

**Senator Thomas R. Carper**  
**Post-Hearing Questions for the Record**  
**Submitted to Kirstjen M. Nielsen**

**Nomination of Kirstjen M. Nielsen to be Secretary of the Department of Homeland Security**  
**Wednesday, November 8, 2017**

1. In your policy questionnaire, in response to a question about the largest number of people that directly reported to you at any one time, you refer to your answers in the majority portion of the questionnaire for your recent role at DHS, and your current role at the White House. Please provide clear answers to the questions for each role. In other words, are we to understand that you had sixty-five direct reports at DHS, and that you oversaw two hundred employees at the White House?

*The differences intended between “directly managed,” “directly reported to you,” and “oversight” were not clear. Thank you for the opportunity to clarify.*

*The DHS Secretary has 27 direct reports. As DHS Chief of Staff, I had approximately 30 direct reports (defined in the next question), directly managed the Office of the Secretary which included approximately 65 people (to include direct reports), had resourcing and budget related decision-making authority and responsibility for the Office of the Secretary and Executive Management, made up of ten offices, 585 personnel and with a budget of \$137 million (FY 2017 enacted). As WH Principal Deputy Chief of Staff, I have 7 direct reports, and directly manage approximately 200 people.*

*The role of Chief of Staff or Principal Deputy Chief of Staff of a complex organization or entity is the coordinator of all of the supporting staff. An effective COS or PDCOS must encourage all feedback and keep communication open across all levels. He or she must engage with staff at all levels of the organization constantly to identify and address underlying issues. Within a large Department context, the Chief of Staff manages the Department serving as the Executive Officer, ensuring that direction and guidance from the Secretary and Deputy Secretary is executed through a variety of avenues. I have played a similar role at the White House.*

*As a result, in both my DHS Chief of Staff role and as Principal Deputy Chief of Staff at the WH, I had/have direct reports, those whom I directly managed/manage, and a much larger group of employees of whom I had/have coordination and management oversight and/or budget responsibilities. For the larger group (240,000 in the case of DHS and around 1700 in the case of the Executive Office of the President), I address employee concerns and issues that rise to my attention and/or are brought to my attention and seek to ensure that the organization is optimally structured and operating. For example, in my current role, I address employee matters and concerns related to those within the Executive Office of the President (e.g., travel approvals, resource concerns, process concerns, personnel needs, etc.), and, either direct related actions or make recommendations to the Chief of Staff relating to policy portfolios and the determination of roles and responsibilities of personnel within the Executive Office of the President (regardless of whether or not they are direct (see definition below) or indirect reports or whether I directly manage them.*

- a) How do you define “direct” reports?

***I would define it as anyone whom I manage directly and/or those who directly provide me with the results of tasks on a semi-regular basis. Additionally, I think of it as anyone who could not be hired, fired, given a pay adjustment or disciplinary action without my personal sign off.***

- b) Did you have any indirect reports in your role as DHS Chief of Staff, or as Principal Deputy Chief of Staff at the White House? If so, how many?

***Indirect reports are those who report to my direct reports. In my answer above I used the term “directly managed” to include indirect and direct reports. As described above, there is a much larger group of employees of whom I had/have coordination and management oversight and/or budget responsibilities.***

2. DHS is a large and complex organization made up of 22 component agencies, with many legacy challenges—including staffing, hiring, training, morale, coordination, communication, contracting, and oversight issues—in addition to the “everyday” challenges of carrying out its critical mission to address an evolving threat landscape and ensuring the security of our homeland against all manner of hazards. DHS and many of its components remain on GAO’s High Risk List, though progress has recently been made. Previous secretaries and even component heads have had extensive experience managing change, instituting reforms, and leading large and complex organizations. At most, you have managed two hundred reports; before this year, you had managed fifteen people.
- a) Please explain your general philosophy toward management, and provide examples of your previous work in similar environments.

***As you describe, the role of the Secretary and his or her requisite skills include much more than direct management to include extensive experience in managing change, instituting reforms and leading. In addition to what you suggested, I would also add the following skills and capabilities are needed: communication and outreach skills; ability to optimize organizations to achieve successful mission execution; mentoring and career advancement planning; clearly articulating mission, roles and responsibilities; developing priorities; understanding operational environments (whether they be governmental or private sector); and utilizing metrics to ensure effective execution. For DHS especially, the Secretary must understand risk – how to identify and assess it and how to identify the correct mix of personnel, partnerships, technology, infrastructure, tools, programs, policies, authorities and processes to address it. Finally, the DHS Secretary must be able to coordinate and manage diverse stakeholders from all levels of government and varied sectors who voluntarily- without any applicable command and control management- partner to reach common desired outcomes often with very different and conflicting motivations. I have demonstrated skills and capabilities in all of the above throughout my career in homeland security and without question my homeland security expertise enables me to understand where we have been and where we need to go as a Department with respect to mission, authorities, policy, risk, partnerships, and strengthening security and resilience.***

***As I noted in my policy questionnaire, I lead by example and always through the promotion of integrity, transparency, compliance with the law, and commitment to mission. I believe in ensuring that the mission is clearly articulated - at every level - and that clear objectives and metrics are agreed upon and assessed. I foster a team approach based on concepts of unity of effort and clearly delineate roles and responsibilities based on the mission. I believe in***

*performance evaluation and in learning and acting on lessons identified, not just observing or admiring them. I expect to be held accountable and hold others accountable. I also believe it is important to take the time to acknowledge a job well done. I have found that talking to personnel on the frontlines, in the field, at their desks is invaluable to understand operating environments, needs and concerns. I believe in empowering those who work with me and believe it is my duty to ensure that they have the authorities, tools, resources and training needed to perform their jobs. I value dissenting opinions and make every effort to ensure that all voices have a place to be heard, and I strive to maintain an environment of trust and respect.*

*The environments I have worked in during my time in government service have been very similar environments or indeed have been within the Department itself. I have worked with organizations from their inception through to multiple maturation evolutions. I have created organizations, including my own company, advised start-up companies as a lawyer and consultant and as a federal employee as part of the team that stood up TSA. I have lead interagency policy discussions to address conflicting, overlapping or needed authorities between Departments and Agencies. I have worked as a federal employee within the Executive branch and with Congress, and as a consultant to specifically advise federal entities on optimizing organization, training, resourcing etc. for mission execution. In this Administration, I have been instrumental in identifying areas where additional maturation, clarification and organization change are warranted. I have worked in all sectors and in all roles to build private public partnerships to identify and address the nation's risk, security and resilience challenges.*

*Having been a relatively junior employee at TSA in its earliest days, a White House official working with and coordinating policy related to the Department and its people from outside the Department, and the Chief of Staff of the Department have given me a unique set of perspectives on DHS. I think I understand more about what makes for effective management and leadership in the Department having been one who has led from within and without, and who has consulted from the outside. Having been one who worked with its people and leaders from within the White House and the private sector, I think I also better understand the multi-faceted role of a Secretary. As I said in my responses in the hearing, I do believe leadership and management principles are scalable if applied correctly. I recognize how large this Department is, and agree with your comments during the hearing that it would not be an easy job for anyone, no matter their experience or the number of people they previously managed.*

- b) Please describe the management challenges facing DHS. What will be your first priority if confirmed as Secretary?

*Should I be confirmed, as I noted in part in the Policy Questionnaire, one of the greatest management challenges and opportunities is in the area of human capital management at DHS, and that is to ensure that the fine men and women of DHS have clarity of mission, are empowered to perform their duties, have all the necessary tools to do their jobs and are both held accountable and acknowledged for their performance. I see these actions as essential to strong job satisfaction and high employee morale. Another principal challenge is improving our ability to recruit, hire and retain talented people. We need to adapt our hiring systems to meet a rapidly changing hiring environment and identify innovative ways to attract key skill sets- such as those needed for the cybersecurity mission. If confirmed, I look forward to*

*working with the Under Secretary of Management to align human capital objectives across components, the Chief Human Capital Officer and Department leadership as well as OPM, OMB and Congress on creative solutions. Finally, as I referenced in the hearing, I agree with the recent OIG report that DHS must do more to create and enforce strong internal controls and do more to ensure that DHS operates as on team through unity of effort and other initiatives.*

- c) What is some of the advice you have received for the job that you intend to follow if confirmed?

*I have received a lot of helpful advice including from many former senior officials who encouraged me to accept the nomination. To put Constitution and Country and mission first in all decisions. To fulfill my duties with dedication, determination and resolve and to not worry about the politics or press clippings if I believe in what I/we are doing is best for the country and if in compliance with the law. To embrace the reality that we unfortunately will never be 100% effective 100% of the time in stopping threats but to always keep striving for that anyway. To honor and support the men and women who work every day to keep our country secure. To empower senior officials and to refrain from micro-managing. To “be yourself” and continue leading with my principles of by example and with integrity, transparency, accountability and acknowledgement and to work as a team and not apologize for doing my job. To get out, talk to employees and “kick the tires”. To listen to and engage often with stakeholders. To continue to recognize as I have often said that no one entity has all of the capabilities, capacity and authorities to address all of the risk alone- we must continue to strengthen partnerships across levels of government and sectors.*

- d) DHS’s website shows that fifteen of over 40 senior management roles are vacant or occupied by “acting” officials. What qualities and characteristics will you look for in working to fill those roles? Do you believe your advice will be heeded by the White House in selecting nominees? *I will look for those who share my leadership principles (described above) and who are competent, have relevant expertise and who are otherwise qualified for the job for which they are considered. I have built strong relationships with the White House, am very familiar with the personnel processes and do believe the WH will heed my advice in selecting nominees.*

3. Who are your some of your professional mentors and role models, and how have they influenced you over your career?

*I have had the benefit of a number of professional mentors and role models to include a college professor and a law professor both of whom encouraged me to speak my mind, always seek the truth, take the time to gather and review facts and perform a systematic assessment before making decisions, to be decisive, to lead by example and to always stay true to my principles and sense of mission. I would also reference what I have learned from having the privilege of working with General Kelly whose unwavering sense of dedication, right and wrong, the importance of speaking truth to power, duty and service to country and mission are not only greatly inspiring but an important reminder of why I left the private sector to again serve the country in government. Such a leader brings out the best in others and can inspire aspects of leadership that will cause those who follow to move mountains in service of others.*

4. If confirmed, will you commit to speaking with previous DHS officials from administrations of both parties in order to understand the challenges facing DHS and its components, and to seeking their recommendations for addressing some of those challenges?

*Of course. I know well and have already spoken with some who have served in DHS from both the Obama and Bush Administrations. I look forward to talking to many more and commit to getting their perspectives and advice on the many challenges facing DHS and the many threats facing the homeland. I have found that institutional memory and a lessons learned perspective on what has been previously tried, what worked and what didn't work can be invaluable.*

5. In the past several years DHS has received poor scores when it comes to overall morale among large agencies in the Federal Employee Viewpoint survey administered by the Office of Personnel Management. However, we've seen some progress in terms of employee morale and engagement across DHS as reported in the *two most recent* Federal Employee Viewpoint Surveys.

a) What do you believe are metrics that should be used to monitor employee satisfaction and engagement across DHS?

*As I understand it, DHS currently uses the Employee Engagement Index (EEI) as its metric for tracking progress on employee engagement. The EEI is an index provided by the Office of Personnel Management, used government wide, and is based on the Federal Employee Viewpoint Survey (FEVS) results.*

*I also understand that the EEI is comprised of 15 questions that OPM has determined most exemplify "an employee's sense of purpose that is evident in their display of dedication, persistence, and effort in their work or overall attachment to their organization and its mission".*

*I believe it is important to have metrics that allow us to consistently measure employee satisfaction and engagement from year to year within DHS and to allow us to compare our progress to other cabinet agencies who in turn are also using a consistent metric. It allows DHS to note developments and trends beyond just the most recent year's top level FEVS score. For example, I was thrilled to note that DHS had the largest year to year increase in EEI of any cabinet-level agency from 2016-2017, four percent. USCIS and USCG each had EEI rates higher than any of the cabinet-level agencies at 74%. If confirmed I look forward to discussing with the Under Secretary for Management whether there are additional metrics we are, or should be, using.*

b) From your perspective, what are the key drivers of improving employee morale across DHS?

*The short answer is I think more people in the Department today understand their role in enforcing the laws and feel empowered to do it. I believe that morale relates directly to cohesion and cooperation, and those flow from a mutual, clear understanding of mission and risk-based priorities, clearly articulated roles and responsibilities, accountability and acknowledgement, support for the enforcement of our laws, and having the tools and resources needed to do one's job. Ensuring that voices can be heard in an environment of trust and respect is vital. I think some progress we have made in these areas is driving the improvement in morale. I also believe it is important for employees who professionally and effectively conduct their congressionally mandated missions to be confident that the Secretary will support them in the face of public, media and other criticism.*

c) If confirmed, how will you work to continue the progress made as reported in the most recent surveys?

*As previously mentioned, I was thrilled to learn that DHS employee satisfaction scores rose 6 percent in the most recent FEVS survey. During my service as the Department's Chief of Staff, we initiated a leadership employee listening tour by the DHS Deputy Secretary. This tour reinforced the need for Department leadership to clearly articulate objectives, hold people accountable and acknowledge success. In addition to the FEVS metrics DHS also uses, under the chairmanship of the Under Secretary for Management, an Employee Engagement Steering Committee (EESC). Through the EESC, DHS component agencies have made concerted efforts to improve their approaches to employee engagement and address workforce issues. For example, Components now create and implement employee engagement action plans. The EESC serves as a forum to both ensure accountability to these plans and to share best practices emerging from them across the Department. I also believe unity of effort and the belief that DHS is one team is essential. If confirmed, I look forward to fully re-engaging in these initiatives to identify what the Department has learned and to develop specific implementation steps the Department can take on issues identified.*

6. In the past, DHS has utilized special hiring authorities to onboard individuals in areas where the agency has mission critical skills gaps such as in information technology, specifically, the cybersecurity workforce.
  - a) In your view, what are the primary barriers to recruiting and retaining qualified individuals for occupations at DHS facing skills gaps, and, if confirmed, what steps will you take to address these barriers?

*As I noted in the hearing, hiring and retention overall is something that would be at the top of my priority list, should I be confirmed. Some Senators have mentioned, for example, very specific concerns and difficulties we have in hiring for certain geographies. Cybersecurity is an example of a particular area where we have difficulty in not only hiring but retaining qualified people within the Department but it's not the only one. We need to look at recruiting and retaining qualified individuals holistically and across the federal civilian and law enforcement interagency. The hiring system needs to keep up with the times. When I was Chief of Staff, I had conversations with the Deputy Secretary specifically about how DHS advertises, the way we do recruiting, the way in which we're allowing people to apply, what we pay compared to the private sector for employees with certain skills, how long it takes from application to hire, how cumbersome our background investigation process is, etc. We need to take the recruiting to the potential recruits and make the ask accessible to a wide array of potential applicant pools. From a holistic human resources perspective, we've got to have the internal controls in place to ensure we are effective in hiring through the cycle of training, career path planning, professional development and retention,. If confirmed I look forward to digging into these issues, because the Department is ultimately only as good as its people.*

7. DHS's Headquarters Consolidation project at St. Elizabeths is the largest construction project on the books in the federal government. To date, the project has received over \$2.3 billion dollars, or nearly two-thirds of the \$3.7 billion the previous Administration estimated was needed to complete the project.
  - a) What is your vision for the DHS Headquarters consolidation project at St. Elizabeths?

***I know from firsthand experience that the significant and far-flung number of locations where DHS personnel work is a challenge to unity of effort, leveraging DHS capabilities across components, and to headquarters and leadership coordination and management. As such, the DHS Headquarters consolidation will provide greater opportunities for collaboration and enhance mission effectiveness.***

- b) Do you believe, as your predecessor did, that the project is an operational necessity that will promote the unity of effort initiative and enhance mission effectiveness?

***I do believe that maximizing collocation will facilitate unity of effort and enhance mission effectiveness.***

- c) The Fiscal Year 2018 budget request proposed \$135 million for GSA but did not seek new DHS development funding for St. Elizabeths. Do you believe that this funding request will keep the project on track for the previous administration's estimated completion date of 2021?

***If confirmed, I commit to assessing the latest plan for DHS Headquarters consolidation and, working with GSA, OMB and the Congress to take appropriate steps on this important project.***

- d) In August 2017, DHS wrote to Congress noting that the agency is working aggressively to validate/update the previous Administration's consolidation plan and that DHS and GSA would be happy to brief the Committee once the updated plan is complete. If confirmed, will you commit to providing members of this Committee with an update on the consolidation plan as soon as possible?

***Yes.***

8. According to media reports, several White House staffers used personal e-mail accounts to conduct government business during your tenure at the White House. In your policy questionnaire, you state that you oversee two hundred White House employees as White House Deputy Chief of Staff.
- a. Please describe your role in ensuring compliance with presidential recordkeeping rules as White House Deputy Chief of Staff.

***There are a number of people and organizations within the Executive Office of the President who share responsibility for staff compliance with the recordkeeping rules. I received the policies and guidance on presidential recordkeeping rules when I joined the White House, I ensured that I abided by them and that they were in turn promulgated to those who worked for me. I also asked the WH General Counsel to issue any needed clarifications and to send out a White House wide email reminder of the rules and policies. I also asked the General Counsel to brief senior staff (Assistants to the President), which he did and in conjunction with the Counsel's office we briefed the Deputy Assistants to the President.***

9. The National Protection and Programs Directorate at DHS currently employs fewer than ten cybersecurity advisors, whose function is to provide a point of contact at DHS for private sector companies in order to share cybersecurity best practices, conduct security assessments, and advise companies on how to avoid, prepare for, and respond to a breach.

- a) Do you believe DHS needs additional resources in order to carry out its cybersecurity mission?

***I look forward, if confirmed, to assessing what additional resources are needed and where/how to more effectively carry out the Department's cybersecurity missions and will continually reassess whether we are both effectively allocating the resources we do have and to balance those resources between 'the field' and NPPD HQ.***

- b) If so, if confirmed, are you prepared to advocate strongly for the resources and authorities DHS needs in order to carry out its critical cybersecurity mission?

***I am committed to educating OMB and the Congress on any unmet needs or resources I believe that DHS needs to carry out its cybersecurity missions, and all of its missions.***

10. Do you believe that renaming NPPD to the Cybersecurity and Infrastructure Protection Agency, or CIPA, would be helpful in fostering a sense of mission among the directorate's employees, and in the directorate's efforts to recruit and hire qualified cybersecurity professionals?

***I do not have a particular name in mind for such a reorganization but believe it is important that it denote clearly the cybersecurity, risk, resilience and infrastructure aspects of its mission and would look forward, if confirmed, to working with Congress and other stakeholders to ensure the most effective name to support morale, our recruitment and retention and mission.***

11. Do you believe that NPPD should be an operational component of DHS, rather than a directorate within DHS headquarters?

***If confirmed, I would like the opportunity to review the details and discuss with NPPD leadership, but yes as I stated in the policy questionnaire, and during the hearing, I believe it should be an operational component to more effectively carry out its mission rather than be treated as a headquarters element.***

12. If confirmed, will you commit to working with members of congressional committees on a bipartisan basis to pass legislation authorizing restructuring of NPPD in order to elevate cybersecurity at DHS, eliminate unneeded silos, and to better address the cybersecurity threat?

***I do.***

13. In your meeting with Senator Carper, you stated that you supported U.S. investment to address the root causes of migration from the Northern Triangle countries of Central America, but that you would want to come back to Congress in a year or so and be able to point to results for the money spent. Plan Colombia, which provided the initial model for the U.S. Strategy for Engagement in Central America, involved a sustained investment over twenty years.

- a) How long, in your mind, should it take to address corruption, violence, and lack of opportunity in countries with endemic corruption and some of the worst violence outside of active war zones?

***I cannot answer how long it should or might take, the conditions are complex, different between the countries and evolving. But I agree that it would likely be a sustained multiyear investment that is needed to deliver the level of results that we would hope for. To be clear this investment in time and/or resources must be provided through the federal government and the***



***private sector. While DHS provides some of that assistance this is a much bigger interagency question involving the State Department, the Department of Defense, the Department of Justice, USAID and others as well as the Congress.***

- b) If confirmed, would you commit to working with Secretary Tillerson and bipartisan members of relevant Congressional committees in order to review the status of current U.S. efforts to address the root causes of migration from the Northern Triangle countries of Central America?

***I have a close working relationship today with Secretary Tillerson and would, if confirmed, work with him and his team as well as Congress to review these important capacity building efforts in Central America to address not only the root causes of migration but of destabilization and transnational criminal organizations.***

- c) Will you work with the heads of CBP and relevant component agencies to ensure that efforts to address root causes are well understood, and accounted for, among leadership as part of efforts to secure the southern border, including in staffing, resource, and budgeting models?

***I will.***

14. In your policy questionnaire, you state that former Secretary Kelly's knowledge of and commitment to the region [of Central and South America] were of great benefit to you in understanding the drivers of migration into the U.S. Migration from the Northern Triangle of Central America accounts for almost all of the undocumented flow into the United States. If confirmed as Secretary, whose advice and knowledge will you seek out on questions regarding U.S. policy toward Central America and the Northern Triangle, if anyone's?

***As mentioned above, I would certainly consult with DHS leadership, Secretary Tillerson and the State Department, Members of Congress, the intelligence community, other federal law enforcement partners, the Department of Defense, NGO's, and of course the leaders of those countries.***

15. President Trump has issued an executive order calling for the construction of a wall along the entire border between the US and Mexico. Every estimate agrees that such an undertaking would cost several billion dollars; in your confirmation hearing, you acknowledged that construction of a wall from sea to shining sea was not likely to occur. Additional wall construction could sever wildlife habitat and irreparably damage numerous national parks, wildlife refuges, forests and wilderness areas that are found along our border. Wall construction could also have severe negative consequences for important regional ecotourism economies. For example, a wall through the Santa Ana National Wildlife Refuge would cut the Refuge off from its visitor center.

- a) Should any portion of wall construction move forward, if you are confirmed as Secretary, what will you do to minimize and mitigate damage to wildlife and related ecotourism economies?

***If confirmed, I will review current policies. I believe DHS, CBP and the Army Corps of Engineers in previous border construction projects sought to mitigate environmental impacts to wildlife and habitat on public lands wherever possible and worked with stakeholders to do so, including the Department of the Interior and wildlife management officials.***

16. Is CBP currently conducting preparation or construction activities for wall or physical barrier construction in the Santa Ana National Wildlife Refuge? Please describe what activities are underway, and the authority under which those activities are taking place.

***I am currently unfamiliar with the status of activities and plans by CBP in this area. If confirmed I will ask to be briefed on plans in the area of the Santa Ana Wildlife Refuge.***

17. In January, the President issued an executive order mandating that CBP hire 5,000 additional Border Patrol agents, about a twenty five percent increase over the current force, citing a need for additional agents. CBP is currently unable to hire and retain the 21,370 Border Patrol agents it is required to under law.

a) Do you believe that a rapid increase of five thousand Border Patrol agents as directed by the President, during a period of historically low apprehensions at the border, is consistent with a risk-based approach?

***Threat, risk, and need are primary considerations in staffing and resource decisions at CBP. I understand that DHS and CBP jointly use numerous methodologies to identify and validate border security initiatives and investment, including additional personnel. The USBP continues to refine its staffing methodology to determine its requirements to conduct border enforcement operations. I understand these methodologies are described in more detail in the soon to be released Border Security Improvement Plan.***

***To determine a comprehensive staffing plan we first must understand the requirements of our leaders and operators in the field. I understand the Border Patrol is currently working on a decision support tool which will support a staffing model with a combination of existing data and field input. While apprehensions may be at historically low levels, our border is not yet secure to the levels the American people expect and additional resources are required.***

b) If confirmed as Secretary, would you advocate for returning to a risk-based approach, including use of CBP's Workload Staffing Model?

***Overall, as mentioned in other responses I have given to the Committee, I believe strongly in basing the Department's staffing and resourcing decisions on evaluations of risk. I understand, CBP's workload staffing model has been used successfully, particularly at the ports of entry as a tool for projecting staffing needs. However, should I be confirmed I would seek to better understand the model. As I understand it now, it is not risk-based as it does not tie staffing models to threats but is driven by factors such as projected increases in flow of legitimate passengers and cargo.***

18. Last spring, the CBP Integrity Advisory Panel found that the agency needs to improve accountability among its law enforcement workforce.

a) If confirmed as Secretary, will you work with Acting Commissioner McAleenan to implement the recommendations made by the Integrity Panel, including incorporating additional random polygraph examinations for current Border Patrol agents?

***Yes, if confirmed I would work with CBP leadership to implement. I am not currently familiar with the specific Panel findings and I would want to understand the specific recommendation and its basis and also to gather information on best practices from other federal agencies that***

***use in service random polygraphing of employees to determine how to best incorporate such practices into the workforce.***

- b) If not, what alternative or additional accountability and integrity measures do you intend to implement?

*N/A*

19. The H-2B visa program plays an important role in providing a safety net for small and seasonal businesses to supplement their year round workforce when necessary. Congress has set the cap of available H-2B visas at 66,000 per fiscal year. However, earlier this year the Administration drastically lowered the number of H-2B visas available for seasonal workers during the summer, affecting employers throughout the country who rely on these workers to keep their businesses going.

- a) What are your views on the need for H-2B and J-1 visas? If confirmed, will you work with Congress to ensure that sufficient numbers of H-2B visas are provided in a timely manner?

***The Department of State maintains the J visa program. The J visa program can serve a valuable purpose and is broad in scope – applicants include au pairs to physicians to students.***

***The H-2B program allows U.S. employers who meet specific requirements to bring foreign nationals to the U.S. to fill temporary non-agricultural jobs. In past years, I understand Congress has provided for temporary measures to allow “returning workers” to qualify for H-2B visas. From my time as DHS Chief of Staff, I also understand some late-season industries argue that the dates of the two cap openings (i.e., October 1 and April 1) prevent them from obtaining H-2B workers. Under current regulations, USCIS cannot accept an H-2B petition unless it is filed with an approved temporary labor certification (TLC) issued by the Department of Labor. DOL regulations, in turn, provide that an employer cannot apply for a TLC with the DOL until 90 days before the start date of work to ensure that no U.S. workers are able and available to perform the proffered temporary jobs. If confirmed, I look forward to working with Congress on any improvements that can be made to the interagency process for administering these temporary worker programs to meet the goal of providing needed workers in various industries while reducing any opportunities for fraud and abuse and ensuring that the processes to protect American workers are followed.***

- b) If confirmed, will you work with USCIS and Congress to come up with a permanent solution for H-2B visas in order to provide predictability to our seasonal businesses?

***If confirmed, I look forward to working with Congress on any improvements that can be made to the interagency process for administering these temporary worker programs to meet the goal of providing needed workers in various industries while reducing any opportunities for fraud and abuse and ensuring that the processes to protect American workers are followed.***

20. On September 5, 2017, the Trump Administration announced it was rescinding the Obama Administration memorandum creating the Deferred Action for Childhood Arrivals (DACA) program, effectively ending the program and creating an elevated level of uncertainty for the hundreds of thousands of young men and women, known as Dreamers, who were brought to this country as children. In your confirmation hearing, you stated that you agreed that legislation must be

passed in order to solve this problem.

- a) If confirmed, will you commit to actively working with Congress to pass a law providing a permanent fix for Dreamers?

***As I also addressed in the hearing and my policy questionnaire, if confirmed, I will stand ready to work with Congress to provide any technical assistance needed towards a permanent, legal solution for DACA recipients and towards enacting measures that enhance border security, interior enforcement, and our immigration system generally.***

- b) If confirmed, will you issue clear guidance to ICE and CBP ensuring that Dreamers are not treated as enforcement priorities?

***As I responded to similar questions in the hearing, DHS has established enforcement priorities that target criminal aliens, persons who pose a threat to national security or public safety or those who have a final order of removal. All other categories of removable aliens would be a lower enforcement priority. If confirmed, I will work with ICE and CPB leadership to review enforcement priorities and ensure that guidance is clearly articulated.***

21. In your policy questionnaire, you stated that “I believe in performance evaluation and acting on lessons identified, not just observing or admiring them.” On January 27, 2017, President Trump signed Executive Order #13769, banning travel to the United States from seven majority-Muslim countries effective immediately. During the campaign, the president had called for a “total and complete shutdown of Muslims entering the United States.” Then-Secretary Kelly publicly took responsibility for the ban’s chaotic rollout; at the time, you were his chief of staff.

- a. Please describe your role in the development and issuance of the travel ban.

***I have been advised that because your question relates to the subject of ongoing litigation, it would not be appropriate for me to comment at this time.***

- b. What lessons did you learn from the ban’s rollout, and how did you act on lessons identified in the rollout of the second version of the travel ban, signed March 9, 2017?

***Orderly and comprehensive rollouts of Executive Orders and policy are vital to their effective implementation. DHS worked to ensure that the March EO rollout was comprehensive and orderly. I have been advised that because your question relates to the subject of ongoing litigation, it would not be appropriate for me to further comment at this time.***

22. The President in late September issued a proclamation implementing a travel ban affecting eight countries, six of which are Muslim-majority. According to the administration, the restrictions imposed under the proclamation are based on findings from a “worldwide review” of foreign countries’ security, information sharing, and other practices conducted by the Secretary of Homeland Security. Parts of this report were shared with foreign governments. However, administration officials have informed congressional staff that the DHS products cited in the proclamation, and used to inform and develop the travel ban, will not be provided to Congress.

- a. Please describe what role, if any, you played in the worldwide review and in development of the proclamation, directly or indirectly.

***As Principal Deputy Chief of Staff, I participated in early interagency policy meetings prior to my nomination. I have been advised, that because your question relates to the subject of ongoing litigation, it would not be appropriate for me to further comment.***

- b. Will you commit to provide any documents DHS developed as part of the travel ban review to Congress? Will you commit to doing so within 120 days of taking office? If not, why not?

***I highly value the role Congressional oversight committees play and if confirmed, I commit to respond appropriately to all reasonable requests from Congress within a reasonable time frame. I do not know at present the details of what these described documents entail and which, if any of them, may be the subject of ongoing litigation.***

- c. Section (j) of the September 24<sup>th</sup> Presidential proclamation states, “Section 2 of this proclamation describes some of the inadequacies that led me to impose restrictions on the specified countries. Describing all of those reasons publicly, however, would cause serious damage to the national security of the United States, and many such descriptions are classified.”
- ii) Do you agree that providing the reasons that restrictions were imposed on the specified countries to members of relevant oversight committees of Congress would not damage national security?

***I highly value the role Congressional oversight committees play and recognize that information can be provided at the classified level as appropriate. If confirmed, I will work with DHS leadership to ensure that needed information is provided to aid in oversight duties.***

- iii) Do you agree that Congress can receive classified information?

***Yes. Persons with a clearance and a need to know are eligible to receive classified information as long as they ensure that the information is handled properly and not publicly disclosed.***

- iv) If confirmed, will you commit to providing relevant information in response to requests from members of Congress?

***I highly value the role Congressional oversight committees play and if confirmed, I commit to respond appropriately to all reasonable requests from Congress within a reasonable time frame.***

23. Please describe your understanding of why Chad was included in the latest travel ban, and why Sudan was removed.

***I have been advised that because your question relates to the subject of ongoing litigation, it would not be appropriate for me to comment.***

24. The President's executive orders of January 27<sup>th</sup>, March 6<sup>th</sup>, and September 24<sup>th</sup>, by his own words, are geared toward barring Muslims from entering the United States. Later in summer, after the Supreme Court allowed much of the revised travel ban to proceed, the administration initially issued guidance interpreting the order to allow immediate family but not grandparents from countries named in the order, though the Court's ruling appeared to require no guidance. Later, the administration revised the guidance to allow grandparents as a bona fide connection.

- a) Please describe DHS's role, if any, in determining that grandparents specifically should be blocked from entry, including any risk assessments conducted by DHS that concluded that grandparents pose a greater threat than other extended family members.

*I am not familiar with DHS' role as described above.*

- b) Please describe your role, if any, in coordinating with the Departments of Justice and State in issuing the administration's guidance.

*I did not play a role in issuing the guidance described.*

25. In general, do you believe that requests for information from members of Congress regarding DHS's role in developing or informing Executive Orders 13769 and 13780, and the Presidential Proclamation issued on September 24<sup>th</sup>, fall into the category of "reasonable requests," for the purposes of your willingness to respond to such requests in a timely manner?

*I am not familiar with all previous requests and which of them may cover matters under ongoing litigation or to which DHS may have responded. If confirmed, I commit to respond appropriately to all reasonable requests from Congress within a reasonable timeframe.*

26. Do you support the President's Fiscal Year 2018 budget proposal to cut FEMA preparedness grants to states and localities? What analysis or evidence, if any, informs your position?

*While the federal government should continue to support states and localities through preparedness grants and other assistance, the Fiscal Year 2018 budget reflects difficult budget choices balancing addressing various risks and available federal resources with expectations that state and local authorities are today able to shoulder more of the responsibility given the considerable federal investment made in recent years in preparedness, response, and resilience capabilities.*

27. In your policy questionnaire, you note that your role as Special Assistant to the President for Preparedness and Response during Hurricane Katrina response was to "direct traffic," answer questions, and include requests for assistance and additional requests for information. In addition to a plethora of other findings describing what went wrong, the Katrina reports issued by both the House and Senate include findings that information sent to the White House was not getting to where it needed to be. Please respond to those findings and provide any additional information you think is relevant.

**I worked to clarify roles within the WH for incident management support, the gathering and transmission of requests for assistance and requests for information and communication and outreach to and from government officials, stakeholders, and citizens. My goal was to have one WH office communicate with one entity at DHS as much as possible to reduce potential overlap and double tasking and to ensure that needed attention was not unnecessarily diverted**

**from response and recovery operations. Upon receiving situation reports from DHS and interagency partners, HSC sent a situation report to relevant WH offices to provide collated information collected from the interagency.**

28. To whom did you report during your tenure as Special Assistant to the President for Preparedness and Response?

***I served as a Special Assistant to the President and Senior Director for Prevention, Preparedness and Response. As I stated in the Policy Questionnaire, I reported to Fran Townsend, the Homeland Security Advisor.***

29. At any time during Hurricane Katrina, did you advise President Bush or other White House officials with relevant decision-making authority that he should make a public statement regarding the ongoing crisis, or that he should visit the affected area?

***I can say that my role on the Homeland Security Council at the time did not involve advising the President directly on his public statements or travel. However, in light of the confidentiality interests that attach to Executive Branch decision-making, I am unable to reveal the substance of conversations I may have had with other presidential advisors during the course of my time at the White House or what pre-decisional advice I may have provided. It is critically important, in my view, that the President is able to receive confidential advice without concern that the advice might later be divulged. I have always been honest and candid in my interactions with the President and will continue to do so as the Secretary of Homeland Security, if confirmed.***

30. On Thursday, November 2<sup>nd</sup>, 43 days after landfall, FEMA approved permanent work designations C-G for Puerto Rico, through the FEMA 428 program. Officials in Puerto Rico have raised concerns about the use of this program, given that damage assessments on the island are ongoing, power is not yet restored to many parts of the island, and hazardous conditions in many areas threaten to worsen the current damage.

- a) Please describe your understanding of the FEMA 428 alternative procedures program. Is it appropriate to apply these procedures to the entire island while response is still under way?

***Even as Puerto Rico, FEMA, and other federal partners continue to sustain response activities to stabilize the island, it is appropriate to begin to plan for and look forward to the long road to recovery ahead. As I understand it, alternative procedures, as authorized by section 428 of the Stafford Act, enable FEMA to work with the Commonwealth to consolidate projects at a sector level, and to operate using capped, fixed estimates for projects rather than having thousands of individual projects that could drag out recovery for many years. Alternative procedures also provide financial incentives and disincentives for the timely and cost-effective completion of projects with FEMA assistance, such as allowing cost underruns to be utilized to fund mitigation projects and overruns not being reimbursed by the Federal government. As I understand it, the alternative procedures and permanent work designations were agreed to by the Governor after in depth discussions with the federal government.***

***I believe that FEMA also plans to use the alternative procedures to support Puerto Rico in providing appropriate project management and fiscal oversight infrastructure to protect the significant Federal investment we are poised to make towards Puerto Rico's recovery. We are***

***unable to take this step under standard procedures in the way we can when we use Section 428. As I understand the situation and considering the magnitude of the damage, alternative procedures is an appropriate approach to guide FEMA funded recovery efforts by providing Puerto Rico the flexibility to drive its recovery with less administrative burden, and FEMA the appropriate controls to protect the taxpayers' investment.***

b) In Texas and the U.S. Virgin Islands, designations C through G were approved ten days and two weeks, respectively, after storms made landfall.

i) Please explain why Puerto Rico's designation took so much longer than the others.

***As we know from all the public reporting, the challenges in responding to the immediate impacts of Hurricane Maria in Puerto Rico were significant. Efforts to stabilize the island through life saving and life sustaining response activities extended far beyond the time in which similar actions were required in either Texas or the USVI. During this time I am told, category A and B provided FEMA and Puerto Rico all the authority and funding required, and category C through G authorities were not needed. In addition, the magnitude of the damage required thoughtful consideration of how to approach recovery, while continuing to maintain response activities. The timeframe for approval of categories C through G for Puerto Rico did not limit ongoing response activities nor slow or otherwise impact the pace of recovery for Puerto Rico. If confirmed, I look forward to being briefed on any lessons learned from this timeline, on the invocation of the various authorities, and as to whether there would be any reason to do so differently in future situations.***

ii) Please explain why cost sharing was approved for Texas and USVI, but not Puerto Rico.

***As I understand it presently, just as in Texas and USVI, on November 2 the Administration approved an adjustment to the cost share for Public Assistance Category C through G to a 90% federal cost share. Previously, the President established a cost share of 100% for Category A and B work for a period of 180 days.***

31. Evidence shows that investments in pre-disaster mitigation save roughly \$4 for every \$1 spent. You have described yourself as a proponent of risk-based investments. Do you believe that investment in PDM should be increased or decreased?

***As noted, pre-disaster mitigation (PDM) has a high return on taxpayer investment. And PDM can be targeted to projects that have the greatest likelihood to reduce risk to a community. By reducing risks prior to a disaster, communities and taxpayers will lower their financial exposure and enhance their resilience. This will benefit the community and federal taxpayers alike. I believe we should do more with PDM if possible.***

32. What was your role, if any, in reviewing or developing the President's FY18 budget request for DHS?

***As Chief of Staff, I supported then-Secretary Kelly in his decision-making process and as decisions were made within the Administration to finalize the President's Budget Request.***



33. On September 11, 2017, GAO issued a report which found that TSA needs to evaluate the cost and effectiveness of all of its passenger aviation security countermeasures in order to determine whether its investments in various areas, including the FAMS and BDO programs and other layers of security, are yielding results.

a) Are you familiar with this report?

***I am not familiar with that particular report at this time.***

b) If confirmed, will you work with Administrator Pekoske to review GAO's findings, and to develop a plan to address them?

***I will.***

c) According to media reports, in 2015, internal testing of TSA's ability to detect prohibited items produced a 95% failure rate. Following these leaks, Vice Admiral Peter Neffenger was confirmed to lead the TSA. Administrator Neffenger implemented a series of initiatives to improve screening performance and processes through training improvements, management reforms, and other steps, but substantial challenges remain.

i) If confirmed, will you work with Administrator Pekoske to review these reforms, and to continue them where needed?

***I will.***

d) Administrator Neffenger also implemented a series of initiatives working with the private sector to reduce wait times at airports, and to make needed investments in upgrading screening technology and equipment. These included creating the Innovation Task Force, standing up the Incident Command Center, and others.

i) If confirmed, will you commit to learning about these initiatives and working to ensure that programs to improve screening technologies and reduce wait times are implemented and evaluated appropriately?

***I will.***

34. Please provide a list of all of your official travel, including dates, with DHS Secretary John Kelly or Acting Secretary Elaine Duke during your tenure as DHS Chief of Staff. Please list whether this official travel was on chartered or military aircraft.

***While I was DHS Chief of Staff I never officially travelled on my own or with Deputy Secretary Duke. I did accompany Secretary Kelly multiple times for official travel on the military aircraft typically used by the Secretary. As you know, under OMB Circular A-126 governing "required use" and subsequent guidance issued after DHS was brought into existence, the Secretary of Homeland Security is one of the designated federal cabinet level officials (along with the Secretary of Defense, Secretary of State, and the Attorney General) who is required to utilize military or other government aircraft for travel due to the need for instantaneous, secure emergency communications. Accordingly, the Secretary did not use chartered or commercial aircraft for travel. I have attached a record that DHS was able to produce that summarizes the***

***dates and locations of travel that Secretary Kelly undertook and which shows me manifested. This chart appears accurate to me matching my own recollection of travel in which I accompanied the Secretary.***

35. During the 114<sup>th</sup> Congress, the Senate voted 91-3 to approve an amendment that would authorize TSA to nearly double the number of Visible Intermodal Prevention and Response, or VIPR teams, following the March attack in the Brussels airport. That amendment ultimately became law (see Subtitle F of P.L. 114-190).

a) Do you agree with the President's FY 18 budget proposal to cut the number of VIPR teams funded from 31 to eight? What analysis or evidence, if any, informs your position?

***As I stated in the Policy Questionnaire, I believe it is important that the Department have some specially trained personnel who are deployable anywhere for enhanced deterrence or response to threats against critical mass transportation modes. The Visible Intermodal Prevention and Response (VIPR) teams of TSA serve that role. However, the primary security and law enforcement response at airports around and outside TSA checkpoints is local municipal or transit authority police. For other modes of transportation, the federal government offers support, training, and technical assistance to the local or transit authority or port authority law enforcement agency that has primary responsibility and jurisdiction. To respond to evolving threats, TSA continues to prioritize its canine program – and supports state and local law enforcement with those assets. If confirmed, I will work with Administrator Pekoske to ensure that the resources and means provided by Congress advance the very best security capabilities possible in the protection of our transportation systems.***

36. You have indicated that DHS is currently undertaking an ongoing review of terrorism and violent extremism prevention related activities.

a) What are the parameters of this review?

***As the nominee, I have not been briefed on the parameters of the review, but if confirmed, look forward to being briefed on this.***

b) Which organizations within and outside of DHS are contributing to this review either through the submission of data or through direct discussions of existing programs and recommendations for the future?

***As the nominee, I do not yet know exactly which organizations within or outside DHS are contributing but I hope to be full informed soon, if confirmed.***

c) What metrics are being used to assess past success or failure, and what metrics will be used to judge future success or failure?

***As the nominee, I also do not know the current metrics being used to assess past successes and failures and I am sure those will in turn inform metrics to assess future success, but I look forward to being fully briefed, if confirmed.***

37. You have stated that today we are “much more concerned” with addressing the ability of ISIS to inspire lone wolf attacks throughout the world. Please describe the role DHS has in reducing the

ability of ISIS and other extremist groups to inspire lone wolf actors, including new initiatives you are currently considering that are not yet being implemented.

*The biggest challenge for DHS and all of the interagency partners from the federal law enforcement and intelligence community is in reducing the ability of extremist groups to inspire lone wolf actors and finding creative ways to reduce the availability and impact of materials that lead to radicalization within the limits of the First Amendment and the realities of the internet. As I responded to a question in the hearing from Chairman Johnson, I would offer that I think we need to have a serious discussion, frankly, in conjunction with the executive branch and the legislative branch to really look at this issue of content intended to radicalize or provide “how to” manuals for conducting attacks to see if we are doing all we can do within Constitutional limits on where we draw the lines on inherently dangerous content. Obviously, our rules and the values that we hold dear enable each one of us to speak freely within this country but we must eliminate the ability of terrorists to direct or inspire others to violence. As a first step, inherently dangerous content may violate the terms of service of the hosting entities. As we have seen, some of the Internet companies responded recently by taking down white supremacist and neo-Nazi sites that violated use policies as they have done previously with terrorist content – it can be done. I do think we have to have that conversation and then work with those who provide and enable that information on the internet to find a way to identify it and remove it, should we determine that it's not appropriate.*

38. You have stated the security of our homeland depends on close relationships between law enforcement and the communities in which they serve.

a) Would you agree that community partnerships are an essential part of countering violent extremism and radicalization? Why or why not?

*Both community organizations and local law enforcement play a critical role in helping us to deter, detect and disrupt potential terrorist or extremist activity. They provide tools and resources to those, and in some cases to their families, who are on a path to radicalization offering a different path. They are also the eyes and ears closer to and more attuned to potential warning signs of radicalization in their communities.*

b) Would you agree that providing more resources to the Office of Community Partnerships is vital to building relationships with the communities which law enforcement and DHS serve?

*I believe public outreach is a vital DHS role. Should I be confirmed, I will review all outreach focused offices to include the Office of Partnership and Engagement, the Office of Civil Rights and Civil Liberties and the Office of Community Partnerships. I would first, if confirmed, want to ensure we are using existing resources wisely and effectively. If additional resources are needed for their missions, I will work with the Administration and the Congress to ensure they are sufficiently funded.*

c) Do you believe it would be helpful to have specific Congressional authorization for the Office of Community Partnerships at DHS? Why or why not?

***If confirmed, I will review the ongoing efforts of the Office of Community Partnerships, as well as its budget and authorities, and if specific authorization would be helpful in ensuring effective mission execution, I will work with the Congress accordingly.***

39. After briefly halting the CVE grants program earlier this year, DHS announced a revised list of grant awardees. The new list of grantees did not include any organizations focused on countering violent messages from white supremacist groups.

- a) Do you believe CVE grants should be awarded to groups and organizations that are specifically dedicated to combatting violent messages and actions from white supremacists?

***As I understand it, more than half of the grants awarded under the CVE Grant Program were to organizations with proposals to combat all forms of violent extremism, which includes violent white supremacy. As we reviewed this program, it was our belief that any proposal to combat violent extremism, in whatever form, deserved consideration. If confirmed, I will ensure the Department does all that is appropriate and within its authorities working with its interagency partners and State and local law enforcement to help protect Americans from violent white supremacy groups and other violent extremist groups.***

- b) To your knowledge, has the threat of violence from white supremacy groups subsided or grown in the past year?

***While I do not have a current assessment from DHS or the FBI on specific trends in violent white supremacy, it is clear to me that it is a real and serious threat to our communities, and if confirmed, I will ensure the Department does all that is appropriate and within its authorities to help protect Americans from such violent extremist groups.***

- c) Do you consider violence perpetrated by white supremacists or white supremacist groups to be terrorism?

***I consider any form of ideologically motivated violence meant to intimidate or coerce the population or to influence government policy to fit within the general definition of terrorism. While domestic terrorism is defined in U.S. law, there are no designated domestic terror groups in the United States and domestic terrorism is not a specifically enumerated crime under federal law.***

- d) You have stated that if confirmed you plan to be forward leaning in driving DHS terrorism prevention activities and programs, including through enhanced engagement with at-risk communities targeted by terrorists. Do you believe enhanced engagement is needed with at-risk communities targeted by white supremacist, environmental extremist, and other non-Islamic extremist groups?

***We must work to counter all forms of violent extremism. I do think enhanced engagement should be considered with and within such communities, and if confirmed I will ensure our terrorism prevention posture is risk-based and intelligence-driven.***

- e) You have stated in response to questions regarding the CVE grants that were awarded to groups countering white nationalist messages by the previous administration, and then subsequently re-awarded to other groups under the Trump administration earlier this year, that you believe all types of violent extremism must be countered and that if confirmed, you plan to assess the effectiveness of CVE grants based on data. How will you assess the effectiveness of DHS grant expenditures aimed at countering white nationalist or white supremacist violent extremism if no such grants exist?

***The previous administration did not issue CVE grants – DHS, at the time, issued a press release noting an “intention to issue grants” at some future date. The current administration issued the CVE grants. As noted previously, more than half of the grants awarded under the CVE Grant Program by the current administration were to organizations with proposals to combat all forms of violent extremism, which includes violent white supremacy. If confirmed, I will ensure the Office of Community Partnerships continues with its proposal to comprehensively assess the results of awarded grants, including assessing how the terrorism prevention constructs funded were used—or could be used—to mitigate threats such as violent white supremacy.***

40. Do you believe the designation of election infrastructure as critical infrastructure should remain in place? Why or why not?

***Yes, because of the importance of election infrastructure to the very foundation of our democratic institutions and its continued vulnerability this designation should absolutely remain in place. I believe the designation of election infrastructure as critical infrastructure serves to underscore and formalize the support, services, and data provided by DHS to its election related partners.***

41. Please detail policy recommendations for how DHS, and NPPD specifically as the sector-specific agency, can better inform state and local election officials of the types of guidance and assistance they are eligible to receive and encourage local election officials to take advantage of often free resources provided by DHS to better protect their election infrastructure.

***The Election Infrastructure Subsector was established in January of this year. As I understand it, the Election Infrastructure Subsector Government Coordinating Council (GCC) has been established to further the partnership between federal, state and local partners and to develop and strengthen information sharing protocols and processes, including providing Security Clearances to Chief Election Officials. DHS, and NPPD specifically as the sector-specific agency, continues to provide guidance and assistance upon request to state and local election officials. Should I be confirmed, I will work with the leadership of NPPD to ensure that DHS is doing all it can through a variety of outreach mechanisms to inform state and local election officials of the types of guidance and assistance provided by DHS and how to best leverage them.***

42. Do you believe DHS needs additional resources or authorities to provide needed resources to states to protect our election critical infrastructure?

***As the nominee, I have no reason to believe that at this time. Should I be confirmed, I look forward to working with NPPD leadership to ensure DHS is doing all it can to provide assistance***

*and support in the protection of our nation's election infrastructure. As I responded during the hearing, the primary role of DHS, as you know, is to respond to requests from those state and local officials, ensure that they have the clearance so that they can receive the information, and then offer a variety of tools to ensure infrastructure protection against supply chain threats all the way through to the dissemination of the voter rolls.*

*I would also offer that redundancy and the ability to audit are vital. So whether it's paper ballots or whether it's physically moving the ballots as they do in California, as chaperoned by the highway patrol, we need to work to ensure the integrity of our electoral system.*

43. What is the role of DHS within the inter-agency in protecting election critical infrastructure? How will DHS leverage the resources of other federate, state, and local agencies to best protect election infrastructure?

*Elections are administered by state and local governments. DHS leads federal efforts to share information and provide technical assistance in order to help these officials protect their systems. DHS has created the Government Coordinating Council which I have discussed elsewhere in the Questions for the Record. From a cybersecurity perspective, within DHS's National Protection and Programs Directorate, the National Cybersecurity and Communications Integration Center (NCCIC) serves as a 24/7 cyber monitoring, incident response, and management center and as a national hub of cyber and communications integration. NCCIC operates at the intersection of, and includes representation from, the private sector, state and local governments, federal civilian government agencies, law enforcement, intelligence, defense communities, and international partners. The mission of this civilian hub is to apply unique analytic perspectives, ensuring shared situational awareness, provide technical assistance, and orchestrating synchronized response efforts while protecting the civil liberties and privacy rights of Americans.*

*In addition to leveraging the expertise within state and local governments and the private sector, DHS works closely with other federal agencies. DHS works closely with the National Institute of Standards and Technology (NIST) on cybersecurity standards and guidelines and the voluntary cybersecurity framework. NIST chairs the Technical Guidelines Development Committee (TGDC). TGDC assists the U.S. Election Assistance Commission (EAC), an independent, bipartisan commission charged with creating Voluntary Voting System Guidelines and operating the federal government's first voting system certification program. Specifically, NIST is working with EAC to develop Voluntary Voting System Guidelines (VVSG). VVSG are a set of specifications and requirements against which voting systems can be tested. Some factors examined include basic functionality, accessibility, and security capabilities. NIST is also conducting an evaluation of independent non-Federal laboratories to carry out the testing of voting systems and to submit recommendations of qualified laboratories to EAC for accreditation. EAC is also responsible for maintaining the National Voter Registration form, conducting research, and administering a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections.*

*In addition to its cyber responsibilities, the Department of Justice Voting Section enforces the civil provisions of federal laws that protect the right to vote. The Department of Defense runs the Federal Voting Assistance Program (FVAP) to ensure military service members, their eligible family members, and overseas citizens are aware of their right to vote and have the resources to do so—from anywhere in the world.*

***EAC, NIST, DOJ, FBI, and DOD FVAP have been valued partners in guiding DHS through the complex policy environment of State and local elections. These agencies have facilitated opportunities for DHS to connect with chief election officials, to speak at the Technical Guidelines Development Committee, and maintain situational awareness with FBI's Election Crime Coordinators.***

44. You have indicated that you have on several occasions led and overseen policy development and implementation related to critical infrastructure. Please detail what, if any, election infrastructure policy recommendations you have made or played a significant role in implementing.

***I have had no policy development role with respect to election infrastructure other than recommending to then Secretary Kelly that DHS maintain the designation of election infrastructure as critical infrastructure.***

45. DHS has been attempting to strengthen information sharing between DHS and state and local authorities by providing security clearances to select state election officials.

- a) Will you commit to working to ensure that all designated election officials in all states and territories will have a security clearance at least ninety days before the 2018 U.S. Congressional elections?

***I understand that the DHS Office of Intelligence and Analysis (I&A) has contacted state chief election officials on behalf of the NPPD-led Election Infrastructure Subsector Sector-Specific Agency (SSA) to begin the security clearance process and to support the processing of clearances for state chief election officials in each state. It is anticipated that the clearance nomination process will be expanded to include additional state election personnel to allow for additional election-related staff to receive classified information at the state and local level.***

***As I understand it, ensuring that appropriate election officials in the States have security clearances is a top priority for the Department. However, other agencies also play a critical role in the timely processing of security clearance applications- for example those agencies that conduct background investigations. Also, some security clearance applications can take longer to process due to derogatory information in the applicant's background, potentially leading to the denial of a clearance.***

***If confirmed, I am committed to ensuring that election officials receive appropriate threat information. While it is the goal of DHS, and would be my goal if confirmed, to provide these clearances as quickly as possible, it should be noted that the Department has other tools to provide officials with classified information when necessary. For instance, through DHS processes or by leveraging those of partner agencies, DHS can provide one-day read ins for classified information when appropriate.***

- i) If you encounter delays in achieving this goal, will you commit to advising Congress of the delays, and actions you are taking to address them, in a timely manner?

***If confirmed, I am committed to keeping Congress informed regarding the status of providing security clearances to election officials, as well as our broader efforts related to election***

***security. Safeguarding our elections is a shared responsibility, and we must work together on this important issue.***

- b) How will DHS, through I&A, task forces, or other department entities, work to downgrade classified information so it can be expeditiously shared with state and local officials?

***It is important to recognize that the Department of Homeland Security seeks to share information at the lowest classification level whenever possible, and when possible in an unclassified form. Through the Office of Intelligence and Analysis and other direct partnerships with other elements of the intelligence community, DHS has extensive experience and commitment to these objectives. Through tear-line processes and other methods, DHS can often provide network defenders with actionable technical information while still protecting sensitive, classified sources and methods.***

46. What threshold do you believe DHS and the government as a whole should use when determining what information should be made public about attempted or successful meddling in elections by foreign actors?

***I believe that DHS and the government should provide the public with actionable information that enables state and local officials, including network defenders, to better protect their networks and election infrastructure. To the extent that the government is aware of attempts by foreign actors to threaten our election process, the government should make every effort to appropriately declassify and share this information. Often, we can share declassified assessments of threat actors, while still protecting sensitive, classified sources and methods.***

- a) Do you believe the public has a right to know if foreign actors are attempting to meddle in our elections?

***Our elections are run by state and local governments in thousands of jurisdictions across the country. In order to provide all of them with information necessary to understand and respond to the threat, it is most practical to declassify this information so it can be shared broadly. To the extent that the government is aware of attempts by foreign actors to threaten our election process, the government should appropriately communicate that threat to the public.***

47. What changes do you believe DHS needs to make to best position itself to combat foreign interference in our elections?

***DHS needs to build upon its partnerships with state and local election officials, including the establishment of formalized information sharing protocols. In so doing, DHS will ensure that threat information reaches appropriate election officials. If confirmed, I will be briefed on all DHS efforts to combat foreign interference in our elections and will work with NPPD and I&A leadership to ensure that DHS is effectively leveraging its capabilities and capacities towards that end.***

48. In order for Congress to fulfill its constitutional duty to conduct oversight, members of Congress must be able to receive testimony, briefings and other information from the executive branch upon request. To ensure that you and your agency fulfill its obligation to respond to congressional inquiries in a timely and comprehensive manner, I ask the following:



- a. If confirmed, do you commit without reservation to comply with any request or summons to appear and testify before committees of Congress?

***If confirmed, I would comply without reservation to all lawful requests.***

- b. If confirmed, do you commit without reservation to make any subordinate official or employee available to appear and testify before, or provide information to, committees of Congress?

***If confirmed, I would comply without reservation to all lawful requests.***

- c. If confirmed, do you commit without reservation to respond fully, completely, and promptly to all congressional inquiries and requests for documents, communications, or any other material or information from members of Congress, including request from members in the minority?

***If confirmed, I would comply without reservation to all lawful requests.***

- d. If confirmed, do you commit without reservation to take all reasonable steps to ensure that you and your agency comply with deadlines established for requested information?

***If confirmed, I commit without reservation to taking all reasonable steps to ensure that DHS provides timely information in response to all lawful requests.***

- e. If confirmed, do you commit without reservation to protect subordinate officials or employees from reprisal or retaliation for any testimony, briefings or communications with members of Congress?

***If confirmed, I would comply without reservation.***

- f. Are you aware of any Department policy restricting congressional committees from interviewing DHS personnel below the GS-15 or Senior Executive Service level?

***I am not aware of such a policy.***

- g. If confirmed, what would DHS's policy be under your leadership regarding the appearance of personnel, at all levels of seniority, to testify before or be interviewed by congressional committees?

***If confirmed, my policy would be to cooperate with all reasonable requests for officials at DHS at all levels to provide needed information to Congress.***

49. Was anyone who assisted with your nomination process or attended your meetings with Senators during your nomination process a special government employee?

***No.***

- a) Please provide any legal advice provided by the White House Counsel's Office, the White House Office of Presidential Personnel and/or DHS addressing whether voluntary assistance provided by any individual or entity in your nomination process is consistent with the gift rules and laws applicable to federal employees and the Trump Administration Ethics Pledge.

*Proper legal advice was sought through White House Counsel's Office to ensure that any voluntary assistance related to my nomination, as is done for all volunteers who work with the federal government, complies with all applicable legal authorities. I have been advised that given the confidentiality of all WH Counsel legal advice given to WH officials, I am not able to provide additional information.*

- b) Please provide any legal advice provided by the White House Counsel's Office, the White House Office of Presidential Personnel and/or DHS addressing whether voluntary assistance provided by any individual or entity in your nomination process is a violation of the Anti-Deficiency Act under 31 U.S.C. § 1342.

*Proper legal advice was sought through White House Counsel's Office to ensure that any voluntary assistance related to my nomination, as is done for all volunteers who work with the federal government, complies with all applicable legal authorities. I have been advised that given the confidentiality of all WH Counsel legal advice given to WH officials, I am not able to provide additional information.*

- c) Please describe what steps will you take, if confirmed, to ensure that any individual or entity involved in your nomination process will not have greater access to you or undue influence over DHS policy or contracting than any other interest group or constituent?

*If confirmed, I will, as I have in previous roles in government comply with all applicable ethics guidelines which ensure that any past relationships by government officials, whether of a personal or professional nature, do not result in greater access or undue influence over any matter.*

50. During your time at DHS, did you receive any requests for information from DHS's Office of Inspector General?

- a) If so, please describe those requests and indicate whether you cooperated fully with any such requests. If not, please explain why.

***As the DHS Chief of Staff, I met periodically with the IG and the Secretary. The IG and I also had conversations about routine agency oversight matters. To my knowledge, I did not receive any specific requests for information addressed to me.***

51. If confirmed, what guidance do you plan to implement to ensure covered employees in DHS are in compliance with all applicable federal recordkeeping laws?

***If confirmed, I would ask the Department Office of General Counsel to review current guidance in place from the DHS Office of General Counsel and other Department organizations responsible for assisting in compliance. Further, if the review determined guidance was unclear, not widely circulated, conflicting and/or not complete, I would ask that the guidance be revised***

***and updated accordingly in order to ensure compliance with applicable recordkeeping requirements.***

52. What is your stance on agency and White House compliance with the Federal Records Act and the Presidential Records Act?

***I believe it is important to comply with such recordkeeping requirements under law.***

53. Are you aware if President Trump is using a secured, encrypted smartphone for his personal use? If so, please indicate when President Trump began using a secure, encrypted smartphone.

***In the interests of the security and confidentiality surrounding what devices the President of the United States has access to or their capabilities, I cannot comment.***

54. Are you aware of any Department of Homeland Security officials engaging in prohibited political activity under the Hatch Act?

***I am only aware of media reporting that alleged possible Hatch Act issues.***

55. During your time as Deputy Chief of Staff at the White House, were you aware of any officials engaging in prohibited political activity under the Hatch Act?

***I was not.***

56. If confirmed, please describe the efforts you will undertake to ensure compliance with the Hatch Act.

***If confirmed, I will ask the Department Office of General Counsel to review current guidance in place from the DHS Office of General Counsel and other Department organizations responsible for assisting in compliance. Further, if the review determined guidance was unclear, not widely circulated, conflicting and/or not complete, I would ask that the guidance be revised and updated accordingly to ensure compliance with the Hatch Act.***

57. If confirmed, please describe the efforts you will undertake to secure, modernize, and properly resource all ports of entry around the country.

***How we resource the ports of entry requires additional focus to more effectively find the “needle” of hidden drugs or other contraband among the “haystack” of huge volumes of legitimate trade and travel. We want to impose greater security without ‘thickening’ the border in a way that is economically damaging. If confirmed, I look forward to reviewing the draft strategic plans to better understand what can realistically be achieved, how quickly, and with what mix of resources to better secure all of our borders in the view of our experts and then working with the Administration and Congress to close any gaps.***

58. If confirmed, please describe the efforts you will undertake to secure, modernize, and properly resource the United States Postal Service’s International Service Centers at the airports in New York, Los Angeles, Chicago, Miami, and San Francisco.

***I understand that CBP is committed to addressing the growing threat in the international mail environment, with an eye particularly on the growing opioid crisis. CBP is currently working with the U.S. Postal Service to implement electronic systems to locate high risk shipments, targeted by CBP, for inspection. CBP is also looking to increase staffing at the international mail facilities to help address the increased volume of shipments. If confirmed I will ensure CBP and the Department continue these efforts to better secure, modernize and properly resource these facilities.***

59. If confirmed, will you pursue further expansions in the TSA-Pre Check and CBP Global Entry Programs? Please discuss in detail.

***I believe strongly that these programs have provided significant benefits for DHS and for the traveling public and, if confirmed, I would certainly like to see even greater growth and participation in such trusted traveler programs as they help us focus resources more on the unknown. As I understand it, there are currently more than 5.4 million individuals enrolled in the TSA Pre-Check Application Program. Another 6.7M are enrolled in CBP's trusted traveler programs who are also eligible for TSA Pre-check expedited screening at the airports. The TSA pre-check application program alone is growing by about 1.7M new enrollments per year. Global Entry membership in FY17 over FY16 increased by 25 percent. CBP has projected expectations of Global Entry membership growth in FY18 to exceed 25 percent based upon ongoing and pending negotiations to expand bilateral arrangements with new countries. So, I believe further expansion is well underway already. These programs can also serve as instructive models in other future areas where the Department can both increase security while facilitating and expediting lawful travel and commerce.***

60. Since 2012, DHS has received nearly two million DACA applications. Applicants are required to provide DHS with sensitive information such as their address, biometric, and employment information. DHS has previously stated it would not share this information with U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement. If confirmed, will you keep this promise to applicants?

***As I understand it, currently there are limited circumstances when such information might be shared to include national security or public safety. To my knowledge, there are limited reasons or exceptions to enable that information to be shared for any other enforcement purpose. I also understand this to be consistent with the policy implemented and observed by the previous Administration. If confirmed, I will review whether there is any ambiguity in the current policy such that additional communication to personnel is required. If confirmed, I commit to meeting with Acting Commissioner McAleenan, Acting Director Homan, and Director Cissna to ensure that all DHS policies are clearly understood by personnel at all levels. Written guidance will be issued to reinforce existing policies when necessary.***

61. Based upon your tenure in the White House during Hurricane Katrina, and your role in the current administration during preparation and response to the most recent storms and wildfires, what is the most significant lesson learned regarding the Federal response to natural disasters that you believe still needs to be implemented? If confirmed, how will you work to implement it?

***Should I be confirmed, I look forward to reviewing the lessons learned report and any after action documentation produced by FEMA as part of their standard process post disaster. In general, I***

*believe as a nation we still need to instill a culture of preparedness in every American. As called for in Katrina Lessons Learned and more recently embraced by Administrator Long, this culture of preparing for man-made and natural disasters takes time and concerted effort. If confirmed, I will ensure DHS, principally through FEMA, will lead an effort to build upon previous efforts through advocacy, stakeholder engagement and partnerships to ensure we as a nation are better prepared for future disasters.*

62. In response to former Secretary Johnson's announcement that state election infrastructure would be designated as critical infrastructure, some state election officials expressed concern about potential federal overreach. If confirmed, how will you work to address those concerns?

*If confirmed, I will work to reassure state election officials and better inform them that the DHS role, under current authorities and laws, is NOT to "take over" election equipment or processes. The DHS role is to serve as a resource to the state officials who are responsible for elections, to provide them with threat information about vulnerabilities, to offer tools, training and best practices and financial resources in the form of grants. I will strive to better inform them about how the Department can help them, and I will also do my best to assure them that the relationship is a voluntary one, and that DHS will not seek to mandate as a regulator.*