere so people cannot use the internet or guns shows to evade background checks.

We need to strengthen our laws to go after firearm traffickers and straw purchasers who purchase firearms for drug cartels or other criminal gangs.

Department of Homeland Security, Department of Justice, the FBI, need more funding to combat acts of terrorism and hate. Now, that should not 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, and 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 do not think that is an excuse to not have immigration reform to bring out of the shadows millions of people who came here for a better life. It improves our national security when 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 is an act of terror, and rhetoric does not make us safer. It certainly does not make us safer to cast suspicion on our neighbors and fellow citizens because they belong to a particular religious or ethnic or racial group.

It does not make us safer to talk about building walls on our borders. It does not 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 statements are not only 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 us stop the scapegoating and the fearmongering, ugly rhetoric, divisive proposals. We all want to keep our nation strong, but let us know that sometimes the reality makes a lot more sense than the rhetoric.

And I put my full statement in the record.

Chairman Grassley. All right. Could I swear you in?

Do you affirm that the testimony you are about to give before the Committee will be the truth, the whole truth and nothing but the truth, so help you God?

Secretary Johnson. I do.

Senator Grassley. Thank you. I thank you very much for coming. Everybody knows that Jeh Johnson is secretary of Homeland Security. I have introduce him several times; I will not repeat that.

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

OPENING STATEMENT OF JEH JOHNSON, SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY

Secretary 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 will not mind if I need to do that, Chairman.

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 do not 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 has been no claim of responsibility the 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 have been secretary. As I said last a month, we will not shortcut aviation security in response to increased travel volume or longer wait times.

I am 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 are focused on the nation's busiest airports to ensure we do not have a repeat of some of the things we saw around Memorial Day Weekend and 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, to celebrate the July 4th holiday, to continue to go 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 will be happy to answer any questions you have.

Chairman Grassley. Thank you very much. We will have a -- we are going to have seven-minute rounds for questions.

Last week the Supreme Court affirmed a decision on the 5th Circuit that keeps in place a nationwide injunction on the President's executive action to effectively legalize millions of undocumented immigrants.

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

Secretary Johnson. Chairman, the Supreme Court, by equally divided vote, affirmed the decision of the 5th Circuit, and we intend to abide by that injunction.

Chairman Grassley. All right. As I said in my opening statement, although I did not 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?

Secretary Johnson. I would like to see more cooperation from counties and cities --

[Interruption from the audience.]

Chairman Grassley. Order. Order, please. We will stand in recess until the police can restore order.

[Whereupon, the hearing was recessed and resumed back on the record.]

Chairman Grassley. Would you proceed, or did you finish?

[Interruption from the audience.]

Chairman Grassley. Will the police restore order, please?

[Interruption from the audience.]

Chairman Grassley. [Strikes gavel.] We will stand in recess.

[Whereupon, the hearing was recessed.]

Chairman Grassley. It would be very efficient if anybody else wants to stand up and be removed to do that, instead of starting the meeting again.

[Whereupon, the hearing was resumed.]

[Interruption from the audience.]

[Whereupon the hearing was recessed.]

Chairman Grassley. If anyone else wants to exercise their right of free speech, do it now, please. All right.

[Whereupon, the hearing was resumed.]

Chairman Grassley. Secretary Johnson, I do not know whether you completed the answer to my question, but if you would proceed, I would appreciate it.

[Strikes gavel.]

Secretary Johnson. Yes. In general, I would 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 was not working. There were some 14,000 detainers by our

Immigration Enforcement personnel that 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 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 is for the benefit of 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 would prefer cooperation in this regard. As I have 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.

Chairman Grassley. I think, in the final analysis--now I am 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 in violation of Federal law. And I think that is a very good reason why a couple weeks from now, or maybe next week even, we will have a vote on Senator Toomey's amendment in regard to sanctuary cities.

And I hope that people will take this testimony that we have had here of where the Secretary says in some cases his program works and some cases it does not, and particularly in Chicago and New York City, as an example, the need for that legislation.

Senator Leahy?

Senator Leahy. Thank you. You know, we were talking about executive orders. I mean, we had the Supreme Court, could not reach a decision in U.S.-Texas. That is one of the reasons we now have a quandary concerning DAPA and expanded DACA, a four-four split. It would have been decided one way or the other and not a -- if we had had the ninth member on the Supreme Court, whereas for the first time in history the Senate has refused to do its job and hold a hearing and vote on a Supreme Court nominee.

To his credit, the President did follow his oath of office and nominate somebody. But the -- as you said, the DAPA and expanded DACA policy was to focus--with limited immigration enforcement resources; we do not have unlimited

resources--on those who pose a threat to public safety.

I mention 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 an almost two-to-one margin, I think it was 68 votes, we passed out of the Senate a major immigration bill. And months and months and months and hundreds of hours we worked to get it.

There were, by all accounts, enough votes to pass it 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 and Bush administration.

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

Secretary 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 appear 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 a terrorist to buy a gun in this country.

It is a weapon of -- an instrument of terrorism, and those determined to commit terrorism in our homeland are taking advantage of that.

And so I believe it is a matter of homeland security that we address this.

Senator Leahy. In fact, I am told that at least one al-Qaeda 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?

Secretary Johnson. I believe they are. And I have read such literature that you refer to as recently as this week. And we know from past practice that the literature put out by al-Qaeda that is disseminated in this country is

acted up on and followed. There are sad examples of that.

Senator Leahy. And I have spoken before on the floor. I am appalled at the rise of abhorrent rhetoric that seeks to dehumanize, cast suspicion on the Muslim-American community.

I am still touched, so touched by a note that my wife received from a friend, a physician, a 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 patriot Muslim Americans in your agency. Does this kind of anti-Muslim rhetoric, does it make us safer or less safe?

Secretary Johnson. Senator, you are correct that I have spent a lot of time with American Muslim communities in major metropolitan areas across this 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 it 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 homegrown, home-born violent extremists, it is essential that we keep at our CVE efforts.

Senator Leahy. Thank you. My last question--and we have heard the expressions here, by people who are here in the audience--I see and hear some of the stories of families that are fleeing violence in Central America, are trying to get their children out of there before they are forced into a gang or murdered or raped or sexual trafficked, and we see a 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 is wrong to use these teenagers to send a message. I wish -- as I said, I wish we, the House, had not shown such attention to the Hastert Rule, that it had allowed the immigration bill to pass.

But I think when you have done great work to build trust, I worry about some of these policies especially targeting youngsters. That is just going to push immigrants deeper into the shadows, and it is not going to stop a parent who is 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 is just my opinion.

Chairman?

Chairman Grassley. Secretary Johnson, would you please stay where you are? We are going to recess the hearing just a minute to do executive session.

[Whereupon, at 10:08 a.m. the hearing was recessed to go into Executive Session.]

AFTER RECESS

[10:09 a.m.]

Chairman Grassley. And we will now reconvene the hearing, and I will call on Senator Sessions.

Senator Sessions. Thank you, Mr. Chairman.

Secretary Johnson. Excuse me. Mr. Chairman, could I just say I always wanted to be a U.S. attorney? Did not work out that way.

Excuse me, Senator.

Senator Sessions. You are an assistant now. Is that not correct?

Secretary Johnson. I was an assistant U.S. attorney.

Senator Sessions. That is the best job. I have had both.

Secretary Johnson. That was the best public service job I have ever had, sir.

Senator Sessions. Mr. Chairman, we need to understand where we are. The problem of the violence that we are having today is not a product of the gun law or--any significant way. We have had attacks in Garland, Texas, Chattanooga, San Bernardino, Orlando, all in the last year, maybe 13 months.

These are not unusual attacks. Now we have had Europe, now we have had Turkey. We have a serious problem here. There is 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 have more than doubled 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 do not have enough jobs for American people here today, immigrant and native born. We do not have that.

Wages in America have dropped since 1999, median household income, by $4,000. One of the reasons for that is we have a loose labor market as a result of more workers than we have got jobs for. That is just fact. So the American people did not like the bill and it did not pass.

But we have had multiple opportunities since that failure to tighten up and make our country more secure and not one thing of significance has happened. We have not even been able to pass a bill that would fix the entry-exit visa system that has been on the books for over a decade and has never been accomplished.

So the American people are not 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 in a reasonable and effective way, but people who are not here lawfully should be removed and people who attempt to enter unlawfully should be deported. That is just the basics of the system.

So when people say not one more deportation, what are they saying? They are saying that all you have to do is get into America unlawfully and you get to stay, and you will 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 have got a problem. And I am worried about it. I do not think this country is doing the right thing. I think President Obama is taking extreme positions. Taking extreme positions.

Mr. Johnson, you are in a difficult position. This is a huge agency that you have 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 it continues to decline every single year.

According to the survey of the best places to work in Federal government--that is a private group--Homeland Security ranks 19th out of 19 major agencies. The Employee Viewpoint Survey data, when asked do they believe senior leaders generate high levels of motivation and commitment to the workforce, only 25 percent said yes.

So I just think we have 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 am sure you acknowledge and respect our officers, but when they are 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?

Secretary Johnson. Several things, Senator. First, I am concerned about morale. We have been on an aggressive campaign to improve morale across DHS, across the 22 components since I have been secretary.

Last year, the FEV survey revealed that morale improved somewhat in various components, like the headquarters, for example. This year we just completed the FEV survey. Our participation rate, though we will not know the results 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 of effort, we increased the participation rate this year and I think it is above the government-wide average. So that is one thing.

Number two, one of the things I heard when I first

became secretary was that our Immigration Enforcement personnel are not on the same pay scale with law enforcement personnel.

So we revised the pay scale for our ERO folks, and we are looking for help from Congress to make LEAP available for our Immigration Enforcement personnel. If we do that, that would be a big boost to morale for Immigration Enforcement personnel.

Senator Sessions. Well, I hope we can make sure that they are paid properly, but I think fundamentally their frustration is, as the Border Patrol official, union official, testified a few weeks ago, they catch about a half of the people that attempt to enter unlawfully, about 330-some-odd-thousand were captured last year. And of those that are captured, he estimates 80 percent are released before being deported.

So I do not 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--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 and a series of very rational questions.

So we have not received an answer. We have 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, it appears that 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 have failed to give us that information.

Do you not think that information would be valuable to Congress in assessing the problem and passing legislation that would be effective, and why have you not given it and when will you give it?

Secretary Johnson. Well, I am happy to look into correspondence you have addressed. I read every letter that I get from a member of the Senate, member of the House. We have, as I am 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 no received a response with regard to that --

Senator Sessions. Mr. Secretary, we asked -- this letter 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.

So when can we get an answer to this question?

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

Senator Sessions. Thank you.

Senator Grassley. Senator Klobuchar.

Senator Klobuchar. Thank you very much, Mr. Chairman.

Thank you for being here, Mr. Secretary. As you know, we have had 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-Shabab. We have had 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 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 is 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 have

talked about this several times, but the grants that DHS is funding that came out of the appropriations bill this year, $50 million for countering violent extremism. Just $10 million has been allocated for communities, and what do you think the timetable is for that?

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

Secretary 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, hardworking 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. When I heard the need for our grant money resources at the local level to help counter violent extremism.

Following the phone call you and I had some weeks ago, I have pressed our CVE folks to know when it is that the money for this year will 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. Ten 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.

Senator Klobuchar. Thank you. I also note we have 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 have seen just this week, a balance of security and also efficiency, and sometimes they go hand-in-hand. And I am glad that you are focused on adding more of these dog teams which actually help with both security and efficiency.

And I will put some questions of this on the record. Syrian refugee admissions, Senator Durbin and I have -- 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, the administration has to bring in 10,000 Syrian refugees which, compared to Canada is not even as much as they are doing. And I just wondered what the status is of that and how many

have been admitted.

Secretary Johnson. Yes. As you noted, we have increased our commitment from 2,000 last year to 10,000 this year, in terms of Syrian refugees. We have also added security checks to the process, where they are warranted.

With a surge of resources and a lot of effort among our refugee personnel--and this is at the same time we are dealing with Central America and we are dealing with an increased worldwide commitment of 85,000--

Senator Klobuchar. So do you know what the--I do not mean to interrupt; I completely understand. But the numbers on the Syrian refugees, I think we had--kind of think we had a couple thousand that had been admitted, 1,736. And I think that we have accepted up to --

Secretary Johnson. Actually, I think we have just about crossed the 5,000 mark 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 5,000 or 6,000 have been conditionally approved, subject to those security checks. So I believe we will make the 10,000.

Senator Klobuchar. All right. I appreciate that.

My last question is on steel dumping enforcement, something entirely different. I would like to thank you and the Customs and Border Patrol team who work with the

Commerce Department to enforce penalties against foreign steel companies who are dumping steel into our markets.

We know that there has been about 13,000 workers now laid off because of illegal dumping from China. This week I led an effort with members 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 union leaders and the president of Cleveland-Cliffs on the business side have both attributed this change to the fact that there has 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 is happening on your end with the steel dumping enforcement.

Secretary Johnson. I would have to get back to you on that, Senator, sorry.

Senator Klobuchar. All right. Thank you. Well, we can do that in writing.

Secretary Johnson. Yes, please.

Senator Klobuchar. I appreciate it. Thank you.

Chairman Grassley. Senator Flake?

Senator Flake. Good morning.

Let me talk for a minute about CBP hiring.

Secretary Johnson. Yes.

Senator Flake. You know Congress approved a staffing level that is well in excess of what we have on the ground there now. We are short about 950 officers.

We were told -- I had a meeting where we were trying to get to the bottom of why it is 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 concern that one false positive is a scarlet letter for any employment opportunity that might come up elsewhere in government.

I know that there is an issue there. Do you want to comment?

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

I am 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 am sure you know, we have searched our efforts through hiring hubs, through aggressive recruitment, aggressive recruitment among our military personnel, at military bases --

Senator Flake. We did pass the Border Jobs for Veterans Act. We are told that that is moving the needle a bit.

Secretary Johnson. Correct. Correct. And I think we are closing the gap. Slowly, I think we are turning the corner and closing the gap so that we can hire up to what has been appropriated and authorized. You are correct that we are currently, 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 are shooting ourselves in the foot by this very lengthy, cumbersome process that it takes to recruit and hire people and get them through all the vetting.

Senator 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 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 something that maybe we ought to put a wall or something to stop illegal entry. Certainly we have to have a secure border, but in Arizona, it is also a hub of commerce and that commerce cannot take place if we have too few agents there in these ports of entry, as you know.

We have made a lot of investments in infrastructure there, but if we do not have them staffed, it does not do us much good.

With regard to -- let me talk for a minute about the Rodriguez decision of the 9th Circuit. It requires somebody who has been held in detention to be released. I have sent a letter on February 12th of 2016; it came back to me with some data.

The numbers are staggering. For those criminal aliens released from detention, there was a 35 percent re-arrest rate and a 41 percent in absentia 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 re-arrest rate, 41

percent in absentia rate--yet we are continuing to let these people go.

Secretary Johnson. Yes, we will provide the numbers, Senator, and yes, I am pleased that the Supreme Court granted cert in the Rodriguez case. I do not 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 on to people, and it was contributing to the number of releases.

Though the number of criminal releases has gone down since I have been secretary, year to year, the Rodriguez case was very problematic for Immigration Enforcement personnel, and I am pleased the Supreme Court took cert.

Senator 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 is 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 cannot 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 then let go with just a request to appear at court with not much more than that, at some

future date.

Can you talk about that process?

Secretary 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 that expanding that capability was a good thing, if for no other reason than to process these individuals so we know who they are and we can better assess who should be bonded and who should not, and we can release them on conditions that have a reasonable likelihood of returning to 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.

We have conducted a number of operations in Interior Enforcement of those who were apprehended at the border, it was controversial. A lot of people, as you saw this morning, do not like that. But we have to enforce the law consistent with our priorities, and one of those is border security.

I do not 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 will look something like around 33,000, which is a decrease from May. I think May was about 40,000. And 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 a priority, along with those who are threats 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 are supposed to.

We have some capability to hold on to 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 is a District Court order that we appeal to the 9th Circuit. It makes it harder for us to manage FRCs. I do not know what the 9th Circuit is going to do yet in that case, and we will have to see.

Senator Flake. Thank you, Mr. Chairman.

Chairman Grassley. Senator Franken?

Senator 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 United States verse 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 the 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 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 does not 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 jobs in many different ways.

I would like to start by focusing on how this uncertainty impacts children. As you know, I have long been concerned about how our broken immigration system affects children.

I introduced legislation called the Help Separated Children Act that would have laid down some basic protections for children in the 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 is 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, 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 from the Northern Triangle region--El Salvador, Guatemala and Honduras. By and large, some others 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 steps are already being taken?

Secretary Johnson. Well, let me answer it this way.

The priorities that we announced in November 2014 for immigration enforcement more sharply focused on threats to public safety and those apprehended at the border, border security -- public safety, national security and border security.

We are 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 refer to is from 2006, but today I hope it is 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 that are 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 are disappointed in the Court decision, and at some point it is going to be up to Congress to wrestle with this issue.

We have to account for these people. They are here. They are not going away. Contrary to the rhetoric of some, we are not going to deport a population of people the size of New York and Chicago put together. We do not have the resources, and it is not the best use of our taxpayer dollars.

And so we have to account for these people and give them an opportunity to come forward and submit to a background check and be accountable, who have families here.

And it is 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.

Senator Franken. We tried to do that in 2013. I know I am out of time, Mr. Chairman. I just want to submit for the record a question about Countering Violent Extremism, which I think is a bad name for that. And I think the choice of that name, we have a very vibrant Somali American community, Somali Minnesota community in Minnesota 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 some of the approaches have been counterproductive.

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

Secretary Johnson. If I may, we actually do not use the term CVE in the field. It is an inside-the-Beltway term, but out in the communities I know that -- we all refer to it --

Senator Franken. Building Community Resilience is something we are referring to it in Minnesota now.

But thank you, Mr. Chairman.

Chairman Grassley. Senator Tillis?

Senator Tillis. Thank you, Mr. Chair, and thank you, Mr. Secretary, for being here. It sounds like you 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 us 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?

Secretary Johnson. An open border?

Senator Tillis. Yes.

Secretary Johnson. Obviously, a secure border helps

to keep the homeland safe.

Senator Tillis. And so, now, I assumed this much but I wanted to make sure because it is a small number, but there are some people here that say 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 is 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 did a better job cooperating with Mexico in trying to seal their southern border, that that is 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?

Secretary 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 have 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 will speak candidly here. The intel that I get from Central America very often is not that good in terms of emerging trends. I would like to see us do a better job in terms of our intel collection capabilities there.

Senator Tillis. And I think I have 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 is referred to as narcoterrorism, it seems like we have got to acquaint people more with getting better situational awareness down there.

Can you go and -- I think one thing I would like to do when we start talking about securing the border, the rhetoric is about building a wall. I do not think anybody here thinks we are 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?

Secretary Johnson. 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 in the Southwest, which I think have been a good thing because it brings to bear all the resources --

Senator Tillis. With local law enforcement?

Secretary Johnson. With components of my department, so that the components of my department are better coordinated. We have asked for explicit congressional authorization to remove some of the legal limitations that I have encountered in this effort.

It has been pending in various different pieces of legislation since the NDAA --

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

Secretary Johnson. What I am referring to is intra-DHS.

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

Secretary Johnson. Since I have 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 are always interested in doing more with the Department of Justice, both in terms of border security and dealing with our counternarcotics mission. DHS has a mission there.

Senator Tillis. You know, in seven minutes you always wonder how you are going to use it all, and then it evaporates pretty quickly so I am going to go to a completely different subject.

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 is my understanding it is the majority of those coming across the border. So I will submit those for the record.

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

So I am wondering; it made me think about it. I did not plan on asking the question.

Secretary Johnson. I hope you will tell me what airport you are using in the question.

Senator Tillis. Well, I am going to start telling.

Secretary Johnson. All right.

Senator Tillis. Because the concern that I have, we are at a very stressful time now. And when people go to airports, even with Istanbul and others, you are going to see more. The best thing you could do is have somebody that says good morning, good afternoon and thank you, have a nice flight. I have never had -- I may have had good morning once, over the last year and a half that I have been traveling into D.C.

What concerns me is that customer experience should be extraordinary. They are all about the D-band employees I think start at $25,000 a year. The E-band employees get over $30,000 a year. You get into the experienced employees, they are making $30,000, $40,000 a year, people that are on the lines, supervisors, much more.

It seems to me that we need to create a culture of customer service that think those customers who are paying $400,000, $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 would really like to see, if you could respond, efforts that you are 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 are ultimately paying for it.

And I think that right now I do not 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 makes that experience better. And I think that is what the TSA and the airports should be all about.

And I will submit some questions for the record about what specifically you are doing to create that culture. I know you want it too, but I just do not see it active and consistent on the ground.

Thank you, Mr. Chair.

Senator Grassley. Senator Blumenthal?

Senator 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 have done in your present position, and also your exemplary record of public service in many other positions in the Federal government.

And thank you for emphasizing at the very outset of your testimony the increasing threat of ISIS-inspired and supported terrorism around the world, including the 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 programs. In this place, as well as in the administration, we have failed to match rhetoric with resources.

And I think that, for example, the reductions in the Transit Security Grant Program, the Urban Area 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 at 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 is a non-judicial 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.

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 is 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 sought to be deported, but ICE never overcame the resistance and refusal of Haiti to take him back.

I recognize that ICE cannot alone overcome that

resistance or refusal, but the report shows that ICE failed to seek 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 have 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 and continue to pose a danger to our nation.

Secretary Johnson. Yes, you have that commitment. In fact, we have 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 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 -- decision, which, as you know, says after six months if there is 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 am aware of the efforts to get Haiti to take him back. I have read the IG report and I agree that we need to continue to pressure countries to take people back when they are ordered deported.

Senator Blumenthal. Well, if we have points of leverage that we can use, it does not have to rely simply on our persuasive power. We can deny visas; we can suspend aid. And I am asking for more than just your contacting your counterparts.

And when I say you, I do not 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 that this person belongs back in your country, because he or she is 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 in a different category, but that 1 percent constituted Casey Chadwick's murderer, and that 25-year-old woman is not alive today.

And I have met with her family and I have seen that heartbreak, and that is 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 is still outstanding. The first part has been done and released; the second part still is under way.

And I welcome your commitment and will look forward to working with you.

Secretary Johnson. Senator, I am 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 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 have entered into MOUs to take back more of their people, but very clearly this is a work in progress and at some point I am going to advocate that we use the ultimate sanction we have available to us, which is to deny visas to these countries if we do not see more progress.

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

regret again.

Thank you, Mr. Chairman.

Senator Grassley. Senator 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 do not know what he can -- he ought to recommend the ultimate that he can recommend, but whatever he recommends will not be carried out unless the State Department does it and the law says the State Department shall do it.

And I do not know whether that is based upon what level of recommendation he might make, but I would surely back up your effort that he make the strongest recommendation that the law allows him to make and in a sense dictates he make, and then we have got to get to the State Department to make sure it is carried out. And we have got to forget about the sensitivities of our relationships with China and India, countries like that, that are the biggest abusers of it.

Senator Hatch.

Senator Blumenthal. Thank you, Mr. Chairman.

Senator Hatch. Well, thank you, Mr. Chairman. I always enjoy seeing the chairman being worked up, as he does with regularity. And I appreciate it.

[Laughter].

I also appreciate the work you have been doing. I have watched it. You are a fine man. You are 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 just like to note personally that the Supreme Court has split four-four in only four of the 61 cases since Justice Scalia's death. A lot of people do not realize that, that it is a functioning court. And we will 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 is entitled "Lights Out." It is a very interesting book. It says that you were interviewed in October 2014 about our nation's preparedness in the aftermath of a successful cyberattack on the electrical power grid.

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

Now, it has 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 backlog really does exist?

Secretary 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 did not 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.

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 has 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 is a blackout someplace.

Senator Hatch. Mr. Secretary, I recently read a Wall

Street Journal op-ed by former Senator Tom Coburn about the stockpiling 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.

Chairman Grassley. Without objection.

Senator Hatch. Like many who 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 stockpiled.

One 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 if the Army was doing this, but what is DHS doing with 1.7 billion bullets? And the irony that is not lost on me is 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. If you could answer that quickly, I would like to ask a few more questions.

Secretary Johnson. It has been a while since I have looked at that particular issue. My recollection is that the reporting on it was not very good and the number that

people cite is the number of the total authorization for the acquisition of ammunition. It was not necessarily the number that was actually acquired. That is my recollection of the issue, Senator, but it has been about two years since I have looked at it closely.

Senator Hatch. All right. Well, speaking of gun control, do you agree with the Supreme Court that the 2nd Amendment protects an individual right to keep and bear arms and that that right is a fundamental right?

Secretary Johnson. Yes, sir.

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

Secretary Johnson. My view is this, Senator. I think that--I have studied the Feinstein bill and I have 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 are dealing with a pending national security investigation, there may be some sensitives there that cannot 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 is imperative that we try to wrestle with this.

Senator Hatch. Well, let me just say that--I would just like to say that the due process is critically important, it seems to me, to liberty and to protecting our constitutional rights. And that I think it is irresponsible to suggest, as some have, that due process is somehow less important in certain contexts 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 H1B visa quotas were reached in the first five days of the filing period. There was a record-setting 236,000 applicants for 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 have got to solve this problem, and we can do it. And we can do it with some reasonability, it seems to me. So I just wanted to make that comment.

Chairman Grassley. Senator --

Secretary Johnson. If I could, I would like to take that question for the record, sir.

Chairman Grassley. Now Senator Whitehouse.

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

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

Secretary Johnson. Yes.

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

Rhode Island is actually pretty good at flood mapping.

We have a Coastal Resources Management Council, our Coastal Zone Management Agency that has delegated Federal power for that. And I think they are one of the best anywhere.

We have a university --

Secretary Johnson. I am listening. I am listening.

The situation I talked about earlier seems to have resolved itself. That is all I wanted to let you know. Excuse me. I am sorry.

Senator Whitehouse. That is all right.

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 -- indeed, badly wrong, with obvious errors like assuming that flooding cannot 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 is really important that we try to get this right.

So here is 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 have been unable to get that meeting. One of the demands has been that there be a pre-meeting before the FEMA regional administrator would meet with us, and we have not even been able to schedule the pre-meeting because it evidently requires so many different people from different parts of the bureaucracy that we cannot 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 will not meet with us.

Could you please clear that traffic jam for us?

Secretary Johnson. Yes.

Senator Whitehouse. Thank you.

Secretary Johnson. I will make that happen.

Senator 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 were doing because there was no longer power going to the magnetometers or the machines, and you got a very, very big backup as the frontend 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 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 of TSA. They had a problem that was unexpected. They lost power; they figured that power was going to come back on at some point; they deployed themselves to be ready for when it did to really accelerate everybody through the line. It succeeded, and so 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?

Secretary Johnson. Yes.

Senator Whitehouse. I am interested in finding out what efforts have been made to red-team that framework effort and make sure that it 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 cannot tell is whether everybody is happy because

they are being asked to do so little, or whether everybody is happy because this really is creating robust cybersecurity 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 or planned?

Secretary Johnson. Let me have Assistant Secretary Caitlyn Durkovich, who owns this exact issue, give you a response to your question, a fuller response than I can give sitting here.

It is a good question, and I want her to give you a full and complete answer.

Senator Whitehouse. Fair enough. I accept that answer and appreciate your --

Secretary Johnson. In response to your question, I will make a plug for something that we have asked Congress to do here, which is to reorganize our National Protection and Programs Directorate into a cyber and infrastructure protection agency for cybersecurity that directly aligns the cybersecurity function with the critical infrastructure protection.

And so that is what this concept is designed to do -- a more streamlined effort to align cyber with critical infrastructure. We have asked for a reorganization 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.

Senator Whitehouse. We look forward to working with you on that. We have had good bipartisan work on cybersecurity in this Committee and in the Senate in the past.

Thank you.

Chairman Grassley. Senator Cornyn?

Senator Cornyn. Good morning, Mr. Secretary. Good to see you.

Secretary Johnson. Good morning, sir.

Senator Cornyn. I believe that the Supreme Court decision and the President's executive action on immigration was entirely predictable, and of course affirmed, due to the split nature of the Court, the decision by the trail court in Brownsville, as you know, and also by the 5th Circuit.

The worst part of it is, frankly, to my mind, not the overreach by the President that I know you advised him on 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 -- case, which requires you to release dangerous people into our communities after six months if you cannot place them. That is exactly the -- that is 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 did not fall in line and rubber-stamp the Senate's legislation, that somehow this is a problem only with the Congress.

But frankly, the President was warned before he issued his executive action order in 2014 that this would poison the well. And in fact, I do believe that is exactly what has happened, and there will 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?

Secretary Johnson. I would have to say--I would have to say it was a case of an act of terrorism, and I would say it a little differently than you say it. I would say that 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.

Senator Cornyn. Well, you are aware of the fact the shooter had a license to own firearms, correct?

Secretary Johnson. Yes. Correct.

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

Secretary Johnson. I believe that -- and we cannot always just respond and make policy in reaction to the last event. We have got to think about the next event too, Senator.

Senator Cornyn. Well, we also need to pass legislation that will solve the problem and not just pursue a preordained, ideological agenda.

But let me ask you a little bit to opine about due process of law. You are a very accomplished lawyer, and --

Secretary Johnson. I used to be.

Senator Cornyn. Well, you are still, and served with distinction at the Department of Defense, according to all reports. And I admire your skills as a lawyer.

I realize you are in a different role now, making policy and serving an administration. But I understand your role.

I just wonder, I want to ask you to revisit your

comments earlier about whether a constitutional right can be deprived without due process of law. We are not just talking about the 2nd Amendment; we are talking about the 5th amendment and the 14th Amendment of the Constitution.

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

Secretary Johnson. I suspect there are legal opinions around that answer that question. I have not read one lately, so --

Senator Cornyn. Are you aware of any legal opinion, respectable legal opinion that would say there is a constitutional right to get on an airplane?

Secretary Johnson. I know there is a freedom to travel and a freedom to associate, which we regard as a right in this country.

Senator 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 lists that prevent people from getting on airplanes.

Senator Grassley. The Supreme Court in the 1930s said the Okies had a right to travel to California when California did not want them.

Senator Cornyn. But not on an airplane.

Senator Grassley. No, obviously.

[Laughter].

Senator Cornyn. So the -- so here is my --

Secretary Johnson. Actually, Senator --

Senator Cornyn. No, I -- if you would let me ask my question, here is my question. My real question. It really concerns me very deeply when people--and this is not a partisan issue--but where people will say we can deny an American citizen a 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 rights, you can come back -- you can go to court and then insist that that right be enforced.

That concerns me a lot, and I agree with the question I think that was posed by Senator Grassley, what other -- or Senator Hatch -- where he asked well, what -- if you can do it for the 2nd Amendment, why can you not do it for the other constitutional rights American citizens have?

So there is a process on the back end, but I doubt any court in the country would say it is due process of law if it did not occur on the front end.

But let me just ask you, who is on the no-fly list?

Secretary Johnson. Who?

Senator Cornyn. Who is on the no-fly list? Or these watch lists? These are classified lists, right?

Secretary Johnson. I am sorry; I did not hear your question.

Senator Cornyn. Who is on the no-fly list?

Secretary Johnson. Who is on the no-fly list? Would you like a list? I do not have it with me.

Senator Cornyn. Yes. Well then, how many of them are American citizens?

Secretary Johnson. It is a defined list.

Senator Cornyn. And how many of them are based in part at least on their identity as Muslims?

Secretary Johnson. I do not believe we put people on the no-fly list based on religion, sir.

Senator Cornyn. Well, I hope not. I hope not, because I believe that discriminating against people based on religion is wrong, and I know you and I both agree to that.

But there is no requirement that the government come forward and provide any evidence in order to--to an independent third party--to put somebody on a no-fly list, is there?

Secretary Johnson. No, not the private sector, sir.

Senator Cornyn. So is this a case of 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 a no-fly list based on?

Secretary Johnson. There is criteria spelled out. I do not recall, sitting here, whether that criteria is public. But there is criteria that is spelled out --

Senator Cornyn. I believe that is right. It is not public and it is secret, and so it is on an classified list. If you had evidence that somebody on one of those lists had committed a crime, probable cause, you could -- they could be arrested, correct?

Secretary Johnson. Hopefully, yes.

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

Secretary Johnson. Well, it is not just based on conviction of a crime. It is based on the fact that there could be a pending investigation; it is based on a number of things that do not necessarily amount to conviction of a crime or some judicial judgment.

Senator Cornyn. Based on suspicion that somebody might commit an act of terrorism in the future.

Secretary Johnson. It is a little more complicated than that, sir, but yes.

Senator Cornyn. It is more complicated than that, but yes?

Secretary Johnson. It is criteria spelled out that, as you point out, is not public.

Senator Cornyn. Well, I just--I think it is really important, but we do not 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 could then make the decision whether that prohibition of a 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.

Secretary Johnson. Chairman, may I respond, if you do not mind?

Chairman Grassley. Of course.

Secretary Johnson. Senator, I believe that in this environment, that includes terrorist-inspired attacks on our country, that includes 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 exist 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 am looking at right now, who I think, if you came together with some of the other very smart gentlemen I am looking at right now, could figure this out. I think we owe it to homeland security to try to do this.

And I cannot 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 in this environment we owe it to the public to try to take this on.

Senator 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?

Secretary Johnson. Well, I think that 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 court challenge.

I have a lot of confidence in this Congress to be able to figure this out, and I hope you try.

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

Thank you.

Senator Schumer. Thank you, Mr. Chairman. It is great to be here.

I am sort of amazed at the conversation of my colleague and dear friend, Jim -- from Texas. All of a sudden, when it comes to the 4th Amendment, we have emergency powers. Police officers in danger, they do not have to go through a process. And my colleague and I have agreed we are on the--we tend to be a little more on the hawkish side on those kinds of things, on the pro-law enforcement side.

But all of 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 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 have ever heard.

And we do not hear that argument, say, on search and seizure in the 4th Amendment, from my colleague. And let us treat them all the same. I believe there is a right to bear arms. I believed it before Heller. I believe every law-abiding American has the right to have a gun.

And I do not agree, as someone who advocates for gun control, with the people who believe the 1st Amendment and the 4th -- on the liberal side, on the 1st Amendment and the 4th Amendment and all these others should be expanded to a huge extent and the 2nd Amendment should be seen, say, through the pinhole of malicious.

But it is 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 rescind your -- does not make any sense in a world of terrorism. And my guess, 95 percent--I know 95 percent of Americans and 95 percent of the gun owners agree with me--that there should be, you should not get a gun if you are 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, and looking out for his self-interest, do not keep walking down that path. It is a path to real problems for America, and it is 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 as my count, five New Yorkers. And do not say this 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 do not know how many Texans there are on the Committee, but I have welcomed many, because they are a very good state.

All right. My first question is about something you and I have talked about for a while. It is a different subject, but very important to the people of Western New York, and that is the Peace Bridge. And I think it is 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 CPP, conducted a pilot study of pre-inspection that clearly demonstrated fully implementing the program could save significant time at the border crossing.

Additionally, locating booths on the Canadian side of the border can help resolve some of the logistical challenges we face on our U.S. side. 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 am 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.

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

Secretary Johnson. Senator, it has 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 to have this hearing.

Senator Schumer. Even after all that nice praise I gave you?

Secretary Johnson. Yes, I know. I have to check to see where we are on the status of our discussion, Senator, and I would be happy to get back to you.

Senator Schumer. All right. But would you make every effort to get this done by the end of the year?

Secretary Johnson. I will make every effort to do the right thing and get this done. Let me see -- I will have to

check in on the status.

Senator Schumer. By the end of the year?

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

Senator Schumer. That is why I am saying the end of the year. We may not even have a New Yorker as head of Homeland Security, although we will have one as President.

Secretary Johnson. Senator, let me check in on this --

Senator Schumer. All right. Well, let me just say I really urge you to work as quickly as you can to get this done. We do not have much more time to wait. This has been a long process. The Canadian government has changed twice in 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 importune you to spend some little time on this and get it done.

Secretary Johnson. All right.

Senator 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.

Secretary Johnson. Yes.

Senator Schumer. As you know, there has been a great deal of focus on TSA wait times, and it is probably going to get worse in the travel season. I appreciate your efforts to onboard additional agents and station them at high-priority airports like the three we have in the New York Metropolitan Area, one of which is New Jersey, I might add.

However, retraining K-9 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 K-9s, wonderful animals.

Can you give us any indication when TSA will be able to fully fill the recommended K-9 team numbers for each New York airport? Currently we are short. And, you know, they are mobile, obviously. So you take them to the place where there is the longest line and they can speed things up.

Secretary Johnson. I know we have brought on additional K-9 teams, in response to the increased travel volume and that the K-9 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 do not 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. Ninety-three 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.

So 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 is time to reverse that trend and start building this back up.

Senator Schumer. I agree with you and would really like to help you build back that workforce.

Thank you, Mr. Chairman.

Chairman Grassley. Senator Lee.

Senator 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 5th 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 5th Circuit, the administration argue that the scope of the preliminary injunction at issue should be narrowly confined to Texas.

Secretary Johnson. Yes.

Senator Lee. Alternatively they argued that even if it should not 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 5th Circuit significantly rejected that position, rejected that argument right on its merits. Among other things, the 5th Circuit held that partial implementation of DACA would detract from the integrated scheme of regulation created by Congress.

The 5th 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 5th Circuit rejected this argument, given the fact that the 5th Circuit's opinion and order upholding that preliminary injunction has how 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 5th Circuit or outside of those 26 states?

Secretary Johnson. There is no plan to do that, if that is what you are asking. We will abide by the court's injunction as affirmed by the 5th Circuit and the Supreme Court.

Now, I will --

Senator Lee. So you are willing to honor the nationwide effect of the 5th Circuit's opinion?

Secretary Johnson. We do not 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 at DOD, a district judge in California enjoined "don't ask, don't tell" in 2010. This was one district judge, and we interpreted that as a worldwide injunction. And I directed that the field respond accordingly, although it was one district court.

So --

Senator Lee. You do not see any reason to do differently here?

Secretary Johnson. Sitting here, I do not 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 happened in the Senate, has not happened in the House. I think it is

an issue that we need to reckon with.

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

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

Secretary Johnson. Yeah. We do not have a plan to --

Senator Lee. But you will update us if that changes, if you --

Secretary Johnson. In some form or fashion, yes, sir.

Senator Lee. All right. 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 Hanen, 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 DACA renewals were being granted," close quote, by DHS, as early as December 2014, pursuant to the 2014 DHS directive.

Despite the Department of Homeland Security's

pre-emptive implementation, the Department of Justice assured Judge Hanen, gvae Judge Hanen 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 Hanen 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 forgoing a temporary restraining order, or an earlier hearing, to try to stop the implementation of this program, of the President's unilateral executive action immigration.

And so in the meantime, during this period in which we are talking about, DHS granted or renewed over 100,000 modified DACA applications using the DHS directive.

When did your agency tell the Department of Justice that it had in fact begun implementing the 2014 DHS directive?

Secretary Johnson. Senator, this is a matter in litigation before Judge Hanen, as you noted, so I do not

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 the 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 EADs versus two-year EADs. So that was not a secret.

So beyond that, the matters --

Senator Lee. Do you disagree with Judge Hanen's characterization that there were material misrepresentations made to the court and to the 26 states, including Texas, that were the plaintiffs in that --

Secretary Johnson. Sir, it is in litigation. I will not agree or disagree. It is a litigated matter, and it will be addressed by the Department of Justice, I am sure.

Senator Lee. Well, I do think it is important to be addressed, and I would love to get to the bottom of it. And I hope and expect that anytime 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.

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

Chairman Grassley. Senator Cruz -- I am going to step out --

Senator Cruz. Thank you, Mr. Chairman.

Mr. Secretary, welcome. Thank you for testifying.

Secretary Johnson. Good morning, sir.

Senator 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, that in October 2009, more than 800 Customs and Border Control documents were ordered modified, scrubbed or deleted to remove references to jihad or the Muslim Brotherhood or other similar references.

Was Mr. Haney's testimony that the Department of Homeland Security ordered over 800 documents and CBB altered or deleted, was that testimony accurate?

Secretary Johnson. I have no idea. I do not know who Mr. Haney is. I would not know him if he walked in the room.

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

Secretary Johnson. No, I have not taken the time to investigate what Mr. Haney says, no.

Senator 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?

Secretary Johnson. No, but you have me right here right now to ask questions of, so here I am.

Senator Cruz. But apparently your answer is you do not know. I am asking you, in 2009 and again in 2012, Mr. Haney 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 --

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

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

Secretary Johnson. Same answer. I have no idea, sir.

Senator Cruz. Would it concern you if it was accurate?

Secretary 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 did not particularly care whether the baseball card said Islamic extremist or -- 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 in Homeland Security--I think this is all very interesting. It 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 --

Senator Cruz. Mr. Secretary, my time is limited for this --

Secretary 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.

Senator Cruz. You are entitled to give speeches other times. My question was if you were 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 full Committee now is that you have no idea and apparently have no intention of finding out whether DHS materials have been scrubbed.

Secretary Johnson. That is not what I --

Senator Cruz. And you suggested just a moment ago that it is essentially a semantic difference. Well, I do not believe it is a semantic difference. 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 us take Nidal Hasan. Nidal Hasan, the Obama administration was aware, he was communicating with Anwar al-Awlaki, a known radical Islamic terrorist. The Obama administration was aware that Nidal Hassan had inquired of Anwar al-Awlaki the permissibility of waging jihad against his fellow soldiers, and yet the administration did not act and Nidal Hasan walked through Fort Hood in my home state of Texas, murdering 14 innocent souls, yelling Allahu 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?

Secretary Johnson. I disagree with your factual predicate. Those are not hit facts.

Senator Cruz. Well, what do you disagree with?

Secretary Johnson. I disagree with your factual predicate --

Senator Cruz. What specifically do you disagree with, sir?

Secretary Johnson. In one minute I could not possibly answer your question.

Senator Cruz. Pick anything.

Secretary Johnson. It is wrong in a number of respects.

Senator Cruz. Pick one thing, sir.

Secretary Johnson. You are -- 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 is not correct.

Senator Cruz. So are you testifying to this Committee, let us take the facts that I introduced one piece at a time. You are an experienced attorney.

Number one, is it true or false the Obama administration knew before the attack that Nadal Hassan was communicating with Anwar al-Awlaki.

Secretary Johnson. How are you defining the Obama administration, sir?

Senator Cruz. The Federal Bureau of Investigation.

Secretary Johnson. The entire Federal Bureau of Investigation. I cannot answer that question sitting here, what the --

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

Secretary Johnson. I cannot answer the question.

Senator Cruz. All right, let us 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 brother.

The Department of Homeland Security missed when the

elder Tsarnaev brother 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 act of radical Islamic terrorism?

Secretary 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 --

Senator 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 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. It occurred in Orlando where the terrorist was interviewed three times, has pledged his allegiance to al-Qaeda and Hezbollah, had what was an associate of the first American suicide bomber in Syria, and yet we did not 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 administration's willful blindness.

Secretary Johnson. May I respond?

Senator Cruz. Please do.

Senator Grassley. Yeah, 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 seven minutes, so I am going to take that when Senator Perdue is done. And then we will go to Senator Klobuchar, if she wants a second round.

Secretary 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 and 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.

Senator Cruz. Thank you.

Senator Grassley. Senator Perdue.

Senator Perdue. Thank you, Mr. Secretary.

A year ago in April you were here and I asked you a question about these overstays and you gave me an 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

3,000 visa entry overstays. And 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 -- correct, anyway.

So with that in mind, what is DHS doing to increase the number of visa overstay cases that it is 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?

Secretary Johnson. I do not know that the number 40 percent is accurate. The report that was issued in January revealed our estimate that there was somewhere between 400,000 and 500,000 visa overstays, but that is a rolling number, because people enter and then people leave. So it is not a --

Senator Perdue. But over some fixed period of time there are reports that show directionally that about 40 percent are here due to these overstays. I mean, we can --

Secretary Johnson. That part I am not -- I do not know if I could testify to the accuracy of that.

Senator Perdue. Oh, I am not asking about the accuracy of that. Really I am more concerned about the investigation.

Secretary Johnson. But let me answer your question.

Senator Perdue. Well, I think I am asking you the

questions.

Secretary Johnson. No -- let me answer your question.

Senator Perdue. Oh, please, yes.

Secretary 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 removal proceedings people who have overstayed their visas, but with the benefit of this report, which starts with B1, B2 visas, we are prioritizing visa overstays to get at this population.

Senator Perdue. Will we still -- is the 3,000 number still fairly directionally correct of the number of investigations that are outstanding --

Secretary Johnson. I am actually not sure of the accuracy of that. I will have to get back to you on that, sir.

Senator Perdue. All right. I would like to get a response to that, and then also how many deportations. I know you may not have that n umber today, but I would love to see that, over the last year. That was not in the

report.

And the other is I would like to move on now to biometric entry-exit programs. In 1996, Congress required the implementation of that system. And 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 trackings in places like U.K., France, even Saudi Arabia, I am encouraged by some of the pilot programs. I know Atlanta Hartsfield has been one of those, Jackson-Hartsfield there, and I would love to get your take on early indications from that mobile project. And are there rollout plans to expand that nationwide?

Secretary Johnson. Yes.

Senator Perdue. And what is the timetable, roughly?

Secretary 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. It is 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 will not have got 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.

Senator Perdue. So the early indication of that pilot are positive, then, and give us hope that the directional plan of putting it in nationally is something that --

Secretary Johnson. I believe so, yes.

Senator Perdue. Number one, when we get to the Syrian refugee issue, how many Syrian refugees have been -- have entered the country in the last year?

Secretary Johnson. We have so far this fiscal year resettled I think around -- we have 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 is around 5,000 right now for this fiscal year.

Senator Perdue. Of the visa overstays, there are about 2,000 or 3,000 people there from watch countries, countries like Pakistan, Iraq, Afghanistan and 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?

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

Senator Perdue. How many cases should we be investigating a year, given the high number of visa

overstays, whatever that number is? Three thousand cannot be adequate, given that 500,000 --

Secretary Johnson. Well, I would 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.

Senator Perdue. The last question in that vein is when you 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? Would not they be a priority on their own? If we have identified them not to be on a -- if they are on a no-fly list, they are here illegally, would they not be a priority for us to investigate and deport?

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

Senator Perdue. Yes.

Secretary Johnson. Most likely they are priorities. Most likely they are under investigation, some form of law enforcement --

Senator Perdue. Can you give us some information on

-- some follow-up information on --

Secretary Johnson. There may be law enforcement-sensitive reasons why we do not act on them at the moment.

Senator Perdue. I understand. I understand.

Thank you, Mr. Chairman.

Senator Grassley. Thank you, Senator Perdue.

I -- you were here; I did not 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 up to my first question.

This month, just two weeks ago, five people were trapped by a fire and killed in a 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 all are 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 Edwin Mejia, an undocumented person who was drag racing while 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 immigration policy, there are consequences to actions, particularly when actions are not taken. Criminals are not being detained 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 Customs Enforcement to request information on the 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 not 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? Do you not think that Sarah Root's family deserves to know all available information about their daughter's killer?

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

Senator Grassley. Thank you.

I sent you a letter regarding the nomination of Secretary's Award for Valor to Irene Martin, the head of the San Bernardino U.S. Citizenship and Immigration Services Office, who refused to let Homeland Security investigation agents detain a 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 all right to nominate employees like Martin who are under inspector general investigation for the Secretary's Award of Valor?

Secretary Johnson. I am aware of your letter. I am aware of the issue. I have not acted on whether or not this employee should receive the valor award, and I want to look at the complete package, sir.

Senator Grassley. All right. Thank you very much.

My last -- well, two more questions. You and I have had a few discussions about the 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 reform that Chairman Goodlatte, Senator Leahy, Congressman Conyers and I have been pushing.

Will the 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?

Secretary Johnson. Limiting gerrymandering was one of the changes that we are developing, consistent with your recommendation, 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 is on the list, yes, sir.

Chairman Grassley. All right. Thank you. This is my last question. When you and I spoke this week, you took credit for decreasing 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?

Secretary 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 types of circumstances.

The other thing I will say, Senator, is you note the number of criminal releases since I have been secretary has declined from FY13 to FY14, down to 30,000. FY15, 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, if not--it will not be lower, but it will be lower, probably.

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

Senator Grassley. In regard to drunk driving -- and this is not 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 is -- going for a second round. I do not have a second round, so we will be done when she is done.

Senator Klobuchar. All right, thank you, Mr. Chairman. I will be brief. I really just had one question. I just wanted -- 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 the roots. And I do think it is important to remember who the enemy is.

So we always had a saying in our office as prosecutors that our job was to convict the guilty and protect the innocent. And our enemy is not words, as you have pointed out. I have no problem saying the words Islamic extremism. I have said it before; I will say it again. But I do not see this as our enemy, words, and what words people happen to use.

I do not see the enemy as our Muslim community. I see in my own state dozens of police officers coming from our Somali community, are 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.

And I will note that 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 Petraeus has said 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 do not say this naively. I just want to keep our citizens safe. I view this as the number-one goal of our government, and the number-one purpose of our government is

to keep our citizens safe, and that includes safe from terrorists.

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

Secretary Johnson. I think it is counterproductive to our homeland security efforts to throw a veil of suspicion over an entire religion. I think that is 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.

And 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 and 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 am glad that there seems to be bipartisan support in this Congress for doing so. I think it is imperative that we continue with these efforts.

Senator 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 balances is part of what we do every single day.

And so I appreciate your closing words there. Thank you.

Secretary Johnson. Thank you.

Senator Grassley. I thank you for your patience. Mostly, thank you for answering our questions. And when you could not answer a question, you said you would get us answers in writing. We thank you for your cooperation, thank you for coming in.

And our meeting is adjourned.

[Whereupon the meeting was adjourned at 12:13 p.m.]

[Whereupon, at 11:28 a.m., the Committee was adjourned.]

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The Honorable Jeh Johnson, Secretary Department of Homeland Security Washington, D.C.	7