FBI Director, DHS Secretary, Oppose House-passed Refugee Screening Bill

FBI Director James Comey (shown, left) and Homeland Security Secretary Jeh Johnson (right) have both expressed concerns about the American SAFE Act of 2015 (H.R. 4038) introduced by the chairman of the House Committee on Homeland Security, Representative Mike McCaul (R-Texas). The bill, which would require that background investigations be completed prior to the admission of "certain aliens as refugees," was passed by the House by a vote of 289-137 on November 19 and sent to the Senate.

The legislation would require that, in addition to the screening conducted by the secretary of Homeland Security, the director of the FBI "shall take all actions necessary to ensure that each covered alien receives a thorough background investigation prior to admission as a refugee."

Furthermore, under the legislation, a "covered alien" may not be admitted as a refugee until the FBI director certifies to the secretary of Homeland Security and the director of National Intelligence that each "covered alien" has received a background investigation that is "sufficient to determine whether the covered alien is a threat to the security of the United States."

The legislation defines "covered alien" as:

(A) a national or resident of Iraq or Syria;

(B) an alien who has no nationality and whose last habitual residence was in Iraq or Syria; or

(C) an alien who has been present in Iraq or Syria at any time on or after March 1, 2011.

Homeland Security News Wire, a private online daily news publication not affiliated with DHS, reported on November 20 that 47 Democrats joined all the Republicans present to pass the bill by a veto-proof majority in the House. However, the White House said it would veto the bill, saying it "would unacceptably hamper our efforts to assist some of the most vulnerable people in the world."

Senate Minority Leader Harry Reid (D-Nev.) said there was "no way" the House bill would pass in the Senate. The legislation would require a two-thirds majority in both houses to override a presidential veto.

The *New York Times* quoted a statement made after the House vote by Attorney General Loretta Lynch, who said the screening mandated by the legislation is both impractical and impossible.

"To ask me to have my FBI director or other members of the administration make personal guarantees would effectively grind the program to a halt," Lynch told reporters at a joint news briefing she held with Comey.

In a November 19 article, CNN's justice reporter Evan Perez wrote that FBI Director James Comey "has

deep concerns" about H.R. 4038, which, Perez wrote, "would require him and other top national security officials to personally certify that each refugee from Syria and Iraq isn't a security threat." Perez cited two unnamed two U.S. officials as his source.

Perez also quote a statement from DHS Secretary Johnson, who said:

> This bill that has been posed by Mr. McCaul — and I like Mr. McCaul — is a bad bill because it seeks to micromanage the process in a way that is counter productive to national security to our humanitarian obligation and the overall ability to focus on Homeland Security.

Speaking to CNN's Wolf Blitzer on November 19, Perez said: "[Director Comey] has some really grave concerns that this legislation would [not] allow anyone, any refugees" into the United States.

Perez also noted that Comey has expressed concerns to both the Obama administration and Congress that "this requirement, where he would have to personally sign off on every individual refugee coming from Syria and Iraq is just frankly impossible."

While having the FBI director or Homeland Security secretary personally sign off on every refugee from Syria or Iraq being admitted to our nation would admittedly be impractical, or even impossible, both officials head very large departments or agencies with thousands of employees to whom such duties might be delegated.

However, the task of separating terrorists from innocent refugees may be impossible even for rank-and-file U.S. security teams to accomplish, according to at least one Brooklyn, New York, Syrian community leader. As was reported in a November 23 article in *The New American*, that leader, Aarafat "Ralph" Succar, told reporters for the *New York Post* on November 18 that "ISIS terrorists have 'absolutely' sneaked into America by posing as civil-war refugees — and joined sleeper cells just waiting to be activated. 'I believe the terrorists from Syria have been coming into the United States, not only in the past few years, but way before that.… I think they're already at work."

Succar's statement mirrors another similar opinion expressed by Dimitris Amountzias, a police captain in charge of Moria, Greece's main registration camp on the island of Lesbos. AFP quoted a statement from Amountzias in a November 21 report noting that it is virtually impossible to pick out dangerous extremists among arriving migrants, without prior intelligence.

The Greek police captain told AFP: "If they are not already registered in the database, it's nearly impossible [to detect them]."

Among those who have expressed concerns about terrorists entering the United States amidst the refugees is presidential candidate Sen. Ted Cruz (R-Texas). In a September 23 letter to DHS Secretary Johnson, Attorney General Lynch, Secretary of States John Kerry, and FBI Director Comey, Cruz said:

> While what is occurring in the Middle East and Europe is clearly a humanitarian problem, I have grave concern about what appears to be this Administration's headlong rush to import tens of thousands of individuals from Syria and elsewhere who have not been properly vetted. This scenario would be of grave concern even in the absence of specific commentary by ISIS, but there is good reason to believe that ISIS is trying to use the outflow of refugees from Syria to help send terror operatives into the United States and Europe. Given these and other circumstances, the refugee flow out of Syria must be treated as a substantial national security risk.

Perhaps the requirement demanded by McCaul's bill that the FBI director sign off on every alien being admitted to the United States is too formidable a task, but Comey may have taken the language of the

bill too literally. Certainly the requirement that the director "shall take all actions necessary to ensure that each covered alien receives a thorough background investigation prior to admission as a refugee" permits him to delegate this responsibility to the FBI agents reporting to him. The main point of concern expressed by Cruz and many others is, that before the Obama administration permits wholesale unrestricted migration into our nation, adequate security measures must be put in place to detect terrorists in the aliens' midst.

Photo of FBI Director James Comey (left) and Homeland Security Secretary Jeh Johnson: AP Images

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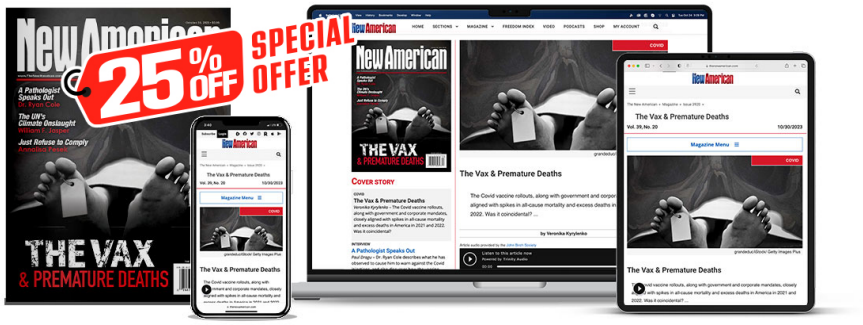

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