

Congress of the United States

House of Representatives

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Opening Statement Ranking Member Elijah E. Cummings

Hearing on “Terrorist Travel: Vetting for National Security Concerns” December 17, 2015

Thank you, Mr. Chairman. I believe I speak for every Member of this Committee when I express our condemnation for the actions of these two depraved terrorists—Syed Farook and Tashfeen Malik—who murdered 14 innocent people in cold blood and injured many, many others in their sickening rampage in California two weeks ago.

We send our prayers to the people who were injured and to the families of the innocent victims. We know their lives will be changed forever by this horrific act. We also extend our profound thanks to the hundreds of law enforcement officials, emergency first responders, and healthcare providers who responded then—and are still responding today—to this act of cowardice and evil.

This attack was unusual because it was carried out by a husband—a United States citizen—and a woman who came into our country on a fiancé visa, married this man, and then had a baby with him. Their baby was only six months old at the time of the attack.

Last week, the Director of the FBI, James Comey, testified before the Senate that, based on the FBI’s ongoing investigation, it appears that both Farook and Malik were radicalized before Malik entered the United States.

Director Comey explained yesterday, however, that contrary to the suggestion that a simple Google search would have revealed Malik’s radicalism, these terrorists did not post their messages on publicly available social media. Director Comey stated:

“We have found no evidence of a posting on social media by either of them at that period of time or thereafter reflecting their commitment to jihad or to martyrdom.”

Director Comey also said this, “I see no indication that either of these killers came across our screen, tripped any trip wires.” He also stated that he had not seen anything that “should have put them on our screen.”

Unfortunately, due to the extremely short turnaround for today’s hearing, we do not have anyone here from the FBI. Mr. Chairman, I ask unanimous consent to place this Fox News story into the record, which is entitled, “San Bernardino Terrorists Didn’t Post Public Messages, FBI Director Comey Says.”

So, if a search of public social media would not in fact have prevented this attack, the question before us today is this: what else should be done to identify foreign nationals seeking to enter the United States who pose a risk to our national security?

For example, should U.S. agencies attempt to access password-protected platforms like the one reportedly used by Malik? How should they identify people who use alternate identities, which law enforcement officials also believe Malik apparently used?

Which agencies should do this? The State Department? DHS? The FBI? Our intelligence agencies? All of them? And once they conduct the screening, how should they report the results? Should they go into the National Counterterrorism Center's TIDE database? The FBI's Terrorist Screening Database? Others?

And finally, should federal agencies be able to access communications over social media accounts of U.S. citizens who sponsor foreign nationals? If so, under what circumstances?

These are all difficult questions, and a lot of the answers may involve classified information. I understand that there are several pilot programs already in the works. I also understand that the President has ordered a review that is currently ongoing. Our job is to grapple with these issues and develop solutions that help protect this nation. The American people expect aggressive and urgent action to screen people entering the country to ensure that they do not pose risks to our national security.

For these reasons, I believe that one of the most constructive steps our Committee can take today is to examine the various information databases used by federal agencies to make sure they are sharing as much information as possible to promote our national security.

I thank our State Department and DHS witnesses for being here on such short notice, and I look forward to your testimony.

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