

U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing Questionnaire
For the Nomination of General John F. Kelly to be
Secretary, Department of Homeland Security

I. Nomination Process and Conflicts of Interest

1. Did the President-Elect give you specific reasons why he nominated you to be the next Secretary of the Department of Homeland Security (DHS or “the Department”), and if so, what were they?

I have had several conversations with the President-elect. He indicated to me that the Department—and his Administration—needed the kind of leadership, managerial and organizational skills, and the willingness to make tough decisions that I exhibited during my career of military service.

In particular, he cited the periods of my command in Iraq, as the Combatant Commander, U.S. Southern Command, and serving as the senior military assistant to two secretaries of defense (Messrs. Gates and Panetta). These assignments required effectively running very large and diverse mission-focused organizations while under great pressure to produce results.

2. Were any conditions, expressed or implied, attached to your proposed nomination? If so, please explain.

There were no conditions expressed or implied other than to work hard, take care of the men and women of DHS, and obey the law.

3. Have you made any commitments with respect to the policies and principles you will attempt to implement as Secretary? If so, what are they, and to whom were the commitments made?

I have made no commitments with respect to policies or principles.

4. Are you aware of any business relationship, dealing, or financial transaction that can result in a possible conflict of interest for you or the appearance of a conflict of interest? If so, please explain what procedures you will use to recuse yourself or otherwise address the conflict. And if you will recuse yourself, explain how you will ensure your responsibilities are not affected by your recusal.

I am not aware of any business relationship, dealing or financial transaction that might result in a possible conflict of interest or the appearance of a conflict of interest.

II. Background of the Nominee

5. What specific background, experience, and attributes affirmatively qualify you to be Secretary?

For 45 years, I served the nation in the Marine Corps as both an enlisted Marine and a commissioned officer. I served honorably in both peace and war. As I solemnly swore before God when I entered the Marine Corps, I supported and defended the Constitution of the United States against all enemies foreign and domestic every second, of every day, I was privileged to wear our nation's uniform.

I never in the slightest way abused my rank or position. I led countless men and women as if they were my family, took care of them, mentored them, and set them on a path to succeed in their lives. I managed huge organizations with considerable budget—and made them better. I have worked directly for a number of very senior U.S. officials, including our President. I never hesitated to disagree with any of them, or make difficult recommendations when appropriate. I also know how to execute a legal order, even if I disagree, once a decision is made and the policy set. In my view, telling truth to power is essential in order for our government and democracy to work. I have never hesitated to tell the truth, including in open and closed hearing here in the Congress.

I believe in America and the principles upon which our country and way of life were founded. I believe in tolerance and respect for diversity of opinion, and believe that honest men and women should be able to disagree with each other and not hate each other, nor hold each other in contempt, nor attempt to discredit one another's character over a disagreement. Finally, I have a profound respect for the law. I do not believe one can go wrong in obeying the law.

6. Please describe:

- a. Your leadership and management style.

I am a team builder and believe little can be accomplished by one man or one woman alone. I believe in mission orders and then empowering members of the team and trusting them to use their intelligence, experience, and initiative to carry them out. That said, everyone is different, so it is essential to know the people that work for you, and to task them appropriately and within their specific abilities. I also believe in mentoring, training, educating, and developing individuals to reach their full potential and excel at what they do. I believe in publicly acknowledging success and superior performance, and critiquing quietly when things do not go so well.

b. Your experience managing personnel.

Since the day I was promoted to the rank of non-commissioned officer in 1971 and for all the rest of my career until I retired at the senior most rank in the U.S. military, I have been in the people business. I have not so much managed people, although that is a component of the job, but rather led them to do things that at times were very dangerous and often beyond what they thought they could ever accomplish intellectually or physically. I have commanded at every level from squad, to geographic combatant commander. I have led many hundreds of military and civilian professionals at the headquarters levels and thousands of deployed personnel in uniform.

c. What is the largest number of people that have worked under you?

In Iraq, as the Commanding General of Multi-National Force-West I commanded 100,000 U.S. and Iraqi military, Iraqi police, U.S. State Department and USAID personnel, and hundreds from personnel from other departments and agencies of the U.S. government involved in reconstructing Iraqi society, establishing the rule of law, and conducting fair and honest elections. In addition, not under my command, but working so closely they almost were, were hundreds of non-governmental organizations that worked in fields ranging from human rights to economic development.

7. Do you seek out dissenting views and how do you encourage constructive critical dialogue with subordinates?

I consider recommendations, complaints, and information—good or bad—as essential for a leader to run a good organization. I consider it a moral imperative for individuals to “tell truth to power.” Every member of the team should see it as their duty to make the organization better, to speak up, and never be afraid of retaliation.

I am very much a hands-on leader. During my military service, I spent a great deal of time “out and about,” figuratively speaking, kicking the tires, and looking behind the dumpsters. Talking to people individually or in small groups where they work is extremely effective. I also believe that phone-in suggestion lines and e-mail can be effective tools to collect input and feedback. The Inspector General is another resource. Media and private-citizen feedback is also important.

Having a constructive dialogue with subordinates is only possible by being approachable and establishing an environment that gives people confidence in their leadership, trust in their co-workers, and fosters the confidence that they are on a great team.

8. If confirmed, what experiences and lessons learned from your military service will you bring to the position of Secretary? How would your approach to this position differ from your approach to military service?

It all begins with taking care of your people. Listen to them. Give them credit when it is due. Mentor them. Supervise them constructively, and, hold them accountable when things do not go so well.

In terms of interpersonal relationships, in 45 years, I cannot remember ever raising my voice at an individual, unless the noise of gunfire or explosions made it necessary. I have treated every person with whom I have ever come in contact, with dignity and respect. I have never abused my position in any way.

I think this approach is applicable in civilian life. I do not think I will change my leadership style very much if confirmed.

9. Please give examples of times in your career when you disagreed with your superiors and aggressively advocated your position. Were you ever successful?

I could give many examples big and small. I think two will be representative. The first example occurred while I commanded Multi-National Force-West in Iraq (2008–2009): My evaluation of the conditions on the ground gave me great confidence that we could accelerate what we termed the “return to normalcy” for the people of al Anbar Province. I also felt that we could turn over to the provincial officials and Iraqi security forces (supervised by me) the planning and execution for the upcoming national elections. My seniors in Baghdad—both military and State Department—were opposed.

I was relentless in my push back. I felt their opposition was not only a fundamental intrusion on my command and staff authorities, but undermined the goals of the normalcy program. The program was essential to our strategy—and it was working. At that point in time, we had all but won the hearts and minds of the Anbari people, while at the same time winning the fight against al Qaeda terrorists, Baathist insurgents, and murderous criminal elements in the province. We were also successfully moving the Shia-dominated government in Baghdad to support the economic progress we were achieving in Sunni al Anbar.

We were ultimately successful in our strategy. We mobilized the provincial officials, senior clerics, women and business groups, security force commanders, and most importantly, the Anbari sheikhs who in turn influenced the prime minister and parliament. They were ultimately successful in making the case to those in Baghdad

who opposed our plan. We sped up the process of easing off on security measures, and at the same time, allowed local officials to run the election—which they did magnificently with a 97% turnout—no violence, and no voter fraud of any kind.

A second example occurred during my tenure as the Combatant Commander, U.S. Southern Command. This example deals with the transnational criminal networks that traffic massive tonnages of drugs (including cocaine, heroin, methamphetamines, and counterfeit opiates), sex slaves, illegal aliens, and illicit items of every description, through Central America and into the United States. The key to solving this problem was working closely with the Central American countries. In particular, we needed to cooperate to reduce illicit flows, decrease the dreadful rates of related crime and murder, help re-establish rule of law and effective policing, and start the process of rebuilding their economies. Because of fears related to “militarizing” the counter-illicit-trafficking effort, the interagency fought us at every turn, although they themselves had no programs or initiatives to get at the root problems and begin the process of securing our southern border in Texas, New Mexico, Arizona, and California.

By working with the national leadership, particularly from El Salvador, Honduras, and Guatemala, and with tremendous support from Colombia (with whom we enjoy a special relationship in the region) we were able to involve the Office of the Vice President and ultimately the President to stimulate interagency cooperation. We helped the leaders of our partner nations develop an alliance for economic development. They put a relatively large amount of their meager funds towards helping themselves. Congress bought into the effort and was of great assistance. I also must mention the Inter-American Development Bank headquartered here in Washington, an organization that always stands ready to help, and did.

While we accomplished a lot despite the initial opposition to our efforts, I consider this effort only a partial success. The countries mentioned still need training, advice, and funding to get at the systemic corruption they suffer, including police who are too afraid or too corrupt to “serve and protect,” and judges and prosecutors who prevent a functioning court systems.

Still, I feel these two examples show that I have no reluctance in pressing issues with my superiors when I think they are wrong and the stakes for our nation are important.

10. Please list and describe unclassified examples of when you made politically difficult choices that you thought were in the best interest of the country?

Let me offer three examples.

The first occurred when I took command of U.S. Southern Command in November 2012. I also assumed responsibility for detention operations in Guantanamo Bay, Cuba. At the time, the U.S. government held over 250 detainees. The U.S. military personnel, myself included, were charged by President Obama and Messrs. Panetta, Hagel, and Carter, to safeguard the detainees, to treat them humanely and with dignity as appropriate for detainees—as opposed to prisoners—and to see to their physical and mental wellbeing.

Prior to my assuming command and for several years before, reporting about our operations included a continuous stream of the worst kind of disinformation regarding our activities conditions of confinement. These included allegations of widespread abuse or neglect, use of solitary confinement and other methods of “punishment,” poor medical and psychological care, a lack of respect for the religious affiliation of the detainees, constant desecration of their various holy texts, and the list goes on. In addition, the constant improvement of the conditions of confinement, vastly expanded and speedy access to family communication (real-time skyping and phone calls, and almost immediate clearing of incoming and outgoing mail) for not only the rank-and-file detainee, but for the worst-of-the-worst High Value Detainees, was scantily reported.

Further, what was most disturbing, and scarcely reported, was the vile physical and psychological abuse my troops took at the hands of the detainees every day. Yet, every day, our troops shrugged it off, cleaned themselves up, and continued to provide world-class care in accordance with the directives that came directly from the President of the United States and the Secretary of Defense. They were—we all were—proud of the duty we were assigned, to detain some of the most dangerous men in the world, and in doing so help protect our country and many other countries across the globe as well. Adding insult to injury in terms of abuse from the detainees and their agents on the outside was the military commissions ordered discrimination based on gender directed towards my female personnel. This court ordered remained in place for over 18 months and was just lifted. With the notable exception of several members of Congress, no one in official Washington came to their defense.

As Commander, I was determined to set the record straight in two regards: I wanted to establish the fact that the care the detainees received at the hands of the military men and women of *Task Force—Guantanamo* was simply superb in every regard. These, mostly very young, men and women set and maintained the highest standards for detention operations. They set the example by which these operations are measured around the world by numerous human rights groups and responsible media.

Next, I wanted to change the discussion about the policy of detention operations. I wanted to firmly establish the fact that the policy that determined detention operations was not a “military policy,” or a “pentagon policy,” because the military does not set national policy. Setting detention policy was the responsibility of the highest officials and institutions of our government. In short: If you want to talk about conditions of confinement and how they are executed, call me. For all policy discussions, call Washington.

My approach was not particularly popular in all parts of the government, but it was a fair and honest one. For the first time in years, perhaps for the first time ever, the troops who executed a very difficult and demanding mission were supported, and given the credit they deserved. This approach did, however, require senior officials who were not used to being held accountable for the policy of detention operations to take responsibility, which was uncomfortable for some and generally unwanted by most.

A second example was the public discussion about the threat of radical Islam and terrorists in the Caribbean region. In open press reporting, and through interactions with Caribbean-based security forces, we knew that there were a small number of radical mosques and clerics preaching the jihad to their congregations in the region. We also knew via press reporting that a number of jihadists who were detained at the Caracas, Venezuela, airport had previously attempted to make their way to Syria. We estimated that over 100 foreign fighters from Latin America were already overseas and in the fight. We knew that the radical websites were encouraging jihadist returnees to wage local jihad. We also knew that the same sites were encouraging local “lone wolfs” to act. In addition to this information, we knew what additional intelligence was available at the classified level.

Highlighting these threats within the interagency, as well as to the Congress, was not particularly popular in some parts of the government. I received a good deal of criticism and pushback. That said, it was the right thing to do, particularly given the amount of American and Western tourism in the region as well as the generally dedicated—but not particularly robust—security forces that provide public safety. Local governments and security force professionals welcomed our highlighting the threat. Within a year, the U.S. interagency was generally all singing off the same sheet of music. It is worth noting that my relief at Southern Command recently has made the same points in the same way.

A third example I would offer concerns the issue of drug demand in the United States. For years, we as a nation have not focused much attention on drug-demand reduction. We definitely have not had a comprehensive demand reduction campaign in the same way that we focused, very successfully, in reducing tobacco use, drinking and driving, or encouraging the use of seat belts—all resulting in an

enormous reduction in deaths and associated financial costs. We as a nation have accepted relatively high rates of death from heroin and opiate use in our inner cities and working class neighborhoods. Now we find over 40,000 of our citizens dying annually from the use of hard drugs (cocaine, heroin/opiates, methamphetamines), and it is costing our society over \$200 billion a year. It is only recently that we have begun to acknowledge this terrible blight on our society, and, in my view, only because of the skyrocketing death toll and the fact that this cancer has spread from black and working-class neighborhoods to America's suburbs and the campuses of up-scale universities and private schools.

We are also ignoring what our drug demand does to the people of Central and South America. Our drug use has brought a level of violence to these countries that make them the most violent nations on the planet. Our drug use has reduced some democracies in our hemisphere to nearly failed narco-states. In these countries, honest public officials, religious leaders, journalists, and human rights activists, not to mention private citizens, are intimidated or eliminated. Gangs and cartels who control the production and trafficking of nearly 100% of the hard drugs abused in our society in many ways rule these nations, literally extending their reach into our own neighborhoods and communities in very real ways. The profits these criminal enjoy are limitless, but the conditions they cause inside these countries servicing our drug demand is the major reason for the large number of illegal immigrants that move via these same cartels' network into the United States past a border that serves as little more than a speed bump.

There are few exceptions to this calamitous trend. One is the miracle that is Colombia, our closest ally in the region and a nation with whom we enjoy a mutually beneficial special relationship. Colombia has turned the corner from failed state to one that exports security in the region.

Pointing the finger at these problems, and the reason they exist, was not popular in all quarters of government, but it was necessary in order to stimulate the interagency to start to address the issue. This was a hard truth, but I think, as these examples show, you can't solve anything by hiding hard truths.

11. What would you consider your greatest successes as a leader?

Taking care of my people, speaking "truth to power," and successfully completing every mission I have ever been assigned.

III. Role of the Secretary of DHS

12. Are the roles and responsibilities described by the Presidential Policy Directives (PPDs) and Homeland Security Presidential Directives (HSPDs) consistent with your view of the appropriate role of the Secretary of DHS?

There have been numerous PPDs and HSPDs issued since the Department's inception, covering many diverse topics. Should I be confirmed, one of my important duties will be to ensure that any recommendations concerning extant or proposed directives are consistent with the Homeland Security Act of 2002, which clearly establishes the Secretary's authority to carry out the Department's primary missions of preventing, reducing our vulnerability to, and recovering from, terrorist attacks against the United States. Additionally, the Secretary has a number of related specific responsibilities to enforce immigration laws, ensure the security of our borders, protect the nation's critical infrastructure, and respond to natural disasters. My intent, if confirmed, is to make recommendations to the President that will ensure that all directives enable the Department to perform its missions effectively.

- a. What PPDs or HSPDs, if any, would you recommend be modified or rescinded?

Individuals like myself that have commanded in many cases very large and diverse organizations, upon assuming responsibility, automatically review standing orders and directives to determine if they are still relevant to the mission, or in line with the philosophy of leadership. Should I be confirmed, I will direct a review of directives related to the Department's mission, recommending any necessary modifications or rescissions. As part of the process, I believe it is important that I coordinate the Department's input with other affected federal agencies and key stakeholders, so that, whether in the face of a disaster or terrorist attack we can respond effectively as a nation.

- b. What additional topics do you believe it would be useful for PPDs to address?

Should I be confirmed, as part of my assessment of the Department and its functions and abilities to implement its core missions, I may make recommendations to the President for additional directives if needed.

13. If confirmed, what would be the highest priority items you would focus on? What do you hope to accomplish during your tenure?

If confirmed, my highest priority would be to close the border to the illegal movement of people and things.

Achieving this priority starts with physical obstacles like a border wall and supporting surveillance technologies, and then requires constant patrol by the dedicated men and women of the Department and local law enforcement in enforcing the law. We cannot, however, just play defense. The security of the border starts 1,500 miles south of the Rio Grande in the jungles of Latin America and continues up the Central American isthmus to the Mexican-Guatemalan border,

and from there throughout the length of Mexico. Eradication of coca and poppies in the region is essential, as is destroying drug production labs, and interdicting final product in loads of a metric ton and more. Just as important is the improvement in the societies and economies to our south that will keep people at home, rather than risking all in order to illegally enter the United States.

It is also essential that we here at home develop a comprehensive drug demand-reduction campaign, as well as increase support to those Americans who struggle with the disease of addiction.

In order to deliver these results, we must be true to the laws on the books now, or change them.

14. What actions will you take to ensure better cohesion and cooperation among all DHS components?

Should I be confirmed, I will start by examining the effectiveness of the Department's ongoing Unity of Effort initiative and see how we can build on that program. Most importantly, strong leadership from the Secretary is essential for further progress.

15. As you advise the President, what qualities will you look for in recommending people for DHS's leadership positions?

In addition to the technical, operational, leadership, and management expertise a position might require, I would advise the President to look for people who are morally upright with a deep sense of right and wrong. They should be honest and straightforward. They should have a profound respect for the law. They should be individuals who are driven to serve the nation and its people. They should be able to tolerate political and social debate, and not hate a person or group just because they disagree. They should be individuals who can look at every issue, large and small, through the lens of what is good for the nation and for all of our fellow citizens, as opposed to achieving some short-term domestic political gain or focusing on how a decision might further some politically correct agenda.

IV. Policy Questions

The Quadrennial Homeland Security Review and DHS's Missions

16. You will be responsible for the development and publication of the 3rd Quadrennial Homeland Security Review (QHSR) in 2018. Please share your overall assessment of the 2014 QHSR and to what extent, and the reasons why, you agree or disagree with its stated assumptions, missions, goals, and recommendations.

I believe that the success of any large organization can depend greatly on its ability to conduct a strategic self-assessment to better understand its strengths, its weaknesses, and ways in which it can improve.

I understand that the Department's Office of Policy is currently undertaking a substantial effort to provide a foundation of analytical work to underpin the next review. That necessarily includes a review of the 2014 QHSR and whether the assumptions, missions, goals, and recommendations should be continued, modified, or removed. Should I be confirmed, I will ensure that the 2018 QHSR provides the framework necessary to guide the Department going forward.

17. What, if any, are the most significant changes in America's security environment since the publication of the 2014 QHSR?

The United States has seen some significant changes in America's security environment since the publication of the 2014 QHSR. Among them are the rise of ISIS and the resurgence of al Qaeda and their ability to recruit or inspire individuals to engage in terrorist activity across the world. Another factor to be assessed is the increasing scope and ambition of cyberattacks. It is also important to consider the changes and developments in the flow of illegal transnational activities.

18. In your view, how has DHS's core mission evolved since its inception, if at all? What do you think DHS's core mission should be for the next decade?

The Department's core mission remains the same. Over time, the environment in which we operate and the nature of specific risks and threats have evolved, and new risks have developed. How we accomplish our core mission must accordingly evolve to meet those challenges.

19. What do you see as the greatest threat to the homeland, and how will you work to mitigate that threat if confirmed as DHS Secretary?

In my view, the number one threat to the nation is that we do not have control of our borders. Without control, every other kind of threat—drugs, illegal migrants, counterfeit manufactured goods and pharmaceuticals, diseases, terrorists, and the list goes on—can enter at will, and does. We have the laws in place to secure our borders. We have magnificent and dedicated men and women in the Department, other federal agencies and in state and local law enforcement. We need to make a commitment to enforce the laws on the books and support those sworn to uphold the law. If confirmed, I will work tirelessly to see that the right measures are in place, and that the men and women of the Department are allowed and enabled to do their jobs.

Mission 1—Prevent Terrorism and Enhance Security

20. In reviewing the three goals identified in the QHSR under this mission, please describe your understanding of DHS's current capability to achieve these goals.

The Department's first goal aligns with its primary statutory mission, which is to prevent terrorist attacks against the United States.

I believe the principle means of defeating terrorism within the United States is now, and will remain, effective border control; denying admission to individuals who seek to harm us; and countering recruitment of individuals to undertake terrorist acts.

It is apparent that U.S. borders remain porous. We have admitted some foreign nationals without an adequate understanding of their allegiances and intentions. We lack a credible, effective strategy for preventing terrorists from entering, and there is simply no telling how many thousands more may have entered primarily via the network that flows up from the South. Additionally, we know there are any number of so called “special interest aliens” that make their way into our country annually from countries in the Middle East. We lack a credible, effective strategy to prevent recruiting and inspiring terrorist acts. Should I be confirmed, I will work to address these gaps.

The QHSR also identified as goals preventing chemical, biological, radiological, nuclear, and explosive (CBRNE) attacks, and reducing risk to U.S. infrastructure, key leadership, and events. I am aware that the Department, at the direction of the Congress, has conducted an internal review to potentially consolidate CBRNE programs. Should I be confirmed, I will review the findings of this work, collaborate with the Congress, and work to improve the Department's organizational capabilities. In addition, I will work closely with the Congress on plans for the proposed reorganization of the National Protection and Programs Directorate.

21. Should any goals be added to Mission 1, and if so, what goal(s) should be added?

Should I be confirmed, I would want to review the ongoing analytical work of the Office of Policy in support of the QHSR before I make further recommendations.

22. If confirmed, what steps will you take to improve information sharing among federal, state, local, and tribal officials?

I recognize the vital importance of effective information sharing to the success of the homeland security enterprise. The Department has a number of ongoing initiatives that affect intergovernmental as well as public-private partnership information sharing. Should I be confirmed, assessing these efforts will be an important

responsibility. Based on that assessment, I will develop specific recommendations and an action plan for implementing them.

23. Please describe your understanding of the challenges facing, and your priorities to improve, the Transportation Safety Administration (TSA).

Transportation systems remain a prime target for terrorists. While protecting our citizens, we also want transportation networks that will serve the public good. TSA has a vital role to play in achieving both these objectives. Improving the efficiency and effectiveness of TSA has been a priority for the Secretary and the Administrator. Should I be confirmed, I will review the Agency's strategic plan with Department leadership, and set a course to ensure continuous improvement in the Agency's performance.

24. Please describe your understanding of the challenges facing, and your priorities to improve, the Federal Air Marshal Service (FAMS).

The FAMS provides a deterrent in the aviation subsector and provides TSA with an additional tool to support state and local law enforcement across the nation's transportation networks. Should I be confirmed, as part of my strategic review of the TSA enterprise, I will assess ongoing efforts to improve the FAMS and determine what additional actions are required to improve its effectiveness.

25. What is your assessment of, and commitment to, community engagement to counter terrorists and other violent extremists?

I believe our current efforts to prevent terrorist recruitment and inspiring terrorist acts are inadequate. Should I be confirmed, I will conduct a review of current programs and evaluate their efficacy against emerging threats. I will make this effort a priority and develop an action plan to implement improvements to our programs.

26. What is your assessment of the threat and our ability to mitigate the threat of the acquisition and use of Chemical, Biological, Radiological, and Nuclear (CBRN) materials?

Terrorist groups continue to pursue CBRN weapons for use against the U.S. civilian population.

Should I be confirmed, my assessment would start with the foundational work being conducted for the QHSR, as well as ongoing recommendations for the consolidation of the Department's CBRNE capabilities and the recommendations for reorganization of the National Protection and Programs Directorate. I would also

assess the ongoing efforts of the Department's Science and Technology Directorate. I believe these efforts must be the foundation of my assessment of the Department's current capabilities and what additional actions I should take as Secretary.

In addition, I firmly believe that, without question, we have to secure the border and have the capacity to interdict transnational criminal and terrorist networks that might be used to transport CBRN materials or weapons. This is vital to the security of the nation. Should I be confirmed, I will ensure that counter-proliferation is a strong component of our border strategy.

27. Please describe your priorities regarding CBRN-related threats.

Should I be confirmed, in addition to reviewing the current capabilities of the Department, assessing recommendations for improving our capabilities, and developing a plan of action, I would seek to leverage the entire homeland security enterprise as well as our efforts overseas to ensure that our counter-proliferation efforts are linked end to end, and are effective at eliminating significant CBRN threats aimed at the U.S. homeland.

28. Please describe your assessment of the threat posed by electromagnetic pulse (EMP), ground-based missile defense (GMD), cyberattack, and physical attacks to our critical infrastructure.

All these threats, in addition space weather, pose potentially catastrophic dangers to U.S. infrastructure, particularly our energy, transportation, and telecommunications networks, which are the lifeblood of our economy. Mitigating these risks to an acceptable level is vital. The Department has a critical role to play.

I strongly support missile defense and a robust U.S. nuclear deterrent as important components of defending the U.S. against catastrophic threats. In addition, however, there is much the Department can do in helping to prevent, mitigate, respond to, and recover from these catastrophic threats and events.

Should I be confirmed, I will pay particular attention to these threats as I review recommendations for reorganizing the Department's capability to respond to CBRN, proposals to reorganize the National Protection and Programs Directorate, and the Federal Emergency Management Agency' strategic plan.

In addition, our efforts must include effective public-private cooperation. Given the highly connected nature of our nation's critical infrastructure, we must continue to work with owners and operators to understand dependencies and interdependencies, increase resilience, and prevent and mitigate attacks.

29. What role should the likelihood of a specific type of CBRN attack play in our acquisition decisions to mitigate the threat?

The likelihood of nuclear or biological attacks can be extremely difficult to calculate with any degree of confidence. As a result, the United States must prepare for the eventuality of a catastrophic attack given the potential impact and consequences. Therefore, we must continue to invest in an appropriate mix of intelligence, detection, and counter-proliferation capabilities, as well as improve our mitigation and response programs. Should I be confirmed, I will place an emphasis on ensuring that the Department is prepared to play its role in countering these catastrophic threats.

30. In March 2016, the Government Accountability Office (GAO) examined the steps DHS and the Department of Energy have taken to address the key recommendations of the 2008 EMP Commission report, and revealed that several recommendations remain open and unimplemented. Please describe your understanding of the 2008 EMP Commission Report. Will you commit to thoroughly investigate the open recommendations and work to implement them into DHS's national security strategy?

Should I be confirmed, I will.

31. Describe your understanding of the challenges facing, and your priorities to improve, the Department's protective security programs?

I believe that protective security programs should be risk-based and adaptive to address emerging threats. For example, should I be confirmed, I will assess whether the Department's protective security programs adequately address the threat to soft targets such as government facilities, commercial facilities, and other critical infrastructure.

32. As Secretary, how will you approach balancing the need to protect the homeland while at the same time protecting individuals' privacy, civil rights, and civil liberties?

I believe the law is clear on balancing the security of the homeland with the protection of privacy, civil rights, and civil liberties. I do not think there is any better way to make the balance work than by following the law—to the letter.

Mission 2—Secure and Manage Our Borders

33. Please describe your understanding of DHS's capability to achieve the three goals identified in the 2014 QHCR for the mission to secure and manage our borders.

Should I be confirmed, I will use the ongoing analytical work being done in support of the QHSR to inform my assessment. That work is the appropriate starting point for developing my assessment.

34. Based on your experience as the former commander of U.S. Southern Command, please discuss the challenges DHS and its components face in preventing illegal import and entry as well as export and exit. How would you plan to address these challenges?

The primary challenge is our unsecure border. Transnational organized criminal organizations make massive profits from moving people, goods, things, weapons, and cash in and out of the United States. It is also a disturbing trend as to how penetrated our society has become, as South American gangs have migrated north and, more and more, are controlling the importation and distribution of illicit goods directly into the cities, neighborhoods, and small towns of America.

The solution is to control the border by establishing a layered defense, as well as working with our neighbors to the south as equal partners against crime and violence.

35. DHS is responsible for safeguarding and expediting lawful trade and travel. Please describe your understanding of the challenges facing DHS in executing these responsibilities. How would you plan to address them?

The Department's responsibilities are to protect our country from threats, and expedite lawful trade and travel. Should I be confirmed, I will pursue both missions and do my upmost to achieve both. In particular, I will review current strategic plans of TSA, U.S Customs and Border Protection, and the U.S. Coast Guard to ensure that they are adequate to providing security and facilitating legitimate trade and travel. Using data analytic tools, I will assess targets, threats and vulnerabilities, and I will share data—with the interagency as well as with our foreign partners. I will also assess and emphasize the importance of public-private cooperation in building programs that are effective and sustainable.

36. In FY 2016, the U.S. Border Patrol (USBP) apprehended 77,674 family units and 59,692 unaccompanied children. This is up from 39,838 families and 39,970 unaccompanied children in FY 2015, and similar to 68,445 families and 68,541 unaccompanied children apprehended during the humanitarian crisis of FY 2014. The vast majority of those apprehended are from Central America. What do you believe are the primary causes of this migration?

I believe the primary forces driving the current influx of illegal migrants from the Central American region are twofold.

The first cause is the terrible conditions in terms of violence and intimidation that exist in these countries largely due to the drug demand in the United States. These countries are among the most violent places on earth. To escape, many Central Americans pay the traffickers what amounts to be their life's savings to get into the United States.

The second cause, and this is a very important point, is that illegal migrants know there are illicit networks that will deliver them to the United States and they know once they are in, they are in. There is currently no reason for the illegal migrants to doubt that once they pay the "coyotes" their fee they will be successfully delivered to our homeland.

While at the U.S. Southern Command, I worked very closely with the senior-most political, judicial, and military leadership of these countries. The message I heard was always the same: "If you do not start sending them back to their country of origin quickly and in large numbers they will never stop making the trek north." I believe they are right. I know they are right.

37. What do you believe are the push and pull factors that are impacting the flow of people arriving from Central America to the United States, and what do you believe are the specific changes in these push and pull factors that have resulted in the increase in family units and unaccompanied children from Central America arriving at the U.S. border?

As I stated, I believe the primary force driving the current influx of illegal migrants from the Central American region is twofold.

The first cause is the terrible conditions in terms of violence and intimidation that exist in these countries largely due to the drug demand in the United States. To escape, Central Americans often pay the traffickers what amounts to be their life's savings to get into the United States. The second cause is that the illegal migrants know there are illicit networks that will deliver them to the U.S. and they know once they are in, they are in.

38. How do you believe the U.S. can partner with Mexico and other countries to address this humanitarian crisis?

The United States, Mexico, and the governments of Central America must collaborate to ensure the safety and appropriate disposition of aliens involved in the

crisis, and systemically address the push-and-pull factors as mentioned in earlier responses. Our nations can collaborate across lines of public diplomacy, strategic communications, operational awareness, border security, and law enforcement to diminish the crisis.

In reality, we already are working with the Mexicans. Although Mexico was not in my area of operations while at U.S. Southern Command, we worked closely with the Mexicans, often through the U.S. Northern Command headquarters in Colorado. For example, the U.S. Marine Corps years ago began advising and training the Mexican Marine Corps. Today the Mexican Marine Corps is the premier counterdrug force in the republic. The Guatemalans and Mexicans also work closely along their borders generally coordinated by NORTHCOM and SOUTHOM and although it is not necessarily the job of the U.S. Armed Forces to do so, they fill an interagency vacuum. The Mexicans are putting in place their “southern border strategy” which is essentially a layered defense.

Should I be confirmed, I will advocate for accelerating and expanding cooperation not only among the nations in question, but also inside our own interagency.

39. In congressional testimony in 2015, you described your concerns about criminal networks involved with human and drug trafficking possibly supporting the efforts of terrorist organizations. Is this still a concern of yours? If so, how would you mitigate against this concern as DHS Secretary?

I am still greatly concerned.

Should I be confirmed, I will work tirelessly to secure the border. Securing the border is the top priority. In addition, I will advocate for accelerating and expanding cooperation with Central American countries on battling these criminal networks. In addition, the Department will collaborate with other federal agencies in a robust effort to combat illicit transnational networks that could facilitate both criminal and terrorist activity.

There are those in the interagency that claim that the nexus I believe is already taking place would not be good for the criminal business. Their point is that if, after a terrorist attack on the homeland, investigative forensics established that the point of entry of the terrorist, dirty bomb or biological weapon was via the criminal network, it would bring the weight of the U.S. down on the transnational organized criminal networks. I believe this perspective is simply looking for a reason not to worry. The fact is the traffickers do not check passports, they do not do baggage checks, there are no body scanners or explosive residue checks—they just charge a fee in and in you go. While at Southern Command I testified more than once to the defense committees on both sides that when there is a sophisticated terrorist attack

that is launched from outside the homeland—it will have made its way into our vitals via the criminal network to the south.

40. As the former Commander of the United States Southern Command, please describe how you have witnessed the effects of the demand for drugs on the security of our borders.

Our demand for drugs puts tremendous pressure on the nations that produce and transfer the product to the U.S. market. Most of these nations are not consumers of the drugs; they are simply unlucky enough to be along the route north to the United States. The result is that in some cases, these nations are nearly failed states, their police ineffective, their courts dysfunctional, their populations held in a grip of fear due to intimidation, and they have murder rates that are among the highest in the world.

- a. You testified that America should consider a public awareness campaign to address drug demand. How do you envision that working?

I believe that a comprehensive strategy and campaign is essential. It is the only way. It must be an interagency campaign because it is not just about law enforcement, although law enforcement will play a big part. It is not just about medical treatment, although medical treatment and rehabilitation are essential. I think it has to include cradle-to-grave messaging in our homes, in our churches, and in our schools. We will never get to zero drug abuse and recreational use, but we can, I believe, significantly reduce the problem.

Should I be confirmed, I will press for a robust counter-demand strategy.

- b. If confirmed as Secretary, how would you work to decrease the amount of drugs coming across United States borders and into local communities?

Should I be confirmed as Secretary, I will commit to executing the President-elect's plans to secure our southern border with barriers, technology, and personnel. The presence of physical barriers and additional technology should work as a force multiplier and allow the Department's personnel to focus their efforts on identifying and interdicting the flow of drugs across the border.

Additionally, as I have stated many times, it begins far away from our shores, working with our partners to the south. To use Colombia as an example, up until very recently, Colombian law enforcement officials were eradicating over 40,000 acres of coca annually. They were consistently finding and destroying over 1,000 cocaine labs a year. They seized roughly 200 metric tons of cocaine before it ever left the country. They enthusiastically cooperate

with U.S. law enforcement and our military, providing amazing intelligence on their end of the network. They also export their expertise—with deep respect for human rights and U.S. law—to other requesting nations in the region. These are the kinds of partnerships we should replicate.

Should I be confirmed, I would also advocate for reducing demand through a vigorous national counter-demand strategy.

41. Under various laws, including the Secure Fence Act, the Department has the authority to build fencing and tactical infrastructure across the southwest border.

- a. Are you familiar with these authorities and how, if at all, do you plan to utilize them?

I am generally familiar with the Secure Fence Act of 2006 and other statutes relating to the southwest border, such as the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Should I be confirmed, I will use these legal authorities to secure the southern border.

- b. Do you believe that DHS has met its obligations under the Secure Fence Act, and, if not, what additional steps should be taken?

The Department has constructed approximately 650 miles of various types of fencing on the southern border. It has also included additional infrastructure, such as mobile and fixed technologies. Nevertheless, our border security is inadequate. Should I be confirmed, I will build on these current efforts and work to execute the President-elect's policies to ensure that we have the barriers, infrastructure, technology, and people in place to secure the border.

- c. Beyond fencing, what other resources do you believe are appropriate to use to secure the border, if any?

In addition to barriers at the southern border, I support U.S. Customs and Border Protection's use of an appropriate mix of tactical infrastructure; mobile and fixed technology, including radar and cameras; and manned and unmanned aerial vehicles. The use of such technologies is case and location specific. Should I be confirmed, I will assess in detail which mix is best suited where.

- d. How would you balance additional fencing against improving existing fencing or the use of other resources to secure the border?

The President-elect has promised to secure the southern border through a combination of physical barriers, technology, and personnel. Should I be confirmed, I will execute the mission established by the President-elect.

42. The DHS Border Security Metrics Act was included in the National Defense Authorization Act. These requirements call on DHS to create consistent, transparent, informative metrics to measure the security across all of our borders. If confirmed, will you commit to work diligently to deploy these metrics?

Should I be confirmed, I will.

43. What experience do you have in fostering international partnerships? How would you collaborate with foreign governments to strengthen the security of the U.S. borders?

Without exaggeration: I spent perhaps 90% of my time at the U.S. Southern Command fostering international partnerships which included working on intimate terms with our embassies and chiefs of mission in every nation where we were represented. These partners included the French, British, Canadian, and Dutch, as they all have interests in the Caribbean, and occasionally would deploy ships to the region.

Should I be confirmed, I will give cooperation with international partners the priority it deserves.

Mission 3—Enforce and Administer Our Immigration Laws

44. Please describe your understanding of DHS's capability to achieve the goals identified in the 2014 QHCR for the mission to enforce and administer our immigration laws.

My assessment of the current state of the Department's capability will be based on first evaluating the foundational work of the Office of Policy in preparation of the QHCR. Should I be confirmed, I will commit to enforcing and administering our immigration laws in a manner that serves the national interest.

45. How would you work to improve cooperation and coordination between DHS components responsible for administering immigration benefits and enforcing immigration laws?

Should I be confirmed, I commit to obtaining a better understanding of any barriers to cooperation and coordination between all of the Department's components, including the immigration-focused components. Overall, my goal will be to encourage greater cooperation and coordination between DHS components responsible for administering immigration benefits and enforcing the immigration laws. This will include the use of technology and systems to ensure that the

Department's personnel can relay and understand the information necessary to perform their jobs in the most efficient manner possible.

46. What is your understanding of the challenges facing DHS and the State Department in visa security? How would you recommend addressing those challenges?

The State Department continues to have visa-issuance authority while DHS generally retains visa-policy authority. In addition, under the Visa Security Program established by Congress in the Homeland Security Act, Immigration and Customs Enforcement (ICE) agents are located in a number of posts overseas for visa security purposes. Should I be confirmed, I will assess current challenges and work to resolve them with the Secretary of State. In particular, I will assess the state of the Visa Security Officer Program.

47. The backlog of pending deportation cases reached a record 474,025 as of January 2016, with the average case taking 667 days to complete. Asylum cases can take up to four years to be resolved in some jurisdictions. Although the immigration courts fall outside the jurisdiction of DHS, they are an integral part of our interconnected immigration system and contribute to the success or failure of our border security. What is your understanding of why the process takes so long, and what do you believe are the options available to improving the pace of the process?

It is my understanding that processing times are long in part because our immigration courts are currently overwhelmed by their existing workloads, which were dramatically increased by the recent years' surges. Should I be confirmed, I intend to approach the Attorney General to get a more detailed understanding of the situation and discuss options for moving forward that would support the work of DHS personnel.

48. If confirmed as Secretary, how will you work with partner countries to ensure that the visa waiver program facilitates effective intelligence and information sharing?

Countries participating in the Visa Waiver Program must meet specific qualifications set in statute. Countries should be rigorously and concurrently vetted by DHS to ensure that they meet the requisite standards, including adequate passport-validation procedures; timely repatriation of their nationals; and compliance with passenger-information-sharing agreements. The designation of any country in the program is a benefit that can—and should be—terminated, if there are national security risks or lack of compliance by that country. Should I be confirmed, I will work with participating countries to ensure that they continue to meet the requirements that have been mandated by the Congress and appropriately

address situations of noncompliance. I will work with aspirant countries that seek to join the program and comply with the requirements under law.

49. Immigration and Customs Enforcement (ICE) Homeland Security Investigations is responsible for enforcing a wide range of federal laws. What are your initial recommendations for prioritizing investigative resources?

Should I be confirmed, I will support the important work of Homeland Security Investigations, and prioritize resources so that they are consistent with the President-elect's policy priorities, ensuring that they are responsive to emerging law enforcement challenges.

Mission 4—Safeguard and Secure Cyberspace

50. Please describe your understanding of DHS's capability to achieve the four goals identified in the 2014 QHCR for the mission to safeguard and secure cyberspace.

The goals are to strengthen the security and resilience of critical infrastructure; secure the federal civilian government information-technology enterprise; advance law enforcement, incident response, and reporting capabilities; and strengthen the ecosystem.

Should I be confirmed, I will work to evolve how we implement the Department's current authorities and capabilities. We must be faster and more agile across everything we do to safeguard and secure cyberspace—hiring, technology deployment, and response. We must support and empower our work force, law enforcement, and partners across the government and the private sector with an effective and clear framework for roles and responsibilities, the people, and the resources to disrupt attacks before they can affect our networks, systems, and assets, as well as for the capabilities to mitigate and to quickly recover when affected.

Should I be confirmed, I look forward to assessing DHS capabilities in more detail, leading to future improvements in these areas. I look forward to working with the Congress in addressing proposals for the reorganization of the National Protection and Programs Directorate.

51. What do you view to be the most significant current and potential cybersecurity threats facing our nation, including threats to federal networks and critical infrastructure owners and operators?

The nature of the internet and its inherent vulnerabilities means we need to be vigilant against all cyber threats regardless of their sources. Recent intrusions into

government networks and hacking of private-sector systems highlight the importance of securing cyberspace. A successful cyberattack on government networks can lead to the loss or corruption of sensitive data, service disruptions, and otherwise impede the work of government. Protecting the federal network is a vital priority. Critical infrastructure is also increasingly reliant on the internet and, given its interdependent nature, a successful attack could have major consequences.

Should I be confirmed, I look forward to working with owners and operators to ensure the security and resilience of our critical infrastructure.

52. What is your initial view about the role of DHS's programs to strengthen public and private sector cybersecurity?

The Department plays an important role in leading the national effort with public- and private-sector critical-infrastructure partners to enhance the security and resilience of the nation's critical infrastructure against all hazard events, including cyberattacks. The Department also plays a leadership role in the protection of non-defense federal cyber systems. Should I be confirmed, my intent would be to strengthen the Department's capability and capacity to perform both roles. In particular, I look forward to working with the Congress in addressing proposals for the reorganization of the National Protection and Programs Directorate.

53. If confirmed, what steps do you intend to take to improve the nation's cybersecurity, both with respect to the government and private networks?

I support the President-elect's call for an immediate review of all U.S. cyber defenses and vulnerabilities, including critical infrastructure. Should I be confirmed, DHS would continue to support the development of improved cybersecurity technology, strengthen the federal cybersecurity workforce, improve measures to guard against insider threats, and strengthen "cyber-hygiene" practices with regards to federal civilian systems. I would support continued efforts to facilitate information sharing between and among public and private entities, DHS, and other stakeholders; and to develop and encourage the sharing of best practices and technology.

Mission 5—Strengthen National Preparedness and Resilience

54. Please describe your understanding of DHS's capability to achieve the four goals identified in the 2014 QHSR for the mission to strengthen national preparedness and resilience.

DHS has existing programs and mechanisms for making progress in achieving each of the four goals: enhancing National Preparedness, Mitigating Hazards and Vulnerabilities, Ensuring Effective Emergency Response, and Enabling Rapid Recovery. DHS has assessment tools resident in multiple components to help inform

grant allocations and specific programs and activities addressing each of the goals. I am a strong advocate of metrics to quantify progress. Should I be confirmed, I will assess existing metrics and seek performance data on each program supporting these goals to ensure that adequate progress is being made, strengthen areas where progress is inadequate, and ensure the most efficient use of the Department's time and resources.

55. How do you evaluate the current state of national preparedness for emergencies and disasters, including the capabilities of individuals and communities?

It is my understanding that DHS provides various tools and conducts various assessments to assist the nation with preparedness for emergencies and disasters. Should I be confirmed, as part of my assessment of FEMA'S strategic plan, I will evaluate the Department's capacity to make realistic assessments, assess the state of current capabilities nationwide, given the risks we face, and assess the efficacy of the Department's action plan for assisting states and communities in improving preparedness.

56. The largest share of DHS's budget authority is provided to FEMA to carry out its mission. What are your initial recommendations for improving DHS and FEMA's management of its grant programs?

Should I be confirmed, I will work with the FEMA Administrator to ensure that the grants programs are risk-based and administered effectively and efficiently. I will begin by evaluating FEMA's strategic plan to assess its adequacy for ensuring effective grant management.

Management, Accountability, and Oversight

57. What role do you believe the Secretary should play in addressing the High Risk management weaknesses that have been identified by GAO?

The high-risk management weakness cited by the GAO cut across all components and must be addressed. Should I be confirmed, I believe it will be my responsibility to take ownership of efforts to address these weaknesses in a sustainable, effective, and efficient manner. I intend to do just that.

58. What do you believe are the most important actions DHS should take to strengthen overall management of the Department?

Should I be confirmed, I will assess and continue to emphasize practices to make the best use of the Department's human capital, improve morale, ensure better internal financial reporting, and work with the Congress to optimize the Department's

organization where needed. In particular, I look forward to working with the Congress in addressing proposals for the reorganization of the National Protection and Programs Directorate. I also will take seriously the findings of the Department Inspector General and the GAO and maintain a rigorous system to track management issues and the implementation of corrective actions.

59. What steps do you believe that DHS can take to ensure federal funds expended by the agency are free from duplication and waste?

Should I be confirmed, I will assess ongoing Department efforts in these areas, particularly the agencies' strategic plans to address the deficiencies identified by the Inspector General and the GAO.

60. If confirmed, will you commit to reviewing any DHS programs that you believe could be eliminated because they are ineffective, duplicative, wasteful, unnecessary, or have outlived their purpose and report that information to Congress?

Avoiding unnecessary duplication and waste in government is a core principle of mine. Should I be confirmed, I will continually review DHS programs for their effectiveness and efficiency—from both a mission perspective as well as a financial resource perspective.

61. DHS received clean audit opinions on its financial statements in 2013, 2014 and 2015. However, there are material weaknesses in DHS's internal controls over financial reporting. What steps would you take as Secretary to address these material weaknesses?

Accurate financial reporting is important. Should I be confirmed, I intend to work with the Chief Financial Officer to become fully informed about these weaknesses so they can be addressed.

62. Throughout its history, DHS has struggled with efforts to modernize and integrate the numerous financial systems on which the components operate. What do you see as the most viable path forward for DHS to develop real-time, accurate, and comprehensive data on its finances and to use this data to inform budget decisions and resource allocation?

Should I be confirmed, I will work with the Deputy Secretary, the Under Secretary for Management, and the Chief Financial Officer to assess the Department's efforts to date. This is the appropriate starting point for assessing the needs and adequacies of the Department's financial management and budget and resource allocations systems and practices.

63. What is your view of the role of the DHS Office of Inspector General (OIG)? Please describe what you think the relationship between the Secretary and the OIG should be. If confirmed,

what steps would you take as Secretary to establish a working relationship with the Inspector General?

Throughout my military career, I have always respected and appreciated the role played by Inspector Generals. Should I be confirmed, I will continue that practice. I will maintain a rigorous system to track deficiencies identified by the Inspector General and the implementation of remedial actions.

64. The Inspector General Act places great weight on the independence of an Inspector General within a department or agency, yet also places the Inspector General under the general supervision of the agency head. How would you engage with the OIG under that framework?

Should I be confirmed, I will engage with the Inspector General according to all governing statutes and policies with the aim of ensuring that our relationship is productive and transparent as we both work towards the betterment of the Department.

65. If confirmed, do you commit to ensuring that all recommendations made by the DHS Inspector General are reviewed, responded to, if necessary, and, unless the agency justifies its disagreements with the recommendations, implemented to the fullest extent possible within a reasonable time period?

Should I be confirmed, I will.

66. Protecting whistleblower confidentiality is of the utmost importance to this Committee:

- a. In your career, how have you addressed whistleblower complaints? What steps did you take to ensure those individuals did not face retaliation and that their claims were thoroughly investigated?

I have always followed the letter of the law. Should I be confirmed, I will continue to do so.

- b. How do you plan to work with the DHS OIG and other components to implement policy within the agency to encourage employees to bring constructive suggestions forward without the fear of reprisal?

I believe this is vital. Should I be confirmed, I will review current policies to ensure they are adequate. I also believe that phone suggestion lines and e-mail can be effective tools to collect input and feedback

- c. Do you commit without reservation to work to ensure that any whistleblower within DHS does not face retaliation?

Should I be confirmed, I will, in accordance with federal laws.

- d. Do you commit without reservation to take all appropriate action if notified about potential whistleblower retaliation?

Should I be confirmed, I will, in accordance with federal laws.

V. Relations with Congress

67. Do you agree without reservation to comply with any request or summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

Should I be confirmed, I would, without hesitation.

68. Do you agree without reservation to make any subordinate official or employee available to appear and testify before, or provide information to, any duly constituted committee of Congress if you are confirmed?

Should I be confirmed, I would, without hesitation.

69. Do you agree without reservation to comply fully, completely, and promptly to any request for documents, communications, or any other agency material or information from any duly constituted committee of the Congress if you are confirmed?

Should I be confirmed, I would without hesitation.

VI. Assistance

70. Are these answers your own? Have you consulted with DHS or any other interested parties? If so, please indicate which entities.

I have written, edited, or reviewed and approved all of the responses in this document. In preparing responses to the questions posed to me in this document, I have relied on my own knowledge and experience, engaged in my own research, and have received assistance from professional staff on the President-elect's transition team.

Chairman Ron Johnson
Supplemental Pre-Hearing Questionnaire
For the Nomination of General John F. Kelly to be
Secretary, Department of Homeland Security

1. The National Defense Authorization Act included language from the Committee-passed bill, the Critical Infrastructure Protection Act of 2016. How quickly do you believe you can comply with the requirements of that legislation?

Should I be confirmed, it is my intention to meet all legislative requirements. I will first have to fully assess how the Department has engaged with the Department of Energy and the NERC to address this threat before I could provide a compliance time estimate.

2. Despite the large numbers of apprehensions in FY 2016, we have returned less than four percent of unaccompanied children and family units from Central America. Do you believe this impacts the flow of people arriving from Central America to the United States, and if so, how?

Yes. I believe that perceptions of a lack of enforcement can increase the flow of people attempting to enter the United States illegally.

3. A highly successful consequence is expedited removal. Are you familiar with this consequence, and will you commit to utilizing it if you are confirmed?

I do not yet have a fully developed understanding of the entirety of the expedited removal authority provided by the Congress in the Immigration and Nationality Act. I have heard that the expanded use of expedited removal authority has led to measurable successes at the southwest border. Should I be confirmed, I intend to quickly expand my understanding of all applicable immigration laws.

4. DHS is responsible for reducing the drivers of unlawful immigration. Please discuss what you believe those drivers are and what steps you would take to reduce them.

I believe that there are a number of drivers of illegal immigration—including perceptions of lax enforcement of the immigration laws domestically, the desire for family reunification, and a variety of economic, security, and political conditions in countries across the world. The President-elect has established a plan to address illegal immigration, and should I be confirmed, I will work to execute the plan that he has established.

**Minority
Supplemental Pre-Hearing Questionnaire
For the Nomination of General John F. Kelly to be
Secretary, Department of Homeland Security**

MANAGEMENT

1. The Department of Homeland Security (DHS) was created by the merger of over 22 existing agencies in 2003. Since that time, it has struggled to function as a single, cohesive agency. The current Secretary has attempted to implement, and sought congressional assistance to codify, a number of initiatives to bring more cohesion to DHS known as the “Unity of Effort” initiative. Only some of these efforts were codified. Will you continue to pursue these efforts? What other initiatives will you pursue to ensure that the components are working together more effectively and efficiently?

Should I be confirmed, I will assess the progress and effectiveness of the Department’s Unity of Effort initiative and determine how best to build on this program. This is a priority. Overall, there are many ways to enhance unity of effort in both operations and management. The joint task forces and Joint Requirements Council (JRC) are examples. Should I be confirmed, I will continue to build on these programs.

2. What experience do you have in working on comprehensive management issues? What similarities or differences do you see between the management challenges in Southern Command and those at DHS?

Almost my entire time as a general officer was to one degree or another involved in leading and managing disparate organizations to accomplish an assigned task. This very frequently involved “convincing” elements of the interagency to get on board, and cooperate in the accomplishment of our national objectives. I think the same conditions apply inside DHS, an organization made up of a large number of components that need to work in concert with each other, but most especially in terms of the interagency requirement to cooperate here in Washington to accomplish the goals defined by the President-elect.

3. In many areas, the responsibilities of the Department intersect with those of other cabinet departments. For example, the Public Health Emergency Medical Countermeasures Enterprise (PHEMCE) coordinates five cabinet Departments, including DHS, to authorize and purchase medical countermeasures for chemical, biological, radiological and nuclear (CBRN) threats. What experience do you have in working across departments and components? Provide examples of ways in which you were successful in coordinating a multi-agency or multi-component approach to an issue.

Almost my entire time as a general officer was to one degree or another involved in leading and managing disparate organizations to accomplish an assigned task. For example, in 2014 during the West African Ebola outbreak, I was very concerned about the disease making its way to the Western Hemisphere. While the interagency was concentrating on the movement of people from the infected areas to the United States, the fact is that the majority of travelers to the hemisphere do not stop in the United States. For example, there are frequent direct flights from Paris to Haiti, and a very large number of tourists fly directly from Europe to the Caribbean. Just as threatening from the point of view of a spreading pandemic are a large number of flights from Africa to South America. While most Americans think in terms of East-West, I was paid to think North-South. I did not feel the interagency was taking the threat to the hemisphere seriously.

Had the disease come to the hemisphere—particularly to Haiti or Central America—the resulting mass migration would have been of biblical proportions. We would have been absolutely overwhelmed. I shared my concerns initially with the interagency at the highest level and headed directly to the Centers for Disease Control (CDC) in Atlanta to raise my concerns, spending a day with their experienced experts, who immediately understood the immensity of the threat. I also engaged with many of our Chiefs of Mission in the region, and sent my SOUTHCOM medical staff to do a country-by-country assessment of their capacity to handle even a single case of Ebola. Unfortunately, they were not ready in any way to deal with the disease. We developed contingency plans, began purchasing protective equipment, and highlighted the threat in various countries via media outlets and personal visits by me or my staff.

GRANTS

4. In FY2015, DHS awarded nearly \$10 billion in grants. Grant management and oversight continues to be a problem across the federal government.

- a. How do you plan to ensure accountability and transparency throughout the grants process?

Should I be confirmed, I will assess the FEMA Grants Management Modernization program. I will ensure that grant guidance best serves the public purpose of homeland security and manage the grants for effectiveness and appropriate funds expenditure utilizing robust fiscal controls.

- b. Do you have recommendations on how to improve transparency at the subgrantee level? How will you hold grantees and subgrantees accountable to ensure that taxpayer money is spent as intended?

Fiscal accountability and transparency are critically important to the country and me. Should I be confirmed, I will work with the state administrative agencies and other grantees to encourage measures that improve transparency and result in more effective outcomes from grant funding.

ACQUISITIONS

5. In examining the Department's management of its major acquisitions, GAO has found that DHS has made noteworthy efforts to improve performance of its acquisition programs. However, these programs continue to face challenges with cost overruns and schedule slippage.

- a. What can the Secretary do to ensure that major acquisitions meet performance goals while remaining on schedule and within projected costs and how will you hold program offices accountable for sound acquisition practices?

Should I be confirmed, I will work with the Deputy Secretary and Under Secretary for Management to develop appropriate, measurable metrics for the Department's acquisition professionals, and require that they are included as part of the appropriate individual's yearly performance plans and associated performance review process.

- b. What experience do you have in acquisition policy and management that would guide you in the role of Secretary?

I was not an acquisition officer while serving on active duty, although on many occasions I identified items that were needed depending on the billet I was serving in. I do believe the system needs to be disciplined and we should ask for those things we need—and only those things we need. I will obviously rely heavily on the acquisitions professionals within the Department, but I will not hesitate to be involved where appropriate.

6. When it was established in 2003, DHS created a Joint Requirements Council (JRC) to review and prioritize requirements. The JRC became inactive by 2006. In 2014, the DHS Secretary directed the creation of a joint requirements process, with the JRC to be composed and chaired by the Department's components. GAO recently reported (GAO-17-171) that the JRC's structure and management are consistent with key organizational transformation practices and that the JRC has the potential to help DHS reduce duplication and make cost-effective investments. What would you do as Secretary to continue the work of the JRC?

Should I be confirmed, I will ensure that the necessary time and resources are dedicated to continue acquisition governance, and will assess the effectiveness of, and build on, the JRC process.

7. DHS manages several law enforcement and security agencies that require similar services and goods. In some cases it may be appropriate for DHS to strategically source this equipment, services and goods and to leverage its purchasing power. If confirmed, how will you determine whether agency acquisition programs can be coordinated or strategically sourced? How will you hold components accountable in meeting strategic sourcing goals?

Should I be confirmed, I will assess the ability of existing management structures to perform these functions. Obtaining these kinds of efficiencies is important for the Department. I want to make sure that the Department has an end-to-end process to effectively make these decisions and track implementation.

8. DHS will likely need to invest billions of dollars in major IT systems, aircraft and other major acquisition programs to meet changing homeland needs. What will your approach to these types of acquisitions be? How does your experience with Department of Defense acquisitions inform your view of major acquisitions?

In my many years in the military, I learned that a solid definition of the operational requirement is key to successful acquisition. Should I be confirmed, I will ensure that principle guides DHS acquisition. As in the Department of Defense, there is not a one-size-fits all answer to acquisition. I will strive to build the best system to suit DHS with a quality acquisition workforce to implement it.

9. Shortages in the acquisition workforce continue to be a challenge in the federal government. GAO found staffing shortfalls in 21 of the 22 DHS acquisition programs it reviewed; funding gaps of 10% or more in half of those programs, and requirements changes across all 22 programs. How would you plan to address the issue of acquisition workforce staffing and retention at DHS?

I know the value and importance of strong acquisition professionals from my experience at the Department of Defense. Should I be confirmed, I will seek to develop a top-quality acquisition workforce in DHS.

10. How do you define good performance when it comes to acquisition programs? What metrics would you use to measure good performance? What course of action would you take to address acquisitions that do not meet your definition of good performance?

Although I do not have a background in acquisition, I learned enough in my

military career to know that one size does *not-fit* all when it comes to acquisition, that you have to have a quality workforce, and you have to have clear lines of responsibility and authority. Should I be confirmed, I will put these principles into practice, and we will pair them with the right metrics for that program to measure performance—and I will hold people accountable.

11. There is a lack of comprehensive data on the true cost of contractors and agencies do not conduct cost-benefit analyses to better understand whether services should be performed by federal employees or contractors. DHS previously adopted the Balanced Workforce Strategy but the effort is incomplete without data. How would you achieve a balanced workforce? What efforts would you take to better understand the true cost of contracting for services?

I do not have an informed opinion on the Balanced Workforce Strategy at this time but it is my understanding that the effort is incomplete. Should I be confirmed, I will work with the Under Secretary for Management to assess current efforts and understand the cost-benefit analysis process related to contracting for services.

WORKFORCE

12. The Office of Personnel Management's 2015 Federal Employee Viewpoint Survey data showed that DHS ranked last among 37 large federal agencies in all four dimensions of the survey's index for human capital accountability and assessment (job satisfaction, leadership and knowledge management, results-oriented performance culture, and talent management).

- a. What do you consider to be the principal challenges in the area of human capital management at DHS?

My years of military experience taught me that every unit has its own challenges. Should I be confirmed, I intend to follow that same principle in building the world's best workforce in DHS. I will work to understand the challenges of each component and overcome them. I will assess the current Unity of Effort initiative and other ongoing programs and build from there.

- b. What steps would you take, if confirmed, to identify and address the root causes of low morale?

As I previously stated, my years of military experience taught me that every unit has its own challenges. I intend to follow that same principle in building the world's best workforce in DHS. I will work

to understand the challenges of each component and overcome them. I will assess the current Unity of Effort initiative and other on-going programs and build from there. As a leader, I understand that improving morale is the leader's job.

- c. What experience from your past positions best equips you to address workforce challenges at DHS?

I have found that leadership, championing the mission, providing visible career paths, and recognizing and celebrating success result in strong job satisfaction. I strongly believe that DHS morale can significantly increase. Should I be confirmed, I will welcome the opportunity to take on this challenge.

- d. In 2013 GAO found that DHS had actions underway, but had not fully implemented recommendations to better determine the root cause of low morale and for components to establish metrics of success that are clear and measureable. What will you do to see that these recommendations are fully implemented?

Should I be confirmed, I will make improving morale a top priority. I will have a system in place to track recommendations by the GAO, and the implementation of planned actions to address them.

- 13. There have been several egregious examples at the Transportation Security Administration where managers found to have retaliated against whistleblowers were not sanctioned or held accountable, even when the Office of Special Counsel was able to obtain a settlement for the whistleblower. What actions would you take in such situations to ensure that any manager or supervisor that retaliates against a whistleblower is held accountable?

I do not have detailed information on the specifics of the examples referenced at this time. That said, retaliation in any form is not something I will tolerate. Should I be confirmed, I will ensure that managers are trained and held accountable.

DHS CONSOLIDATION

- 14. For many years, DHS leadership has stated that having a unified headquarters in one location is vital to operations and the effective function of a cohesive DHS. The St. Elizabeths campus was envisioned as the headquarters for DHS, but the pace of renovations has slowed due to reductions in available funding.

- a. How important is the consolidation of DHS headquarters to improving operations

and efficiency?

Consolidating an organization's footprint is an effective tool to promote collaboration and efficiency and to reduce costs. My understanding is that while the St. Elizabeths project does not achieve full consolidation of DHS headquarters operations into one central location, the project has the support of prior secretaries because of the challenges they faced bringing their leadership together, in addition to the costs savings and permanence that comes from using federal facilities. I also understand that funding the project has been a challenge. Should I be confirmed, I would examine the continued St. Elizabeths renovations with an eye toward fiscal responsibility and ensuring the effective management of the Department. I look forward to working with the Congress on implementing the most fiscally responsible and effective plan for the way forward.

- b. If confirmed, how will you continue efforts to consolidate DHS headquarters operations and management in the interim?

I understand that FEMA recently went through a headquarters consolidation. Should I be confirmed, I would study its lessons learned and apply them, as appropriate, to the DHS headquarters consolidation. In addition, I would want to work closely with the Congress to determine the best course of action.

RISK MANAGEMENT

- 15. The nation faces a wide range of potential threats and events, but DHS has finite resources to address them.

- a. What principles will guide your decision-making regarding the use of risk-analysis and risk-based resource allocation to set priorities within the Department?

In my long military career, I learned the lesson well that there are never enough resources to cover 100% of the threats, 100% of the time. Risk management is a reality. That said, there is no one-size-fits-all answer to risk management. Should I be confirmed, I will want to make sure that the processes we are using to evaluate risk are tailored to each of the missions and duties the Department is tasked to perform, and that we have the best people, the soundest methodologies, and the best information—an intelligence collection, fusion, and assessment capability second to none—to make sure that these decisions are, truly, informed decisions.

- b. How will you determine if some threats or events require enhanced emphasis and investment or have already received sufficient focus?

Should I be confirmed, I will first look to the priorities established by the President-elect to ensure they have the resources necessary to be successful.

Then I will evaluate, with the support of the Department's senior leadership and the Intelligence Community, the remaining threats and missions to assess the effectiveness of current investments against those threats as well as determine which additional actions should be taken. Within the Department, I will want to assess the means at the Secretary's disposal to make these determinations. I will, for example, assess the adequacy of the Secretary's Counter Terrorism Advisory Board.

COUNTERING VIOLENT EXTREMISM

16. In a Memorial Day address you gave in 2013 you stated, “Given the opportunity to do another 9/11, our vicious enemy would do it today, tomorrow, and everyday thereafter. I don’t know why they hate us, and I frankly don’t care, but they do hate us and are driven irrationally to our destruction.” Which enemy in particular were you referring to in this statement? Is this still your assessment of the current state of violent extremism?

I was referring to radical Islamic terrorism. Yes, I still believe this is true.

17. The Homeland Security and Governmental Affairs Committee has heard in testimony from various counterterrorism experts that DHS is better equipped to prevent a complex coordinated attack – one that is planned, equipped and initiated overseas – than federal officials were 16 years ago. Experts agree: The greater challenge today is preventing “lone wolf” attacks from self-radicalized individuals who may already live in the U.S. and may be inspired by the perverse narrative of the so-called Islamic State or other terrorist organizations. To what degree do you agree with this assessment? If confirmed, how will you seek to better prepare the Department of Homeland Security to address threats from lone wolf terrorists?

I do not want to get in the business of parsing whether a terrorist acts truly alone or in concert with others. The mission of DHS is to help stop, mitigate, and recover from terrorist attacks. Should I be confirmed, my priority will be to ensure effective counterterrorism programs that work in concert with

federal, state, local, tribal, territorial, and private-sector partners, and everyday Americans to ensure preparedness to stop every manner of threat. Should I be confirmed, my top counterterrorism priority will be dealing with the threat of radical Islamist terrorism.

18. The DHS Office of Intelligence and Analysis is a critical part of DHS, serving as the Department's primary interface with the broader Intelligence Community and integrating the intelligence-related activities of the DHS component agencies.

- a. What would be your key near-term priorities to improve the effectiveness of the Office of Intelligence and Analysis?

Should I be confirmed, I would make it a priority to fully assess the missions, capabilities, and effectiveness of this office. I look forward to working with the Congress as part of this process.

- b. How would you describe the role of the Office of Intelligence and Analysis in the broader intelligence community?

If long years of military service taught me anything, it was the value of intelligence and the importance of connecting the pieces of the intelligence system so that they served the commander and the people on the ground who had to execute. I see the Office of Intelligence and Analysis serving that role for DHS. Should I be confirmed, my goal is that the intelligence flow of information in the homeland security enterprise has the same ability to support leaders and operators in the field as our military intelligence supports our troops in battle.

19. A number of initiatives, including DHS' Office for Community Partnerships, the Global Engagement Center at the State Department and an interagency Countering Violent Extremism (CVE) Task Force, have been stood up in recent years to counter violent extremist messaging.

- a. What is your assessment of these efforts thus far?

My assessment is that we need effective programs that stop terrorists before they attack. Should I be confirmed, assessing these programs and their effectiveness will be a top counterterrorism priority. We

need programs that effectively contribute to defeating the top terrorist threat of radical Islamic terrorism.

- b. What do you believe is the best way to keep young people from falling prey to the recruitment propaganda of ISIS and other terrorist organizations? Does DHS have a role in this effort?

Part of the core DHS mission is to prevent terrorist attacks. Should I be confirmed, I will focus the Department's efforts on the most effective means of stopping terrorist attacks. In particular, my priority will be addressing ISIS, al Qaeda and other radical Islamic terrorist groups that threaten the United States. Our programs will look at all the elements of combating terrorism and we will direct DHS efforts to where they will be most effective.

- c. In what ways should internet service providers and social media companies, such as Facebook, Twitter and YouTube, be engaged with and involved in CVE efforts?

As I previously stated, there are many components to terrorist activity. Should I be confirmed, I will focus the Department's efforts on the most effective means of stopping terrorist attacks. In particular, my priority will be addressing ISIS, al Qaeda and other radical Islamic terrorist groups that threaten the United States. Our programs will look at all the elements of combating terrorism and we will direct DHS efforts to where they will be most effective.

- d. In your experience, what are the ways in which the intelligence agencies, Department of Defense, Department of State, Department of Justice, and DHS can better communicate, cooperate, and coordinate with regard to CVE messaging?

I think you start by focusing on the core mission—stopping radical Islamic terrorist attacks on the United States—and the tasks flow from there. Should I be confirmed, I will strive to work closely with all counterterrorism components—and the geographical combatant commanders—making sure our efforts are focused on our primary task and that our subordinate efforts—whether they are combating recruiting, planning, organizing, or carrying out a terrorist act—are

organized in a manner to give us the best chance of stopping a terrorist before he or she kills another American.

- e. If confirmed, what steps will you take to ensure that the Department's CVE efforts are carried out in a manner that does not undermine the civil rights and civil liberties of specific communities?

The protection of the civil rights and civil liberties of all American citizens and lawfully present persons is an inviolable responsibility for a federal official. Should I be confirmed, I will ensure that the Department's counterterrorism programs are fully compliant with applicable federal laws.

- 20. As its name suggests, the Office for Community Partnerships is responsible, through grants and other means, for partnering with communities, including the American Muslim community, to build resiliency networks and develop effective countermessaging strategies.

- a. To what extent do you think this partnership-based approach is a worthwhile endeavor?

In my experience, partnership approaches can be effective in building trust and cooperation with all communities.

- b. What value do you place on community engagements with predominantly Muslim communities and other communities for the purposes of preventing young people from joining ISIS and other terrorist groups?

Should I be confirmed, I intend to seek such data to make informed decisions about these programs and activities.

- c. Would you continue the work of the Office for Community Partnerships? If not, what alternative programs would you propose instead?

Should I be confirmed, I intend to become more familiar with this office's programs and their effectiveness. I also intend to become familiar with all programs and opportunities within DHS to build positive relationships with communities across the country.

21. In a speech at an ACT for America event in Stoughton, Massachusetts on August 23, 2016, retired Lt. Gen. Michael Flynn said, “Islam is a political ideology. … It definitely hides behind this notion of it being a religion.” He went on to say, “We have a problem. [Islam] is like a cancer. It’s like a malignant cancer in this case. And it has metastasized.” As you know, Gen. Flynn will serve as the President-elect’s National Security Advisor. Do you share Gen. Flynn’s feelings that Islam is a cancer or that Islam is a political ideology that hides behind the notion of it being a religion?

I know that Lt. Gen. Flynn is an honorable man of great character. I am not familiar with these comments by him or the context in which they were given. I have a fair understanding of the Islamic faith, and have seen the comfort it brings to those who believe in its teachings. I do not believe that every faithful Muslim faith seeks to impose a political agenda upon others.

22. President-Elect Trump, at various points in the presidential campaign, has called for a “total and complete shutdown of Muslims entering the United States” and a “system” for tracking American Muslims. Following the November 2015 terror attacks in Paris, France, President-elect Trump said U.S. government officials will have “absolutely no choice” but to close mosques where “some bad things are happening.”

- a. Have you discussed a proposal to shut down mosques with the President-Elect? What, if any, commitments have you made to the President-Elect regarding the American Muslim community?

No. None.

- b. In your view, are American Muslims more or less likely to report suspicious behavior and partner with government officials to build resiliency networks and develop effective countermessaging strategies after hearing this type of rhetoric?

I do not believe that law abiding, non-radicalized American Muslims are any less likely to report truly suspicious behavior that they deem to be dangerous, nor are they less likely to try to help their communities by building resiliency networks or counter-messaging strategies, than any other law-abiding American citizen.

- c. Do you think rhetoric like this makes vulnerable populations more or less susceptible to radicalization?

I think there are vulnerable individuals in every subcomponent of every population who are susceptible to a broad range of possible radicalization or perversions of thought or belief systems.

- d. At a July 6, 2016 hearing before the Senate Permanent Subcommittee on Investigations, Michael Steinbach, executive assistant director of the FBI's National Security Branch, said, "Overwhelmingly, the religious communities across the United States are very helpful to us in identifying sources of radicalization." Do you agree with this assessment?

I am on record any number of times throughout my career stating that the men and women of the FBI make up the finest law enforcement organization in the world. I trust them and what they do for the nation with my life. We all do. If the FBI states that "Overwhelmingly, the religious communities across the United States are very helpful to us in identifying sources of radicalization," then I am confident that it is true.

23. If confirmed, what steps will you take to foster positive relationships with American Muslims and ensure the American Muslim community continues to play an active role in countering violent extremism?

I had a great deal of experience interacting with Muslims in Iraq, and was highly successful in not only protecting the mosques and clerics from al Qaeda terrorists, but also in winning the clerics and communities over to our side of the fight in al Anbar. I did it by focusing on human rights, treating every man and woman in the same way under the law, and with dignity and respect. Should I be confirmed, I will lead at DHS in the same way.

24. While, in the past year alone, American Muslims have been the alleged perpetrators responsible for violent attacks in St. Cloud, Minnesota, Columbus, Ohio, and Orlando, Florida, acts of violent extremism are by no means limited to the American Muslim community. Take, for example, the case of Dylann Roof, a 22-year-old man who allegedly self-radicalized after reading white supremacist material online and then shot and killed nine African-American parishioners at a church in Charleston, South Carolina, on June 17, 2015. Or take the alleged plot by three men in Garden City, Kansas, to detonate explosives at an apartment complex where Somali immigrants live and worship. To what degree will DHS's counterterrorism efforts extend to all instances of violent extremism – not just extremist acts perpetrated by members of a particular race, religion,

ethnicity or national origin – if you are confirmed as DHS Secretary?

Terrorism is terrorism. It matters not at all to me why the individual or group acts, only that he/she/they are breaking our laws, and our citizenry needs to be protected from such people.

FEDERAL EMERGENCY MANAGEMENT AGENCY

25. The Federal Emergency Management Agency (FEMA) has struggled with a number of longstanding management difficulties. Over the past several years, GAO and the Department of Homeland Security Office of Inspector General (IG) have called attention to these problems: financial management, human capital, information technology, and performance management. For example, GAO has reported that FEMA's financial system suffers from serious stability issues. FEMA has also struggled in implementing the Disaster Assistance Improvement Plan. What will you do to address these issues?

Should I be confirmed, I will review the findings and recommendations from each report with the FEMA leadership.

26. According to GAO, the number of federal disaster declarations has grown substantially in recent years. FEMA is responsible for coordinating and spending funds that have been appropriated for federal response activities.
- a. Do you believe there is a need to reform the federal disaster declaration process? What short- or long-term actions should be taken to reform the process?

Should I be confirmed, I will review the findings and recommendations of the GAO with the FEMA leadership and the White House to assess the federal disaster declaration process.

- b. What do you believe should be the role of the federal government with regard to response and recovery from natural disasters?

I believe law defines the role of the government. Should I be confirmed, I will follow the letter of the law.

- c. What measures do you think would be effective for determining when state and local capacity to respond to a disaster is overwhelmed?

These measures are in part defined by law. Should I be confirmed, I will follow the law and will assess, in conjunction with FEMA leadership and the White House, the need for any additional guiding policy. In addition, I will review, with FEMA leadership, proposals on how to improve the way these standards are measured, in order to

enhance national preparedness overall and the capacity of individual communities to respond.

27. FEMA is also responsible for management of Homeland Security Grant Programs, which provide funding to state and local law enforcement for equipment and training purposes. The Department of Defense and Department of Justice also provide funding and equipment to state and local law enforcement. What steps would you take to ensure that these funding and equipment streams are coordinated and avoid duplication?

Should I be confirmed, I will assess the Department's means for avoiding duplication and ensuring coordination in the application of grants with the FEMA leadership and other relevant leaders in the Department.

TRANSPORTATION SECURITY

28. Recent covert testing by the Department of Homeland Security's Office of Inspector General identified significant security lapses at Transportation Security Administration (TSA) checkpoints in eight airports of varying size across the country. According to multiple media reports, TSA agents failed to detect potential weapons or fake explosive devices in 67 of 70 tests. DHS officials responded to the September 2015 Inspector General report in a number of ways, including Administrator Neffenger's efforts to expand, improve and centralize training of newly hired airport screeners at the Federal Law Enforcement Training Center.

- a. What is your assessment of TSA's ability to adequately assess risks and conduct effective passenger and baggage screening operations?

Should I be confirmed, I will review the TSA strategic plan and work with TSA leadership to address any agency shortfalls in its ability to effectively conduct passenger and baggage screening.

- b. If confirmed, how will you ensure that our critical aviation security workforce is composed of well-trained security professionals?

Should I be confirmed, I will review ongoing initiatives in this area, including the TSA training academy established at the Federal Law Enforcement Training Center.

- c. What further improvements would you like to see made in terms of airport security?

Should I be confirmed, I will evaluate the TSA strategic plan to assess its adequacy for improving airport security and the Agency's efforts to engage relevant stakeholders in developing forward-looking

efficient and effective solutions to future challenges to passenger travel, other commercial aviation, and non-commercial aviation.

29. The TSA must balance the competing requirements of ensuring the security of millions of air travelers each day, while also minimizing disruptions and allowing people to get to their destinations without undue delay. Please discuss how you will seek to balance these competing requirements if you are confirmed.

Should I be confirmed as Secretary, I will work to enhance my understanding about TSA's efforts to ensure security while minimizing travel disruptions.

SECRET SERVICE

30. What are your thoughts on how DHS leadership should be involved in the oversight and management of such semi-autonomous DHS entities such as the U.S. Secret Service?

Should I be confirmed, I will supervise and oversee the operation of all agencies in DHS according to the law.

31. If confirmed, how would you handle ethical violations within a department agency or office such as the Secret Service?

Should I be confirmed, I will handle such matters according to applicable federal laws and relevant regulation.

32. What are your thoughts on the Secret Service's two missions, investigations and protections, and the responsibilities associated with these missions?

Should I be confirmed, I will review these missions with the leadership of the Secret Service and the Department. I welcome working with the Congress on this assessment.

33. How would you handle a security violation by the President's Secret Service protective detail?

Should I be confirmed, I will handle these matters according to applicable federal laws and relevant regulation.

34. The Secret Service may face potential cost increases in providing security for the President-elect and his family. Given existing budget constraints, do you have concerns about the need to provide significant and long-term security details outside of Washington, DC?

Should I be confirmed, I will have an opportunity to fully assess these requirements.

IMMIGRATION AND BORDER SECURITY

35. What does the term “secure border” mean to you? What additional steps would Customs and Border Protection (CBP) and the Border Patrol need to take in order to secure the border by your definition?

In my view, “secure border” means that we have complete operational control of, and have knowledge of, the vast majority of who and what enters our country. It is impossible to get to perfect, but I believe that the tremendous men and women of Customs and Border Protection have the laws, have the regulations, and have the authorities to protect the Nation—they simply have to be allowed to execute their mission. Again, I do not believe any of us have the authority to ignore or not enforce the law. We clearly need more physical and technological barriers, and need more capacity to effectively process private and commercial vehicles through the border and maritime ports of entry.

36. Is it possible to end all unauthorized entries into our country? Why or why not? If you believe it is possible, what manpower and technology capabilities would be required to achieve such an outcome? The 2016 CBP budget is \$13.6 billion. How much additional money would CBP need in order to accomplish your goals of a secure border?

I do not think it is possible to end 100% of the illegal entries into our country, but we can go from where we are now—essentially no control—to something significantly improved. The profits are too immense, and the transnational criminal organizations too good at what they do. I believe that rapidly processing and returning aliens to their countries of origin in significant numbers will help to immediately and significantly reduce the number of individuals and groups trying to enter the country illegally. It will not be worth the investment of their life savings to get here, and it will not be worth making the dangerous trip north, if they know they will quickly be put on a bus or aircraft and returned south. Should I be confirmed, I will assess the operational needs of CBP and ICE and make appropriate recommendations.

37. One of President-Elect Trump’s most consistent messages throughout his presidential campaign was that he will build a wall along the United States’ southern border and that Mexico will pay for it. According to him, work on the wall will begin on his first day in office.

- a. Have you discussed the proposal to build a wall paid for by Mexico with the President-Elect? What, if any, commitments have you made to the President-Elect regarding building the wall and securing Mexico's payment?

I have only briefly discussed the wall with the President-elect. That discussion was consistent with what he has said since entering the campaign. I have had no discussions with him regarding who will pay for the wall.

- b. What experience do you have in managing major infrastructure projects and major acquisitions that would prepare you for such an undertaking?

During my time in Iraq—particularly my last tour—I was directly and indirectly involved in infrastructure improvement projects (for dams, roads, power grids, irrigation systems, and more). I am not an engineer, but I am very good at finding and unleashing the best professionals available to accomplish the task.

38. Former DHS Secretary Janet Napolitano famously quipped, “Show me a 50-foot wall, and I’ll show you a 51-foot ladder.” The implication from her statement is clear. Illegal border crossers have used all manner of techniques, including ladders, tunnels, air cannons, explosive devices, light aircraft and unmanned aerial vehicles, to circumvent the more than 650 miles of existing fencing and other physical barriers along the U.S.-Mexico border.

- a. Is a border wall the most efficient and effective means for preventing illegal border crossings and drug smuggling?

No physical structure will accomplish the mission on its own. The wall will funnel the flow in certain directions and into specific *cul-de-sacs*, but it must be part of a well-designed and executed layered defense that includes sensors, and most importantly, well-trained and professional men and women—exactly the kind our nation should be proud of in DHS. We also have incredible local, state, and federal law enforcement professionals to safeguard the nation as far away as Chicago, Seattle, Cape Cod, and Blue Hill, Maine. Bottom line to the effort, however, is to speedily return to their country of origin very-

very large numbers of those who do penetrate the defenses in violation of the laws as written by this institution no matter how they do it.

- b. If confirmed, do you intend to construct a border wall along the entirety of the nearly 2,000-mile southern border? Does the 2,000 number include the 650 miles of existing fence and physical barriers?

Should I be confirmed, I will consult closely with the President-elect to implement his policy direction, and I look forward to executing the mission that he establishes to obtain a secure southern border. I will also help the President-elect develop a revitalized policy of border security. Once the specifics of the policy are defined, I will work to execute that policy.

- c. How will you address building the wall on private and protected land?

Should I be confirmed, I will work within the law and regulations to build the wall.

- d. What other deterrents will be used in addition to or instead of a wall?

As mentioned previously, we need a layered approach to border security that not only stretches north into our own country, but should begin far to the south, as far away as Peru and Colombia, with nations with whom we already have superb counterdrug cooperation and exchange of law enforcement and military information. We must also help the ravaged Central American Republics as we did the Colombians under the tremendously successful Plan Colombia, a project that was in fact the brainchild of the Congress back in the late 1990s. Should I be confirmed, I will press for partnership with Mexico, and helping other nations help us stop the flow of drugs and illegal migrants.

39. President-Elect Trump in June 2015 stated, “People are pouring across our border unabated” despite DHS statistics that tell an alternate narrative. Border Patrol staffing has increased more than nine-fold since 1998, yet the agency’s apprehensions of foreign nationals — one of the best metrics for tracking illegal border crossings — fell to a 40-year low of 327,577 in FY2011 before increasing to 479,377 in FY2014 and then

declining again to 337,117 in FY2015. By comparison, Border Patrol agents apprehended more than 1.6 million foreign nationals between ports of entry in FY2000.

- a. Do you agree that border apprehensions are a corollary for illegal border crossings, and, if so, what, in your view, are the main factors driving this sizable decrease in border apprehensions?

My understanding is that Border Patrol personnel believe that there is a correlation between border apprehensions and illegal border crossings. It is unclear whether, and to what extent, the number of apprehensions reflects an accurate number of illegal entries. Additionally, I understand that border apprehensions increased significantly in FY 2016, and are surging in FY 2017. Should I be confirmed, I will examine the data collection and reporting methods for illegal border crossings and review the deployment of operational assets to determine an accurate assessment of illegal border crossings, and develop a strategic plan to address it, consistent with the policy direction of the President-elect.

- b. What, if any, new policies and procedures do you plan to adopt to continue to stem the flow of illegal border crossings?

If confirmed, I intend to use every tool in the Department's toolbox, including working across the interagency, to stem the tide of illegal immigration.

40. Please describe your analysis of the recent migration surge from the Northern Triangle of Central America – El Salvador, Guatemala and Honduras – to the United States, particularly by unaccompanied minors and parents with young children.

- a. What role has poor security and economic conditions in the region played in this migration?

While poor economic conditions and violence in this region have played some role, one cannot overlook the strong pull factors that have led people from this region to illegally migrate to the United States. So long as such illegal migrants believe, rightly or wrongly,

that they may live, work, study, and enjoy the freedoms that America offers without repercussions, such illegal migrants will continue to be drawn to our country.

- b. The outgoing Administration, with support from Congress, has launched a Central America Engagement Strategy aimed at helping the governments of the Northern Triangle to combat the violence and poverty in the region. In testimony before this committee last April, you said this engagement strategy should “be viewed as an investment and not foreign aid.” Please discuss why you believe this engagement strategy is a good investment for the United States.

While at U.S. Southern Command, I was a strong proponent of the development of the engagement strategy. Initially, I received little help from the interagency.

If we help these countries attract foreign investment, and invest in them ourselves, and if we help them significantly improve the security conditions in their countries—conditions that eroded due in large measure to our drug demand—then there will be no reason for the people to head north illegally. They will stay home. This, combined with accelerating processing and return, will result in a significantly decreased number of Central Americans illegally heading north.

41. As Commander of SOUTHCOM, you worked collaboratively with governments in South and Central America to address drug trafficking and other transnational crime. Please describe some of these partnerships, whether you think they should be expanded and, if so, how.

I found that the majority of Latin American and Caribbean countries, and their people, like and admire the United States—and want to work with us as partners. This approach drove the success behind Southern Command’s great strides in the region over the years. The United States already has huge commercial interests in the region. We are very similar socially and in the way we live our lives. They travel here as tourists in huge numbers to visit our national parks and places like Disney World and Boston. Those who can afford to, send their children to study in the United States, and you almost cannot find a citizen of the region who does not have family members living in the United States.

We should exponentially expand our relationships in the region, as partners, and on an equal basis. We already have really good friends who are prospering economically, and the vast majority of the region enjoys real democracy. We should reinforce where we are having tremendous success across the spectrum of mutual national interests.

42. How do you view U.S. relations with Mexico with respect to border security? In particular, please describe steps Mexico has taken to secure its southern border with Guatemala and address the role the Mexican government has played in helping stem recent migration from Central America. How would you continue to partner with Mexico to improve the region's security?

As mentioned previously, Mexico does not fall within the U.S. Southern Command's area, but we worked closely with the Mexican security forces wherever and whenever we could. The U.S. Northern Command, headquartered in Colorado Springs, works very closely with the Mexican Armed Forces, as does U.S. law enforcement at the local, state, and federal level. My understanding is that Mexico has taken steps to secure its own southern border, and that those efforts have been helpful in stemming migration from aliens from Central America. Unfortunately, statistics published by U.S. Customs and Border Protection from the first two full months of FY 2017 demonstrate that Mexico's efforts are not enough—with the United States Border Patrol on track to apprehend more illegal aliens in FY 2017 than it has in any year since FY 2008. Should I be confirmed, I will commit to working with Mexico to address this situation.

43. President-Elect Trump's statements on how to handle the estimated 11 million undocumented people living in the United States have varied, but all of the scenarios he has outlined involve mass deportations. In November 2015, he called for a "deportation force," presumably to remove all 11 million unauthorized resident aliens from the country. He later limited his focus to "the most dangerous criminal illegal immigrants in America," but added, "Anyone who has entered the country illegally is subject to deportation." In August 2016, President-Elect Trump said, "For those here today illegally who are seeking legal status, they will have one route and only one route: to return home and apply for re-entry."

- a. Have you discussed the creation of a deportation force and potential mass deportations or removals with the President-Elect? What, if any, commitments have you made to the President-Elect regarding the deportation force or mass deportations?

No, I have not discussed any policy of mass deportations, nor have we discussed a deportation force or mass deportations.

- b. What is your plan for addressing these proposals? What would a “deportation force” look like?

At this juncture, I have given no thought to the topic of a deportation force. As I understand it, we have—generally speaking—appropriate laws and regulations in place. Should I be confirmed, I commit to you that I will help enforce those laws.

- c. How would you define “dangerous criminal illegal immigrants”?

My belief is that anyone who has broken the criminal laws of our country, to include multiple violations of the immigration laws, is a dangerous criminal illegal immigrant. Not being a lawyer, I can only rely on my common sense and well-developed personal sense of knowing right from wrong.

Should I be confirmed as Secretary, I will commit to carrying out the President-elect’s policy direction by faithfully executing the immigration laws of the United States in a manner that enhances public safety and national security.

- d. In what ways is the focus on “the most dangerous criminal illegal immigrants” different from the current enforcement priorities of U.S. Immigration and Customs Enforcement (ICE)?

My understanding is that under current policies, virtually all illegal aliens get a pass until they commit, and are convicted of, a violent crime. The Congress has passed longstanding laws making foreign nationals without legal status removable from the United States, and

it is proper for DHS, like any other law enforcement organization, to faithfully execute the laws on the books.

- e. Under your plan, how many of the estimated 11 million unauthorized resident aliens will be removed – formally or voluntarily – from the United States?

I do not have a plan at this time, other than enforcement of the law. Should I be confirmed, I will do my best to lead the men and women of DHS to enforce the law and national policy.

44. If confirmed, and you move to implement the President-Elect's deportation proposals, which of the following categories of unauthorized resident aliens would be considered a priority for removal:

- a. Criminal Aliens?

My understanding is that the President-elect has committed to taking enforcement actions against criminal aliens consistent with existing statutory obligations.

- b. All illegal border crossers?

My understanding is that the President-elect has committed to securing the southern border consistent with existing statutory obligations.

- c. Those who entered the country legally but overstayed a visa?

My understanding is that the President-elect has committed to facilitating the complete implementation of a biometric entry-exit system consistent with existing statutory obligations.

- d. Those eligible for deferred status under the Deferred Action for Childhood Arrivals (DACA) policy?

At this point in time, I cannot provide a detailed answer to this question.

45. If confirmed, how would you plan to facilitate the increase in removals that President-elect Trump has proposed? What additional operational and capital expenditures would be required to execute this plan, and how will those expenditures be funded?

Should I be confirmed, I will work to establish the interagency cooperation needed to rapidly—but always within the law—remove illegal aliens to their country of origin. Obviously, the Departments of State and Justice are critical, as is cooperation with other local, state, and federal agencies and departments.

46. Secretary Johnson, in a Nov. 20, 2014, memorandum entitled “Policies for the Apprehension, Detention and Removal of Undocumented Immigrants,” reaffirmed the authority of DHS personnel to exercise “prosecutorial discretion” in the enforcement of immigration laws. In the memo, Secretary Johnson directed DHS personnel to focus on three clear priorities: individuals who pose a threat to national security, border security, or public safety; misdemeanants and new immigration violators; and individuals who were issued a final order of removal on or after Jan. 1, 2014. The memo in no way discouraged DHS personnel from enforcing immigration laws in cases not specifically identified as a priority where removal of an alien would serve an “important federal interest.”

- a. What is your assessment of Secretary Johnson’s 2014 memo?

Secretary Johnson worked under the policy direction of the current President. Should I be confirmed, I will work under the direction of a different President, and be guided by the law.

- b. Bearing in mind the financial constraints of the federal government and the operational capacity of DHS, will you advise Department personnel to continue to exercise “prosecutorial discretion” in the enforcement of immigration laws? If not, what changes do you plan to make in this area?

Should I be confirmed, this will likely be one of the first issues I will consider. I believe that there is a role for traditional prosecutorial discretion, but we cannot refuse to enforce the laws on the books.

47. The Deferred Action for Childhood Arrivals (DACA) program required qualified individuals to submit personal information about themselves and their families, including

their home address. The form also contains a limitation on disclosure, which states, in part, that “Information provided in this request is protected from disclosure to ICE and U.S. Customs and Border Protection (CBP) for the purpose of immigration enforcement proceedings unless the requestor meets the criteria for the issuance of a Notice to Appear or a referral to ICE under the criteria set forth in USCIS’s Notice to Appear guidance.” Will you maintain the confidentiality of the information submitted in accordance with this policy?

I do not yet fully understand the precise permutations of the Department’s internal policies pertaining to the handling of certain classes of information. Should I be confirmed as Secretary, I will work to advance my understanding.

48. Do you believe that all undocumented immigrants should have access to legal counsel in immigration proceedings? Should unaccompanied minors in particular be guaranteed access to counsel, and, if so, should there be an age limit to which this guarantee would apply?

I do not yet have a full understanding of all of the precise parameters of the administration of our immigration system. However, my understanding is that immigration laws of the United States provide all aliens with the privilege of being represented by the counsel of their choosing in civil immigration proceedings. My understanding is also that the Congress has specified that, while an alien retains such a privilege, that any such representation must occur at no expense to the government.

49. Section 287(g) of the Immigration and Nationality Act gives ICE the authority to train and delegate immigration enforcement to state and local law enforcement officers in local jurisdictions. The 287(g) program is meant to supplement ICE’s limited resources and improve the agency’s ability to identify unauthorized criminal aliens. More than 1,600 officers have been trained and certified to participate in the program via 32 active Memoranda of Agreement in 16 states. The program is currently restricted to a jail model after previous task force models were discontinued.

- a. What is your view of the 287(g) program?

Although I do not yet have a fully developed understanding of all of our immigration laws, my understanding is that the 287(g) program can be a useful tool for complementing the work of federal immigration authorities. Should I be confirmed as Secretary, I will

commit to furthering my understanding of this program, and to supporting any initiatives that enhance the Department's work.

- b. Do you believe the jail model should be the continued approach? What other models of training and delegation would you propose?

Although I do not yet have a full understanding of the jail model, should I be confirmed, I look forward to supporting programs and policies that will advance the President-elect's policies.

50. Do you support a path to citizenship for any of the 11 million undocumented immigrants living in the U.S. currently? If so, what conditions do you think must be met before legal status is granted?

Should I be confirmed, my primary mission will be to faithfully execute the immigration laws of the United States. Under our constitutional republic, the decision to provide lawful status to any individual living in the United States illegally resides with the Congress.

51. As recently as 2010 there were over 16,000 non-citizen immigrants serving in the United States military, making up 1.4% of the enlisted force. As of 2010, after the Navy, the Marine Corps has the second largest share of non-citizens.

- a. What has been your experience serving with non-citizen immigrants or having them under you command?

The world inside the U.S. military is one many Americans would find fairly alien. It is a meritocracy. Achievement is earned, not given. It is a world where political correctness is rejected and not given a place at any table, a world where no one cares about skin color, what religion you might follow—if you follow any religion at all—or what political party you belong to, but only that you vote. Our only focus is to defend the nation.

Once you make it through the entry-level process of background checks, you then complete boot camp, and, in my case, once you earn the title “Marine”—and it isn’t easy—no one cares whether you are a citizen or not. The non-citizen was no different from the citizen.

Ironically, non-citizens are performing what is, or used to be, the most basic responsibility of every citizen—defense of the nation.

- b. Do you support the enlistment of non-citizens into the United States military?

My understanding is that the law limits enlistment in the United States military to certain classes of individuals. It is also my understanding that, although exceptions can be made for non-citizens when doing so is “vital to the national interest,” the number of circumstances that meet this standard are not substantial. Generally, military service and the defense of the United States are reserved for citizens, residents, and nationals of the statutorily identified Compact nations, with a possible exception for the enlistment of others, but only when absolutely vital to our interests.

Our military today has the highest enlistment standards in our history. Sadly, most American military-aged youth do not have the moral, ethical, physical, or intellectual prerequisites to join any one of the five services. We want the best, and get the best. We do not need to recruit from the illegal alien population, but I think it makes sense to draw from every part of American society and this includes from the legal immigrant population.

52. In June 2002, President Bush issued an Executive Order expediting the naturalization of non-citizens serving in active-duty status in the war on terror. Do you support the expedited naturalization of non-citizens that serve in the United States military?

Yes, so long as their service is honorable and they complete their obligation.

53. Since 2008 the Department of Defense has operated the Military Accessions Vital to the National Interest (MAVNI) program. MAVNI facilitates the recruitment of non-citizens with in-demand skills, in exchange for expedited citizenship. In 2014 this program was briefly expanded to allow for the recruitment of individuals who do not have a legal immigration status, but were beneficiaries of the Deferred Action for Childhood Arrivals program.

- a. Do you support expedited citizenship for non-citizens that serve in the United States military?

Yes, so long as their service is honorable and they complete their obligation.

- b. Do you support the recruitment of non-citizens that were childhood arrivals into

the enlisted ranks of the military if they possess in-demand skills?

If we were in dire need of a specific skill set that we could not get from the general recruiting pool of qualified American citizens, legal aliens, or contractors, I believe there may be an argument to go in this direction. I am not aware, however, I almost cannot imagine that we have any dire needs that can only be filled by individuals that fall into this specific immigration category.

54. In a written statement and at a December 7, 2015 campaign rally, President-Elect Trump proposed a “total and complete shutdown of Muslims entering the United States.” He later revised this stance, calling instead for a ban on those entering the U.S. from “the most dangerous and volatile regions of the world that have a history of exporting terrorism.” President-elect Trump has also advocated for some form of “extreme vetting,” including screening tests meant to identify those who don’t “share our values and respect our people.”

- a. Have you discussed the shutdown and extreme vetting proposal with the President-Elect? What, if any, commitments have you made to the President-Elect to implement any shutdown or extreme vetting process?

No. No commitments.

- b. What does the term “extreme vetting” mean to you? How would you determine who would qualify for extreme vetting?

My understanding is that the President-elect has called for enhanced security screenings of certain classes of individuals who seek to enter the United States. I support the President-elect’s goal of keeping individuals who seek to do harm to the United States out of the country.

- c. If confirmed, what, if any, new limits would you propose for Muslim travel and/or immigration to the United States? How long would you propose that these limits last? Would there be exceptions to these limits?

As noted above, my understanding is that the President-elect is not proposing new limits for Muslim travel and immigration to the United States.

- d. Should a person's religion be used in any manner to determine whether that person is eligible to enter the United States? Why or why not?

My understanding is that the United States already uses an alien's religion in some manner in certain circumstances to determine eligibility for refugee or asylee status.

- e. How specifically does the President-Elect's vision for extreme vetting of visa applications differ from the extensive process already undertaken at the United States Citizenship and Immigration Services (USCIS), National Visa Center, Department of State and the UN High Commissioner for Refugees?

I do not have full knowledge of the current assessment process, so I cannot offer a comparison. Should I be confirmed, I can commit to working with the Congress to strengthen the security of our visa and immigration programs.

- f. In implementing the President-Elect's plan for vetting visa applicants, what specific "values" would disqualify a person from immigrating to or visiting the United States, and how would those values be identified?

I have not discussed in detail additional screening of visa applicants with the President-elect.

55. President-Elect Trump, in November 2015, said he would "absolutely" implement a database system for tracking Muslims within the United States. Since then, the President-Elect's proposal was modified to strictly include immigrants from high-risk countries – not necessarily adherents of Islam. The proposal is similar to the National Security Entry-Exit Registration System (NSEERS), which was implemented in September 2002 and suspended by the Obama Administration in April 2011. NSEERS required noncitizens from specific and predominantly Muslim-majority countries to register with the United States government and notify ICE of any changes to their living status. Violators were subject to arrest and deportation.

- a. Have you discussed the reinstitution of NSEERS or another registration proposal with the President-Elect? What, if any, commitments have you made to the President-Elect regarding the NSEERS program or another registry?

I have not, and I have made no such commitments. Further, my understanding is that the NSEERS program was formally terminated on December 23, 2016.

- b. Do you in any way intend to exercise the DHS Secretary's authority to implement a special alien registration system? If so, which countries will be included in the system you propose, and what steps will be taken to safeguard the civil rights and civil liberties of ethnic and religious minorities?

As noted previously, I have not discussed in detail any specific screening mechanisms for visa applicants.

56. Legal immigration to the United States is a complex and long process. According to the Center for Immigration Studies, processing backlogs for the more than 4.2 million visa applicants in family-sponsored preference categories range from 19 months to 33 years. For more than 100,000 visa applicants in employment-based preference categories, waiting times range from no wait at all to 11 years. If confirmed, what, if anything, would you do to help expedite the legal immigration process?

Should I be confirmed, I will work to better understand the details of our lawful immigration programs and to ensure that they serve to advance the national interest.

57. Are you in favor of lifting or in any way modifying caps on visas from specific countries? If so, which countries, and what modifications will you propose?

I do not yet have sufficient information to provide a detailed answer to this question.

58. What, if any, changes would you like to see made to guest worker programs in the United States, including but not limited to the H-2A and H-2B visa programs?

I do not yet have sufficient information to provide a detailed answer to this question.

CYBERSECURITY

59. Please discuss your familiarity and experience with cybersecurity issues.

My experience with these issues comes primarily from my time as a very senior officer over the last six years of my career in the military. Although I have never been responsible for cyber operations, I was certainly the beneficiary of those efforts within the Defense Department. I know what our capabilities are, and generally, what our potential adversaries are capable of.

60. How do you see the Department's efforts adapting in the coming years as the cyber threat evolves and likely increases?

Our people, processes, and technology will need to adapt to the velocity of technology innovation and the evolution of the threat. Should I be confirmed, I will work to evolve how we implement the Department's current authorities and capabilities. We must be faster and more agile across everything we do to safeguard and secure cyberspace—hiring, technology deployment, and response. We must support and empower our work force, law enforcement, and partners across the government and the private sector with an effective and clear framework for roles and responsibilities, the people, and the resources to disrupt attacks before they can impact our networks, systems, and assets and the capabilities to mitigate and to quickly recover when impacted.

61. Secretary Johnson and Under Secretary Spaulding attempted to reorganize the National Protection and Programs Directorate (NPPD) at the Department in an effort to better align the organization with its mission to work with industry and help protect critical infrastructure. There was also an attempt to rename the organization to reflect its growing cybersecurity mission. What is your vision for cybersecurity and NPPD at the Department? Should NPPD be an operational agency with a name that more adequately reflects its cybersecurity mission?

Should I be confirmed, I will make addressing proposals for the National Protection and Program Directorate a top priority. I look forward to engaging with the Congress on this issue.

62. Several cybersecurity laws were enacted in the 113th and 114th Congresses. They included many provisions involving DHS, relating to information sharing, the protection of federal information systems, and the federal cybersecurity workforce.

- a. What is your assessment of how well DHS is implementing those provisions, and what improvements will you make if confirmed?

It is my understanding that DHS has made improvements in the areas associated with information sharing and the protection of federal information systems. DHS partners with the National Institute of

Standards and Technology (NIST) in both the use and proliferation of the NIST Framework, which provides guidance on how to better manage and reduce cybersecurity risk. It also promotes information sharing and risk-management communications. I will continue to support this ongoing effort as the Framework is updated. Overall, we must find better ways to encourage information sharing between and among private and public partners and develop and share more robust and tailored guidelines for creating a better level of voluntary preparedness in the private sector. We need to focus on the next war not the last one, and look hard at the vulnerabilities and compromises to our federal and private-sector networks. Should I be confirmed, I will work with the Congress to implement all cybersecurity laws.

- b. What steps will you take to ensure DHS continues to hire and retain cyber talent and implement programs across the government, such as EINSTEIN and Continuous Diagnostics and Monitoring, in a timely fashion?

It is my understanding that DHS has recently been given authority by the Congress and the Office of Personnel Management to hire over 1,000 cyber professionals. Should I be confirmed, I will instruct the leadership of the Department to aggressively use these authorities to enable DHS to better execute its mission. I would also assess the current state and effectiveness of DHS programs, such as EINSTEIN and Continuous Diagnostics and Mitigation, to ensure their robust and timely implementation.

- c. Do you think the current DHS legislative authorities and programs are adequate for ensuring the cybersecurity of U.S. critical infrastructure? If not, what changes do you think are needed?

A strong, transparent, and nimble partnership with public and private owners and operators of critical infrastructure is key. The Cyber Security Act of 2015 encourages more automated, real-time sharing of information between the government and our private-sector partners, and should I be confirmed I will ensure that information sharing is robust, tailored, and timely. I would also assess our capabilities, capacities, and authorities against the threat to determine if any additional programs or authorities may be needed.

- 63. What is your understanding of the range of cyber threat actors?

In my long years of military service, I saw the varied range of attack types, attackers, motives, and consequences. Should I be confirmed, I will work to

quickly understand the range of current cyber threat actors.

64. What in your experience gives you the knowledge of how cyber threats differ from other threats that DHS is tasked with countering?

We face complex and sophisticated adversaries ranging from nation states to cyber criminals, from those who seek to enrich themselves to vigilantes who engage in hacking to support a cause. As we learned in Iraq and Afghanistan, we have to adapt our strategy to changing battlefield conditions. I believe that we need to move faster, with greater capabilities and adapt our tactics to meet cyber adversaries and disrupt them before they can impact our federal and critical infrastructure networks. The United States must adapt to win the next war in cyberspace, not the last one.

65. Please explain your understanding of how DHS interfaces with the Department of Justice in responding to significant cyber incidents. What types of support do the departments offer one another, and how are the roles delineated? What plans do you have to support interagency response to cyber incidents?

The Department of Justice (DOJ) prosecutes cybercrimes; investigates, attributes, and disrupts cybercrimes under its jurisdiction; leads domestic national security operations regarding cyber threats, including disrupting foreign intelligence, terrorist, or other national security threats; and conducts domestic collection, analysis, and dissemination of cyber threat information. Should I be confirmed, I will work with all interagency partners to ensure that our prevention, protection, response, mitigation and recovery capabilities and capacities—and our coordination—are strong enough to meet the evolving threat.

66. In Congressional testimony in 2015, you stated that “Periodically since 2008, Russia has pursued an increased presence in Latin America through propaganda, military arms and equipment sales, counterdrug agreements, and trade. Under President Putin, however, we have seen a clear return to Cold War-tactics. As part of its global strategy, Russia is using power projection in an attempt to erode U.S. leadership and challenge U.S. influence in the Western hemisphere.”

- a. Do you still believe that Russia is attempting to erode U.S. leadership and challenge U.S. influence?

Yes. The majority of Latin American nations, with only a few notable exceptions, want the United States to be their partner of choice on any number of issues, from drug interdiction to tsunami and other natural disaster recovery operations. In general, they want to deal with the

Defense and State Departments and law enforcement across the spectrum of operations. In terms of equipment sales, our partners to the south know that the equipment produced by the U.S. defense industry is the gold standard, but they are oftentimes frustrated by delays in making purchases. The Russians are smart enough to know the benefit that comes from equipment sales, from jets to trucks, in terms of building long-term relationships with a nation. The speed at which the Russians—or the Chinese, for that matter—respond to the desires of a nation to purchase given items is impressive. And the fact is that they care not whether a country is a democracy, or a dictatorship. Whether there is a free and open press, or government control of the media. Whether human rights are respected, or the nation locks up large number of political prisoners. Whether the vote of the citizens count, or 100% of the vote count goes to the leader in power. They just sell or engage in any way that will tie the nation in question to them.

- b. Given the recent revelations regarding the Russian government's attempt to influence the U.S. Presidential election, do you have concerns about Russia's ability to influence U.S. leadership? Does the President-elect's dismissal of Russian influence concern you?

Like many Americans, I am aware of numerous (and sometimes conflicting or speculative) news stories about Russian efforts to reportedly influence the outcome of the recent elections by hacking the e-mails of various political operatives and making their correspondence public. However, I do not have access to data that would allow me to validate those claims, or to provide an informed response to the questions posed here.

- 67. Media reports suggested that some states' voting systems could be vulnerable to cyberattacks. It would seem that there could be a number of reasons to consider the election system as critical to the nation. What should be considered before deciding whether the election process should be designated critical infrastructure? Should it be just presidential elections? Federal elections? Or all elections?

The voting infrastructure of the United States is owned and operated by individual states. The number of independent and disparate systems along with local, distributed control makes it much more difficult for systemic

cyberattacks during national, state, or local elections. DHS can assist state entities by providing technical assistance and risk management advice, and it is my understanding that the Department recently offered such support during the last election cycle. The notion that DHS can or should exercise some degree of influence over state voting systems is highly controversial and appears to be a political question beyond the scope of DHS' current legislative cyber mandates.

68. On October 7, 2016, DHS announced in a joint statement with the Office of the Director of National Intelligence that the U.S. Intelligence Community is confident that the Russian government directed the recent compromises of e-mails from U.S. persons and institutions, including from U.S. political organizations. Some states also saw scanning and probing of their election-related systems, which in most cases originated from servers operated by a Russian company. However, the U.S. Intelligence Community was not able to definitely attribute this activity to the Russian government.

- a. Do you have confidence in U.S. intelligence agencies to make these types of assessments?

I do not have access to the data that would allow me to provide an informed response to the summary provided above, or to evaluate the efficacy of any assessment made by the Department and/or U.S. intelligence agencies in this particular case. As a general matter, I respect and value the work of our intelligence agencies to protect the interests of the United States.

- b. Do you have concerns that the President-Elect has expressed low confidence in U.S. intelligence? As Secretary of a department with intelligence responsibilities, how would you address this?

I am aware that the President-elect is credited with having expressed concerns about the quality of certain intelligence assessments that have or could drive important foreign policy decisions. In that respect, his concerns about the quality of intelligence presented to the chief executive has likely been shared by most presidents in our nation's history. Should I be confirmed, I will work to ensure that the Department's intelligence products for leadership are as accurate, timely, thorough, and unbiased as possible.

- c. What do you believe is DHS's role in addressing a foreign government's attempts to influence and disrupt U.S. institutions?

As I indicated previously, the ability of DHS and its partners within the intelligence community to aggressively pursue attackers and to

apply strong proactive defensive measures with accompanying consequences against state sponsors will help to deter future attacks. I believe that adversarial nation states must know that there will be equivalent consequences to attacks against America's information infrastructure.

SCIENCE AND TECHNOLOGY DIRECTORATE

69. The Science and Technology Directorate (S&T) was created to centralize research and development efforts at DHS so that technological advances could be leveraged across the department. Yet, GAO has found that components continue to conduct as much as \$255 million in research and development on their own. Additionally, S&T recommendations on operational testing and evaluation are often ignored.

- a. What do you view as the role of S&T at DHS?

The Homeland Security Act prescribes the role of the Science & Technology Directorate and the Homeland Security Enterprise. Should I be confirmed, I look forward to better understanding how that legislation has been implemented within DHS, including what specific capabilities have been delivered to the Department's operating components and to our nation's first responders and emergency managers. It is important to ensure that our R&D investments are aligned with the highest-priority homeland security risks and needs, and that the programs are being effectively executed.

- b. Do you believe S&T's responsibilities are too broad?

As I stated previously, the responsibilities of the S&T Directorate are defined in the Homeland Security Act. If legislative changes are necessary in order to optimize the role of S&T, or any other component within the Department, I will not hesitate to request the assistance of the Congress.

- c. Should S&T be given authority to require components to consider its recommendations more seriously?

Should I be confirmed, if S&T, or any mission-support organization, provides sound recommendations that help the operating components better execute their missions, those recommendations will be taken seriously.

- d. A significant portion of S&T's research money flows to contractors. What do you believe is the appropriate role for contractors at S&T?

My understanding is that much of the R&D conducted with research money appropriated to S&T is executed under contract to outside entities that specialize in conducting research. Should I be confirmed, I will assess the effectiveness of this model.

70. S&T also plays a role in the development of threat assessments that can lead to authorization of the procurement of countermeasures under the BioShield program. If confirmed, will you commit to taking a strategic look at how the threat assessment process works and whether there is appropriate oversight of the assessments?

My understanding is that S&T leads an interagency effort to conduct periodic chemical and biological terrorism risk assessments, and integrates those risk assessments with radiological and nuclear risk assessments led by the Domestic Nuclear Detection Office. Should I be confirmed, I look forward to gaining a better understanding of that process and what actions are being taken to mitigate or retire the risks identified.

BIOSECURITY

71. The BioWatch program was designed to provide an early indication of an aerosolized biological weapon attack. Until 2014, DHS was pursuing a next-generation autonomous detection technology (Gen-3) as an upgrade from the current system (Gen-2). Despite assurances that the technology works, GAO's most recent review (GAO-16-99) found serious deficiencies in the testing and a lack of performance requirements and metrics. GAO has recommended that DHS not pursue upgrades or enhancements of Gen-2 until the current system's capabilities are reliably determined.

- a. Do you believe that BioWatch is a viable program?

At present, I do not have access to data that would allow me to determine the overall viability of the BioWatch program. However, I take GAO findings and recommendations seriously, and I am aware that a review of the overall biosecurity architecture could prove useful before additional investment is made to upgrade the system. I am also aware that there are publicly available studies promoting the use of advanced technology solutions to mitigate the threat of biological attacks, especially in urban areas, and recommendations from those studies should also be taken into account when evaluating the future state of BioWatch.

- b. How will you determine whether there is sufficient evidence to support upgrades to the system?

Should I be confirmed, I would direct a careful consideration of the evidence so that any upgrades and eventual deployments are based on a solid concept of operations, technological capability, and a careful review of the risks associated with the bio threat—which has not diminished. The assessment would evaluate the cost of coverage for the population for current vs. upgraded systems, while accounting for increases in detection capability and efficiencies.

- c. In the current threat environment do you believe BioWatch warrants continued resources?

I do not currently have an adequate understanding of the BioWatch program to make this determination.

CONGRESSIONAL RELATIONS

72. If confirmed, how will you make certain that you will respond in a timely manner to Member requests for information?

I have always enjoyed a close working relationship with the Congress. I will continue to work with the Congress. Should I be confirmed, I will give it my personal attention and ensure that the entire DHS understands how important this relationship is.

73. Do you agree without reservation to reply to any reasonable request for information from the Ranking Member of any duly constituted committee of the Congress, if confirmed?

I do.

74. A key provision of the Department of Homeland Security (DHS) Appropriations Act of 2013 requires DHS to provide this committee with copies of reports sent to the House and Senate Appropriations Committees. In the past, DHS interpreted this section to cover only those reports signed by the Secretary and excludes any reports issued to the Appropriations Committees by the Deputy Secretary and heads of the components. That pertinent section states:

SEC. 574. Fourteen days after the Secretary of Homeland Security submits a report required under this division to the Committees on Appropriations of the Senate and the House of Representatives, the Secretary shall submit a copy of that report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

Do you believe Sec. 574 includes reports signed by other leadership in DHS who report to the Secretary, as well as those reports signed by the Secretary?

In terms of the obligation, I am unclear at this time whether this appropriations provision from 2013 is still in effect. Nor have I consulted with any congressional committees as to what the exact background of the concern or intent of the provision was, or what common practice has been. If the basic intent is to ensure that reports or expenditure plans shared by the Department with the House and Senate Appropriations committees are also shared with the respective authorizing committees in a timely manner, then that seems to me a reasonable request, and if confirmed I will look into this further. My frame of reference is the relationship between the House and Senate Armed Services Committees, the Defense Appropriations Subcommittees, and the Defense Department, where I believe such information sharing is the long-established norm. However, I realize that the authorizing committees with jurisdiction over the Department of Homeland Security and its components are more numerous, and information sharing is perhaps more complicated because of this. I look forward to learning more about the background of this issue and the views of the Committee.

75. The Continuing Appropriations Act of 2014, Section 157 includes the following language:

Fourteen days after the Department of Homeland Security submits a report or expenditure plan required under this division to the Committee on Appropriations of the Senate and House of Representatives, the Secretary shall submit a copy of that report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

What reports do you believe Section 157 obligates you to provide to the Senate and House Committees listed?

In terms of the obligation, I am again unclear at this time whether this provision from the 2014 CR is still in effect. I would refer for the rest of my answer, to the previous question about my general frame of reference and views on sharing information with the authorizing committees.

