



**U.S. Department of Justice**  
Office of Information Policy  
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Telephone: (202) 514-3642

July 13, 2020

Hugh Handeyside  
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[hhandeyside@aclu.org](mailto:hhandeyside@aclu.org)

DOJ-2018-005910  
19-cv-290 (N.D. Cal.)  
VRB:JMB:BRV

Dear Hugh Handeyside:

This is the second interim response to your Freedom of Information Act (FOIA) request, dated May 24, 2018, and received in this Office on June 5, 2018, for various records pertaining to social media surveillance.

Please be advised that searches have been conducted in the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, Legislative Affairs, Legal Policy, and Public Affairs, and records responsive to your request have been identified. OIP has processed an additional 125 pages containing records responsive to your request. At this time, I have determined that 58 pages are appropriate for release with excisions made pursuant to Exemption 6 of the FOIA, 5 U.S.C. § 552(b)(6). An additional 56 pages are being withheld in full pursuant to Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5). Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process privilege, and Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy. One page contains material entirely duplicative of records being released to you today and is not being provided to you. Finally, ten pages are pending consultation with another DOJ component and Executive Branch agencies, and a response on these pages will be issued once this consultation process is completed. This Office is continuing to process the remaining 282 pages containing records responsive to your request.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2018). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding this response, please contact Elizabeth Tulis of the Department's Civil Division, Federal Programs Branch at 202-514-9237.

Sincerely,



Jonathan Breyan  
Senior Supervisory Attorney  
for  
Vanessa R. Brinkmann  
Senior Counsel

**Lichtenstein, Alexandra R. (OLA)**

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**From:** Lichtenstein, Alexandra R. (OLA)  
**Sent:** Thursday, July 14, 2016 2:56 PM  
**To:** O'Brien, Alicia C (OLA); Losick, Eric P. (OLA); Kadzik, Peter J (OLA)  
**Subject:** RE: ww threats hearing  
**Attachments:** House Homeland Security Worldwide Threats Hearing - Final Transcript.docx

The final transcript is attached.

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**From:** Lichtenstein, Alexandra R. (OLA)  
**Sent:** Thursday, July 14, 2016 1:14 PM  
**To:** O'Brien, Alicia C (OLA); Losick, Eric P. (OLA); Kadzik, Peter J (OLA)  
**Subject:** RE: ww threats hearing

The partial transcript is attached, and I'll keep you all updated when the final version comes in.

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**From:** O'Brien, Alicia C (OLA)  
**Sent:** Thursday, July 14, 2016 1:01 PM  
**To:** Lichtenstein, Alexandra R. (OLA)  
**Subject:** Re: ww threats hearing

Partial would be great; final later. Thanks!

On Jul 14, 2016, at 12:39 PM, Lichtenstein, Alexandra R. (OLA) <[alichtenstein@jmd.usdoj.gov](mailto:alichtenstein@jmd.usdoj.gov)> wrote:

They have a partial transcript up now—do you want me to send that around, or hold until they get the full one up?

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**From:** O'Brien, Alicia C (OLA)  
**Sent:** Thursday, July 14, 2016 12:26 PM  
**To:** Lichtenstein, Alexandra R. (OLA)  
**Subject:** ww threats hearing

House Homeland (started at 10am today)- can you please send the transcript to me, Eric, and Peter as soon as it becomes available? Thanks!

Alicia C. O'Brien  
Office of Legislative Affairs  
(b) (6)  
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# House Homeland Security Committee Holds Hearing on Worldwide Threats to the Homeland

## LIST OF PANEL MEMBERS AND WITNESSES

MCCAUL:

The Committee on Homeland Security will come to order.

The purpose of this hearing is to receive testimony regarding threats to our homeland around the globe. Before I begin my opening statement, I'd like to take a moment to remember the Dallas police officers who lost their lives in the line of duty last week.

(MOMENT OF SILENCE)

MCCAUL:

We will never forget. The tragedy reminds us that every day our first responders take risks to protect us and we can honor their sacrifice by showing that we support them and that we have their backs. In the past month, we witnessed four major terrorist attacks in four weeks, in four countries, including the deadliest terrorist attack on the United States homeland since 9/11.

MCCAUL:

All these attacks are believed to be the work of ISIS, the new standard-bearer of evil.

In fact, the group has been linked to almost 100 plots against the West since 2014, an unprecedented wave of terror. Nearly 15 years after 9/11, we must confront the reality that we are not winning the war against Islamist terror.

And while groups like ISIS may be losing some ground in Syria and Iraq, overall, they are not on the run, they are on the rise.

I'm concerned that we have only seen the tip of the iceberg.

Director Comey, you prophetically warned this committee two years that they would be -- eventually be a terrorist Diaspora out of Syria and Iraq, with jihadists returning home to spread extremism. That exodus has now begun.

Thousands of Western foreign fighters have departed the conflict zone, including operatives who are being sent to conduct attack as we saw in Paris and in Brussels.

At the same time, ISIS' online recruiting has evolved, and they now micro-target followers by language and country.

Although our nation is shielded by two oceans, geography alone cannot protect us from this mortal threat. The statistics speak for themselves. In the past two years, federal authorities have arrested more than 90 ISIS supporters in the United States. And in 2015, we saw more homegrown jihadist plots than we have ever tracked in a single year.

I commend your agencies for stopping dozens of potential tragedies. But too many have already slipped through the cracks, and we know that more plots are in the pipeline.

In the wake of Orlando, Americans are demanding to know how we got to this point, and a clear majority of them say Washington is not doing enough to roll back this threat. They are stunned by the political correctness here in our nation's capitol, especially the refusal to call the threat what it is.

We must define the threat in order to defeat it, just as we did with communism and fascism. We cannot hide the truth, and we cannot redact it from reality.

So, let's be frank about who the enemy is. We are fighting radical Islamists. These fanatics have perverted a major religion into a license to kill and brutalize.

And while their beliefs do not represent the views of a majority of Muslims, they represent a dangerous global movement bent on conquering and subjugating others under their oppressive rule.

Sadly, we have failed to commit the resources needed to win. I was recently on the USS Truman aircraft carrier in the Persian Gulf, where our sailors are launching sorties to destroy ISIS' positions.

And while I'm proud of their efforts, I'm not encouraged by their progress. Last month, CIA Director John Brennan gave the administration a failing grade in the fight, and said that, quote, "Our efforts have not reduced the group's terrorism capability and global reach." The president is sticking to a drip-drip strategy, that is better suited for losing a war than winning one. And each day we stick with half measures, ISIS is able to dig in further and advance a murderous agenda across the globe.

Another day to plot, and another day to kill. The violence is becoming so frequent that we now simply refer to jihadist attacks by the name of the city in which they were perpetrated -- Paris, Chattanooga, San Bernardino, Brussels, Orlando, Istanbul.

How many more will be added to the list before we get serious about taking the fight to the enemy?

MCCAUL:

This is the greatest threat of our time and I urge each of you today -- here today to explain to this committee, and to the American people, how you're planning to elevate our defenses to keep Americans safe.

With that, the Chair now recognizes the ranking member, Mr. Thompson.

THOMPSON:

Thank you very much, Mr. Chairman.

Before I begin, I want to express, also, my condolences to the families affected by violence in -- recent weeks. Today the pain that is felt by families in Baton Rouge, Dallas, Falcon Heights and Orlando is reverberating across the country.

I want to thank Director Comey and Director and direct the Rasmussen for their service and for appearing before us today.

Secretary Johnson, I also want to thank you for your service. This is likely your last time that you will testify in this room, the very room where your grandfather testified in 1949. When Joe McCarthy called your grandfather testify 67 years ago, it was a time of heated, divisive rhetoric and fear. Fear of infiltration by the communist ideology.

Unfortunately, today the nation finds itself again in a period of heated rhetoric fueled by fear. Today Americans legitimately fear infiltration by the violent ideology espoused by ISIL.

Last month's horrific terrorist attack in Orlando, Florida, underscores the ISIL's violent ideology in reaching Americans and inspiring terrorism.

Without training, direction or support by a foreign terrorist organization, the Orlando assailant, armed with an AR-type rifle and 9 mm semiautomatic pistol, carried out the deadliest shooting in American history.

During the attack the shooter pledged allegiance to ISIL, but prior to the attack he historically aligned himself with competing foreign terrorist organizations. Soon after, evidence emerged that the shooter may have been motivated by racism and homophobia.

Yet in the hours and days post Orlando, members of this body and the Executive Branch wasted no time labeling this tragedy as an act of terrorism.

In contrast, last summer when a gunman who, like the Orlando shooter, was radicalized online opened fire on nine parishioners in the Charleston, South Carolina, church. Many in this body, and indeed the Executive Branch, refused to label this attack an act of terrorism last week.

Last week a gunman, who we understand through his online activities, ascribed to a violent political ideology that runs counter to American values, ambushed police officers in Dallas, Texas, and a peaceful protest to send a political message.

Yet many of the same people in this body and administration who label past mass shootings that were inspired by foreign terrorist organization as an act of terrorism were quick to dismiss the notion that that Dallas attack was an act of terrorism.

While foreign terrorist organizations like ISIL represent a significant homeland security threat, today's threat environment is far more diverse than back in 1949 when this room was used to investigate the threat posed by one ideology: communism.

Those who single-mindedly focus one ideology or group, namely ISIL, runs the attack -- don't (ph) run the risk of leaving us vulnerable to attacks by other foreign terrorist organizations, like Al Qaida, and even domestic terrorist organizations.

To underscore the domestic terrorism threat, I note that earlier this year antigovernment extremists took over a federal facility in Oregon, threatening the security of federal government employees for 41 days.

Law enforcement officers consistently rank the threat from antigovernment groups higher than the threat from foreign terrorist organizations. Still, the same voices that was so quick to label incidents in Orlando and San Bernardino acts of terrorism have largely been silent about the heightened threat environment associated with anti-government groups.

Today's witnesses, you may be chided by my Republican colleagues for the fact that in your written testimony, the phrase "radical Islamist terrorism" is not used. However, fixation on that phrase is misplaced, insofar as the threat posed by ISIL and other foreign terrorist organizations receive significant attention in the testimony.

More troubling is the fact that nowhere in your testimony is that of passing mention of domestic terrorism or antigovernment groups. Terrorist-inspired lone wolf or small-scale attacks can be

inspired by foreign or domestic actors to respond to this new wave of terror, inspired mainly by propaganda on the Internet.

The administration is pursuing programs to counter violent extremism. Putting aside the fact that there is some debate on the effectiveness of such programs, I have questions about whether the agency charged to carry out the administration's, see the efforts are working to prevent terrorist recruitment and radicalization by all types of terrorist groups.

I was happy to learn from secretary this morning that they just -- this week pushed out the directors for the \$10 million allocation for the CVE grant funding. Beyond the discussion of CVE, however, I look forward to engaging the witnesses in an issue common to the attacks in Orlando, San Bernardino, Charleston and Dallas, the availability assault weapons to terrorists.

We must be able to keep guns out of the hands of terrorists. Members of Congress, the administration and the American public recognize this. However, Speaker Ryan and Republican leadership continue to approve empty gestures posing as legislation instead of bringing up a vote on sensible gun control.

We know that the common thread between most recent attacks, both inspired by foreign and domestic actors on American soil, has two commonalities: radicalization and assault weapons. I do not accept the notion that nothing can be done to address the availability of military-style firearms to individuals who intend to do harm to our country. When it comes to protecting this nation, Congress will be rightfully judged by the American people on whether it tackles both.

Thank you, Mr. Chair. I yield back and look forward to the testimony.

MCCAUL:

I thank the ranking member. Other members are reminded that opening statements may be submitted for the record.

We're pleased to have a distinguished panel of witnesses before us today on this important topic.

MCCAUL:

First, the Honorable Jeh Johnson, Secretary of the Department of Homeland Security. I believe this possibly could be your last testimony for this committee and we -- appreciate your service to the nation.

Next, the honorable James Comey, Director of the FBI at the U.S. Department of Justice. Then finally, the honorable Nicholas Rasmussen, Director of the National Counterterrorism Center in the Office of the Director of National Intelligence. I thank all of you for being here today.

The Chair now recognizes Secretary Johnson to testify.

JOHNSON:

Thank you Mr. Chairman, Congressman Thompson, members of this Committee. You have my prepared statement for the record.

I'll just offer a few remarks here briefly. I want to thank this Committee for the productivity in cranking out legislation that I believe has indeed helped secure our homeland. In the time that I've been Secretary, I have observed this Committee work in a collaborative fashion that has been really

productive. So I thank you for that. I want to thank my colleagues, Nick and Jim for our work together in protecting the homeland.

Lots of people ask me, "what keeps me up at night?" It's hard to prioritize and rank what keeps me up at night. I have a lot of things that keep me up at night. But if you ask me to rank them, my best effort, I would have to say the prospect of homegrown violent extremism, another San Bernardino, another Orlando is number one on my list.

We deal in this age not just with a terrorist direct attack but the terrorist inspired attack, and now new a new category of terrorist enabled attacks. These are things that keep me up at night. It is difficult for our law enforcement and our intelligence community to detect the self-radicalized actor.

Foreign terrorist travel, the prospect of foreign terrorist travel to our homeland keeps me up at night. Of course, cybersecurity, aviation security, border security, the prospect of what we refer to as "special interest aliens" arriving on our southern border are things that we should all be focused on and dedicated to addressing.

Militarily, we continue to take the fight pursuant to the President's strategy to the Islamic state and Al Qaida overseas. I've been pleased with the number of strikes that have taken out leaders of the Islamic state particularly those focused on external attacks. Of course our intelligence community and law enforcement efforts to protect the homeland here continue.

I have a lot of confidence in the FBI under Jim's leadership in particular with their aggressive counter-terrorism law enforcement efforts. We together have worked much more actively in the last two years I think with state and local enforcement on protecting the homeland and sharing information about what we see on a national and an international level.

Active shooter training to local enforcement is something that since I've been Secretary, we have prioritized and enhanced throughout our National Targeting Center at Customs Border Protections with better data collection and sharing of data. I think we do a better job of knowing who is traveling to the United States and knowing about individuals of suspicion before they get there, put them on a watchlist -- a selected list or what have you.

We have enhanced security around our Visa waiver program. With the help of this Congress last year, we now have the ability to deny Visa-free travel to those who have traveled to Syria, Sudan, Iraq, Iran, and as a result of the three countries I added to the list because of this new legislative authority, Yemen, Somalia, and Libya.

Public vigilance and public awareness must be keys to our efforts in combating home grown terrorism. Public awareness, public vigilance can and do make a difference along with our CVE efforts that Congressman Thompson focused on.

I am pleased that there seems to be bipartisan support for continued efforts in countering violent extremism. I am pleased that we have grant money this year. I hope that in future years, Congress will provide us with more grant money.

I look forward to questions from this Committee in terms of our aviation security efforts, efforts to secure a Republican and Democratic National Conventions. I personally plan to travel to Cleveland tomorrow and Philadelphia next week to inspect the security at both convention sites.

In general, we encourage the public to continue to travel, to continue to associate, celebrate the holiday, celebrate the summer seasons with public vigilance and public awareness -- can and do make a difference in this current environment.



Thank you and I look forward to your questions.

MCCAUL:

Thank you Mr. Secretary. The Chair now recognizes Director Comey for his testimony.

COMEY:

Thank you Mr. Chairman. Excuse me -- Mr. Thompson, my written has been submitted.

I think what I would do in just a few minutes is just highlight the way in which and the FBI are thinking about the primary threat to the homeland, which comes at us in the form of the so-called Islamic State, the group that we call ISIL.

And that's a threat that has three prongs. It is an effort by ISIL through their poisonous propaganda to motivate people to travel to their so-called caliphate. Second, an effort to inspire those who don't travel to engage in acts of violence especially directed at law enforcement or people in military uniform. And the third prong of that threat, which we talk about less but we in this business focus on everyday, are the directed efforts. That is their efforts to send people to the United States to kill innocents or to specifically recruit and task people in the United States to kill innocents. Those are the three prongs of the ISIL threat.

There is good progress that has been made against the so-called traveler threat. Since last summer we have seen a drop in the number of people attempting to travel to the so-called Islamic State. That may be a function of the fact that the message has gotten out that people will spend a long stretch in jail if they attempt to travel.

It could also be the function of the fact that people have discovered that the so-called glory of the Islamic State is nothing but a mirage and it's hell on earth. It could also be something that involves people staying home to try and do something on behalf of the Islamic State. So we don't take great comfort in a drop in the number of travelers.

The second prong is the one that dominates our lives today. As Secretary Johnson mentioned, there are hundreds of people in the United States who are consuming the propaganda of this so-called Islamic State and being motivated to move towards violence. And our job together, is to find those needles in a hay stack. In fact, our job is harder than that, it's to find pieces of hay in that haystack that may become a needle and disrupt them before they move from consuming to acting on that poisonous propaganda.

The most painful examples of that recently are obviously are Orlando and San Bernardino but there are plenty of others around this country. We've arrested four just in this month to disrupt them -- people who are moving on that path from consuming to acting on violence.

And the last prong, as I said, it's one we never take our eye off of for the reasons you mentioned, Mr. Chairman. We all know, there will be a terrorist diaspora out of the caliphate as military force crushes the caliphate. Those thousands of fighters are going to go someplace. Our job is to spot them and stop them before they come to the United States to harm innocent people.

COMEY:

I am lucky to lead an organization like the FBI that's made up of great men and women who do this all day every day, and to do it in partnership with the kind of people sitting at the table here and the

people who represent -- they represent. We are doing our absolute best against a threat that is difficult to see and to stop. I'm very proud of the work we've done today and it will continue.

I also didn't know this was Secretary Johnson's last appearance. I have seven years left in my term, so I'll be back. I just want to say that a pleasure it's been to work with my old friend, not that you're old, but my friend from many years ago and to see what he's done at that great organization.

Thank you, Mr. Chairman.

MCCAUL:

Thank you, Director Comey.

The chair now recognizes Director Rasmussen.

RASMUSSEN:

Good morning, Chairman McCaul, Ranking Member Thompson, and members of the committee. I appreciate the opportunity to join my colleagues, Secretary Johnson and Director Comey, here this morning to talk about the threats that worry us the most.

I'd also like to thank you, Mr. Chairman, for your recent visit to address my workforce at NCTC in a town hall setting. It was a terrific, terrific session and I appreciate the support that your committee and you personally have shown to our workforce and to our mission.

As Director Comey and Secretary Johnson said, the attack in Orlando underscores the critical nature of our collective vigilance against home-grown violent extremism. Looking ahead, we certainly expect that more additional home-grown violent extremists will try to replicate the violence and potentially capitalize on media attention that came from attacks like those, like the one in Florida generated.

It is clearly the case that in the past few years, the pool of potential home-grown violent extremists has expanded significantly. As Director Comey has talked about in prior testimony, the FBI has investigations across all 50 states that touch on this population. And this increase in caseload tracks with ISIL's rise in prominence in the large-scale media and propaganda apparatus that it has developed to try to influence populations around the world.

And as we approach 15 years after the 9/11 attacks, I would say it's fair to say that the array of terrorist actors around the globe is broader, deeper and wider than it has been at any time since 9/11. And it's ISIL's narrative, rooted in unceasing warfare against all that it defines as its enemies, that also extends well beyond the Syria and Iraq battlefields.

ISIL has carried out attacks ranging in tactics and targets from the downing of a Russian airliner in Egypt to the attacks last November in Paris against restaurants, a sports stadium and a concert venue; attacks on an airport in Brussels -- both in Brussels and Istanbul; and most recently the killing of hostages and law enforcement officials in a cafe in Bangladesh.

And all of these attacks show how ISIL can draw upon local individuals, local affiliates to carry out these lethal attacks.

So this array of recent attacks that I just rattled through demonstrates that the threat landscape is in many ways less predictable than ever. And while the scale of the capabilities currently demonstrated by most of the terrorist actors that we're dealing with does not rise to the level of the core -- of the capability that core Al Qaida had to carry out catastrophic attacks on 9/11, it remains fair to say that

we face more threats originating in more places and involving more individuals than at any period since 9/11.

And it's ISIL's access to resources and territorial control in areas of Syria and Iraq that are key ingredients to the group's development of an external operations capability, which includes the group's ability to threaten the homeland. And for that reason, shrinking the size of that territory controlled by ISIL, denying ISIL access to additional manpower in the form of foreign fighters, remains a top priority.

Success in these areas is essential to our ultimate effort to prevent the group from operating on a global scale as a terrorist organization. And clearly, progress has been made in these areas. But despite this progress, it's our judgment that ISIL's ability to carry out terrorist attacks in Syria, Iraq and abroad has not to date been significantly diminished. And the current tempo of ISIL-linked terrorist activities is a painful reminder of ISIL's global reach.

It's important to understand that we do not judge that there is a direct link between the group's current battlefield status on the ground in Iraq and Syria and the group's capacity to operate as a global terrorist organization with capabilities around the world. ISIL's external operations capability has been building and entrenching during the past two years and we don't think that battlefield reverses alone in Iraq will be sufficient to degrade that terrorism capability that has evolved with ISIL.

So without question, the tremendous efforts we are making as a government to counter ISIL are absolutely warranted. I want to shift briefly for a moment to stress that we still regard Al Qaida and Al Qaida's various affiliated organizations as a principal counterterrorism priority. And we're particularly concerned about Al Qaida's growing safe haven in Syria.

We know that ISIL is trying to strengthen its global network by relocating some of its remaining leadership in South Asia to Syria. These leaders include individuals who have been part of the group since the time even before 9/11. And now that many of them are in Syria, we believe they will work to threaten the U.S. and our allies.

Turning to broader trends in the contemporary threat environment, I'll briefly highlight three that concern us the most.

The first trend is the persistent effort by our terrorist adversaries to target the aviation sector. While there's much more I could say in a classified setting on this, I can say here that both Al Qaida and ISIL remain focused on defeating our defenses against aviation-related attacks.

The second trend I would highlight is the increasing ability of terrorist actors to communicate with each other outside our reach through the use of encrypted applications.

And third, while we've seen a decrease in the frequency of large-scale, complex plotting efforts that sometimes span several years, we're instead seeing proliferation of more rapidly evolving and maturing threats -- the so-called "flash-to-bang" ratio that we've talked to this committee before about. The time between when an individual first decides to pursue violence and when an actual attack might occur has become extremely compressed, placing much greater pressure on law enforcement and intelligence.

In our environment, our best hope of providing enduring security in this environment rests on our ability to counter the appeal of terrorism and dissuade individuals in the first place. And that goes to the subject of countering violent extremism which was something raised by both the chairman and the ranking member.

NCTC, working with DHS and FBI, has developed CVE tools to build community resilience across the country. There's clearly more work to be done by all of us together in this environment and I look forward at NCTC to our doing our part.

Thank you, Mr. Chairman. Thank you, Ranking Member and members of the committee. I look forward to taking your questions.

MCCAUL:  
Thank you, Director.

I now recognize myself for questions.

There are some who argue that our military actions in Iraq and Syria have diminished the threat to the homeland. I think, Director Rasmussen, you touched upon this. However, the CIA Director John Brennan just recently in his testimony gave the administration a failing grade in the fight against ISIS, and said, quote, "Our efforts have not reduced the group's terrorism capability and global reach."

I want to ask this question to each of you, starting with Secretary Johnson. Do you agree with the CIA director's comments?

JOHNSON:  
I haven't read Director Clapper's -- Director Brennan's testimony in its entirety. I've seen excerpts of it. The way I would assess it is we are making significant progress in ISIL's ability to maintain any type of caliphate in Iraq and Syria. I think anytime a terrorist organization from the homeland security perspective is able to establish a caliphate, that has real implications and -- and troubling implications.

JOHNSON:  
We have made progress there in our ability to roll back their territory, degrade their ability to finance, degrade their ability to communicate. I agree with Nick's assessment, however, that we have -- ISIL's ability to conduct external attacks, to inspire, to self-radicalize, is still very much present. And that is something that we need to continue to focus our U.S. government national security, homeland security resources on.

In no respect, I think, are we satisfied that their ability to engage in external attacks and self-radicalize actors, inspire actors has been diminished to the point where we can step back and take a breather.

We have to stay focused on that, very much so.

MCCAUL:  
Director Comey?

COMEY:  
I agree with what Secretary Brennan -- excuse me -- Director Brennan said. The intelligence community assesses that as the caliphate is crushed, the so-called Islamic State will become more

desperate to demonstrate its continued vitality, and that will likely the form of more asymmetric attacks, more efforts at terrorism.

So, I agree with Secretary Johnson, it's necessary to crush the Caliphate but we can't take our eye off of what the next move will be by these killers.

MCCAUL:  
And Director Rasmussen?

RASMUSSEN:  
I guess the way I would think about it, Mr. Chairman, is that one shouldn't necessarily expect that there's a one-for-one correlation between progress on the ground in Iraq and Syria, which is undeniable and is essential to our long-term effort to crush ISIL or to defeat ISIL.

But one shouldn't expect a one-for-one correlation between that effort and the results we're seeing on that front and near-term shrinkage of this external operations capability that the group has invested in over time.

So, I would consider that as something that's going through lag. Our success in this area is going to take longer and require more effort.

MCCAUL:  
Next question. I -- we have been long worried about ISIS' internet directives to kill both military and police officers in this country. After Dallas and the tragic events there -- I was born and raised in that city -- we now see a new threat to law enforcement from another direction that I see.

This I am concerned about from fringe groups out there, and I direct this to Secretary Johnson and Director Comey. As we look at the upcoming Republican Convention, and I will be attending on Monday, can you comment on the threat from these fringe groups?

I know some have directed people to come to "Cleveland and bring your weapons."

Obviously there's great concern in the American people of the status and security at that convention.

Secretary Johnson, can you comment on that?

JOHNSON:  
Well, I am concerned about the prospect of demonstrations getting out of hand. I am concerned about the possibility of violence.

We have, within DHS, some 3,000 personnel that will be dedicated to the security of the Republican National Convention and the Democratic National Convention, each consisting of Secret Service, TSA, Homeland Security Investigations, Customs Border Protection, NPPD, Coast Guard.

I know that there will be at least another 1,000 or so U.S. Government personnel in hand in both places, a number in Cleveland of the Ohio Guard, as well as probably thousands in terms of state and local law enforcement.

We have been planning and preparing for both conventions now for over a year. As I mentioned earlier, I plan to inspect the security at both sites, Cleveland tomorrow, Philadelphia next Friday. So,

I think we have to be concerned about things getting out of hand, very definitely, but there will be a lot of security and a lot of preparation in place.

There's a certain level of First Amendment protected activity that is guaranteed to demonstrators at national political conventions that will be confined, it will be roped off in an isolated area. But it's something that we'll have a lot of security devoted to, Mr. Chairman.

MCCAUL:  
Thank you.

And Director Comey, to the extent you can, in an open setting, can you talk about the nature of the threats, threat streams you see out there to this convention?

COMEY:  
Yes, Mr. Chairman. The definition of domestic terrorism is someone who engages in acts of violence directed against other people in order to coerce a civilian population or try and coerce a government.

And so, anytime there's a national spotlight on a political event in the United States, there's a risk that groups that aspire to do just that, to engage in acts of domestic terrorism will be attracted.

It's a threat we're watching very, very carefully. It's the reason we have hundreds of people focused on intelligence and deployed to Cleveland. I don't want to talk about particular groups here, but there is a concern anytime there's an event like this that people from across a spectrum of radical groups will be attracted to it. So we're watching it very, very carefully.

MCCAUL:  
Thank you.

Last question, I want to ask you about the national security implications of Secretary Clinton's private server. You stated that she used personal e-mails extensively while outside the United States, including sending and receiving work-related e-mails in a territory of sophisticated adversaries, and given that, you assessed it's possible that actors gained access to her personal e-mail account.

I know when we travel overseas, we're told not to bring these devices into nations with foreign adversaries. You went on to say that seven of her e-mail chains concerned matters classified at top secret, but also special access programs that were sent and received. Those programs were designed, in part, to protect the country's most highly classified and sensitive information.

Can you tell us if her private server -- if these e-mails were breached, what would be the national security implications to that, and could American lives be at risk?

COMEY:  
Thank you Mr. Chairman. I was hoping to talk about terrorism, but I'll do my best to address this in an open setting.

As I've said publicly, I don't know -- we don't have direct evidence that the server was successfully hacked. We wouldn't, though, expect to see that evidence from sophisticated adversaries, given the nature of the adversary and given the nature of the system.

The definition of classified information is it's information that an intelligence agency assesses the improper release of which would cause some damage to the United States.

I can't answer the question beyond that without going into the specifics of the e-mails, which I can't do in an open setting.

MCCAUL:

And I know we can't talk about what special actions programs were on these e-mails in the server. I do -- you and I know how sensitive they are. I hope and pray that they were not compromised.

With that, the chair recognizes the ranking member.

THOMPSON:

Thank you, Mr. Chairman.

The Director Comey, as America's top cop, I want you to appreciate my question as it relates to the access to guns in this country by dangerous people.

The International Association of Chiefs of Police, the Major Cities Chiefs Association and other groups representing law enforcement are supportive of sensible gun laws, including the broadening of background checks, which -- and I'm talking about the Charleston loophole.

We're told that with the three-day requirement, that if your department hadn't completed the check that person can automatically get a gun.

What's your thoughts on that loophole?

COMEY:

Well, thank you Mr. Thompson. I -- I can answer factual questions the bureau does not get involved in policy making or recommending legislation, so that's -- issues like that are -- should be directed to the Department of Justice. The way the law works is, after three days, if we have not denied the transaction by finding some prohibition, the retailer may transfer the weapon.

Now, large retailers like Walmart will not. They wait for an affirmative clear from the FBI, but smaller retailers, for economic reasons that I understand, will frequently transfer in the absence of a no. And so, that's what happened in Charleston.

THOMPSON:

And so, I guess your testimony is smaller retailers, because of capacity or otherwise, sometimes approved purchases of guns like in the Charleston incident, that under normal circumstances, would have been -- that individual would have been prevented from purchasing that gun?

COMEY:

Right. The case in Charleston was that killer should not have gotten access to that gun, because there was documented evidence that he was a drug user.

At a larger retailer they would -- as a matter of discretion, they would not have transferred the gun until they heard back affirmatively, it's OK from the FBI. The smaller retailers, because each

individual sale may be more important to them than a bigger company, will likely transfer. That's the most common case.

THOMPSON:

Thank you very much.

Secretary Johnson, you've stated that we must make it harder for a terrorist to acquire guns in this country. A lot of us are concerned about the assault-style military grade weapons, which generally is a weapon of choice for, like Orlando and other situations.

Have you thought how Congress can make it harder for these international or domestic terrorist individuals to acquire guns?

JOHNSON:

Yes. I believe that, consistent with the Second Amendment, as interpreted by the Supreme Court, and consistent with a responsible gun owner's right to own a gun, we can and we should make it harder for a terrorist to obtain a gun to commit a terrorist act.

There is legislation now in Congress, sponsored by Senator Feinstein and others, and then there's an alternative approach sponsored by Senator Collins and others that would give the attorney general added discretion to deny a gun purchase if somebody is on one of the various lists.

I think that that is a sound approach. I think that we should provide the attorney general with that added discretion, along with some form of an adjudication process to adjudicate the denial if the attempted gun purchaser chooses to do so.

And so, I think that -- I encourage Congress to wrestle with this issue, wrestle with these proposals, because I think that it is not just a matter of public safety that we do this, it is now a matter of homeland security that we make it harder for a terrorist to acquire a gun.

THOMPSON:

Thank you.

Director Comey, let me compliment you on your website, Don't Be a Puppet. I understand that you had established this to educate school- aged children about the threat of violent extremism, and not surprisingly, law enforcement officers have looked at it also.

Can you tell me how that website -- has it accomplished what you wanted it to? Are there some other things, you'd like to do to get the community engaged in helping identify some of these extremist groups?

COMEY:

Thank you Mr. Thompson.

The website "Don't Be a Puppet" is designed in a way we hope will be more attractive for kids who are looking for something a little cooler than the FBI normally throws out to explore the ways in which extremist groups, both radical Islamic groups and other extremist groups, might try to recruit them or lure them. So it's a series of games and interactive events on the website that allows them to go in and explore and learn from it.



We've gotten great feedback from around the country. We've invited a lot of people to give us input before we rolled it out. Gotten great feedback from teachers, especially, that they like it. The kids -- I think they're grade for us is about a B. They think we could be a little cooler but we've stretched as far as we can stretch right now in the coolness department and we're getting great feedback. So we'll continue to watch it and see.

There are plenty of other things we're doing. The Department of Homeland Security's doing a ton of things and there's always more we can do.

THOMPSON:

Thank you. Last question. Director Rasmussen, the attack in Bangladesh illustrates that ISIS will threaten Westerners outside of the Middle East. Are soft targets such as cafes in Bangladesh or a club in Orlando the new battlefield in which Americans should expect ISIS to attack? If so, what can the U.S. do to counter this type of terrorist activity?

RASMUSSEN:

Thank you Mr. Thompson. I guess I would highlight two things that we can do to try to counter this kind of vulnerability when Americans are traveling or living overseas. The first is just being as open and transparent with the American people as possible about the risks we see in overseas locations. We work very closely with the State Department to provide them with the intelligence they need to make sound, sensible judgments about travel warnings and travel alerts for Americans who are going overseas or living overseas.

Beyond that I would say our best hope is to work with local partners to build up their capacity to increase the capacity of local law enforcement, local military authorities to respond to and to prevent local intelligence authorities to respond to and prevent these kinds of acts of terror. And as you can imagine, if you think about all the different places around the globe where ISIL has been active, that's a mixed story. In some cases we have very, very capable partners overseas with whom we can work very closely, and in other cases those partners have a lot of challenges and suffer from a lot of capacity-deficits that we're gonna have to work out over time.

THOMPSON:

Thank you. Yield back.

MCCAUL:

Thank you. Gentleman from New York, Mr. King, is recognized.

KING:

Thank you Mr. Chairman. Let me thank all the witnesses for their testimony and their service. Secretary Johnson, when you said you were wondering what keeps you awake at night, I thought you were going to say "testifying before Congress." Again thank you for your service.

Director Comey, I would like to just discuss Orlando with you. After the spate (ph) of Monday morning quarterbacking and planning for the future was stopped by the FBI based on the criteria at the time, that did not seem at all sophisticated, didn't know the difference between Sunni and Shia, didn't seem to have any formed ideology at all. Based on what we know now about the profile that ISIS is looking for in -- some cases the person was deranged, the person who may be influenced by Islamist ideology and was not Islamist himself, whether he fully appreciates it, I would ask, going towards the future, how long investigations can be kept open?

Basically it's a six month investigation now and then it's gonna be stopped, or get extended -- can there be an indefinite period where local police report more into -- obviously you don't have the personnel to be carrying out surveillance all over the country or to be following people -- but you do have local police, detectives, undercover, informers, sources. If it can be handed off for a period of time to local police, I'd say -- here's a person, doesn't mean they meet the threshold of terrorism, doesn't have enough to keep a formal investigation open but can you keep an eye on them? Can you report back to us them?

I'm thinking like for instance in New York City you probably have more cops than FBI agents in the whole country. Same with Chicago, with a large police force, and others. Could better use be made of local law enforcement and could these people who are in sort of a twilight zone between terrorism and maybe just being dysfunctional citizens, that local police could be really kept apprised and if they are of concern (ph), keep you apprised?

COMEY:

Thank you Mr. King. That's a very good question.

The answer is I don't know yet although we're having those conversations with our state and local partners. The way it works in the FBI is a preliminary investigation stays open for six months and then it can be extended in the local field office for another six months. It can be extended after that. It just requires higher level of approvals. What happens with preliminary investigations is it's designed to figure out is there anything here? If there is, we convert it to a full investigation. If the preliminary rebuts the initial allegation then we close it.

Our local partners have asked if there's some way, in addition to us being on the joint terrorism task forces, where they see all the cases we open and close, is there something else we might be able to do to flag a person? That's a knotty question but it's one that's a serious question. So we're working through that right now. I don't know but it's worth a conversation.

KING:

I'd also think in terms of the Boston Marathon bombing, where the Tsarnaev brothers -- nothing in the preliminary investigation showed anything but if the local police had been aware of it they may have heard what he was saying in the mosque, the fact that he was thrown out of the mosque for some of his conduct -- then that could have re-opened full investigation. To the extent that you can use local police I think it's really essential because they are certainly an added element. And again, they have sources just by the nature of being local cops, that may not be available to federal.

Secretary Johnson, I know that your Department has been aggressively exploring the use of social media. Can you give us the status of those efforts and can you feel you have sufficient resources to do what you want to do as far as vetting, as far as employees, as far as immigrants, going forward.

JOHNSON:

We use social media for something like 30 different purposes across the Department. We have expanded the use of social media when it comes to immigration reviews, immigration benefits. What I'd like to do is build a centralized social media center for excellence, which would be housed in our national targeting center in CVP (ph). We have a reprogramming request pending right now, with Congress to help fund that, and in the out years I'd like to see Congress do a bit more to help us out with a centralized social media capability.

Right now a lot of that is done through USCIS but as I'm sure you know, CIS is a fee-based organization. And so there are enough purposes for social media across our entire department that I

want to see this capability expanded and funded. So we have the reprogramming request now and we could use more money in the future years.

KING:

Secretary, I've been a supporter of DHS grant programs. I can tell you though, on the floor of the Congress there is concern among a good number of people about the CVE grants -- that they may go to an organization like CARE, which has been an unindicted co-conspirator and which I understand the FBI is still not allowed to deal with. Is there any assurance you can give us that those grants will not go to an organization like CARE?

JOHNSON:

There will be a security review conducted with respect to each potential grantee before we -- before we grant out any -- any money. But this is a new program.

We just announced notice of the proposal out to the public, solicitation out to the public last week. But there will be a security review in connection with every grant.

KING:

But being an unindicted co-conspirator in one of the largest money laundering terrorist cases in the country, shouldn't that be sufficient grounds to deny a grant?

JOHNSON:

Without knowing the specific case that seems likely, yes sir.

KING:

Was the Holy Land Foundation case and my understanding is the FBI still will not deal with care because of that. Director Comey, is that true?

COMEY:

That's correct.

KING:

Thank you.

I yield back.

MCCAUL:

Chair recognizes Ms. Sanchez.

SANCHEZ:

Thank you, Mr. Chairman,

And I want to thank all of the gentlemen before us today for all the great work that you are doing. Secretary Johnson, in March, you came before our committee and we were discussing the Countering Violent Extremism's mission.

And we talked about having the Department of Homeland Security allowing some of those grants to be used to non-profit organizations to help us encountering the fight, in going after the fight against terror. And I just want to thank you and compliment you because I know that you're finding new and innovative ways to include those -- those non-profits that we have in our area.

As you know, have one of the largest Muslim and Arab communities in our nations so we work very closely with a lot of our non-profits to -- to keep an ear to the ground. And to ensure that we are on the forefront of trying to eliminate any of this radicalization that has such a potential that we saw in San Bernardino.

I wanna ask a little -- a couple of questions. The first would be after 9/11, we tried to share more information between local states and federal agencies, especially in the intelligence gathering and sharing.

And so I wanted to ask you a little bit about -- is that working? Are we going to open up more or eliminate more silos? What more can we do to ensure, now, as we see the -- really the front line of information as we saw in Los Angeles, for example, when somebody saw something.

Phoned it in and our law enforcement was able to get to some bomb-making materials and other things that gentleman had. How can we help to ensure that information is shared?

Or is there enough going on at this point? And I would ask any of you.

JOHNSON:

I'll start. My general assessment is that we're going much better now than we used to through JTFs, through joint intelligence bulletins, through fusion centers, through our own personal relationships working together.

Jim and I, for example, have been on conference calls with literally hundreds of state and local law enforcement personnel to share what we're seeing here, at a national level. In terms of the public sharing information with us, that is a work in progress.

It is almost always the case that when somebody self radicalizes, there is somebody else that saw the signs. And so we all from the Homeland Security perspective and the law enforcement perspective need to continue to encourage the public if you see something say something.

But in terms of our own information sharing in law enforcement, I think we're on the right track and I think we're much better than we used to be.

SANCHEZ:

I have a question for y'all with respect to my transit authorities, in particular in Orange County; we run a large bus system. We're getting ready for a street car; obviously California's working on this high-speed rail.

I have a two-prong question. The first would be any guidance that these agencies should follow in making these new systems? Because we're developing especially this fixed rail?

Anything that we should worry about with respect to cyber attack? And secondly, the biggest issue that my transit agency has are all of this -- all of this attack from a cyber perspective. Every day, every day people are trying to get into their systems or trying to you know, really raise chaos.

What can they do or what would you suggest?

JOHNSON:

I would suggest that they work with our critical infrastructure protection experts within NPPD, the National Protection Programs Directorate.

We have considerable expertise when it comes to rail security. TSA actually also has a rail security mission. But I've seen some fairly sophisticated analysis of how to build a secure rail station, or a secure transit center that we can share with anyone who asks us.

SANCHEZ:

And if (ph) -- OK I will submit the rest of -- more detailed questions along this topic and hopefully we can get some answers for the record because they're very concerned about these cyber-type of situations going on.

Thank you, thank you all.

MCCAUL:

Chair recognizes the gentleman from Texas, Mr. Smith.

SMITH:

Thank you, Mr. Chairman.

Director Comey, first of all thank you for your many years of service to our country. Its appreciated by many individuals.

I'd like to ask you first about Syria and refugees. Before this committee last October, you testified that you had concerns about admitting Syrian refugees when a thorough background check was not possible.

In fact, you called it a risk. You still have concerns about admitting Syrian refugees where you cannot conduct the thorough backgrounds and do you consider them a risk now?

COMEY:

Thank you, Mr. Smith. I think what all three of said last -- when we last talked about this together was we were comparing our ability to vet Iraqi refugees favorably with our ability to prevent Syrian refugees.

We've made great progress and since we were last together we've made even more progress in getting better at knowing what we know about anybody who's looking to come into the United States.

The point I was trying to make then and I still believe is true is that we will know, certainly on average, less about somebody coming from Syria than somebody coming from Iraq just given the United States' long-standing presence in Iraq.

And so there's no such thing as zero risk. The challenge we face is not being able to see as rich a picture about somebody coming from Syria as from Iraq.

I've stayed away from the police question about whether it's a good idea or bad idea to let in refugees. That's not for the FBI.

So my view of it is basically the same as it was last October.

SMITH:

Oh OK because you said last October there is risk associated with bringing anybody in from the outside, especially from a conflict zone like Syria. My concern there about bringing Syrian refugees into the United States is that there are certain gaps I don't want to talk about publicly and the data available to us.

So you stand by that?

COMEY:

Yes.

SMITH:

There's a risk and you have concerns?

COMEY:

Yes.

SMITH:

OK thank you. Let me go to another subject, it doesn't have to do with terrorism but it does have to do with national security.

And you testified before the Oversight Committee that former Secretary of State Clinton did not comply with the Federal Records Act at least in some respects.

SMITH:

And you summarized this saying; you thought she violated at least some aspects of the Federal Records Act. Under the Federal Records Act, I understand that anyone found guilty of willfully and unlawfully concealing, removing, mutilating, obliterating, destroying or attempting to do any such action against the Federal Records Act, I understand that anyone found guilty of willfully and unlawfully concealing, removing, mutilating, obliterating, destroying or attempting to do any such action against a Federal Record can be fined and imprisoned for up to three years.

In addition to fines and possible imprisonment, anyone holding Federal Office who is convicted of this crime can lose his or her position and be disqualified from holding Federal Office in the future. End quote. If Mrs. Clinton violated the Federal Records Act could these penalties apply to her?

COMEY:

Mr. Smith I do remember vividly my four hours and 40 minutes before the committee last week. I don't think I testified about that we had found a violation of the Federal Records Act. Our investigation focused on classified information. Whether it was mishandled or transmitted in ways...

SMITH:

Here is your exact statement. You were asked if you thought Secretary Clinton complied with the department's policies on the Federal Records Act. Your first sentence back was "I don't think so. At least in some respects, no." That was interpreted as your saying that she violated at least in part the Federal Records Act.

COMEY:

Yes, I must -- I either I screwed that up or I was misunderstood. I thought I was answering a question about with respect to Department of State policy on their use of systems. I'm no expert in the Federal Records Act and that was not the gravamen of our investigation.

SMITH:

Did you consider prosecuting her for violating the Federal Records Act?

COMEY:

Say did I -- did we consider that?

SMITH:

Consider that?

COMEY:

No.

SMITH:

OK. Thank you Mr. Comey. Thank you Mr. Chairman yield back.

MCCAUL:

The chair recognizes a gentlemen from Rhode Island Mr. Langevin.

LANGEVIN:

(inaudible) So, how do you square these two statements? Is it the result of the residual product players that travel (inaudible). Or is there some other explanation?

RASMUSSEN:

Thank you for the question. I guess the way I would think about it is that we've always looked at ISIL as having multiple agendas. Being a multifaceted organization. As we've talked about with this committee, they were in the business of trying to create and run a caliphate.

And as in my testimony, I think we've made progress in diminishing some of their capacity to do that. Shrinking the territory that they hold. Denying them as rich a flow as resources as they had at the beginning of the conflict.

But they've also got another multi -- another prong to their agenda and that is this effort to carry out or inspire or enable attacks at various places around the globe. And that line of effort that ISIL is engaged in, we have had less success at diminishing their capacity in that area.

And as I said, we shouldn't be surprised because there isn't necessarily a one for one connection between success and our efforts in one area, denying them territory, constraining their resources and success in this other area, diminishing their attack capacity.

It is obviously true that the greater success we have in shrinking their territory and as we shrink their resource picture, over time we will degrade their capacity. I was simply making the analytic observation that that may take time.

RASMUSSEN:

And -- not only is there a one for one correlation in progress across these two lines of effort but there may be a significant lag as well. And organizations have proven that even there relatively small, operating in a clandestine way and not with all the benefits of a state or a caliphate, can still carry out or direct complex terrorist attacks around the globe. So that's simply the distinction we're trying to make, is that there's multiple things going on with ISIL.

LANGEVIN:

Thank you. So to the panel, as you all know, I'm very deeply concerned about the issue of cybersecurity, something I have spent years on. I share this trait with both the chairman, as well as the DNI, who, in his recent threats -- testimony, has (inaudible) the threat that we face in this domain.

So one of the frustrating aspects of cybersecurity, of course, for me and for many others, is the lack of reliable metrics. So for each of you, how do you measure how much the threat is increasing and what progress we're making in defending ourselves?

So, for each of you, and I would be interested to know what metrics you personally rely on to make these assessments. How do you decide whether we're moving forward, treading water, or falling behind?

JOHNSON:

Congressman, the metrics that first come to mind for me in the DHS mission, we're building the capability right now in our federal civilian dot-gov system to block intrusions into the system. So I measure the number of intrusions blocked. Last time I looked with E-3A, Einstein 3A, we had blocked well in excess of 500,000 in the federal civilian system.

I also measure our progress in cybersecurity by the number of private sector entities, (inaudible) companies that we have signed up to share our automated information sharing capability, and our progress in terms of getting federal agencies online with our DHS capabilities. Those are three ways right there.

I defer to the other witnesses.



LANGEVIN:

Thank you. Director Comey.

COMEY:

As you know, Congressman, it's an area that's not susceptible of a great set of metrics but we look at -- essentially the demand for our services. Complaints to our internet crime complaint center, number of cases opened, that is referrals to us from the private sector other government agencies, as a proxy for the threat that we face. There's other qualitative measures, but those are the two that come to mind.

RASMUSSEN:

I have a somewhat narrower slice of this problem because I worry about it from the -- from the perspective of an international terrorist organization trying to carry out -- develop a cyber capability. So there are the metrics I would look at as the amount of intelligence reporting we see over time that speaks to a terrorist organization's desire to gain that capability, to threaten the United States or other countries with that capability, and then also when they have been able to succeed at doing that. Thus far, I think is -- is generally true, this has been something that terrorist organizations aspire to do ,but thus far without as much success as they would have liked.

LANGEVIN:

Thank you. I know my time is expired. I hope we can continue the focus on this metric (ph) aspects so that we understand whether we are, in fact, making progress and not just relying on anecdotal evidence. But thank you for the work you're doing. And I yield back the balance of my time.

MCCAUL:

The gentleman from South Carolina, Mr. Duncan, is recognized.

DUNCAN:

Thank you, Mr. Chairman. I would like to recommend to my colleagues that they view Senator Tim Scott's floor speech from yesterday. It's on his Facebook page. You can probably call his office and get a copy of it. I would like to provide, when it gets here, a copy of that speech for the record, Mr. Chairman.

MCCAUL:

Without objection, so ordered.

DUNCAN:

Senator Scott talks about his experiences as an -- African-American male and some of the things we're dealing with in this country. As a white man, I can't relate to that, so I need those experiences from Senator Scott and others. So I would encourage everyone to watch it. Because I think it's important in the dialogue that we're having.

The ranking member mentioned no fly, no buy and asked the secretary about that. The problem with that, it seems common sense, but the problem with that is no one can substantially tell us how someone gets on the no-fly list or when it's adjudicated, how they get off the no-fly list with any complete understanding from members of Congress. And we have asked.

Because it's based on someone's suspicion that somebody -- it might be involved in or future involved in an act of terror or crime. When we're talking about second amendment, we need to realize that no fly, no buy also violates the fifth and sixth amendment guarantees of due process.

So how do you get on it? Do you have a chance to view the charges, interview the witnesses, hear testimony, defend yourself? So we need to be cautious when we start delving into limiting our second amendment rights by also limiting our fifth and sixth amendment rights.

Secretary Johnson mentioned in his opening statement, written and verbal, San Bernardino and Orlando. We also need to remember that ISIS and Al Qaida, Islamic, radical Islamic jihad-inspired terrorism acts occurred (ph) at Fort Hood, Chattanooga, Little Rock, the beheading in Oklahoma, Boston Marathon, and there are others. Those are what I came across just off the top of my head.

These were ISIL-inspired acts of terrorism here in the United States. I don't believe that we can throw Charleston into the same mix. I believe that was a law enforcement issue. I don't believe that guy was inspired by any outside groups like ISIL-- in the realm of radical Islamic terrorism.

So the question I have for Secretary Johnson, and I get this in my district all the time. We use, and the title of the hearing uses ISIS, the Islamic State in Syria and Iraq. Right? The administration uses ISIL. And I fully understand, the Islamic State in Iraq the Levant.

Why? Why is that terminology used by the administration?

JOHNSON:

(OFF-MIKE) I have used Islamic State, Secretary Kerry uses Daesh. The press uses different phrases. We generally refer to it as ISIL. But not exclusively. There's no hard and fast rule.

DUNCAN:

OK. The reason I ask that question is because since 2001 and since the 9/11 commission report came out, we have seen, especially under this administration, the disappearing language of terror, where words related to Islamic jihad have been stripped from the lexicons of DOD, of law enforcement here, and the Homeland Security Committee.

We have had hearings where we have talked about the disappearing language of terror. I believe, and many others in the intelligence community that I have talked to, many others in the defense industry, say if you can't identify the enemy, it's very difficult to defeat the enemy.

I want to make sure we're talking about things in the right terms. If I'm using the wrong term, I want to know. But I will say that what we see in this country with these acts in San Bernardino, in Fort Hood is radical Islamic jihad. Radical Islamic terrorism. So I want to make sure that we talk about that.

Your department was set up in 2003, 22 agencies combined. But when I go through the list of folks that are dealing with counterterrorism in this country, we got the Department of State, we had a hearing yesterday on the Foreign Affairs Committee where the Department of State has the former Center for Strategic Counterterrorism Communications now known as Global Engagement Center.

They've got a couple other offices at the Department of State dealing with counterterrorism. At the Department of State, so we've got DOD fighting ISIS and also with -- with SOUTHCOM and AFRICOM all dealing with elements with ISIS and Al Qaida and other terrorism.

NCTC, we've got the director here. We've got JTTFs all over the -- the country. We've got -- National Targeting Center looking to make sure that our container shipping is safe. Now we've got this at -- Department of State.

We've got a lot of elements within the Department of Homeland Security looking at, you know, whether it's ISIS in general, whether it's border security, whether it's -- the virtual sphere (ph) of -- (inaudible) and inspire and a Twitter and Facebook and all of that. We've got the dark web.

So we've got all these multiple agencies trying to do the same mission. Are we not too big? 9/11 commission report pointed out the walls of separation between agencies and that information wasn't shared as a reason your agency was set up.

DUNCAN:

Help me assure the American people, Mr. Secretary, that because of all this, Department of State, your agency and every element that I mentioned, that we're not created another cumbersome, large bureaucracy where we're not -- sharing information and that things might fall through the cracks.

Help me assure the American people of that.

JOHNSON:

Congressman, my top priority since I have been Secretary is management reform.

Removing the stovepipes just within the Department of Homeland Security and through our unity of effort initiative, I think we have come a long way in doing that. 2002 was the largest realignment of our government to create my department since the creation of the Department of Defense. It is a work in progress, but I think that through a number of the reforms we have put in place since I have been Secretary, we have moved a long way in the right direction.

Speaking, I think, for all of us, I think we all do a much better job of connecting the dots, sharing information, where we should. Every incident, every attack is a lesson learned from which we should draw lessons. But I think we're moving in the right direction. I think we have come a long way, sir.

DUNCAN:

Thank you for that. This Committee was set up to oversee you and your agency, so that those walls will come down and we don't miss signals.

Mr. Chairman, thanks. I yield back.

MCCAUL:

The Chair will now recognize the gentlelady from Texas, Ms. Jackson Lee.

JACKSON LEE:

Mr. Chairman and ranking member, thank you so very much for this hearing. And the combination of outstanding Americans who serve this nation, let me thank all of you for your service.

I will not predict, Secretary Johnson, that this is your last moment to testify in this Committee. But I will say to you, thank you for your service. You may be going on and on and on, we do not know, but we thank you for your service.

We live in difficult times, and I believe that we should be a partner with you, even as we have the stovepipes of the three branches of government. I take the responsibilities of the Homeland Security Department, the Department of Justice, FBI, Mr. Rasmussen, your work, very seriously. And because we have used the name Homeland Security so often, I have my own nightmares that as things proceed, the nation will look to the Homeland Security, to the elements of justice, and ask the question, why? And I would like to be able to at least answer that we did everything that we could possibly do.

Let me start with you, Mr. Director. And let me ask the Chairman to ask unanimous consent to put into the record the strengthening of the federal cybersecurity workforce.

MCCAUL:  
Without objection, so ordered.

JACKSON LEE:  
Thank you.

In a speech on the 26th, Mr. Comey, before the Conference on Cyber Engagement, you indicated in terms of threats in the cyber world, there were five groups. That includes, China, Russia, Iran, North Korea, and then multi-national cyber syndicates deal with selling cyber information to the highest bidder.

You then mentioned individuals who are purveyors of ransom ware, then hactivists, which we all contend with, and terrorists. Would you care to offer pointedly which of those gives you the greatest pain and what would you call on Congress to do about it in being a partner in this effort?

COMEY:  
The biggest concern are the top of that stack of badness, which are the nation-states and the near nation-state actors who are engaged in sophisticated computer intrusion aimed at our national security. That's a very, very important part of the FBI's life.

I don't think -- maybe tied because of the impact on ordinary citizens, are the criminals that are using the Internet to lock up people's systems, to extort money from them, to threaten their children. That's computer enabled crime.

So the biggest intrusion problem is the nation-states. The biggest computer enabled crime problem are the variety of thugs, and fraudsters, and criminals who coming at us that way.

I think Congress has been very supportive of the Department of Homeland Security and the FBI, prodding us to work better together, to share information better with the private sector. Which is the answer in giving us the tools and the rules of the road to assure the private sector that, you not only need to share stuff with us, we will all be safer if you do.

JACKSON LEE:  
Well, let me -- thank you for that. I'm going to get around to that again.

But I want to answer Mr. Duncan's question. First of all, I did see Tim Scott's very eloquent speech, and thank him for his life experience.

I introduced -- not no-fly -- but the no-fly for foreign terrorists. It answers Mr. Duncan's questions in terms of looking on the TSA (ph) and making sure that past weaknesses have been addressed, I asked for them to do that, and the extent to which existing vulnerabilities may be resolved or mitigated -- making sure that you have a clean data list to be able to utilize. I hope that bill passes the House, will get to the Senate, and we'll have at least a guideline to deal with.

But I want to pursue the idea of cybersecurity from the perspective of another bill I have, HR-85, that says that we need a stronger relationship between the government cyber system and the private sector cyber system, and also, to have a backup when either of us are deemed either vulnerable or incapacitated. Mr. Comey, what do you see in those alignments in making sure that we're secure from the private sector and the federal sector, based upon the breaches we have had, -- FBI has been impacted, Department of Homeland Security has been impacted, the Office of Personnel has been impacted. Mr. Comey.?

COMEY:

I think we're making great progress. It's not good enough, nowhere near good enough yet.

We're getting reports in somewhere in the area of 20 percent of the incidents actually happening. We have to do better than that. I think businesses are starting to figure out it's a business imperative to work better with the government. And I think the Sony hack sent that message in a great way to boards and to CEOs. So I would give it an interim grade of OK.

JACKSON LEE:

I will aim these questions to Mr. Johnson and Mr. Rasmussen.

Mr. Johnson, you have done -- Secretary Johnson, I have seen your work on countering violent terrorism. I have been engaged with the Muslim community very extensively and have them tell me how frightened they are now.

JACKSON LEE:

I have tried to say how much we're with you, but how important it is to be part of this team. I would like you to share your thoughts about how that works.

Mr. Rasmussen, let me throw you sort of a curve ball of sorts and ask you about something called -- because you deal collectively with police and you work on terrorism issues -- I want to disassociate myself with Mr. Thompson.

I think the individual and my sympathy to my fellow Texans and loss of those officers.

I was at the memorial, but I do think that was a terrorist act. It was an individual intending to terrorize, it might have been hate, racial hate, using a weapon of war. There are a number of things happening, I bring to your attention swatting, in which may wind up causing an enormous tragedy that is being a manipulation of e-mails and breaching and I just hold up -- this is what is happening to people around the nation.

I think I am a victim of such from a person in Bangladesh that is happening to me personally in my home in Houston. I didn't understand what it was, but it is a dangerous phenomenon.

So, I'm wondering whether or not that is to the attention of the National Terrorism Research and what you think we can do about it. Mr. Johnson?

JOHNSON:

Well, very quickly ma'am, we need to continue to go to these communities. I've been to Houston; I've been to a lot of other communities. As we approach these communities, we have to remember that they are not a monolith. Islam is as diverse as Christianity. A Somalian American community in Minneapolis looks very different from a Syrian American community in Houston.

We encounter a fair amount of suspicion, as you've noted, when the Federal Government goes to these communities, but I think we have to keep at it and keep building bridges.

JACKSON LEE:

Mr. Rasmussen?

RASMUSSEN:

Thank you for bringing this to my attention, as well. We clearly are seeing an increase in the degree to which foreign terrorist organizations are using on-line technology in order to try to intimidate people, in order to try to put out target lists, to try to inspire individuals to go after law enforcement, intelligence officials, military personnel, et cetera.

But at the same time, there's also a great deal of focus in the criminal world on this capability as well, and people trying to use the same capability to intimidate or to pursue some criminal end as well.

So, what we try to do is discern as best we can the motivation behind the act. If it ends being something tied to a terrorist group or a terrorist motivation, we approach it in a certain way and it becomes much more a law enforcement matter if it can be pursued as a criminal act.

But it is something we're seeing much more frequently and something we're doing a lot of work to try to understand.

JACKSON LEE:

Thank you. Chairman, may I just put another item in the record. Cyber Security...

(CROSSTALK)

MCCAUL:

Without objections so ordered. We have votes at 12:20 and we had several members left that would like to ask questions. I'm going to try to limit everybody to five minutes from this point forward if the gentlelady has completed her questions?

(CROSSTALK)

JACKSON LEE:

Thank you, Mr. Chairman. Thank you, Mr. Chairman.

MCCAUL:

And I appreciate that. And you're without objection; it's entered into the record.

The chair now recognizes Mr. Walker.

WALKER:

Thank you Mr. Chairman. In November and December of 2015, reports surfaced of ISIS and affiliated groups making and using fake travel documents to gain access to Western Europe and beyond. Is ISIS still producing and making use of these forged documents, Director Johnson?

JOHNSON:

It is a general concern. I'm not sure how much more we get into that in a public setting, perhaps, may (ph) have more to say in a public setting, I'm not sure how much more though.

COMEY:

I think I'd probably leave it there, too. It's something we have certainly have seen ISIL and other terrorist organizations looking to develop and use that capability.

We are doing our best to understand that -- the way using it so that we can either advise our European partners and increase this in a much more front-line way that we do, but also to inform our own ability to detect false documentation of the border.

JOHNSON:

Congressman I should add that within DHS, we have a very sophisticated fraudulent detection capability when it comes to identification documents, travel documents. It's getting better all the time.

WALKER:

Director Comey, around the same time late last year, Politico and the AP reported that ISIS was taking advantage of the refugee crisis by providing force travel documents to desperate individuals fleeing war and profiting from the practice.

In addition to the profit motive, as -- has the FBI seen evidence that ISIS is providing these documents to their own fighters for attacks abroad?

COMEY:

Well, we certainly saw it in the case of the attacks in Paris and Brussels. And I agree with what my colleagues said, we know it's a part of ISIL's tradecraft.

And by the way, I think the name ISIL actually better captures the danger and the aspiration of that this group of savages than ISIS does. Because it's bigger than just Syria. But I would just echo what my colleague said.

WALKER:

OK as part of the United States response to this threat, late last year, we demanded action from five different European states and threatened to remove them from the Visa Waiver Program if no action was taken.

What has the response been of those states, and what further steps have we taken to ensure allies in Europe are vetting travel documents properly?

JOHNSON:

Congressman, I'd have to know the five specifically. We have, late last year, insisted on the use of e-passports. We've insisted on the use of Federal Air Marshals on flights to the U.S.

We've insisted on better use of API-PNR data that's travel data. And we have, in general, sought what we refer to as HSPD-6's from these countries Homeland Security Presidential Directive-6's that guarantee security, both within these countries in terms of the travel and travel to the U.S.

As -- using the Visa Waiver Program as the -- the entree into asking for those things.

WALKER:

OK actions, Director Comey, has the FBI taken to independently identify and prevent travelers from using their forged documents?

COMEY:

Well, obviously working very, very closely with our colleagues at DHS, especially CBP and most importantly, our colleagues outside the United States to put in place tripwires so they share with us any intel they get that they may be looking to use a particular channel or a particular type of document.

So it -- the most important thing we can do is remain knitted closely together.

WALKER:

Secretary Johnson, do you have anything to add to that?

JOHNSON:

Yes, as I mentioned earlier, we have a fraudulent detection capability when it comes to travel documents. We are very concerned about fraudulent passports, fraudulent travel documents.

As you noted, we have seen that in Europe. I should note that to travel to this country visa-free, you have to be a citizen of that country in -- in -- in Europe, for example.

But this is something we've been focused on and its something we are concerned about certain, sir.

WALKER:

Wrapping up, let me do pass along my compliments to Director Comey for the good testimony at another hearing the other day. I was impressed that for four hours and 40 minutes that you sat there without really any breaks.

And Secretary Johnson, I haven't seen the latest reports. I don't know how many states are left to file on the ballot; I don't know where you're headed. But whatever it is, I wish you the best. So thank you.

MCCAUL:

Gentlelady from California, Ms. Torres, is recognized.



TORRES:

Thank you, Mr. Chairman.

And thank you to the three of you for -- is this thing working? For being here and for the ongoing outreach that you are doing in line (ph) community.

Certainly, the Middle Eastern community that resides within the 35th congressional district truly appreciates the fact that you have made an effort to come out and help them through some very difficult times after the San Bernardino incident.

I want to talk a little bit about the CBE grant. I want to get a better idea as to who qualifies and specifics of -- of that grant. How is it going to be awarded? Are you looking at communities with populations at risk?

Youth, young communities, big cities, small cities, types of population; what are the criteria that you are using for these grants?

JOHNSON:

Congresswoman, there is a 32-page notice of funding opportunity that went out last week for the \$10 million that Congress made available to us this year. We're hoping that Congress continues to fund RCB efforts.

The opportunities center around basically developing resilience, challenging the narrative that is ISIL's narrative, training and engagement, managing intervention activities and building capacity. Those are the broad parameters, they're more specifically set forth in this 32-page document which I'm happy to provide to you.

(CROSSTALK)

TORRES:

... violent extremist's people, would those targets fall under that grant, communities that could have a potential with types of (inaudible)?

JOHNSON:

In general, yes, through intervention activities, through counter messaging. Counter messaging is not necessarily a government mission because it wouldn't be credible if it were me or the FBI.

And through basic resources to encourage people to move in a different direction. Broadly speaking, that's the intent of this but it's more specifically spelled out in this -- in the circular.

TORRES:

Other than law enforcement agencies, who else is your department coordinating with? For example, Department of Education. Are there other resources where you are acquiring data to ensure that we are maximizing this grant with other potential grants that could be available to be utilized in these communities?

JOHNSON:

Well, obviously the grantees, those who apply for this funding, are in a position to help. We will vet them carefully, we will make our grant awards carefully.

So it's not just a law enforcement, a Homeland Security mission. There are private local organizations that are in position to help. And I think that want to help.

TORRES:

On the issue of lone wolf attacks that we have seen, most recently, including law enforcement, there have been -- there have been an increase in number of threats against law enforcement personnel.

In lieu of the two conventions coming up, how are you ensuring that the law enforcement community is very -- is prepared to deal with not just threats against the potential attendees but threats against their own personnel that would be easy targets (inaudible)?

JOHNSON:

We intend to have within Homeland Security, some 3,000 of our personnel dedicated to the security of each convention and I'm quite sure that the security of our own personnel is a priority for our component heads. I'm quite sure that among state and local law enforcement, they too are concerned about threats directed against law enforcement.

But I think the average law enforcement officer would be the first to say that their primary obligation is the protection of the people they serve.

TORRES:

I think it has to deal also with open carry in one of those cities. That includes long guns and automatic weapons. Correct?

JOHNSON:

Correct, yes. That is correct. Ohio, as I understand it, is an open carry state. So, that obviously is something that someone under state law and I suspect the Second Amendment has a right to do, but it does present a challenging situation very plainly.

TORRES:

Thank you.

Yield back.

MCCAUL:

The Chair recognizes Mr. Carter.

CARTER:

Thank you Mr. Chairman and thank both -- all three of you for being here, we appreciate your attendance today. My first question, first of all, Director Comey, good to see you again. I saw you last week, glad we have you back.

I want to talk briefly about the Orlando situation and about the terrorist attack obviously that happened there. I want to talk you about it in relation to Secretary Johnson. My concern is communication.

I'm real big on communication and my question is this; what communication did the two of you have during that time? During the time that it was happening and immediately after it happened. Was there any communication? What kind of communication takes place between all three agencies?

COMEY:

That last part of your question is the most important. It's vital that the people doing the actual work in our organizations talk to each other constantly and they do, because they're sitting together.

The Joint Terrorism Task Force in Orlando and all of our other cities is composed of some folks from Jeh's organization and mine. I don't remember exactly, I think the two of us actually hosted a nationwide call for all law enforcement in the wake of that, both...

CARTER:

But certainly you met, or you communicated before that call.

COMEY:

You know, I can't remember. I talked to Jeh quite frequently. It's possible I did, but I know for sure that we hosted -- I think you were there? Or you might have been on a SVTS someplace? We hosted a conference call for all law enforcement.

But the most important thing, he and I know each other very well. We talk to each other all the time, that's great. But it's very, very much more important that our people work together seamlessly. That's the progress we've made in the last 15 years.

CARTER:

And you feel like that has worked well? Do you feel like there's been progress? Secretary Johnson?

JOHNSON:

I do. I do, sir, I do. And Jim and I are together a lot, either in the situation room at FBI Headquarters and the like.

There have been instances where I'll pick up a piece of intelligence that I'm concerned about and I'll just literally pick up my classified phone and call him to say hey, I want to be sure that you saw what I just saw.

So the level of communication at the senior-most levels, I have my undersecretary for intelligence and analysis right here, behind me, Frank Taylor who works with the FBI all the time, literally, on these types of threats.

CARTER:

OK. Let's talk about Omar Mateen specifically. When -- it's my understanding that there are over 1,000 open investigations into home grown extremists right now. When did you first learn about Omar Mateen? When was the first time you learned about that?

COMEY:

The Orlando killer first came to our attention in the spring of 2013 when co-workers at the St. Louis courthouse reported to the FBI that he was making concerning statements and that's when we opened the preliminary investigation.

CARTER:

Secretary Johnson?

JOHNSON:

I'm quite sure that while the FBI investigation was open our personnel at the JTF was aware of the open investigation and aware of the identity of the individual. I noted also that while the investigation was open he was on a TSA selectee list as well, so our departments were clearly coordinating and sharing that information.

CARTER:

OK. Director Comey - well first of all. All three of you appear to be fine gentlemen who truly want to protect our country and we appreciate that. Director Comey let me ask you. You've defended the investigations into the Orlando killer, and thank you for correcting me on that. And I believe you said that there was no indication that agents missed clues that could have prevented this massacre? Is that correct?

COMEY:

That's correct. I said that immediately after, after going through the case file. I couldn't see, actually still don't see, anything that they didn't do that they should have done. But, I've commissioned a lookback, a detailed scrub on it, which we do in all significant matters, like experienced people to come and say, "Actually we should do this differently or that differently."

I haven't gotten that report yet and as I said at the time, I'll be transparent when I get that report. So far I don't see anything.

CARTER:

Was there any information, Mr. Secretary, that you think that Homeland could have helped with there?

JOHNSON:

Based on what I know, Congressman, I am not in a position to second-guess those involved in the investigation. I'm quite sure that Jim's lookback will be thorough and he'll be open and honest and transparent about any lessons learned. That I may be able to benefit from within our department too.

CARTER:

I appreciate you're saying that, and we're gonna hold you to that. We need to learn from this. Look, it's tough, and I know you got a tough job, and it's going to take communication, cooperation - we're all in this together.

And I know that you gentlemen care about our country and you want to protect us. We have got to communicate, we have got to share information. I'm just one of those who believes if somebody gets upset, they get upset. They'll get over it. But we need to communicate.

Thank you for your service. Mr. Chairman, I yield.

MCCAUL:

Gentleman yields back. Chair recognizes gentleman from Massachusetts, Mr. Keating, for five minutes.

KEATING:

Thank you Mr. Chairman. I have quite specific questions I'll submit in writing, but this has been a pretty tough few weeks for our country. Tougher for the families that lost loved ones.

When I was a D.A. (ph) before this job I was in charge of enforcing civil rights laws in my jurisdiction, and I tried preventative initiatives, some of them successful, I believe, and I enforced the law. I enforced it against civilians and I enforced it against law enforcement, when there were violations.

I also come from a police family. My dad, my brother, my niece, either were or are police officers and I understand that apprehension that families have as well. You know we've spent today talking about terrorist threats, and we've talked about cyber, our response capabilities, our intelligence gathering.

But I think our fundamental strength as a country is who we are as a country. That we have central tenets on respecting diversity, and respecting the rule of law.

And the polls that we're seeing now are showing that our country is more divided than it has been in decades. And this is a concern that all of us share. And if you could, it's the only thing I would ask you to reflect upon, but how important is it, for many reasons, but also for today's subject matter, to combat threats from inside than from outside? How important is it that we come together as a country?

I want to commend you for the statements that you've made during these trying times. I think you've set great examples. But how important is it, when we talk about these threats, that we're together as a country? Can you take a few minutes - I'll give the rest of my time - to just reflect on some of the things we could do?

JOHNSON (?):

Let me begin by saying that there's some awful loud voices on both ends of this debate and I believe that the great majority of the American people first of all respect the role of law enforcement, recognize that the police officer is there to protect and serve the community. I also believe that most people recognize that the shooter in Dallas is not representative of the broader movement to see change in certain law enforcement practices.

I think that the key, in the environment that we're in, is effective community policing. I see it work in my own community in Washington, D.C. Extraordinarily well.

My hope is that in this period we redouble our efforts, for law enforcement, to engage the community, and I consider myself part of law enforcement, to engage the community. Let's all see the temperature go down a bit.

COMEY (?):

We need each other. Whether it's to effectively stop terrorists or stop thugs or make neighborhoods safe, we need each other. I've long believed it's hard to hate up close. And the answer is we've got to get close to each other. We've got to let people see the true heart of law enforcement, what we're really like.

We're flawed because we're human, but we care deeply about the same things that we serve and protect do. And we've got to make sure in law enforcement we see the heart of the people that we're serving and protecting. And how they might see the world differently than we do.

It's hard to hate up close. It's easy to characterize groups. President Bush said something at the memorial service where I sat right behind the Congresswoman, and said, "We tend to judge others by their worst moments, and our (Inaudible) selves by our best intentions." We got to stop that.

Anything (Inaudible) is acceptable in that regard. But failing that, if we fail, if somehow terrorist attacks happen, what we strive to create and foster is a sense of resilience, that the terrorist objective is not met even if the attack happens, even if we do suffer from terrorism.

And it's a lot easier to be resilient if we are united. It is much easier to fly off in the aftermath of a terrorist attack, if we are not united and to undermine that sense of resilience.

Some societies, some countries seem to be more able to achieve that level of collective resilience than perhaps we have been.

KEATING:

Thank you. It's harder to hate up close. And it's easier to be strong up close. Thank you, I yield back.

MCCAUL:

Gentleman yields back. Chair recognizes gentlelady from Arizona, Ms. McSally for five minutes.

MCSALLY:

Thank you Mr. Chairman. Director Comey I served in the Air Force for 26 years and had the highest level of security clearances and have been responsible for managing classified information at many levels. As you know we take handling of classified information very seriously in the military, especially SCI (ph) and Special Access Program information.

MCSALLY:

During a press conference you stated, quote, "To be clear this is not to suggest that in similar circumstances a person who engaged in this activity would face no consequences. And further, to the contrary, those individuals are often subject to security or administrative actions."

If an airman in the Air Force had conducted behavior similar to Secretary Clinton's, I am confident, as a minimum, they would lose their clearance, they would be kicked out, they would never get a clearance or be able to work for another federal department or agency, in addition to other fines or anything else.

If someone were kicked out of the military for behavior similar to Secretary Clinton and applied for a job at the FBI under your leadership, would they be hired?

COMEY:

I don't think I can answer that in the abstract. It would be a significant feature of a suitability review, though.

MCSALLY:

Would they even get an interview if they had a security violation to the nature of what Secretary Clinton did?

COMEY:

I can't answer that as a hypothetical. It would be a significant feature. I can't say whether they wouldn't get an interview or not.

MCSALLY:

OK. If someone were dismissed from the State Department for similar behavior, you -- you're going to give me the same answer? You'd have to look at their circumstances?

COMEY:

Yeah. But again, there would be -- there is a process. You know it in the military, there is a robust process, I can speak inside the FBI to assess suitability and to assess and adjudicate security violations among current employees.

MCSALLY:

OK. Within the FBI under your leadership, let's say your chief of staff or your deputy director mishandled classified information in the same way that you know about, what would be the security and administration consequences that you would put upon them?

COMEY:

Well, it would go through the regular review process that we have, and it would be adjudicated.

I don't want, again, answer in the hypothetical, because we have to do this all the time. I don't want to pre-judge any cases. But it would be looked at -- it would be a significant security review, and they could be fired. A sliding scale all the way up to reprimanded, or lose pay, or -- there would be a series of disciplinary options for the board.

MCSALLY:

I would say, you know more details about this case than anything. So, now you're done with the criminal, and now you're looking at the administrative. What would you do?

COMEY:

Yeah, I'm not prepared to say, because I -- I think that gets into an area of answering hypotheticals that could affect my own security review process. It would be a significant feature of a suitability and security review.

MCSALLY:

So, fines, losing their clearance, losing their job -- what's on the menu?

COMEY:

Every -- the most severe would be losing your job, being walked out that day is probably the most serious. The least serious would be a reprimand of some sort, and then a sliding scale in between. People can get suspended, they can lose clearances, they can have clearances knocked down -- there is a range of options.

MCSALLY:

OK. I want to move on to, physically, how the classified information got on an unclassified system?

I -- you know, just in the military, we have JWICS, SIPRNet, NIPRNet. You cannot cross those over in any way, unless you either type in new information on the unclassified, because you can't send an e-mail from classified to unclassified.

I'm sure it's the same in the State Department. So, you either need to type a new e-mail with the markings on it, right? Those that were marked classified, which you said there were three, or you need to, I guess, print or scan -- or the most disturbing would be using a transferable media device, like a thumb drive, to get onto the secure system and move things over to the unsecured system, which could breach our entire security system, as you know. That's why they're banned in the military.

How -- from your investigation, how did this classified information get moved over, out of those three options?

COMEY:

You know, almost none of it involves information that was moved. Instead, it involves e-mail conversations about topics that are classified.

MCSALLY:

But if there's markings, you either are making a marking on an unclassified system of a classified nature, which is disturbing in of itself, or you're physically moving it electronically.

COMEY:

Right. There were three e-mails that bore portion markings on a paragraph, no -- not header markings or footer markings for C (ph) to indicate confidential.

That was put on well down a chain, deeper and much lower level in the -- in the State Department. And I -- as I see to it, I don't know for sure. I think we concluded that somebody had typed a talking point for the secretary way down the chain, and marked that portion with a "C."

So, it wasn't an uplift or a transfer. It was, as you said, a -- a typing in the first instance, and then putting a portion marking on it. But to be clear, it was just the portion that was marked, not the document.

MCSALLY:

But still, on an unclassified system, they are allowed to be transmitting confidential information?



COMEY:

NO, because confidential information is classified -- top secret -- secret, confidential (ph).

MCSALLY:

Right, exactly. So, they had to have actually typed "confidential" on an e-mail chain, or they used transferable media.

COMEY:

Yeah, we have no indication of transferable media. What we think happened is, someone typed a talking point on an unclassified system, and then for reasons that don't make any sense to you and to me...

MCSALLY:

Right.

COMEY:

... marked it with a "C" to indicate that portion was classified at the confidential level.

MCSALLY:

OK, Director Comey, I'm sure you realize that those who have been involved in the security field, like you -- I mean, this is concerning on many levels that I think needs a lot of followup for how that actually happened and what's going to happen to the individuals that actually did that.

Because if you're actually typing classified information and markings on an unclassified e-mail, I mean that's -- that's a security violation, and those people should be held accountable as well.

Thank you, Director. And thank you, Mr. Chairman. I yield back.

MCCAUL:

The chair recognizes Ms. Watson Coleman.

WATSON COLEMAN:

Thank you, Chair. And I want to thank the three of you very much for the information you shared with us, and that you come every time we ask.

It has been very illuminating, the discussion we've had, and it has raised some questions that I would like to share with you.

Number one, I wanted to talk to you, Secretary Johnson. You mentioned some grants that are -- are available. I live in a district that is not part of the targeted area, the (inaudible) area, things of that nature. But I live in an area that has tremendous diversity of religious worshippers.

And some of them are -- have been asking us for -- for assistance in grants that would help them to put things that would make them safer, rigged (ph) cameras or whatever. Would the grants that are being offered now, available, would any of them qualify, even though they're not in the targeted areas?

JOHNSON:

Yes. There are grants that -- for which a large number of religious institutions can take advantage of for homeland security. Sitting (ph) a camera called the name of the grant program, but there is a grant program, which I think is about \$50 million a year.

It's a competitive grant program for houses of worship, religious institutions for their own security.

WATSON COLEMAN:

Anywhere?

JOHNSON:

Anywhere.

WATSON COLEMAN:

Thank you. I will have someone check with you.

JOHNSON:

My recollection is that it's anywhere, yes.

WATSON COLEMAN:

Thank you, thank you.

I'm interested in -- in defining this, the individual that is radicalized by homegrown, home-developed, racist-oriented groups, and then goes out and commits a crime that results in the loss of live to more than one person, more than four people.

For instance, the Mother Emanuel situation. We understand that this gentleman had been radicalized, or had been influenced by some groups -- I don't know how you characterize them; I characterize them as racist -- and that his intention was to start a race war.

So, Director Comey, I believed that you characterized what happened as a hate crime and this individual as a violator of hate crime. And as you look at it now, is he also a terrorist? Does he legitimately fall into that category?

COMEY:

I want to be very careful what I say about the Charleston killer, because he has two death penalty trials coming up.

I said at the time it was for sure a hate crime. And as you know, when we investigate, it makes no difference what the label might be on it at the beginning. We investigate it in the same aggressive way. It was for sure a hate crime.

What we were trying to untangle was there also some domestic terrorism element to that? The definition of domestic terrorism being acts of violence directed at other humans for the intention of coercing a government or a civilian population.

And so we look at both, we investigate a case like that, I don't want to say at this point given his pending trail, what we conclude there yet.

WATSON COLEMAN:

One of the concerns that I have is that there are people who are influenced by these groups that hate African Americans or hate Muslims or hate gay community members, and have a political agenda to eliminate as many of them as they can.

So, to me, it'd be very important to have resources in both Director - in your hands as well as the Secretary's hands, to identify, to categorize and to respond to and to develop programs that address that kind of terrorism. I'm not certain that we do because we keep talking about ISIL - ISIL this, ISIL that, but we don't necessarily drill down to these areas.

So both you Mr. Secretary and you Director, I would like to hear your thoughts on that.

COMEY:

We - I would be happy to arrange for you Congresswoman is a briefing on the domestic terrorism section of the FBI's Counter Terrorism Division. Our Counter Terrorism Division has two parts, international terrorism and domestic terrorism.

We have an enormous amount of resources directed to understanding the threat from just those kind of groups, motivated by all kinds of bias and hatred, to try and kill people or damage institutions. So, I ought to arrange for you - we have people wake up every day worrying about those groups and working with the Southern Poverty Law Center, working with other groups to get information on them so we can disrupt them.

WATSON COLEMAN:

So, will you be sharing that information back and forth with Homeland Security because they do present a threat to the Homeland?

COMEY:

Yes. And we work them through our Joint Terrorism Task Forces, so it's part of the joint work we do together.

JOHNSON:

Congresswoman, the only thing I'll add to that is the manner in which we approach and deal with communities in which basically, honest, peaceful communities in which an international terrorist organization is trying to recruit.

That is different from trying to approach an organization that, by its mission, doesn't want to deal with the U.S. Government. They have a violent purpose. So, (Inaudible) require different approaches.

One I think is more of a matter for law enforcement. Another is I think more a matter of our community engagement efforts. So, they're fundamentally different.

WATSON COLEMAN:

Yes and just in closing, and there's also that third element, that's not just anti-government but biased, racist and what have you.

And that represents a threat and a terrorist threat to communities that are - that are non-violent communities that are peaceful communities. And that is related to a political agenda and doesn't disrupt and impact individuals, as well as government. Thank you very much, I yield back. Thank you.

MCCAUL:

Gentlemen from Texas, Mr. Ratcliffe.

RATCLIFFE:

Thank you, Chairman. I appreciate all of the witnesses being here today to talk about our national security. I want to start with you Director Comey and ask you about the decision- making process at the Department of Justice and the FBI regarding Secretary Clinton's private e-mail server.

You and I had the privilege to serve together at the Department of Justice, an organization whose reputation for integrity is something that I know we both care deeply about.

After Attorney General Lynch and her husband met privately with Bill Clinton on a Tarmac in Phoenix, she publicly acknowledged in her words that she may have cast a shadow over the integrity of the Department and the investigation into Mrs. Clinton's private email server.

But then she didn't recuse herself.

Now, I really can't imagine the situation either in your prior service as the Deputy Attorney General of the United States or your current role as the FBI Director, where you would find yourself having a private 30 minute conversation with the spouse of a target or subject of a pending Federal Investigation a week before you made the decision or recommendation about whether to - whether or not to prosecute that person.

But if you had been, is there any doubt in your mind about whether or not recusal would have been appropriate or necessary?

COMEY:

That's a question I can't answer. I never discuss with the Attorney General how she thought about that issue. Each recusal situation, as you know from being a U.S Attorney, is a difficult and fact specific one. So, hard for me to answer in the abstract.

RATCLIFFE:

Were you surprised at her meeting with the former president?

COMEY:

Well, I think she herself said that it was a mistake and something she wished hadn't happened. And that makes good sense to me.

RATCLIFFE:

So, did Attorney General Lynch's failure to recuse herself factor at all into your decision - your decision about holding a separate press conference or factor into the timing of the press conference that you held about the FBI's recommendation in the case?

COMEY:

It had no impact on the timing whatsoever. That was driven by the case.

It did have an impact and reinforced my sense that it was very important that the American people hear from the FBI on this issue and get as much transparency as possible because I didn't want to leave a lingering sense that it wasn't done in a professional A-Political honest way.

RATCLIFFE:

You talk a lot about precedence and lack of a precedent in connection with the decision in this case.

Are you aware of any precedent, in your time at the department or at the FBI, for an Attorney General publicly stating that he or she would accept the recommendation of the FBI and its investigative team without any prior briefings about the evidence or a briefing on their conclusions about the evidence?

COMEY:

No, I don't know of another circumstance like this - that resembles this in anyway. In a variety - and I mean that in a variety of senses.

RATCLIFFE:

Well, here's what I don't get Director Comey. If Attorney General Lynch was going to accept the recommendation of the FBI, a recommendation that you made on July the 5th, then why was there a need for a meeting for her on July the 6th, when she announced her decision?

COMEY:

I think what she said was she would accept the recommendation of the FBI and the career prosecutors. And so the meeting, which I attended, was among the FBI team and the career prosecution team to lay out for her what we had found and for them to offer their legal analysis. So, I think that was the embodiment of the recommendation that she had then accepted.

RATCLIFFE:

And then she would make the decision.

COMEY:

Right I think that's what - excuse me. I think that's what she said when she did.

RATCLIFFE:

How long was that meeting? (inaudible) in the afternoon.

COMEY:

Yes, I think it was at least 90 minutes.

RATCLIFFE:

90 minutes.

COMEY:

My meetings all seem to be long these days. So, it was at least 90 minutes.

RATCLIFFE:

So, the person who wouldn't recuse herself, so that she could make the final decision about the prosecution a week after she met privately with the spouse of the subject of the investigation, took 90 minutes? To weigh the evidence collected by more than 100 FBI agents over a year long investigation, involving thousands of man hours. Is that accurate?

COMEY:

The lawyer in me is objecting to the form of the question but I will do my best to answer it. She got a brief. I think a pretty through brief on the facts and the law.

As I've said too many folks, even though I know folks have strong feelings about this, this was not a cliff hanger from a prosecutive discretion position. My firm belief after doing this for 30 years is that no reasonable prosecutor would bring a case here. So I think -- I think she decided and it looked to me like 90 minutes was adequate to give her the picture she needed.

RATCLIFFE:

In that 90 minutes, did she review the 110 e-mails that you outlined as being either top secret, secret or confidential, that were on this (inaudible) -- received on her e-mail server?

COMEY:

I don't think it's appropriate for me to talk about the specifics of that.

RATCLIFFE:

I don't want to know about the content. I just want to know whether she reviewed those e-mails at a minimum.

COMEY:

I think that would be about the content of the meeting, though. So I don't -- look, I'm trying to be maximally transparent, as you can tell, in ways that are unprecedented. I don't think I should get that specific, though.

RATCLIFFE:

Well, I do thank you. I am grateful for your service in the past, the present and in the future, and to our nation.

And with that, I yield back.

MCCAUL:

The chair recognizes the gentleman from New Jersey, Mr. Payne.

PAYNE:

Thank you, Mr. Chairman.

OK. I'd like to get a couple of things out of the way before I start. I will say Benghazi, Benghazi, e-mails, and the tarmac meeting. Now, to the serious business.

Mr. Comey, Mr. Johnson, Mr. Rasmussen, let me just say everyone has thanked you for your service to this nation. But I think in the face of the odds that you've been up against, you have done an incredible job in your service to this nation. And I thank you. I thank all of you.

I have several questions that I'd like to ask. You know, today is probably the last day before the House goes out for the summer. There are just so many things that we have not done for the American people. You know, the Americans are looking to Congress to do something to address the availability of military-style firearms to dangerous people. And that has been our contention all along.

I have always worried about what transpired in Dallas happening to our police -- police departments all across the nation. It was my biggest fear and nightmare. And when I talk to the police departments that I am involved with back in my district, this was always my contention, that these weapons would potentially end up being used against them.

Secretary Johnson, you said that gun control is part and parcel of homeland security. Can you speak on -- speak to how we can put in place sensible gun -- sensible gun legislation in the way that will make this nation secure?

JOHNSON:

In general, I believe that we should make it more difficult for the terrorists to possess a gun in this country. And I think that there are ways on a bipartisan basis we can agree upon legislation to do that. There are presently statutorily prescribed bases for denying a gun purchase which the FBI well knows about.

What we lack right now is the discretion to deny a gun to somebody who meets certain specific criteria that matches one of our different lists. And legislation to do that, coupled with a prescribed adjudication process so that if the purchaser takes issue with the denial, they have the ability to challenge that, I think is in general a good idea.

There is legislation pending in this Congress now to try to accomplish those things. And I hope that Congress continues to work at that. What I meant when I said -- what I meant was that we have to face the fact that sensible gun control, consistent with the Second Amendment, is not just a matter of public safety.

It is a matter of homeland security, too, when you look at San Bernardino and when you look at Orlando, and the weapons that were used in those attacks.

PAYNE:

Thank you.

Director Comey, by law, the NCTC serves as the primary organization in the United States governing -- for integrating and analyzing all intelligence pertaining to counterterrorism, except for the information pertaining exclusively to domestic terrorism.

Because of its lead status for counterterrorism investigations in the homeland, the FBI arguably serves a parallel role for the domestic terrorist threats. The development of any interagency regime for collection and analysis of domestic terrorism information might start with the bureau's capacity in this regard.

What resources has the FBI allocated and expended in the collection and analysis of domestic terrorism-related intelligence, as well as for safeguarding the -- safeguarding the civil rights as well?

COMEY:

As I said earlier, Congressman, it's a huge feature of the work of our Counterterrorism Division. We have hundreds of people who work on what we call the "D.T." side. That is at headquarters, agents and analysts and then in every field office there are agents and analysts who focus just on that domestic terrorism mission. So we have extensive resources devoted to it all over the country.

PAYNE:

Thank you.

And, you know, Secretary Johnson, everybody is saying this is potentially the last time you'll be before us. Are we safer now than we were when you started?

JOHNSON:

Good question. I think that the environment has changed fundamentally from where it was three, four years ago. My first four years in this administration in the Department of Defense I was giving the legal sign-off on a lot of targeted lethal force at terrorist organizations overseas to prevent them from exporting terrorism to our homeland.

And I think we did a pretty good job of degrading a lot of the threats that we saw at the time. We continue to do that in places like Iraq and Syria.

JOHNSON:

Now, we've got to deal with terrorist-inspired attacks, terrorist-enabled attacks, people who live here, who were born here who are recruited, inspired by terrorist organizations through social media. And that is a challenging environment.

And that can happen with little or no notice to our intelligence community, to our law enforcement community, which requires, in my judgment, a very different kind of approach not just militarily, not just through law enforcement, but through our CVE (ph) efforts, through public awareness, public vigilance. I said in my opening remarks that the prospect of another attack by a self-radicalized actor, someone inspired by a terrorist organization is the thing that most keeps me up at night.

And so in that respect that is a new threat that we weren't dealing with on a regular basis as recently as four, five, seven years ago. And it's something that I hope that in the Executive Branch and in Congress we will continue to dedicate ourselves to combating.

PAYNE:

Well thank you very much and you will be missed.



JOHNSON:

Thank you.

MCCAUL:

The Chair recognizes the gentleman from New York, Mr. Donovan.

DONOVAN:

Thank you Mr. Chairman and let me add my congratulations and gratitude of your commitment and dedication, of the three of you to the safety of our nation, because you've come before us so many times, we've become very familiar with you. J (ph) and Jeh have been friends from back in New York for a very long time.

One of you will appear before this committee again, one of you this may be your last appearance, since I'm up for re-election I hope it's not one of my last appearances before this committee.

The Chairman is very proud when he tells our nation so many times that this committee has passed more legislation in this Congress than any other committee in Congress outside of Energy and Commerce. All of that legislation, most of that legislation, maybe all that legislation results from testimony before us from witnesses like yourself. Your expertise, sharing with us your concerns.

I have read all of your written testimony, believe it or not we actually do read that. And particularly in Director Comey's testimony he stresses that in combating terrorism through social media we're doing everything we can within the laws, and in respecting peoples privacies. Is there something that you see as a tool that would be helpful to each of you that either your legal teams are looking at that we can help you.

What other tool can we give you that will make your job more effective as you respect the laws of our nation, as you respect the Supreme Courts decisions, interpretations of our laws, what can we get out of this hearing today, that if we're able to pass legislation will allow you to do your job more efficiently?

And I ask that to the three of you and I know the votes in 15 minutes so I want to get my colleagues to ask their questions as well.

JOHNSON:

Congressman two things come to mind immediately. One of which has already been passed out of this committee. Specifically authorizing joint task forces within my department for border security. That's something that I know this committee supports and has been passed by the full House.

I'm hoping through one vehicle or another it passes the full Senate as well. Joint task forces for border security help combat illegal immigration as well as narcotics and there are certain legal limitations I am finding to fully implementing the joint task force concept for my department.

Second thing, which I've spoken to several of you about is specific Congressional authorization to reorganize our national protection and programs directorate, into a cyber and infrastructure protection agency. We need an agency for our cyber security mission, more closely aligned with the protection of our critical infrastructure, and that is something that I think will go a long way to streamlining our cyber security and critical infrastructure protection mission.

So those are two things that come to mind immediately. I want to agree with what you said at the outset about how impressed I am with the productivity of this committee, just in the time I've been Secretary this committee has pushed out legislation on cyber security, aviation security that I think really has helped to strengthen the homeland, so thank you.

DONOVAN:

And we want to continue to do so. Yes Director?

COMEY:

And I'll give you two quick ones. One is an enormous issue that this committee is thinking about, I think in a good way. We have to deal with the challenge of encryption and it's impact on our criminal justice work and our national security work.

The needles we're looking for are becoming invisible to us in case after case after case and that's a big problem. Second, it seems like small thing, but we have made it, I believe, accidentally harder in our national security investigations for our agents to use the process we use to get telephone information, to get similar information on the internet.

The Senate is focused on this, I don't believe that it was intended by the legislation to make it that hard for us, or is it justified by any reasonable concern about privacy. That's call the Ector Fix (ph) we've got to fix that.

DONOVAN:

Thank you very much Director, Nic (ph)

RASMUSSEN:

I would just associate myself with Director Comey's remarks about encryption.

As you noticed I highlighted that in my opening testimony as well. Beyond the productivity of the committee that Secretary Johnson referred to with your legislation, I'd also like to say that we in the Executive Branch also take note of the sum of the staff driven reports that have been produced on key substantive issues as well, like foreign fighter flows and what not.

And I know we worked closely with the committee staff to support that work. And it actually does assist us as well.

DONOVAN:

I thank you all, and Chairman I yield the remainder of my time.

MCCAUL:

Appreciate it, well if I could just quickly comment, it's very important that these three major items, the commission to deal with encryption, we're hopeful the Senate will take that up and mark that bill up, that's critically important. And Director Comey you and I understand the gravity of this issue.

The NPPD (ph), as the Secretary has requested is being held up by four other committees in Congress, that's a problem with the jurisdiction that I think needs to be fixed. And then finally on the border joint task force, it's my sincere hope that we can add that into the NDAA bill as I will be on the conference committee for that. So with that let me recognize Mr. Perry from Pennsylvania.

PERRY:

Thank you Mr. Chairman, gentlemen thank you for your service to the country. We are all counting on you and I'm thinking about the ranking members remarks about hearing in the late - well early and late 50's regarding the infiltration of communism into our government.

And I just want to reflect on that a little bit, although the methods by most American's were objectionable, in retrospect the information was almost all completely accurate even though the individual Senator McCarthy's reputation was destroyed, we lost sight of what he was really talking about for the methodology, and we're just - I just want to beseech you that we're counting on your integrity and your diligence in keeping our country safe.

And with that Directory Comey, I don't know how you exactly - how you characterized it, but you said recently that the FBI is ineligible for contact with care (ph)?

PERRY:

Maybe it's not ineligible, what's the terminology, you don't have contact with care based on the - the Holy Land Foundation investigation and their ties to terrorist extremist organizations, mosques etcetera?

COMEY:

Our policy is that we will not do work with care that is sponsor events, do joint events if a care representative happens to come to some other event that's being sponsored some other way, we don't kick them out, but we don't work as we do with so many other groups, non profit groups, to sponsor activities with that group.

PERRY:

So there's reports or conjecture, at least, that there was some involvement with the Bureau in the selection - and care in the selection of FBI witnesses to interview at the Fort Pierce mosque regarding the Orlando massacre.

Is there any truth to that?

COMEY:

I have never heard that.

PERRY:

OK. So at this point you don't know anything - you've never heard that, you know nothing about that and you would - I think you would refute that, generally speaking.

COMEY:

Yes.

PERRY:

I mean, unless otherwise ...

COMEY:  
I mean, I'm sitting here. I guess anything's possibly, but ...

PERRY:  
Right.

COMEY:  
I've not heard that, I have no reason to believe that that's true.

PERRY:  
OK.

COMEY:  
I would think that I would have heard that.

PERRY:  
All right, thank you. And if we - if I can find a source for that, I will write you and ask for that, particularly so we can get to the bottom of that.

Mr. Johnson, in a recent Senate hearing, there was a CPB officer that made a claim that - regarding the departments ending or stopping the collection of data and the destruction of databases regarding Islamist supremacist that he believed might have been able to prevent the San Bernardino attack, and you said at the time, if I recall, that you hadn't looked into those charges and I'm just wondering in the intervening time period, have you looked into them or - and do you plan to?

JOHNSON:  
Well, the questioning two weeks ago from Senator Cruz was regarding the testimony of Mr. Hainey that across the executive branch, we had somehow purged certain words in our dialogue; that's what Senator Cruz asked me about.

I had not heard about that before, and frankly, given everything that's happening with Dallas, Orlando, Ataturk Airport - I have not had the opportunity to personally sit down and look into Mr. Hainey's allegations, and I hope you can understand ...

PERRY:  
I do understand. And I think it was regarding databases and connecting the dots, which would lead to another question. So it's not just about terminology.

If you could, please, sir, take a look into that. I know you've got at least, by your clock, a limited amount of time left and ...

JOHNSON:  
190 days.

PERRY:

But who's counting, right? And I know you've got some significant issues right in front of you, but we would like to know the outcome of that questioning regarding the purging of those databases and the connecting of the dots, if you could, sir.

Also, I think it's time you said that you thought your personnel were smart enough to connect the dots between terrorism and things like Shari adherence, Jihad, and Islamic supremacism more generally. And I would agree with you; it's not a question of if they're smart enough.

The question is whether it's a career-ending offense, as Mr. Hainey might assert that it has been, and if there are constraints in those connections of the dots at your organization, if there is a policy of constraint.

JOHNSON:

What I was referring to two weeks ago was the work actually of those who worked for the people at the table here with me. In my observation, NCTC, the Intelligence community, my people, the FBI do an excellent job of working together to track terrorist threats, plotting against the homeland, whatever it's labeled.

And so, what I said then, which I will repeat, is I don't think our personnel become too bogged down in the particular label we choose to put on a terrorist act or - they're more interested in the substance of what that person is doing.

PERRY:

And I'm not here to discuss the label; you and I have had that discussion before and probably have a bit of a disagreement. I accept that at this point.

But what I'm discussing or what I want to ask you directly is there a prohibition, is there any policy towards the work that Mr. Hainey was doing such that current individuals in your department in particular would see that as a - somehow bad for their career or they're dissuaded from doing or they're prohibited from doing that.

JOHNSON:

My honest answer is I have not had an opportunity to look into exactly what Mr. Hainey ...

PERRY:

OK.

JOHNSON:

... though I gather he's written a book and he's been on TV ...

PERRY:

And I haven't read the book, but I would ...

JOHNSON:

It's something that I'm - it's something that I am interested in learning more about.

PERRY:

So regarding the database and regarding the previous question about the policy, could you give us a written response to that when you have time, assuming you have time before you leave?

JOHNSON:

Yes.

PEERY:

Thank you, sir. I appreciate it. I yield back.

MCCHAUL:

Mr. Katko from New York is recognized.

KATKO:

Thank you, Mr. Chairman. I echo the sentiments of many of my colleagues of the panel here and thanking all of you for your fine service to this great country.

And, Mr. Comey, I wasn't the hot-shot you were at the time at the Department of Justice, but I served with you for many years as a federal organized crime prosecutor; 20 to be a matter of fact, and have always admired your skill and grace.

And while I don't always agree with you on things, I do admire your service to our country, so I thank you.

Now, Secretary Johnson, I couldn't - as my subcommittee and transportation security, we have direct oversight of airports both nationally and internationally, and including last point of departure airports. And as you know, one of the last point of departure airports that are looking to be opened is in Cuba, and there's 10 of them, which is an extraordinarily large amount of last point of departure airports.

And during our investigation and looking into this matter on our oversight capacity, many concerns have developed. Number one, do the airports have the capacity to handle the 110 flights a day that are being contemplated to and from the United States. Concerns about the equipment, you know. Whether they even have body scanners or whether it's going to have body scanners.

Whether they're going to have document verification machines, whether they're going to have all the tools of the trade that we have here - explosive trace detection equipment, what have you. Those are all concerns we have.

The training and vetting of employees is another area of concern; that's a huge concern for us, especially with the insider threat, as evidenced Sharm el-Sheik in Mogadishu downing the airplanes. Canines is another area of concern, and another area of concern is whether the TSAs going to have access to these airports, given that the embargo against Cuba and given the current state of the diplomatic relations.

Overlay with all that, Mr. Secretary, last year Cuba was just taken off the list of terrorist countries. One of their best buddies is still North Korea. And another thing of major concern to me is that Cuban visas are showing up in the Middle East.

In a Washington Post article from April 17 of this year, which I asked to be incorporated into the record, evidence is that these visas are suspected to be produced in Iran and other countries. So we have that. Then you have the fact that airlines like you mentioned are being targeted by ISIS and that Cuba remains friends with North Korea, like I said, and many other concerns.

We're doing an oversight. We wanted to go to Cuba. And as you well know, the Cuban government, instead of opening their arms and having us come and look at the airports, denied Mr. McCaul's access to Cuba as well as mine, and (inaudible) congressional delegation.

Does that give you any concern?

JOHNSON:

Yes. I was disappointed that the congressional delegation was not issued visas. The Chairman asked me if I could assist in that matter, and we tried and we were unable to make that happen. So I'm disappointed that the Cuban government ...

(CROSSTALK)

KATKO:

I thought you were almighty and all-powerful.

JOHNSON:

I am sorry? Well, but let me comment more generally, sir, on this issue of last point of departure from Cuba. What I've told our people in TSA is I want to want an - I want an assurance that any last point of departure airport from Cuba satisfies our US screening standards, not just international screening standards.

I have also told TSA that I want them to get with the Cuban government and put in place agreements -- MOUs -- for federal air marshals and hopefully make that happen before we start commercial flights and I want to see a senior level official from TSA headquarters personally go down to Cuba to take a look at the security at last point of departure airports.

We are very focused on last point of departure airports -- as I am sure you know -- particularly in the Middle East region right now; I think we have some challenges there since the crash last year in the fall. I have asked our people to focus on airports in that region.

We're not to take our eye off the rest of the world, however, and so, Congressman, this is something that I am personally focused on.

KATKO:

I appreciate that. Now, let me ask you, just to follow up on one of those questions. If the Cuban government said (ph) - would disallow federal air marshals on their flights to and from the United States to Cuba, would that be a deal killer for Homeland Security?

JOHNSON:

I would have to assess it at the time. We do not have MOUs with every single last point of departure country; we have a number of them now and we're expanding on that list, but we'd have to assess it in the time.

KATKO:

OK, just (ph) last thing, Mr. Chairman, one quick question, would you - I have a bill that I submitted to Congress yesterday, the last (ph) - early this week about oversight, with the Cuban airports and it particularly (ph) all the concerns and the goals you have.

The only thing it has would be that GAO would do a follow-up review of the analysis to ensure it's accurate before the flights began. Would you agree with that?

JOHNSON:

Yes.

KATKO:

All right. Thank you.

MCCAUL:

Gentlemen, Mr. Hurd, from Texas.

HURD:

Thank you, Mr. Chairman. And before I begin my questions -- and I am going to start with you, Mister Rasmussen - I'd like to make an FYI to the Secretary and the Director.

You probably already know there has been a task force that has been created within - being chaired by the Chairman of the Judiciary and the ranking member on looking at police accountability and aggression towards law enforcement.

Six Republicans, six Democrats, we're to try to do this in a bipartisan way, we're going to try not to retreat to the same tired corners and talking points on this issue because the reality is, is whether you're -- the color of your skin is black or brown or your uniform is blue, you shouldn't be afraid of being targeted when you walk the streets in the United States.

And on my good friend and fellow Texan, Sheila Jackson Lee is on the committee as well as long as -- as well as my friend Cedric Richmond from Louisiana, and we would welcome you all's perspective and number of years' experience in your service to the federal government as we pursue this endeavor.

HURD:

It is hard to have a bunch of people together. It's - to be in a bipartisan manner - but I think we can do it, because guess what, those folks that are trying to sow terror and fear in our hearts, they will not win. They will not win because this body is committed to doing this and we have folks like you on the front line.

Mr. Rasmussen, when I was chasing Al Qaeda when I was in CIA, I would have loved for Al Qaeda to be using social media the way that ISIS is. It increases the surface area of attack where we can ultimately penetrate and understand the plans and intentions of groups like this.

If you are American walking around in the Federal administered tribal areas of Pakistan, and said I want to join Al Qaeda, you would likely get your head cut off.



But now we are able to target people from the comfort of our own homes, and I'm not asking to get into classified information, but has our intelligence on the plans and intentions of groups like ISIS increased due to their use of social media?

RASMUSSEN:

There's no question - I like your term, the greater surface area that the group occupies because of its presence in all of these ways. That certainly provides opportunity.

Opportunity measured in all kinds of ways, for analysis, for operational work - that isn't my responsibility but it belongs in the hands of other intelligence community partners.

On net though, I would describe our effort to gain an understanding of ISIL intentions, and strategy, and direction as being a harder target right now than what we faced with Al Qaeda. And it attaches to a number of issues. The encryption issue that Director Comey has spoken so eloquently on, but also just the fact that ISIL is a savvy, experienced adversary that knows...

HURD:

You bring up encryption, and I guess this question is to Secretary Johnson. I'm with you, I'm glad you were able to mention the cyber and infrastructure protection agency. I think it's a critical tool, I agree with the Chairman, and support this.

And we have to get it done now, because if we don't do it now it's going to be years from now. And I would like to add that the efforts on - that the Department of Homeland Security NPPD has done across the Federal Government helping protect the digital infrastructure of our fellow agencies has been impressive.

How important is the use of encryption to make sure that these other agencies are protecting the information that they do have on American people?

JOHNSON:

We are (ph) through binding operational directives which is authority that was given to me by congress, and other things, working with Federal agencies to secure their own systems. This is a work in progress. I want to see not just the CIOs of each agency but the cabinet heads, the agency heads...

HURD:

Should they be using stronger encryption to protect digital information, or weaker encryption?

JOHNSON:

It's hard to answer in general. I think we need to improve the security of our systems, I think that's the way I would answer it.

HURD:

Director Comey, first off, your level of transparency on what the FBI knew and didn't know around the Orlando killer I think was impressive, and was important for the American people to know and understand, and I commend you for that.

One of the issues -and I recognize that on the Orlando killer case a number of locations. And it appears that at many of those locations there were private security. Is there a vehicle by which private security is able to - you know if they see a suspicious activity report, does that go somewhere? Do these private security have training?

Is there a way to integrate that kind of information into the JTTF of structure, into local police? Your thoughts on that.

COMEY:

Yes, I think it is - they are integrated, there are probably ways to improve it in both directions through their relationship with the local uniformed police.

If they see something suspicious, even if they pass it informally it's going to get to the JTTF right away. So my sense is it's pretty good through the local police.

HURD:

And Mr. Chairman, I would be remiss to not mention and have a comment on encryption. I think it was one of your own employees, Director Comey that mentioned that our civil liberties are the things that make our country great.

They are not our burdens and I agree wholeheartedly with that. And I think that we should be focusing on how we strengthen encryption and not weaken it and make sure that law enforcement in the private sector are talking, not talking past one another, but are actually working together.

And we also have to ensure that we continue to create a culture within the Federal Government that protects information and protects those secrets that so many people have worked hard to collect.

Mr. Chairman, I yield back the time I do not have.

MCCAUL:

Thank the gentleman.

The chairman recognizes the Ranking Member for purposes of a closing statement.

THOMPSON:

Thank you, Mr. Chairman.

I yield to the Gentelady from Texas.

JACKSON LEE:

I thank the Ranking Member. I thank her for her leadership.

And the chairman, let me quickly -- I think my questions may warrant a one letter, one -- one word answer.

In light of and again, Mr. Comey thank you for your presence at the Dallas Memorial. But in light of the existence of weapons of war on the streets, would you and your agents surmise and believe that

law enforcement are less safe because AR-15's and others are still about in this -- in this nation? In civilian hands who may be doing wrong things -- less safe?

COMEY:

The more weapons in the hands of bad people, the less safe our people are.

JACKSON LEE:

Second question is, with a career investigators and prosecutors who investigated former Secretary Clinton on -- on the matters dealing with e-mails, is it my understanding, in your understanding in confidence that you have completed the investigation, as well as the Department of Justice?

COMEY:

Yes.

JACKSON LEE:

To your satisfaction?

COMEY:

Yes, it was done in an apolitical professional, way. I'm very proud of my folks.

JACKSON LEE:

My last point is I made a point about swatting (ph). I would appreciate if you could refer me to one of your individuals at headquarters to be able to have that matter addressed as quickly as possible.

I thank you so very much for your service and I know that America is going to be a better nation because we are all working together in a unified manner.

I yield back.

MCCAUL:

Let me just thank all three of you for your expertise. It's been very instructive (ph) to this committee. I wanna thank you for your service on all three levels, FBI, the amount of terrorism you have stopped in this country astounds me. The job your agents do in arresting over 80 ISIS followers since the beginning of the Caliphate.

To NCTC for doing the intelligence fusion, which serves this Congress and I think any the executive branch so well. And finally, to Secretary Johnson I think this will be your last testimony for this Congress.

I think you -- that isn't for certain but on a personal level, I've enjoyed working with you and I wanna thank you for your service. Both the Department of Defense doing very important work targeting the threat where it exists.

But also the Secretary of homeland Security, you've truly served with an honor and distinction and we thank you for that.

With that, this hearing stands adjourned.

**O'Brien, Alicia C (OLA)**

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**From:** O'Brien, Alicia C (OLA)  
**Sent:** Thursday, July 14, 2016 3:07 PM  
**To:** Kadzik, Peter J (OLA)  
**Subject:** FW: ww threats hearing  
**Attachments:** House Homeland Security Worldwide Threats Hearing - Final Transcript (highlighted).docx

Highlighted version attached.

Alicia C. O'Brien  
Office of Legislative Affairs

(b) (6)

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**From:** Lichtenstein, Alexandra R. (OLA)  
**Sent:** Thursday, July 14, 2016 2:56 PM  
**To:** O'Brien, Alicia C (OLA); Losick, Eric P. (OLA); Kadzik, Peter J (OLA)  
**Subject:** RE: ww threats hearing

Duplicative Material