

NOMINATION OF JOHN F. KELLY

HEARING

BEFORE THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE
ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

NOMINATION OF JOHN F. KELLY, TO BE SECRETARY, U.S. DEPARTMENT
OF HOMELAND SECURITY

JANUARY 10, 2017

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CONTENTS

	Page
Opening statements:	
Senator Johnson	1
Senator McCaskill	3
Senator Enzi	17
Senator Tester	23
Senator Daines	26
Senator Peters	28
Senator Harris	30
Senator Paul	33
Senator Hassan	35
Senator Lankford	37
Senator Heitkamp	39
Senator Hoeven	42
Prepared statements:	
Senator Johnson	47
Senator McCaskill	49

WITNESSES

TUESDAY, JANUARY 10, 2017

Hon. John McCain, a U.S. Senator from the State of Arizona	5
Prepared statement	53
Hon. Robert M. Gates, Former Secretary at the U.S. Department of Defense ..	8
Prepared statement	58
Hon. Thomas R. Carper, a U.S. Senator from the State of Delaware	9
Prepared statement	56
General John F. Kelly, USMC (Ret.), to be Secretary, U.S. Department of Homeland Security	
Testimony	11
Prepared statement	64
Biographical and financial information	66
Letter from the Office of Government Ethics	84
Responses to pre-hearing questions	87
Responses to post-hearing questions	157
Letters of Support/Opposition	186

APPENDIX

Charts submitted by Senator Johnson	205
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NOMINATION OF JOHN F. KELLY

TUESDAY, JANUARY 10, 2017

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 3:32 p.m., in room SD-342, Dirksen Senate Office Building, Hon. Ron Johnson, Chairman of the Committee, presiding.

Present: Senators Johnson, McCain, Portman, Paul, Lankford, Enzi, Hoeven, Daines, McCaskill, Carper, Tester, Heitkamp, Peters, Hassan, and Harris.

OPENING STATEMENT OF CHAIRMAN JOHNSON

Chairman JOHNSON. This hearing of the Senate Committee on Homeland Security and Governmental Affairs is called to order.

I want to welcome General Kelly. His family, his wife, daughter, and son-in-law are here, and I will not steal your thunder. I will let you introduce them in your opening remarks.

I would certainly like to welcome Secretary Gates, it is a real honor and privilege to have met you and to have you introducing General Kelly.

I do want to welcome our new Members. They are not all here, but we do have Senator Hassan from New Hampshire, Senator Harris from California, Senator Hoeven from North Dakota, and Senator Daines from Montana have joined our Committee. I really want to welcome all of you.

I want to welcome the members of the audience, which is a good time to issue a warning. I know in our first confirmation hearing earlier this morning there were disruptions. Those will not be tolerated. I want to remind the audience members that disruption of congressional business is not just unfair to those who wish to watch this hearing, it is a violation of law and a criminal offense. The Capitol Police are authorized to immediately remove any individual who disrupts these proceedings, and we will restore order. So, again, that is the fair warning. I want the audience members and I want everybody here in America to witness these confirmation hearings and certainly the display of a fine American.

We have Senator Harris from California. Welcome.

Senator HARRIS. Thank you.

Chairman JOHNSON. It is an honor for me to preside as Chairman of this Committee for my second Congress, and certainly this is the first hearing of the full Committee of the 115th Congress. This Committee has a history of bipartisanship. When I joined the

Senate 6 years ago, Senators Lieberman and Collins provided that leadership. Then it was Senator Carper as Chairman and Senator Coburn. Last Congress, it was myself and Senator Carper. And now I am happy to welcome my new Ranking Member, Senator McCaskill from Missouri.

Just as an example of our bipartisan cooperation, in the last Congress this Committee passed 83 pieces of legislation out of the Committee; 56 of those pieces of legislation were passed out of the Senate, and 49 were signed into law—and some relatively significant pieces of legislation. The way we have done that is by concentrating on areas of agreement. And what we first and foremost agree on as Members of this Committee, I think members of the audience as Americans, we all share the same goal. We all want a safe, a prosperous, and secure America. And in this Committee, we established a mission statement. It is pretty simple: To enhance the economic and national security of America.

We established four goals for the homeland security side:

Border security. We held 19 hearings.

Trips. One down to Central America where General Kelly escorted us in Guatemala.

Cybersecurity. Protect our critical infrastructure.

Combating Islamic terror.

And the fifth goal really was working with Secretary Jeh Johnson to make sure that he could fulfill his mission of keeping this Nation safe. And, of course, the Quadrennial Review completed in 2014 for the Department of Homeland Security (DHS) mirrors those goals and those priorities, those missions.

So that is why we have been able to cooperate and achieve those kind of bipartisan results, and that is certainly what we are looking forward to.

General Kelly, I know you have some extraordinary people here that are going to be introducing you, so I will not steal their thunder, but just to say that I think, you are just an extraordinary individual, a great American who has served faithfully and sacrificed mightily for this Nation, you and your family. It is a family affair, and we recognize that, four star general, a Gold Star parent. Your experience as head of U.S. Southern Command (SOUTHCOM) with the threats this Nation faces, our unsecured border, you fully understand what the causation of that is, what the root causes are.

As head of Southern Command, in many respects you served as America's chief diplomat to the region, and you did a splendid job. And so I cannot think of a more qualified individual at this point in time to serve as the fifth Secretary of Homeland Security. So I just want to personally thank you for your past service, your past sacrifice, and your willingness to answer the call one more time for America.

So, again, thank you. I think it is incumbent on this Committee and I think it is incumbent on the U.S. Senate to recognize how important it is for any President to be able to set up and establish their national security team from day one. It is certainly what happened in 2009 with Secretary Janet Napolitano. I think that is exactly what should happen with General Kelly, the Senate hopefully will confirm General Kelly on the first day of the Administration.

There are a number of written statements provided to this Committee which I would ask to be entered in the record together with my written opening statement,¹ without objection.²

I will also say, because I am sure we will have great attendance—we have Senator Hassan here, I appreciate you certainly joining this Committee—I could either go 5-minute rounds to quicken it, or we can go a full 7—I think I will go a full 7, but we want to really discipline that. So watch the time, be asking questions not beyond that. And General Kelly has also agreed to look at the clock, so every Senator can have a chance at asking questions.

With that, I am happy to turn it over to and welcome my new Ranking Member, Senator McCaskill.

OPENING STATEMENT OF SENATOR MCCASKILL³

Senator MCCASKILL. Thank you, Chairman Johnson.

Today's hearing is the first full Committee hearing of the new Congress and the Committee's first hearing on one of President-elect Trump's nominees. I welcome a working relationship with you. We have worked together before on a Subcommittee, and I know we have many areas of agreement and just a few of disagreement. But I am confident we can work past those and do some good work on behalf of the American people, and especially in the area of aggressive oversight of our government.

As Members of this Committee and the Senate, we have a constitutional obligation to review the nominations made by the President and consent to their appointment. We are not here to participate in a partisan or a political exercise; we are here to fulfill the Senate's constitutional obligation as part of the orderly transfer of power to a new Administration.

General Kelly has answered all of the Committee's advance questions and has provided all the information required for us to hold this hearing. I cannot say how grateful I am that that occurred. It was going to be an awkward moment when I was going to have to object to this hearing because the Office of Government Ethics or the Federal Bureau of Investigation (FBI) check had not been completed. But I am pleased to report that all was completed, and I have had a chance to review all of that information, and I am very appreciative of that, Mr. Chairman.

Welcome, General Kelly. Thank you for your service to this country and, most importantly, thank you for being willing to serve again. It is very important that people stand up when their country calls, and I appreciate your willingness to do that.

You have been asked to serve as the fifth Secretary of Homeland Security. The Department of Homeland Security has the tremendous responsibility to protect our homeland, its people, and its infrastructure.

At this moment in our history, I cannot emphasize enough the need to protect our critical infrastructure—whether that is electric grids, public transportation, or power plants. We need to under-

¹The prepared statement of Senator Johnson appears in the Appendix on page 47.

²The additional statements referenced by Senator Johnson appear in the Appendix on page 186.

³The prepared statement of Senator McCaskill appears in the Appendix on page 49.

stand what steps you will take to defend that infrastructure against intrusion and harm.

Our intelligence community (IC), of which DHS is a vital part, is among the finest in the world. I would argue it is the finest in the world. It is made up of dedicated public servants, including members of our military. In order for these people to do their job of protecting Americans in an increasingly challenging environment, they need the support of our government, all the way to the top. I want to understand whether you will take intelligence seriously and engage with the people whose job it is to give us good information so that we can make better decisions and so that the President-elect can make better decisions.

In your answers to the Committee's questions before this hearing, you said that drug demand in the United States is causing much of the violence in Central and South America, and that this violence is the major reason for the large number of people moving illegally from that area into the United States. The issues underlying border security are complex, but one thing is clear: Many of the people coming across the border are not trying to sneak in under the fence or evade the Border Patrol; they are seeking refuge from the incredible violence in their home countries. I know that your experience at SOUTHCOM will help you in developing a comprehensive, inclusive approach to addressing immigration and border issues.

I was also encouraged to see you discuss the necessity of engaging law enforcement, medical treatment and rehabilitation, and local communities in a comprehensive drug demand reduction campaign that includes the opioid epidemic as a big driver of heroin use. If you are confirmed, I hope that this will remain at the top of your priority list.

Another major component of protecting the homeland is the Department's counterterrorism efforts that you are very familiar with, with your experience as an important leader in our military. In today's environment, effective counterterrorism efforts require using existing and new technology, as well as other tools, to counter evolving adversaries across shifting geographic borders. I plan to ask how you will address this challenge in new and innovative ways. I also hope that you will employ the same thoughtful and multifaceted approach to counterterrorism as in your proposal to address the challenges at our border.

Recent events have shown us that terrorism has many faces. We have to get at root causes of extremism and also must ensure that people in our communities feel empowered to report concerns. I hope to hear from you today that you understand that our fight against violent extremism is not singular in its focus, and that you will fight against any narrative that encourages committing crimes against any Americans based on hate or country of origin.

As Members of this Committee, we also have a Constitutional responsibility to conduct oversight of taxpayer dollars. This is one of my favorite areas. I can tell you right now that if you are confirmed, when you come before Congress to seek funds, you have to be prepared to answer some tough questions. I particularly am going to continue to be interested in contracting and cost-benefit analyses. I am going to want to see Independent Government Cost

Estimates, performance plans, and real metrics. Decisions must be made on facts and data.

I expect someone with your experience to be a strong leader. But even the best-managed Federal agency has waste, fraud, and abuse. I believe that whistleblowers are essential to good government, and I have made it one of my missions to expand and enhance protections for them. I want to make sure that you understand that open lines of communication, responsiveness to employee concerns, and a swift response to retaliation are things I expect from agency leadership. I also encourage any whistleblowers to contact my office if they have information to report.

I believe you will also take seriously the role of congressional oversight in your new role. I am glad that you have already agreed to work with me as Ranking Member of this Committee because we have a lot of work to do. If you are confirmed, I will look forward to building a strong working relationship with you.

Our country is facing a difficult time, and we have difficult problems to solve. The Department of Homeland Security needs good management and strong leadership. In your responses to the questionnaire and in our meeting before this hearing, you said that one of your greatest strengths as a leader is “speaking truth to power.” General Kelly, I cannot tell you how that was music to my ears. I believe very much in that principle, and I think that we all anticipate that you will need it in your next job, where you will have the responsibility and the obligation to speak truth to the Commander-in-Chief, who has used some of his most extreme and divisive rhetoric about issues under the Department of Homeland Security’s jurisdiction. Given your experience, I expect you to be up to that challenge. And if I think you are backing down, you will probably hear from me.

I thank you for being here today, and I look forward to your testimony.

Chairman JOHNSON. Thank you, Senator McCaskill.

We have three distinguished individuals making introductions of General Kelly. We will start with Senator McCain, who needs no introduction. Senator McCain.

Senator MCCAIN. But he enjoys it. [Laughter.]

Chairman JOHNSON. I did not have anything written up.

**TESTIMONY OF THE HONORABLE JOHN MCCAIN,¹ A U.S.
SENATOR FROM THE STATE OF ARIZONA**

Senator MCCAIN. Thank you, Mr. Chairman, Ranking Member McCaskill, and Members of the Committee. It is an honor to say a few words in support of General John Kelly’s nomination to be the next Secretary of Homeland Security. He is an excellent choice, superbly well-qualified for the position, and a person of the highest integrity. The American people are fortunate that a man of his caliber is again willing to serve them in an important office after having already devoted many decades of his life to the distinguished service of our country.

When he retired from his last command, Commander of the U.S. Southern Command, General Kelly was the longest serving Marine

¹The prepared statement of Senator McCain appears in the Appendix on page 53.

Corps general still on active duty, having worn the uniform for almost half a century. He was the longest serving active duty general in Marine Corps history, I believe. In fact, I think he was the second longest serving general officer in the entire Armed Forces. Only the late General John Vessey, also an officer of the highest integrity and selfless devotion to duty, served longer, 46 years to General Kelly's 45.

When he was nearing the end of his tour as SOUTHCOM commander and approaching retirement, he said in an interview that his "greatest fear was that I would be offered another job."

Mr. Chairman, I have no doubt whatsoever that General Kelly's statement was entirely sincere. Those of us who have had the privilege of knowing General Kelly for a while, who have heard him testify before our committees, and paid attention to his answers to our questions know that John Kelly says what he believes to be the truth, always, no matter the inconvenience it might cause him. Speaking truth to power is something he is renowned for, and no less so for his respect for the chain of command.

Secretary Gates, who is here, one of our great leaders, will mention his relationship with him when they served together.

If anyone has earned a peaceful retirement from public duty, it is General Kelly. But he is a patriot always. And like Jack Vessey, his peer in length of active duty service, he does not refuse his country's call. President Reagan called General Vessey out of retirement to serve as his special emissary to Vietnam to get an accounting for America's missing from the war. President-elect Trump has asked General Kelly to lead the Department of Homeland Security and help keep the American people safe from those who wish us harm. It is work he is obviously well qualified for.

He served three tours of duty in Iraq and was a key figure in helping sustain the Anbar Awakening that, with the surge, turned around a war that we were near to losing. In that role, he learned the value of developing local relationships based on mutual respect—a lesson that served him well in future commands.

As SOUTHCOM commander, General Kelly was highly regarded for the skill and success he had developing close working relationships with the civilian and military leaders of Latin America and the Caribbean. Many of those leaders consider him a friend. They all respect him.

Even more important for his pending assignment, General Kelly has extensive experience with many of the challenges that await him as Homeland Security Secretary: the threats to our security posed by drugs and violence that make their way into our country across our Southern Border, and the potential for developing strains of Islamic extremism in the hemisphere to foment terrorist attacks here. He is the right man to meet these and the many other challenges awaiting him.

General Kelly is not, I am sorry to say, a graduate of the United States Naval Academy. It might surprise the Committee that I do not find that lack of credential disqualifying. I barely graduated from the place myself. But he has more impressive credentials. He enlisted in the United States Marine Corps (USMC).

General Kelly came from modest beginnings, as do most enlisted men and women in all our armed services. He is the proud son of

his working-class family and the great city of Boston. In conversations with me, he has recalled the childhood friends he has lost to the scourge of drug abuse.

Before he went to college, he volunteered to risk his life and limb in an infantry company in the 2nd Marine Division. He was a sergeant when he left the Corps and a second lieutenant when he returned to it 4 years later. What followed was an exemplary career, with many challenging assignments, and quite a few very dangerous ones, to which he gave every measure of his talent, discipline, courage and love of country.

General Kelly has sacrificed a great deal for his country. More than most. And in every day of his service, he knew and respected and remains in awe of the courage and dedication of the men and women, enlisted and officers, who stand in harm's way so that the rest of us can pursue our aspirations and live our peaceful lives without fear of the terrors they face for our sake.

Should he be confirmed, as he deserves to be and I am confident he will be, he will be entitled to the appellation "The Honorable." Few cabinet secretaries will have deserved it more. I endorse his nomination wholeheartedly, with gratitude for his willingness to serve and for the honor of introducing him to you today.

Thank you.

Chairman JOHNSON. Thank you, Senator McCain.

Our next distinguished guest offering an introduction will be Senator Carper, who also needs no introduction.

Senator CARPER. Mr. Chairman, I am happy to yield to Secretary Gates. In fact, I would like to do that, if you do not mind. Thank you for the courtesy.

Chairman JOHNSON. OK. Our next guest then is Secretary Robert Gates. Secretary Gates is the former Secretary of Defense and former Director of Central Intelligence Agency (CIA). Secretary Gates led the Department of Defense (DOD) from 2006 to 2011. Prior to this, Secretary Gates served as the president of Texas A&M University from 2002 to 2006. Secretary Gates began his career as an officer in the United States Air Force (USAF) and joined the Central Intelligence Agency in 1966. He served 26 years at the CIA and is the only career CIA officer to rise from an entry-level employee to Director, the position he held from 1991 to 1993.

Secretary Gates has earned numerous honors and distinctions during his career, including the National Security Medal, the Presidential Citizens Medal, the National Intelligence Distinguished Service Medal twice, and the Distinguished Intelligence Medal, which is the CIA's highest award, three times.

Welcome, Secretary Gates. It is an honor to have you here today to introduce General Kelly. Secretary Gates.

**TESTIMONY OF THE HONORABLE ROBERT M. GATES,¹
FORMER SECRETARY OF THE U.S. DEPARTMENT OF DEFENSE**

Mr. GATES. Thank you, Chairman Johnson, Ranking Member McCaskill, distinguished Members of the Committee on Homeland Security and Government Affairs. It gives me great pleasure to introduce my friend and former colleague, John F. Kelly, as the President's nominee to be the next Secretary of Homeland Security.

In today's world, the Department of Homeland Security is much like a combat command, perhaps the most complex such command defending our Nation and our people. Among its diverse responsibilities are protecting us from terrorism, guarding our borders and coasts, deciding who gets into the country, protecting our transportation networks and infrastructure, defense against cyber attacks, and providing help when disaster strikes. I can think of no one more qualified, more familiar with these threats and challenges, or better prepared to lead our homeland defense than John Kelly.

The Department of Homeland Security, as this Committee well knows, is a complicated mix of multiple agencies and organizations with different cultures and histories. Yet, as commander of Southern Command, General Kelly successfully managed relationships and partnerships with seven different Cabinet departments and in all more than 20 civilian organizations. Leading a combatant command these days requires managing multiple domestic and foreign relationships, and General Kelly did so with great skill and success. I am confident he would do so, as well, as Secretary of Homeland Security.

In addition, as Senior Military Assistant to two Secretaries of Defense, John successfully helped lead the largest and most complex organization in the country. He was invaluable to me and to Leon Panetta in helping break down bureaucratic barriers to cooperation and in holding senior officials accountable for decisions and for performance. And the needs of the troops on the front lines were always foremost for him.

Of special importance to this Committee, John Kelly was twice assigned as Marine Corps liaison to the Congress, the second time as the Commandant's Senior Legislative Assistant. As a result, he has a deep understanding of the legislative process, and especially of the need to be responsive to Congress and to have a relationship of openness and trust.

In terms of skills and experience, General Kelly is, in my view, superbly qualified to serve as Secretary. But it is John's character and values that truly set him apart. To put it quite simply, he is one of the finest people I have ever known. I would trust him with my life, and, indeed, many others, mainly young Marines, literally have done so. And how often is it that a tough commander genuinely is beloved by his troops?

Integrity in word and deed is the source of moral authority, and it is moral authority that moves people to follow a leader even at personal risk and sacrifice. John Kelly is a man of great moral authority. If he is confirmed, the professionals throughout the Department of Homeland Security will realize that their new Secretary

¹The prepared statement of Mr. Gates appears in the Appendix on page 58.

cares about each and every one of them, and that he will do everything in his power to protect and support them and to get them what they need to do their jobs—protecting all of us.

I commend the President-elect for nominating General Kelly for this position because, as I know firsthand, John is a straight-talking, candid, courageous leader who will say exactly what he thinks. His values are a reflection of America's best values, and he will not disappoint.

Over a military career spanning more than 40 years, John Kelly and his family have sacrificed much serving our country, and yet here he is willing to serve again. It is with great pride that I introduce him to you today.

Thank you.

Chairman JOHNSON. Thank you, Secretary Gates. Senator Carper.

**TESTIMONY OF THE HONORABLE THOMAS R. CARPER,¹ A
UNITED STATES SENATOR FROM THE STATE OF DELAWARE**

Senator CARPER. Thanks. Thanks, Mr. Chairman, and congratulations to our new Ranking Member, Claire McCaskill. And to see all of my colleagues from this point of view, it is good to see you all up there.

It is a privilege to join Senator McCain, with whom I served during the Vietnam War, and I would just say from my vantage point, John, you are a hero, and I am proud to have served with you and proud to know you today and to sit with you today.

Secretary Gates, you are one of the finest Secretaries of Defense we have ever had, and I am honored to be with you today as well.

We are introducing a man, as you know, who needs little introduction to this Committee, General John Francis Kelly, and welcoming him and his wife, Karen, and their daughter, Kathleen, and her husband, Jake, sitting behind us, to this confirmation hearing.

Karen, I said to your husband yesterday, given all the years that he has served and you have allowed him to serve, for you no purgatory, straight to heaven. So thank you for continuing to share with us an extraordinary man.

Created about a dozen or so years ago, the Department of Homeland Security's 240,000 employees get up every day. They go to work. They go to work to protect our homeland and all of us who are privileged to live here. Almost every month for the past 4 years, I have gone to the Senate floor, as some of my colleagues know, to talk about the remarkable work that they do for all of us. They respond to devastating hurricanes, saving lives, and helping people put their lives back together. They protect us from cyber attacks and help secure thousands of miles of our country's borders to the north and to the south, and or shorelines to the east and to the west.

They expedite the movement of billions of dollars of commerce every day while intercepting drugs and disrupting human smuggling and trafficking rings. They keep us safe when we fly the sometimes not so friendly skies of this country and this world. They protect Presidents and Vice Presidents and their families as

¹The prepared statement of Senator Carper appears in the Appendix on page 56.

well as candidates for these offices and the leaders of scores of other nations who come here. They do all of this and a whole lot more, oftentimes without a word of thanks.

General John Kelly is an exceptionally well qualified nominee to lead the Department of Homeland Security, as you have heard. If confirmed, he would succeed another exceptional leader—Secretary Jeh Johnson. Jeh, with the help of his leadership team, this Committee, and Congress, has begun, I think, a remarkable transformation of the Department that was badly needed and is much welcomed.

I have found over my lifetime that the key to success of any organization, whether it is military, government, business, or whatever, the success of any organization I have ever been a part of or witnessed is almost always enlightened leadership. John Kelly is a leader. He is humble, not haughty. He has the heart of a servant. He understands that his job has been and will be to serve, not be served.

He leads by example. With General Kelly, it is not, “Do as I say, but do as I do.” He has the courage to stay out of step when everyone else is marching to the wrong tune. He surrounds himself with the best people he can find, and when his team does well, he gives them the credit. And when the team falls short, he takes the blame. He does not believe in raising himself up by pushing other people down. He is a purveyor of hope and consistently appeals to people’s better angels.

Throughout John Kelly’s 45 years of military service in the Marine Corps, he has sought to do what is right, not what is easy or expedient. He embraces the Golden Rule, treating other people the way he would want to be treated. He looks at adversity and sees opportunity. He believes that everything we do, we can do better. He is tenacious. There is no quit in this man. And when he knows he is right, he does not give up.

When we met in my office yesterday, General Kelly spoke of the importance of addressing the root causes of some of the problems and challenges that we face as a Nation, not just the symptoms of those problems. As an example, he cited the transformation of Colombia from an almost failed nation 20 years ago to a far different one today and a valued ally and trading partner of ours.

He also spoke of our addiction to drugs and how that is the root cause of much of the violence and lawlessness in countries like Honduras, Guatemala, and El Salvador. And while he spoke thoughtfully and creatively of ways to better secure our Southern Border with Mexico—for example, he understands that those steps need to be coupled with others embodied in the Alliance for Prosperity adopted by Honduras, Guatemala, and El Salvador, supported by the United States, much as we have supported Plan Colombia for two decades.

And, finally, General Kelly understands the importance of working cooperatively with the Congress, and Secretary Gates has given us a couple of explanations of why that might be, the case with two of your tours here on Capitol Hill. But I think you understand the importance of working especially with this Committee.

And General Kelly may not always tell us what we want to hear in this room, or outside of it, but he will always tell us what we

need to hear. And when it is needed, he will remind the people he leads at the Department of Homeland Security to, “Just use some common sense,” the way my dad used to remind my sister and me when we were young.

In short, he will provide the leadership that will enable the Department of Homeland Security to continue the transformation it has begun. In doing so, he will make us safer as a Nation, even as he makes us prouder as a country of the team that I hope he will be confirmed to lead.

Thank you for your willingness to do this and to my colleagues for welcoming him and for giving me this opportunity to speak truth to power.

Thank you.

Chairman JOHNSON. Thank you, Senator Carper.

General Kelly, it is the tradition of this Committee to swear in witnesses, so if you will please stand and raise your right hand. Do you swear that the testimony you will give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

General KELLY. I do.

Chairman JOHNSON. Please be seated. General Kelly.

TESTIMONY OF GENERAL JOHN F. KELLY, USMC (Ret.),¹ TO BE SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY

General KELLY. Mr. Chairman, Ranking Member McCaskill, and distinguished Senators of the Committee, please accept my thanks, my deep appreciation for considering my nomination to lead the men and women of the United States Department of Homeland Security.

Senator McCain, Senator Carper, and Secretary Gates, thank you for taking the time to be here on my behalf, and for your very kind words.

My wife and family have already been introduced, but I will say it again. My wife, Karen, is with me here today. She is my hero. She has put up with more in our 40 years of marriage than you could ever imagine. And my daughter, Kathleen, is here as well and her recent husband, Lance Corporal, United States Marine Corps, Retired, Jake Fox, another American hero. I thank them for their service and for their sacrifice.

Over the past 45 years, I have been privileged to serve my country as both an enlisted Marine and an officer. I have led platoons through divisions and corps, held senior command positions in Iraq, served as the Combatant Commander of the United States Southern Command, and as Secretary Gates mentioned, as the Senior Military Assistant to two of my heroes, Secretaries Gates and Panetta. I have worked across the interagency. I have worked with our allies, the private sector, and independent experts to identify innovative and comprehensive solutions to current and emerging threats.

These assignments—while varied—shared the common characteristics of working within and leading large, complex, and very di-

¹The prepared statement of Mr. Kelly appears in the Appendix on page 64.

verse multi-missioned organizations while under great pressure to produce results.

I am humbled to once again be called to serve, this time with the wonderful men and women of the Department of Homeland Security. As a Nation, we are reminded almost daily that the threats to our homeland have not receded in any way. The challenges to our way of life have not diminished.

As I solemnly swore before my God when I entered the Marine Corps, if confirmed, I will faithfully support and defend the Constitution of the United States against all enemies, foreign and domestic—every second of every day.

I believe in America and the principles upon which our country and way of life are guaranteed. I believe in respect, tolerance, and diversity of opinion. I have a profound respect for the law and will always strive to uphold it. I have never had a problem speaking truth to power, and I firmly believe that those in power deserve full candor and my honest assessment and recommendations. I also value people that work for me speaking truth to power.

I love my country, and I will do everything within my power to preserve our liberty, enforce our laws, and protect our citizens. I recognize the many challenges facing the Department, and should I be confirmed, I look forward to partnering with you to protect the homeland.

Sir, I look forward to discussing the future of the Department and answering the Committee's questions. Thanks so very much.

Chairman JOHNSON. Thank you, General Kelly.

Again, I want to remind the Members I am going to limit questions to 7 minutes, and I am going to be very disciplined in maintaining the 7 minutes.

There are questions that I will ask, and then I will reserve the rest of my time and defer to Senator McCain, who I know has limited time. But let me start with three questions.

General Kelly, is there anything that you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated?

General KELLY. There is nothing, sir.

Chairman JOHNSON. Do you know of anything, personal or otherwise, that would in any way prevent you from fully and honorably discharging the responsibilities of the office to which you have been nominated?

General KELLY. There is nothing, Senator.

Chairman JOHNSON. 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?

General KELLY. I do.

Chairman JOHNSON. Thank you. Senator McCain.

Senator MCCAIN. General, as you know, we passed legislation on the defense bill prohibiting torture, including waterboarding. Do you intend to follow that law?

General KELLY. Absolutely, Senator.

Senator MCCAIN. And what is your personal view of waterboarding and other forms of torture?

General KELLY. Senator, I do not think we should ever come close to crossing a line that is beyond what we as Americans would expect to follow in terms of interrogation techniques.

Senator MCCAIN. Would that be basically the Geneva Conventions?

General KELLY. Absolutely. Yes, sir.

Senator MCCAIN. Thank you. There is an epidemic in this country, and it is opioids, and it is manufactured in Mexico. And, regrettably, according to information that I have, a lot of it is coming across the Arizona-Mexico border into Phoenix, Arizona, and being distributed nationwide. And as you well know, we are experiencing a dramatic increase in deaths from overdose, and that is taking place amongst many older Americans that have turned from OxyContin and other substances. In fact, the former Governor of New Hampshire will testify here, I think, on the really severe aspects of this, what many have called an "epidemic." I am very interested in your views and taking in the fundamental economics that if there is a demand, there is going to be a supply. But what is your view of that situation, General?

General KELLY. Senator, I think I would start off by saying it is amazing to me, but I just found out very recently that an old friend—who is not so old, 62 years old—after a very successful life, just overdosed on heroin. And I think to your point, it is cheaper, more available in many ways than some of the opioids, since she could not apparently get a prescription for what she thought she needed.

But the point is that most Americans do not realize it, but an awful lot—100 percent of the heroin that we consume in the United States is, in fact, produced in Mexico, and it is creeping down now into Central America. They have responded, the cartels, the networks have responded to the demand. So instead of Asia and South Asia, it now is all produced here in the Western Hemisphere. Poppies are grown in countries as far south now as Guatemala, a little bit in Colombia, although they are getting after it. But it is all produced here.

An awful lot of the opioids, what looks like pharmaceuticals, are actually produced, again, in Mexico and then pirated up here through the border. And, of course, part of the problem, and this I think would be outside my particular area, if confirmed, but part of the problem is we are a very overly medicated society. Huge amounts of opioids are prescribed legally for things that in the past would probably not receive that level of medication.

So the point is, a huge problem, getting worse, and the profits are just unbelievable to the cartels that control the whole marketing and transport.

Senator MCCAIN. There has been a great deal of conversation about building a wall, and it has been my experience that we need to have barriers. But building a wall is not the way to prevent the flow of drugs or people illegally across our border. I think it requires ranging from drones to towers to use of some of the technological advantages that we have.

If you would, just very briefly tell us what you think is necessary to have a secure border.

General KELLY. Yes, Senator. A physical barrier in and of itself, certainly as a military person that understands defense and defenses, a physical barrier in and of itself will not do the job. It has to be really a layered defense. If you were to build a wall from the Pacific to the Gulf of Mexico, you would still have to back that wall up with patrolling by human beings, by sensors, by observation devices. But as I have said to many of the Senators present, and I have said I think for 3 years, really I believe the defense of the Southwest border really starts about 1,500 miles south, and that is, partnering with some great countries, as far south as Peru really, that are very cooperative with us in terms of getting after the drug production, transport, very good with us—to include Mexico. We could have better partnerships. I think we can work closer with them. We can give them more of what they need. We certainly share information with them now. We have legal attaches in many of our embassies, and they developed unbelievable amounts of—

Senator MCCAIN. I do not mean to interrupt—

General KELLY. I am sorry.

Senator MCCAIN [continuing]. But is it not technology that would help us secure the border as much as anything else? And I am talking about surveillance; I am talking about capabilities to intercept, but not to just sit there—in other words, frankly, the kind of border security that we see in Israel.

General KELLY. Technology would be a big part of it, yes, Senator.

Senator MCCAIN. And that technology would that be drones?

General KELLY. Observation devices.

Senator MCCAIN. Towers?

General KELLY. The aerostats, observation devices mounted in, certain terrain features, unmanned aerial vehicles (UAVs) for sure, sensors in places perhaps that the wall cannot be built or will not be built anytime soon in terms of the immensity of that project, but yes, sir.

Senator MCCAIN. Finally, the morale of our Border Patrol is not real good, and I think you know from your leadership experiences that if the morale of your force is not good, then it is hard to get the mission accomplished. And I know you are aware of that, and I hope you will spend some time with these really outstanding men and women who are doing arduous work, sometimes under very difficult conditions. It gets very hot on the Sonora-Arizona border, as you know. So there are morale problems there. A lot of it has to do with they think they are not given the capabilities to do their job as they think they can do it most efficiently. And I know you will be focusing a lot of attention on that.

General KELLY. I will, Senator.

Chairman JOHNSON. Senator McCaskill.

Senator MCCASKILL. General Kelly, on Friday, the Office of the Director of National Intelligence (ODNI) released a declassified report on the assessment of Russian activities and intentions in our recent election. I am going to quote from the report for the record:

“Russian efforts to influence the 2016 U.S. Presidential election represent the most recent expression of Moscow’s longstanding desire to undermine the U.S.-led liberal democratic order. But these

activities demonstrate a significant escalation in directness, level of activity, and scope of effort compared to previous operations.

“We assess Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the U.S. Presidential election. Russia’s goals were to undermine public faith in the U.S. democratic process, denigrate Secretary Clinton, and harm her electability and potential presidency. We further assess Putin and the Russian Government developed a clear preference for President-elect Trump. We have high confidence in these judgments.”

General Kelly, do you accept the conclusions of the Intelligence Community regarding Russian interference in our election?

General KELLY. With high confidence.

Senator MCCASKILL. On border security, I think that Senator McCain covered a lot of this. I want to point out that the budget we now have annually on border security equals the combined budgets of FBI, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), the Drug Enforcement Agency (DEA), Secret Service, U.S. Marshals, plus the entire New York Police Department budget. That is \$19 billion in fiscal year (FY) 2016. And in fiscal year 2016, we had 331,000 people apprehended at the border. Almost 50 percent of those turned themselves in. In other words, all the border security agents in the world, all the fences in the world would not have made any difference because they said, “Hey, take us. We are here. We want asylum.”

So I guess my question to you is: Do you have it on your agenda to examine the spending priorities of that \$19 billion and look at the efficacy of every place we are spending that money? And, most importantly, how will you address the fact that almost half of the people coming to the border right now that we are apprehending are not trying to evade detection; they are just trying to find someplace safe?

General KELLY. On the first question, Senator, anytime I have ever taken over a new organization, certainly I go top to bottom and look real hard at how we are doing business. Clearly, people that would have come before me, if I am confirmed, all did a great job, Secretary Jeh Johnson and others. But my typical approach is to do a top-to-bottom assessment, and I certainly will do that.

On the asylum issue, I believe, I am confident that most of the people that are coming up here from certainly Central America are coming here for two reasons, or three probably:

One, first it is very unsafe. They are some of the most dangerous countries on the planet, and that is unfortunate; not only because of that, but a lot of social issues or lack of economic development; and then, finally, they are very confident, if they pay the money and get on the network, they will get to the United States, and they will be—in their view at least, unlikely that they will be going back to Honduras, Guatemala, or other countries like that.

Senator MCCASKILL. I will look forward to your assessment, and I know we talked in my office about the drug cartels and what big role they have in the people showing up seeking asylum, because most of the violence is attributable to that, as opposed to the Deferred Action for Childhood Arrivals (DACA) or any other pronouncements or policies of the Obama Administration.

The last thing I want to mention to you is the enhancements on the Electronic System for Travel Authorization (ESTA). I think people do not realize—I am aware of a situation recently where because of the electronic enhancements, we were able to stop someone from coming to America that was coming from a visa waiver country to South America and then was planning on coming to America and doing us harm, and we were able to stop that travel. In fact, since February 2016, 40,000 individuals have been denied visa-free travel due to the enhancements that have been put in place.

Along with that is we have tried to do preclearance in various countries around the world so that we are checking people before they get on the plane with, maybe somebody would call it, “extreme vetting.” That is now going on across the globe.

Have you had a chance to look at that? And do you believe that—I mean, because that is really the border that I am most worried about in terms of our safety. Are people traveling here from visa waiver countries with an eye toward doing our country harm and our ability to stop them?

General KELLY. Senator, I think that the visa waiver countries clearly are countries that have at least law enforcement and information systems in place that we have confidence in. Nothing is perfect. Many other countries, as you know, do not have nearly that kind of system in place, and, consequently, we would not have the confidence there. But nothing is perfect. Many countries, again, a high degree of confidence that their citizens that come here will not cause problems. But, ever vigilant. And in those countries that do not have the systems in place, I think we somehow have to convince ourselves that everyone coming here, we have a reasonable expectation that they will not do us harm, whether it is crime or terrorism.

Senator MCCASKILL. Some of the enhancements that have been put in place are: Are you a member of the Global Entry Program? Have you traveled to or been present in Iraq, Sudan, Iran, Sudan, Yemen, Somalia, or Libya on or after March 1, 2011? Other questions that are part of this.

Do you believe it is important that we expand this program, the enhancements and the preclearance program?

General KELLY. I think it is a good idea. I do not know exactly the details of it, but it would appear to me that it is a good idea. But, again, we have to have confidence in the information that we are getting onsite to prevent people that would come here to do us harm.

Senator MCCASKILL. Great. Thank you, Mr. Chairman.

Chairman JOHNSON. Senator McCaskill, I notice our next new member has shown up, so, Senator Hoeven, welcome to the Committee. We appreciate it.

I gave up my questioning slot to Chairman McCain. I know Chairman Enzi also is managing some activity on the floor, so I will defer to Chairman Enzi. And then we will get back on schedule.

OPENING STATEMENT OF SENATOR ENZI

Senator ENZI. I thank the Chairman. I do need to go back to the floor, and I do appreciate the chance that I had to meet with General Kelly. In my early days here in the Senate, there was a change in the makeup of the majority, and we became the minority, and it created a little problem of a vacancy in the Foreign Relations Committee, and I happened to get that Foreign Relations Committee spot. And they had to redo all the committees, and there was one committee that apparently nobody wanted because I became the Ranking Member on it. Now, that was just shortly before 9/11. So right after that, I had a lot of people saying, "So how did the new guy get the anti-terrorism committee?" I was even on a United Nations (U.N.) committee that was supposed to find the bad guys, and I guess it was fortunate, or maybe unfortunate, that just about all of us were accountants. So what we did was follow the money, and we got 130 countries involved in it. And several of them found the bad guys and prosecuted the bad guys, and in some cases executed the bad guys. And it was effective until they figured out what we were doing.

You are going to have a huge role in the anti-terrorism area. I think we spend \$46 billion on your budget, and we have to be sure we are finding the bad guys, and I would be interested in any approaches that you would be doing to effectively spend that money and develop policy that will help us.

General KELLY. To the degree that I am familiar with what is going on already, I think anytime that we can work with partners overseas—and, again, we have representatives—"we" meaning the United States law enforcement agency people, intel people, in most of the most important countries in this regard around the world in our embassies, and they have very good relationships, generally speaking, with the local law enforcement, local intel people.

I think anything we can do to, get into that level of—I know in Southern Command, as an example, the most useful intel I got, I used, tended to come from not the CIA, but FBI and the DEA representatives in our embassies. But anything we can do to kind of enhance the information sharing within the law, of course, between other countries and ourselves, and certainly within our own inter-agency, we have gotten much better at it since 9/11 in terms of information sharing.

One of the things I definitely will get into, if confirmed, is to find out how well that is going domestically because the Department has some responsibilities in terms of information sharing. We have an awful lot of great systems in place. I am not sure, because I do not know if they are all talking to each other and sharing in the way that they should be.

Senator ENZI. I am glad you mentioned that because one of my pet peeves has been that for people coming into the country legally, that we check them in on a series of computers, and we check them out on a series of computers. But I am not sure that we ever get the computers connected so that we could know who was here and who was not here. I think the most effective enforcement is if we find them as soon as their visa runs out. So I hope that you would put that on your list of things maybe to do.

Recently, I was flying back to Wyoming, and the person sitting next to me was a member of the Border Patrol, and he did not know that I was a Senator, but I was very curious about how things were going. He had just been to a training session, and he had been doing it for quite a while. And he was pretty depressed, I would say had low morale, he told me that they could do a lot of things, but because there is rampant law breaking along the border, and he felt that orders from Washington kind of tied his hands, that they could not respond effectively.

As a commander, I know you relied on your officers and your troops and you developed plans and you executed missions, and in some very difficult situations for keeping the morale of the people that were under you going.

Have you developed any plans for how you are going to check on the Border Patrol and see if there are some morale things that could be changed?

General KELLY. Yes, sir. One of the things I have always done, learned from some of the finest leaders, I think, certainly in the U.S. military, you have to get out and about. You have to get out and, figuratively speaking, kick the tires, look around. Interesting you should make that point. Just prior to my leaving active duty, because I worked so closely with Homeland Security and law enforcement, even though Mexico was not in my area of interest, I took a trip up to El Paso in uniform and just went to the port of entry (POE) and then met with some officers there, just to thank them and to tell them from my position in the south they were doing a great job. I met with some of the Border Patrol folks, same thing. And when you say things like, "Listen, just how are things going?" You pull out a tape recorder, because you are going to find out. And that is, I think, a very important way to find out about things, encourage people to speak truth to power from the bottom up. And certainly anytime a whistleblower calls in and makes an accusation or makes a comment, it is very definitely worth listening.

So that is how I do business. Sometimes you get an earful and wish you had not asked the question, but you should always ask the question.

Senator ENZI. I appreciate that. I used to be in small business, and sitting in an office did not solve all the problems. You had to get out and see what was happening.

Thank you for your answers, and my time is about to expire. Thank you, Mr. Chairman.

Chairman JOHNSON. Thank you, Senator Enzi. Senator Carper.

Senator CARPER. Thanks. Thanks so much. A quick one. We talked a little bit about this when you visited with me in my office this week, but there is a unit within the Department of Homeland Security that goes by the National Protection and Programs Directorate (NPPD). And we talked about people say, "Well, what is that? Or what does that represent?" There is a lot of confusion and not much understanding. As it turned out, it refers to cybersecurity and it refers to infrastructure protection. And it is an agency that is supposed to do both of those. But just by hearing the name, you would never know. Any thoughts on that?

General KELLY. Well, when I looked at the organization chart, maybe one of the first questions I had was: What does that block do? So I agree. I think a name change is not always important. It might be in this case. It has been brought up to me, Senator, a number of times. You did, obviously, but other people within the organization, and not within Homeland Security. I have not spoken to anyone in Homeland Security right now because of the memorandum of understanding (MOU). But people have brought it up to me, past employees of Homeland Security. So as we talked in your office, we will take a look at that up front.

Senator CARPER. OK. Thanks so much.

When I was in the Navy, I was stationed for a while in San Diego and would venture down into Mexico. And there was a time when people went back and forth between Southern California and Mexico rather easily. And there was a time when there was a huge amount of illegal immigration from Mexico into the United States. I am told that today there are more Mexicans going back into Mexico than there are Mexicans coming into the United States.

Why do you suppose that is? And are there any lessons from that development that might be applicable for the emigration of people, large emigration of people from Honduras, Guatemala, and El Salvador?

General KELLY. That is a great question. I have a great deal of experience in Central America, and I hold the people to ourselves in very high regard. And I understand, I think, and empathize with their problem. They for the most part do not want to come up and leave their homes, their families, but there is not an awful lot of economic opportunity for them there, and there is certainly a level of violence that in our country we could not imagine.

Honduras is an example. When I took over in Southern Command, it was the most violent planet by U.N. numbers—most violent country on the planet, 91 deaths per 100,000. By contrast, our country is about 5. Through a lot of good work down there, not always perfect but the President has taken that down by a third. Still horrific levels of violence. But my point is they most of the time do not come here for any other purpose than to have some economic opportunity and to escape violence.

I stated this for 3 years when I was at Southern Command, and certainly when I testified before this Committee in April. My view is if we can help them by reducing our drug demand, which is the fundamental problem of many of their problems, by reducing our drug demand, at the same time helping them improve their police—their militaries are actually pretty good. Human rights is very much a part of the way they operate. And if we improve the situation of violence, then my belief is investment would come, and so there would be economic opportunity there. The three countries in the Northern Tier—El Salvador, Guatemala, and Honduras—have banded together and developed their own approach called the—the name escapes me, but—

Senator CARPER. Alliance for Prosperity.

General KELLY. Alliance for Prosperity that we helped them develop, and so they are putting their own money against it. And they really seek foreign investment, not money from the United States but investment maybe from the United States. So I think if

we were to do that for them, there would be a lot—and, frankly, they will tell you, as long as the migrants leave Honduras or wherever and, generally speaking, get into the United States easily, safely, and do not come back, there is going to be a draw. So we have to get our arms, I think, around those three factors.

Senator CARPER. When we were together the other day, we talked about Colombia and how 20 years ago a bunch of gunmen rounded up the supreme court of Colombia. They took them into a room and shot them all to death. And, today, Colombia is not a perfect nation, but it is a much different nation, and a strong partner of ours, strong trading partner of ours, and a fairly vibrant democracy. None of us are perfect.

Then we have Plan Colombia, which a number of people worked on, certainly President Clinton; Joe Biden was then, I think, the Chairman of the Foreign Relations Committee. I describe Plan Colombia and also the Alliance for Prosperity, which was developed by Honduras, Guatemala, and El Salvador, I call it “The Home Depot” plan. You know, Home Depot, in their advertising, they say, “You can do it. We can help.” In this case, Colombia, they can do it, we can help, and we have. Honduras, Guatemala, and El Salvador, they can do it, we can help. In this case, we are committed to do that. We have committed so far one year of funding, and President Obama has asked, Vice President Biden has asked for a second tranche.

Do you have any thoughts along those lines?

General KELLY. Senator, anytime someone tells me—and a lot of people have told me; I reference back to my time in Southern Command—that the Central American republics cannot be helped, parts of Mexico cannot be helped, I say, “Look at Colombia.” Colombia was in the exact same place 20 years ago, looking into the abyss. They made some fundamental changes to how they did business, how they allowed their military to operate, and they are what we called when I was in South America “exporters of security.” And by that I mean they go out and help other countries in the region, particularly in the Central American isthmus, help them help themselves. They are our best friends, in my view, in Latin America, and they are already stepping up to help and would like to do more.

The Alliance for Prosperity, when we were helping them, my original thinking was, well, let us call this “Plan Central America,” like Plan Colombia. And Plan Colombia really came out of this institution, out of the Congress, and then the Clinton Administration picked up on it, and it worked. Four cents on the dollar, U.S. money, and all the rest of it was paid for by the Colombians.

But back to the Plan Central America, there were people in the interagency that did not think that we should do that, so we went up with the Alliance for Prosperity. A rose by any other name. It is kind of the same thing.

Senator CARPER. All right. Thanks so much.

Chairman JOHNSON. Thank you, Senator Carper.

Senator Portman. Just for other Senators, it is going to be Portman, Tester, Daines, Peters, Harris, Paul, Hassan, Lankford, and I believe it is Heitkamp and Hoeven, but we will figure it out. So that is the order. Senator Portman.

Senator PORTMAN. Thank you, Mr. Chairman.

General Kelly, first let me echo the comments of others to thank you for your remarkable four and a half decades of service to our country and the sacrifices your family has made. I am particularly appreciative of your wife, Karen, who apparently told you that you had to answer the call once again. And we have seen with your introductions today that you are likely to be confirmed, and I am just delighted you are willing to serve. I do have three areas of inquiry I would like to touch on, and we talked about some of this in our meeting.

The first is your management challenge. You said you had been a member of some large, complex organizations. This will be the most complex and the largest. It is 240,000 employees. When you look at it, there are probably, 20 major offices or departments within it. And as you know, I was part of the Select Committee in the House to put this together after September 11, 2001, knowing that the left hand did not know what the right hand was doing. We had to protect the country, but, frankly, I have been frustrated by the lack of progress in having the Department work as one. And it has been mentioned, the morale problems, but there is a lack of coordination in many people's eyes, some inefficiencies.

So the first question I would ask you really is a management question: What are the three things that you would intend to do to help make the Department work more effectively to protect us?

General KELLY. The first thing, I am sure you are aware, I know, that the unity of effort that Secretary Jeh Johnson has embarked upon, taking a look around at the other bureaucracies—and I do not mean that in a negative way at all—the way that other departments work, I know the Senate is very aware of the fact that the Department of Defense is a better place today than it was 30 years ago before Goldwater-Nichols. And people of my rank—that was not my fault at the time, but people of my rank fought tooth and nail against the Congress for 30 years. Ultimately, laws were passed, Goldwater-Nichols, and we have become a better place because we have knocked down a lot of the rice bowls, got people talking to each other. The Marines still are the best, but the other services are pretty good, too. [Laughter.]

But, we all have our traditions and ways of thinking and doing business, and we did not have to give that up when we went to jointness. I think there is a place for that, and I know that Secretary Jeh Johnson has already done that, and I am going to get smart about that as fast as I can. I think as much as we can draw—I mean, the mission is homeland security. That is a mission I believe everyone can get behind. Just like DOD, the mission is to defend the Nation abroad, primarily.

I do not know if there has been enough of that, but I believe even though there are very separate groups within Homeland Security, if everyone can understand first and foremost we protect the Nation, and then we do that in different ways, much like DOD, I think it would go a long way to bringing the Department together, much as Secretary Johnson has begun.

And then there are just other things. I mean, some of the Senators and others have recommended to me some organizational changes, personnel changes, not individual people but, why has

this person got this many Under Secretaries or Assistants, take a look at all of that. To Senator McCaskill's point, there are probably efficiencies there and there is savings there, and I commit to the Committee for sure I will look at that.

Senator PORTMAN. We would appreciate that, and a top-down review I think is always a good idea when you come into a new place, but particularly with an agency as complex as this one.

Let me ask you about intelligence. I am also concerned about redundancies in our Intelligence Community. There are 17 intelligence agencies in the government, if you count them all. Two of them reside at the Department of Homeland Security: one is Coast Guard intelligence, but the other is this Office of Intelligence and Analysis. Again, I have not been as impressed as I had hoped I would be with their mission, which is really to fuse intelligence from all the different sources together to be able to better protect the country, including a private sector liaison to help with infrastructure. They are supposed to track terrorists and their networks, assess risks and so on.

What is your sense of that entity? And do you think it could be improved?

General KELLY. I think everything can be improved, and what I have learned—and once again, Senator, I have been restricted from actually dealing with Homeland Security, but what I get from the transition team and others that have worked at Homeland Security is that that could be better, the information sharing within the organization, and even out to law enforcement. But, again, it is way up on the list in terms of things I will look at.

Senator PORTMAN. How about fusion centers? In all of our States we have fusion centers now. Are they effective? Are they redundant? Should they be wound down? Should they be reinforced? What is your sense of how the fusion centers are working?

General KELLY. Depending on who has talked to me about them, they are effective and they are redundant. So again—

Senator PORTMAN. And I think, frankly, even within our States we might find that some are more effective than others. I would hope you would also in your top-to-bottom review take a look at those fusion centers—

General KELLY. Yes, sir.

Senator PORTMAN [continuing]. And be sure they are doing the job they should be doing. My sense is they were also supposed to compile information and intelligence. Sometimes because classified intelligence is difficult to compile if you are not deeper in the community, sometimes it is being done by other entities, and there is not information being provided to some of our first responders. But I would love to have your assessment of that once you have had a chance to be on the ground.

The final question I have is about the drug issue. As you heard earlier, this is an epidemic. You and I have talked about it. I loved your testimony before the Committee last year. I talked to you about that, and I have complimented you in the Committee since then on that, because you focused on the demand side, and I am a strong believer that until we deal with prevention and education better, and treatment and recovery, it is going to be very difficult to stop this flow of drugs, and they will find other ways to do it.

On the other hand, almost unimpeded now across the Southern Border, as you say, almost all the heroin that is consumed here is produced in Mexico, as well as many of the drugs. So two questions.

One, what would you do to increase that apprehension? You mentioned interdiction earlier and pushing back beyond the border.

And, second, we have legislation called the "STOP Act" which is intended to deal with this issue of fentanyl and carfentanyl, which is a synthetic heroin, really the next wave we are seeing in our communities. That mostly comes by mail, and some of it actually from Mexico, it also comes from China directly, then sometimes is mixed with heroin in Mexico and brought back in a drug form. But it is not taken by packages across the border physically. It goes through the U.S. mail system. We tried to work with Customs and Border Protection (CBP) on this as well as DEA, and I just wondered if you had any sense of that issue, what you would do, and just your general thoughts on interdiction.

General KELLY. I believe interdiction starts—and you can talk cocaine or whatever. It starts really where it is produced. The Colombians, to use that example again, do tremendous work in terms of eradicating coca and destroying labs and that kind of things, tremendous work in taking huge tonnages off the flow, with very few naval assets, and I use the Coast Guard there as well, very few naval assets. My information is at least a year old or right at a year old, but SOUTHCOM gets a couple hundred tons a year. And the beauty of it down there is you get it in 1-ton, 2-ton, 3-ton lots. Once it gets ashore and starts, it is right up the network. A big take at the Southwest Border of, say, cocaine or something like that might be 5, 10, 15 kilos. So I think if we could do more with our partners. Again, not to harp on the demand thing, but if we were to block the network so nothing could get through the Southwest Border, the so-called balloon effect, they would find other ways around it. The profits are so outrageous. That is why I believe it is all about the demand.

Senator PORTMAN. Thank you, General. I appreciate it.

Chairman JOHNSON. Senator Tester.

OPENING STATEMENT OF SENATOR TESTER

Senator TESTER. Thank you, Mr. Chairman, Ranking Member McCaskill. And, General Kelly, thank you for being here, and thank you for putting yourself up for this. First things first, though. I want to thank your family for sharing you with us one more time. I very much appreciate your guys' commitment to this because it is oftentimes not easy and these jobs are oftentimes not easy, and this is one of those jobs that is not easy. So thank you.

And, General Kelly, thank you, as Senator McCaskill said, for getting your ethics report in, your background complete, your questionnaire, and your financials. I appreciate that very much also.

Your job is a big one, and I know from our meeting in my office—and I want to thank you for your direct answer of the questions we talked about there and today, too. We talked about border security. We hear a lot about the Southern Border, which is critically important. The Northern Border, with a 540-mile border with

Montana alone, with one national park bordering Canada, and an Indian reservation bordering Canada and three Indian reservations within 100 miles of Canada, it adds to the complexity. But I think you have a grasp of that.

I am going to start out a little parochial, but I am going to take it to the bigger issue. We talked about a port north of Plentywood that DHS wanted to close, a 24-hour port. It was my belief that this port was critical for border security on the Northern Border because it was a port with a long distance between the other two 24-hour ports on the east and the west.

What is your view with border security as it applies to not only the folks that are on patrol but the folks who are in the ports?

General KELLY. Well, Senator, I think, it is clearly a balance. We cannot stop the normal flow of commerce and just legal people. By the same token, we have to do better at closing the border to the things that we do not want to come in.

I am not as familiar nearly, as we discussed, with the issue of the Northern Border. But as I promised you in your office the other day, I will be very quick to come up on that and perhaps even during the summer visit your State.

Senator TESTER. I will take you up on that. [Laughter.]

And we will make sure we do not get you into North Dakota because they will give the wrong impression. And we will follow up on that, but there are grants like Operation Stonegarden grants that are critically important. There are efforts to be made with the local farmers and ranchers that live on that border, and I need to get you there so actually you can talk to those folks, because I think they are not paid by you or us but still are an important part of the overall structure of homeland security.

I want to talk about immigration for a second. When you were in my office, you said what I have thought for a long time, and that is that we make folks jump through hoops to get the visa, and then after they come into the country, we never tell them to head home. How do you anticipate to make it work when those visas expire, to be able to notify those folks that it is time to head back?

General KELLY. To the degree that I have been in discussions on this point, apparently we do not have a particularly good system to kind of alert when—the day after someone's visa expires, we do not have a very good system to say this person's visa expired and to share that information, whether it is within the Department for sure and then local enforcement. And it is not until, as you know, Senator, people get caught doing something wrong, speeding or something like that, that they get caught and we say, OK, this person—

Senator TESTER. That is right.

General KELLY. So the discussions I have had is that we have to do better with systems, first of all, alerting us that someone has stayed past, and then as appropriate, perhaps send someone to their house or their last known residence and ask them why they have not departed yet.

But the other issue, as I have been briefed—and this is kind of hard, but, as you know, when non-citizens come in, we record them. When they go out by commercial air we record them leaving.

What we do not do very well at apparently is at the ground entrances, so I will look into that as well.

Senator TESTER. Well, I appreciate any work you can do on that because I think that would help solve not all but certainly a fair amount of the problem.

REAL ID is something that has been of controversy in the State of Montana since my days back in the State legislature, which is over 10 years ago now. For the time being, DHS has waived part of the law requiring construction of a linked nationwide database required by the law. I know Senator Paul is also concerned about this.

What are your plans to implement the REAL ID issue as it applies to States like Montana that do not really want to see this nationwide database?

General KELLY. Well, as the Senator knows—

Senator TESTER. And still keep our country safe. A tough nut to crack.

General KELLY. As the Senator knows, it is in the law. It is my understanding that the Secretary has some elbow room in terms of waiving it. I would like to think that—and I am not completely, kind of conversant with it, but I would like to think that in the small number of States that have not met the point at which they have safe ID cards, I would like to absolutely work with the States to find a way ahead, what we can do to come to an agreement.

There is always the possibility of additional time waivers, but I would like to work with the States on that, Senator.

Senator TESTER. OK. Thank you. In your particular case, this is a big Department; it has a lot of different arms sticking out there. And your Deputies are going to be really important.

General KELLY. Right.

Senator TESTER. What are you going to be looking for in your Deputy Secretaries?

General KELLY. For anyone that works, I think, for the Federal Government, but certainly at the senior level, people that, first of all, know what they are doing, understand the importance of following the law, and understand the importance of taking care of their people. To Senator McCaskill's point again, people that will listen to their subordinates when there are suggestions of how to do business better, listen to their subordinates when there is more serious problems and not retaliate against anyone when they come up and raise issues.

Senator TESTER. OK. Last question very quickly. What is your highest priority when you are considering anti-terror efforts?

General KELLY. Stopping them somewhere well away from our country.

Senator TESTER. Very good. Thank you, General.

General KELLY. Sir.

Chairman JOHNSON. Thank you, Senator Tester.

One thing you will notice, General Kelly. The Northern Border is very well represented on this Committee. [Laughter.]

Sometimes in duplicate.

Next is Senator Daines.

OPENING STATEMENT OF SENATOR DAINES

Senator DAINES. Thank you, Mr. Chairman.

General Kelly, it was truly an honor to have you in the office yesterday. Thank you for considering coming to Montana. We will take a look at that Northern Border. As the Chairman just mentioned—I just counted heads here, Mr. Chairman—7 out of 15 members on this Committee actually have a Northern Border, just two have a Southern Border. And that is not to say the Southern Border is not important, but this Committee will also not forget about that important Northern Border.

I also want to thank your family. As the son of a Marine, my dad would be very proud, if he were here, knowing that we are having this conversation. So thank you for your service. My family sleeps better at night knowing that a four-star general, a Marine no less, is leading the Department of Homeland Security. So thank you, and thank you very much, Karen, and to the rest of the family for allowing the General to continue to serve our country.

General Kelly, as we discussed yesterday, I spent 28 years in the private sector before I came to the Hill, 10 years with a global cloud computing company. We faced cyber threats daily. The customers expected their data to be secure. We delivered. Our data was never compromised.

And then I came to the Federal Government, became an employee of the Federal Government, elected to the Congress in 2012, and lo and behold, you got the same letter that I got in terms of our information being compromised as Federal employees because of a cyber breach.

The Internet is a great tool for creativity, for communication, for commerce, but it has also become a tool for bad actors engaging in fraud, identity theft, piracy, terrorist propaganda, espionage.

As Secretary, how will you counter these cyber threats to protect our Nation and our families?

General KELLY. Well, obviously, Senator, if confirmed, I will get deep into it. In my job as a military person, I understand cyber out there and know what our capabilities are, U.S. capabilities out there. I also know that 3, 4, 5 years ago, we talked about the United States would not have a peer competitor in cyber for 20 years or 25 years. Now we know that we have some pretty darn close to peer competitors.

I was watching something that Secretary Ash Carter started when he first took over at the Defense Department. He started to reach out to the commercial world, Silicon Valley, that kind of thing, to engage them or at least to get a report card on how we are doing within the Federal Government to develop. But there is obviously unbelievable talent out there in the civilian sector, and I think at this point in time, everyone realizes that it is in everyone's interest—whether it is personal security or corporate security, certainly U.S. security, everyone realizes, I think, that working together makes an awful lot of sense.

There are clearly privacy issues and those kinds of things and the law would always have to be followed. But I think just more cooperation amongst the private sector and in the Federal sector and the State sector, I think that would go a long way to it. But,

again, I think Ash Carter was onto something in a big way when he started to reach out to the commercial world.

Senator DAINES. Thank you. I want to turn attention back to that Northern Border discussion we had earlier. Agriculture is our largest economic driver in a State like Montana. Canada is our largest export market. We want to make sure our farmers and ranchers do not have disruptions as they go north and south, as it relates to commerce.

But this 5,500-mile-long border that we have on the Northern Border, we know there are a lot of bad actors out there. They view that Northern Border as very much a soft underside. And, frankly, with the current Administration, we have had some challenges with insufficient staffing to make sure that we are protected there to the north.

As the Secretary, how would you increase Customs and Border Protection officer recruiting, retention, and mitigate some of the staffing shortages without reducing services?

General KELLY. Senator, I think in the world I came from, there was a time back right in the Vietnam period where we could not recruit or retain good servicemembers, mostly because of the morale, mostly because of when other young men and women talked to their brothers, older brothers, saying, "Should I join the armed forces?" "No, it is not worth it." So an awful lot of the retention and recruiting problem comes as a result of the morale problem within the Department.

I was just talking to a couple of gentlemen a little earlier who said that they have been lifelong members of the Federal law enforcement world but would not recommend their sons or daughters join up. I have a very good friend—well, I will end it there and just say the best recruiters in any organization are the people that are already in the organization. If they value or have a sense that people value what they do, that there is a future, that there is upward mobility, that you get a fair shake no matter who you are in terms of advancement and all, that turns recruitment and retention around.

What I hear mostly is, "We are not appreciated," and, "We are not allowed to do our job." So I will take a long, hard look at that right away.

Senator DAINES. Thank you, General Kelly.

Yesterday, we discussed the government earning the trust of the people. DHS' U.S. Citizenship and Immigration Services (USCIS) play a critical role in vetting refugees—this has become a topic of conversation across our country as well as in Montana—long before they reach U.S. soil, interviews, background checks, collecting biometric data abroad and so forth. How can the American people regain trust that any future refugee will not be a risk to our families? And what will you do to ensure that there are comprehensive background checks completed?

General KELLY. One of the problems, I think, with many of our refugees is they come in from countries obviously that are dysfunctional. And I think many American citizens feel that if you are taking in people from a country that simply has no law enforcement bureaucracy—they clearly do not have things like the FBI and Homeland Security—how can you guarantee? There is no guar-

antee. You cannot guarantee 100 percent, and if you are taking in large numbers of people—or any people from places where you really cannot vet them very well, I guess you do the best you can.

Senator DAINES. And, lastly, you talk about telling truth to power. How has this integrity served you in making tough decisions as a leader?

General KELLY. It has made it easy, actually. As Secretary Gates said, it is a moral responsibility. It is what you do. I have found if you do not, organizations like the U.S. Senate and House figure out very quickly that what they are getting from a witness is not straight, and it certainly kind of marginalizes you. So I think truth to power is the way to go.

Senator DAINES. Thank you, General Kelly.

Chairman JOHNSON. Senator Peters.

OPENING STATEMENT OF SENATOR PETERS

Senator PETERS. Thank you, Mr. Chairman.

General Kelly, wonderful to have you here, and I will join everyone else in thanking you for your service, and certainly for your family's service as well. It is truly a family affair, public service, particularly for your many years in the U.S. Marine Corps. So I appreciate your patriotism and sacrifice.

I also wanted to say it is good to see you again. I had the privilege of being with you in Guatemala probably mid-year last year as part of the Committee trip and had the benefit of your briefings and actually had the benefit of being on the border between Guatemala and Mexico and talking about some of the issues related to immigration from that country and from Latin America as well. And it is certainly very refreshing to see a nominee for the Secretary of Homeland Security as someone who has been on the front line in dealing with those issues.

I also appreciate from your briefings the fact that you understand that this is an incredibly complex issue. It cannot be solved simply by building a wall. It requires a much more thoughtful approach. And I am confident, based on your experience and your statements, that you bring that to the office.

I wanted to pick up on what Senator Daines talked about in regard to cybersecurity. As we talked about in our previous conversation, I believe that without question the number one national security threat to us is cyber, not only the Russian attacks, which you have addressed earlier in the hearing here, but attacks that are occurring on a daily basis. And as you know, a person or entity trying to use cyber to attack us often looks for the weakest link, and that weakest link tends to be entities like small businesses or perhaps local governments or State governments that do not have the same kind of cyber protections that we may have at the Federal level, although that is certainly open for attack as well, as we have seen from the past.

But last Congress, I joined Senator Vitter in introducing the Small Business Cyber Security Improvements Act—and it was part of the 2017 National Defense Authorization Act (NDAA), and it is now law—that will require the Small Business Administration (SBA) and the DHS to develop a Small Business Development Center for Cyber Strategy. And I just kind of wanted your thoughts on

your support of that endeavor and how you see the DHS working particularly with the small business owners who do not have the resources to have elaborate defenses to protect themselves as well as protect larger networks.

General KELLY. Well, Senator, as you know, part of the mission is to protect the dot-gov of DHS, protect the dot-gov nets, and to work with the commercial world since it is part of the mission. Again, I do not know the level of effectiveness. I suspect, I know Secretary Jeh Johnson, a good friend, has this on his scope. I do not know the degree how successful we are being, but he started for sure this process of outreach, and I will continue it.

Senator PETERS. Right, well, I appreciate that.

There is another area that I have some direct questions that I would like to ask that are very important to folks in my State. As we spoke about earlier, I represent a very large Arab-American, Muslim-American community in the State of Michigan, one of the largest communities outside the Middle East, largest community in the United States. Based on comments made by the President-elect, I will tell you there is a great deal of fear in the community, a great deal of unease about what the future means for them under the new Administration. And, certainly, the Department of Homeland Security is a place where they have particular anxiety. I am curious as to your position on a couple things.

First off, do you agree that putting mosques under generalized surveillance and establishing a Muslim database, two proposals that were discussed by President-elect Trump, would raise serious constitutional issues under the Free Exercise Clause of the First Amendment and the Equal Protection Clause of the Fifth and Fourteenth Amendments?

General KELLY. I am not a lawyer, but to the degree I understand those laws, yes, sir.

Senator PETERS. Will you commit to ensuring that religion does not become a basis for U.S. counterterrorism or law enforcement policy, particularly as it relates to the targeting of individuals with ancestry from Muslim-majority countries?

General KELLY. I do not think it is ever appropriate to focus on something like religion as the only factor, so yes, sir.

Senator PETERS. And do you believe that non-citizen Muslims, people of Arab or people of South Asian descent should have to register with the government? And if so, for what purpose would the program be used?

General KELLY. I know there was some program some years ago where they had this on the books. I know it is no longer on the books, and unless—obviously, it would have to be legal, but unless there was some really compelling reason, so yes, sir, I would agree.

Senator PETERS. I think the program is the National Security Entry-Exit Registration System (NSEERS) program that you are talking about.

General KELLY. Right.

Senator PETERS. That began in 2002, and it was supposedly to catch terrorists. It existed for a number of years and never had any impact whatsoever. So it sounds as if you would not be supportive of bringing that back. Good.

The last question is the Supreme Court case, *Korematsu v. the United States*, was a landmark case addressing the constitutionality of Executive Order (EO) 9066, which ordered Japanese-Americans into internment camps during World War II, regardless of their citizenship. Do you agree that the Supreme Court decision in *Korematsu* does not provide a legitimate precedent for internment or special registration of individuals who are Muslim or with ancestry from Muslim-majority countries?

General KELLY. I do. I do not agree with registering people based on ethnicity or religion or anything like that, so I think I would agree with the Supreme Court.

Senator PETERS. Great.

General KELLY. Again, I am not a lawyer here, so—

Senator PETERS. Right. I understand. Well, I appreciate those responses, and maybe just in follow-up—and I know we talked about this in our meeting earlier, but if you could let the Committee know how do you approach communities in this country who are made up primarily of Arab-Americans, Muslim-Americans. From your past experience, how do you see your role as Homeland Security director in reaching out to those communities and making them part of a solution?

General KELLY. Very briefly, as we discussed in the office, Senator, our success in Iraq, certainly my time in Iraq, was because I outreached with people across the spectrum of society, all of whom were Muslim, followed the Islamic faith. Obviously, the men, the clerics, the communities, the way we won certainly in my part of Iraq was we outreached to people, convinced them that we were there for good, not evil, we were there to protect them and to help them, and overnight, almost, with the Awakening and other things that I will not go into—but, I mean, it was the thing that gave us success, outreach to the community and touching everybody in the community and gaining their trust. I know Secretary Johnson does that, and I certainly will continue that, look forward to continuing that.

Senator PETERS. Well, I appreciate those responses, General. And if confirmed, we would love to host you in the Detroit area with a community that would be very eager to meet you and certainly needs reassurance from someone in that position.

General KELLY. I look forward to it, Senator.

Senator PETERS. Thank you.

Chairman JOHNSON. Senator Harris.

OPENING STATEMENT OF SENATOR HARRIS

Senator HARRIS. Thank you, Chairman Johnson and Ranking Member McCaskill.

General, thank you for your longstanding service and sacrifice, and to your family as well.

I would like to ask you a few questions, starting with the Deferred Action for Childhood Arrivals. Hundreds of thousands of DACA recipients around the country are afraid right now for what this incoming Administration might do to them and also what it might do to their unauthorized family members. In order to receive DACA, these young people submitted extensive paperwork to the Federal Government, including detailed information regarding

themselves and their loved ones. They also had to qualify, as you know, for the program, and in qualifying, each person's case was reviewed and determined on a case-by-case basis.

The young person must have not been convicted of a felony or a significant misdemeanor or three or more misdemeanors. The young person must also not be deemed to pose a threat to national security or public safety. The young person must currently be in school, have graduated or obtained a certificate of completion from high school, have obtained a General Education Development (GED) certification, and/or have been honorably discharged as a veteran of the Coast Guard or Armed Forces of the United States.

Among other things, DACA applicants must submit proof of identity, proof of time and admission in the United States, proof of relevant student school completion or military status, and biometric information.

As part of the DACA application process, we conduct biometric and biographic background checks against a variety of databases maintained by DHS and other Federal agencies.

If a DACA applicant knowingly makes a misrepresentation or fails to disclose facts in an effort to obtain DACA, it is a felony, and the applicant will be treated as an immigration enforcement priority to the fullest extent permitted by law and be subject to criminal prosecution and/or removal from the United States. This means obviously that applicants to DACA know that if they are not giving us the whole truth about their story, they are putting a target on their own backs.

At the time, the Department of Homeland Security assured them that it would follow its longstanding practice of not using such information for law enforcement purposes except in very limited circumstances. These young people are now worried that the information that they provided in good faith to our government may now be used to track them down and lead to their removal.

So my question is: Do you agree that under DACA we have and those young people—hundreds of thousands of them have relied on our representations? Do you agree with that, that we would not use this information against them?

General KELLY. The entire development of immigration policy is ongoing right now in terms of the upcoming Administration. I have not been involved in those discussions. If confirmed, I know I will be involved in those discussions. I think there is a big spectrum of people who need to be dealt with in terms of deportation—

Senator HARRIS. I am speaking specifically of DACA.

General KELLY. And those categories would be prioritized. I am not part of the process right now. I would guess that this category might not be the highest priority for removal. I promise you, Senator, that I will be involved in the discussion.

Senator HARRIS. I would like that you would read or become familiar with a document issued by the U.S. Citizenship and Immigration Services, its Frequently Asked Questions brochure. Question No. 20, the question is: If my case is referred to Immigration and Customs Enforcement (ICE) for immigration enforcement purposes or if I receive a notice to appear (NTA), will information related to my family members and guardians also be referred to ICE for immigration enforcement purposes? The answer, according to

this document, is that if the case is referred to ICE for purposes of immigration enforcement or they receive an NTA, information related to their family members that is contained in their request will not be referred to ICE. Are you willing to maintain that policy of not referring that information to ICE?

General KELLY. I will definitely look very long and hard at the document. I am not familiar. I do not know right now where the upcoming Administration is going in this. I will be part of that. I can tell you, Senator, I promise you that I will keep a very open mind as we look at this topic.

Senator HARRIS. Are you familiar that under your predecessors, the director of Homeland Security made the decision and issued the information to the troops? It was not the President. Are you familiar with that?

General KELLY. Yes, ma'am.

Senator HARRIS. OK. And do you agree that many of these young people were brought here as children and only know America as their home?

General KELLY. Many of them are in that category.

Senator HARRIS. And do you agree that they are now studying at colleges and universities and graduate schools across our country, some are working in Fortune 100 companies, major institutions, and businesses, both small and large?

General KELLY. I am aware that some are, yes.

Senator HARRIS. And do you intend then to use the limited law enforcement resources of DHS to remove them from the country?

General KELLY. I will follow the law. But, again, I go back to we have a limited capacity to execute the law, so we would certainly look at the highest priority activities and—but I will follow the law to the extent that I can execute the law, if that makes sense.

Senator HARRIS. Well, I know as a career prosecutor—I was formerly Attorney General of California and before that a district attorney elected to two terms in office—that we in law enforcement have limited resources. I am interested in knowing from your perspective where the students and the young people who applied for and were eligible for DACA, where they would fall on your list of priorities in terms of the limited law enforcement resources that you have, or would have if confirmed.

General KELLY. I think law-abiding individuals, in my mind, with limited assets to execute the law, would probably not be at the top of the list.

Senator HARRIS. And would you agree that State and local law enforcement agencies are uniquely situated to protect the public safety of their own communities?

General KELLY. I would agree with that.

Senator HARRIS. And are you aware that State and local law enforcement leaders across the country have publicly stated that they depend on the cooperation of immigrant communities to protect criminal activity and to come forward as witnesses to crime?

General KELLY. I have read that.

Senator HARRIS. And are you aware that there has been—in the past, when the government has applied indiscriminate immigration sweeps, many local law enforcement agencies have been concerned

and have complained that there has been a decrease in immigrants reporting crimes against themselves or others?

General KELLY. I was not aware of that.

Senator HARRIS. Will you make it your priority to become aware of the impact on immigrant communities in terms of their reluctance to report crimes against themselves, their family members, or others when they are concerned that DHS may direct sweeps against entire immigrant communities?

General KELLY. You have my commitment I will get briefed on this. Again, I fall back on really the law will guide me, if confirmed, in everything that I do.

Senator HARRIS. And I would encourage that not only the law but how it will practically apply in the streets in terms of the perception of the interpretation of the law to those immigrant communities and what we all want to do ensuring that all victims of crime, regardless of their documented status, are protected and that they receive justice in a court of law.

General KELLY. I acknowledge that.

Senator HARRIS. Thank you.

Chairman JOHNSON. Thank you, Senator Harris.

Senator Paul.

OPENING STATEMENT OF SENATOR PAUL

Senator PAUL. General Kelly, congratulations, and I want to join in also thanking you for your service and your family's sacrifice in defense of our country.

The position you are up for, Homeland Security, is obviously to defend the homeland, to defend the country. But the oath you take is actually to defend the Constitution. That is the oath we take. It is the oath you also took in the military as well. And I think that is an important distinction because it does not mean we want security at all costs. We want security in order to have our liberty. So liberty is an important part of this.

There have been times in our history when I think we let fear overcome our ability or our desire to defend the Constitution. In the Civil War, we suspended habeas corpus. We kept people in detention without trial, without legal access. We arrested 3,000 editors during World War II. A hundred thousand Japanese were detained. We let our fervor or our fear somehow replace our oath to defend our liberty, to defend the Constitution.

We have on the books and we passed about 5 years ago a law that says that an American citizen can be indefinitely detained. Not an American citizen overseas, not someone captured in Syria on a battlefield, but someone captured in the United States and accused of terrorism can be kept indefinitely. They could be sent to Guantanamo Bay, or they could be sent a variety of places. It has never been used, and this President has said he would not use it. But he signed it anyway, much to the chagrin of some of us. But it is on the books. And I guess my question to you would be: Do you think we can adequately arrest people in our country who are, somehow a threat to our homeland security? Do you think the Constitution could be good enough, that due process in our courts of law in our country would work? Or would you think there are going

to have to be times when we are just going to have to detain people without trial?

General KELLY. I am pretty committed to the Constitution. I was not aware of the law. It surprises me. But I think we have enough laws to help us out in that regard.

Senator PAUL. I think it is important, and, obviously, the future is unknown, but you and I have talked about in the office if something terrible happens, we need people in places of leadership that do not let us succumb to our emotions and our fear, whether they are irrational fears of others or whatever they are, that the law is incredibly important, and that is what our soldiers sacrifice so much for.

With regard to how we collect data on people to protect ourselves, once again it is this idea, well, are we so fearful we are going to collect data on everybody? There have been instances when we have. For example, we have had bulk collection of everyone's phone records. Now, some will argue a technical part of the Fourth Amendment is, oh, well, your phone records are not really protected. Some of us will argue, well, they should be protected. But it is this debate we are having. But it is also a debate about sort of how you come to security in our country. Can we come to security by individually going after suspects or people whom we are suspicious of? Or should we have blanket surveillance of everyone, which means we have to give up, according to some of us, liberty and privacy?

I will give you a specific example of this, because this comes from Homeland Security. A couple of years ago, they decided they would use license plate screeners, and apparently they are very rapid, and they can collect hundreds and hundreds, if not thousands of license plates an hour. But they decided they would go to a gun show. Why this particularly concerns me is you could also conceive of people at a gun show as exercising some sort of freedom of speech or some sort of ideological belief by being at a gun show, not just wanting to buy a gun but actually defending their Second Amendment right to buy a gun.

What alarms me is that if we are going to scan license plates at a gun show, we might go to a pro-life rally or a pro-abortion rally, depending on who is in charge. I do not want the government scanning people's license plates. I do not want them covering and getting all of our data just so we can possibly be safe someday from something. I want the individual to be protected. But I am not against Homeland Security going after individuals and digging as deep as you want with the proper process.

So what I would ask you is your opinion on how do we defend the country. Can we do it with the traditions of looking at individuals for whom we have suspicion? Or are we going to have to collect all of this data and give up our privacy in the process?

General KELLY. Senator, I would go with the traditional route. The scanning of the license plates, I mean, there may be a reason. I cannot think of one right now. But I am not for the collection of the mass collection of data on people. I would go the other way.

Senator PAUL. And this is an amazing amount of information we can look at. If you had all of the information of everyone's visa purchases in the country, there is no end. But realize that this is a

big part of what your job is, people are going to be coming to you saying, "Protect us. We want to be safe." But at the same time, what are we willing to give up? Can we keep what we actually believe and what we are as a people, the freedom that you were committed to as a soldier? And I hope you will keep that in mind.

General KELLY. Yes, sir.

Senator PAUL. Thank you.

Chairman JOHNSON. Thank you, Senator Paul. Senator Hassan.

OPENING STATEMENT OF SENATOR HASSAN

Senator HASSAN. Well, thank you, Chairman Johnson and Ranking Member McCaskill. I look forward to working with both of you. And, General Kelly, thank you so much for being here today, for your service. To your family, I echo the thanks you have heard today for your service and sacrifice. We are very grateful.

I wanted to just start by asking a question on cybersecurity that has hit my neck of the woods a little bit in the last couple of weeks. Two weeks ago, the Washington Post reported that a hacking group connected with the Russian government managed to infiltrate the Burlington Electric Power Company in Vermont. And New Hampshire and Vermont, as you know, have many shared utility connections along the border between the two States. I think we all agree that foreign infiltration into our utility infrastructure, into any of our infrastructure, is unacceptable. And with DHS being responsible for securing our critical infrastructure from both physical and cyber attack, I am just curious about what steps you think DHS needs to be taking to prevent cyber attacks on critical infrastructure and confronting foreign nations' cyber espionage efforts.

General KELLY. The best thing we can do, obviously, is just outreach to everybody, whether it is power plants or other commercial interests. The problem, as we discussed, is just it is constant, it is relentless.

Senator HASSAN. Right.

General KELLY. It is from nation-states. It is from Mafia-type organizations. And it is just from vandals. But I think the solution is, A, outreach to offer the protections that exist now. And then the threat changes so rapidly, we cannot keep up with it, and we have to find a way, I think, to keep up with it.

Senator HASSAN. Thank you. There has been a lot of discussion among Committee Members about the opioid, heroin, and fentanyl crisis, which is devastating all of our States, but New Hampshire has been particularly hard-hit. And there has been excellent discussion, I thought, about issues on the Southern Border concerning the fentanyl crisis in particular, too, because that is really changing the way drug dealers are operating, the ease with which fentanyl can be made, the profit margins are huge, and the addictive nature of fentanyl is even greater than other opioids.

But one of the things that I am heartened by is your focus on the demand side of this crisis, and it would be, I think, heartening to the people of my State and our country if you can commit on behalf of DHS, should you be confirmed, to partner with this Committee, with Governors around the country, to really look at the overprescribing of opioids in this country and treat it as the secu-

rity threat that it is. Is that something you can work with us on and commit to?

General KELLY. I look forward to that, Senator.

Senator HASSAN. OK. Thank you.

I will add to the Northern Border chorus, by the way, just to say do not forget us.

General KELLY. Forget, no.

Senator HASSAN. And, last, I wanted to focus on one other issue concerning terrorism. Certainly, we are all concerned about the terrorism that is a threat from faraway places. Earlier in your testimony, you indicated that one of your goals would be to keep the terrorists as far away from United States soil as possible. But the nature of the threat is always changing, always evolving, and of late I think we all agree that there has just been a disturbing rise in homegrown terrorism. And no matter how secure our borders are, terrorist groups like ISIS and al-Qaeda certainly we know use the Internet to encourage and inspire troubled Americans to carry out violence at home.

So how do we go about tackling that particular challenge? And what partners will be most valuable for DHS and the American people in this fight?

General KELLY. A tough problem, to say the least. And as I have discussed with a number of Senators, I think it really does start with families and with churches, synagogues, mosques. The homegrown, if you will, terrorists, not just ISIS inspired, I mean, there are some pretty grim other groups of other nationalities, if you will, white supremacist, that kind of thing. But I really do believe it starts with people, parents, understanding what is going on in the bedroom when the son or daughter is in there on the Internet all the time. We kind of worry about that they are on inappropriate porn sites or something. But the fact is that I think that is where it starts in many ways. Who knows why they get disaffected with the country? But they get on those websites, and it poisons their mind, I think.

I think in the churches, synagogues, whatever, people hear them talking and should turn them in or should at least be concerned, talk to their parents.

I am reminded of a young—I think it was a young woman down in the South who was getting radicalized clearly, and her parents noticed it and turned her in to the police. By the same token, there are other examples to where people knew that people were getting radicalized—I think the San Bernardino couple, but people were afraid to raise a red flag because they thought, A, “Maybe they will do something to me,” and, B, “Maybe I will be legally held accountable”—legally in the sense of a lawsuit or something like that. But it starts there. Clearly, our law enforcement professionals then serve a role, but it is a really tough nut to crack.

I think to the Senator’s question about engagement with some of the parts of America that have a lot of Arab-Americans, Islamic-Americans, so that they feel as though they can report and not be afraid. But I think if we are going to get at this problem at all, it is really energizing communities and families to keep an eye out for the telltale signs and then to seek help before it gets out of hand. And as I say, in that case that I know of in the South, just

before it really got out of hand, they turned the daughter in. It is an act of love to get her help or to get them help. So that is where I am on it, Senator.

Senator HASSAN. Thank you very much. And, again, thank you for your service.

General KELLY. Yes, ma'am.

Chairman JOHNSON. Thank you, Senator Hassan. You may not have been here quite when I welcomed everybody, but, again, welcome to the Committee. I certainly enjoyed our phone call, and I look forward to working with you. Senator Lankford.

OPENING STATEMENT OF SENATOR LANKFORD

Senator LANKFORD. General Kelly, thanks again for your service. You have done a remarkable job in your career for the Nation, and I appreciate you stepping back out again. And for your family and for all that step out with you, it is a tremendous asset to the Nation.

You know full well, when you were asked by the President-elect to do this, that every time there is a problem at an airport, every time there is a shooting, if there are two people who cross the border, whether north or south, somebody is going to call your phone and say what is not working. So I appreciate you engaging to do that.

Let me give you a couple other optimistic pieces as well, as you scan what is happening. We release every year a report and try to identify different areas, and as you know, DHS has been a major area for morale. That has been discussed several times.

Let me give you a couple other pieces of good news. The Government Accountability Office (GAO's) 2015 review of 22 major acquisition programs at DHS found that only 2 of the 22 were actually on track. The Inspector General (IG) at DHS in their report found that DHS' major acquisition programs continue to cost more than expected, take longer to deploy than planned, and deliver less capability than promised.

DHS was also identified and has been identified by GAO now for 13 years not getting up to speed on its human resources programs. We have now spent \$180 million over 13 years just to get an human resource (HR) program working at DHS.

While we have all talked often about some of the issues at the border, which are serious, there are some internal things that are undone. And so while you are focusing on some of these other areas, I would encourage you to assign a Deputy to finish the unfinished product of how we handle acquisitions, the cost overruns, and how we handle HR within DHS.

General KELLY. If confirmed, I have my work cut out for me, obviously.

Senator LANKFORD. Yes, sir.

General KELLY. There are some great people in the organization. I hope to retain some of them or to hire others that have been involved in Homeland Security. And I think this is also part of Secretary Jeh Johnson's unity of effort. He has looked into other parts of our bureaucracy and said: How do they do it? No one is perfect, but how do they do it? We have to build probably an acquisition force in DHS. We do not have the same kind of acquisition capa-

bility as, say, DOD does. Not perfect, to say the least, but yes, sir, you have my commitment.

Senator LANKFORD. Thank you. Let us talk about a couple of things that have been touched on a little bit before. There is an ongoing conversation, obviously, about cyber and cyber attacks into the United States, so two specific areas I want to bring up with you. One is jurisdictional. This Committee obviously is very engaged in cyber as a homeland security issue. Armed Services is obviously very involved in that and what is happening with cyber issues, as well as Intel.

What I am looking for is some cooperation in a sense of this is not going to be a jurisdictional fight and so no one does it, but how do we actually build a sense of teamwork and cooperation between Armed Services, Intel, and DHS, and so we can build a real sense of a cyber doctrine. A cyber doctrine and how we are going to respond to cyber attacks has been discussed now for a decade, and it has been met to death, basically, in one meeting after another, but no set of decisions on that. Help me understand how we get to a decision and move on in cooperation with other entities.

General KELLY. I think I would agree, Senator, the worst thing that this city oftentimes deals with is the stovepipe mentality and the rice bowls, and people, in my view, if confirmed—and it has been the way I have operated. I have no rice bowl. If I have to give something up or, go across town to someone else's meeting, I will do that to improve whatever it is we are trying to improve. There is unbelievably talented people in the U.S. Government, across the bureaucracies. But my sense is that there is just not enough interaction. Obviously, we cannot do certain things because of laws, but laws can be changed if need be. But I think 10 years ago when we started talking about this, we were probably a little bit ahead of the problem. And 10 years later, we are behind the problem now. I think probably now is the time to act.

I think we very easily could suffer a catastrophic, seriously catastrophic cyber event because we did not do our jobs as the U.S. Government, and I think probably right now there is an awareness that it is time to sit down and work these things out. And, again, I think the commercial world, the civilian world is as much a player in this as the Federal Government is.

Senator LANKFORD. And I would say this Committee is eager to have a partner in that to be able to discuss it, what needs to be done legislatively. There are times we will have administrative witnesses here that will say, "I cannot really give a recommendation to you," when we know the Administration officials deal with it all the time, they know the barriers and the issues they face. We need some good cooperation from people to be able to sit down with us and to say, "Here is what we are bumping up against."

Two other quick areas on this. One of them is working with cities that do not want to cooperate on the issue of immigration, the sanctuary cities that have determined we do not want the Federal Government dealing with individuals that are clearly in the United States illegally and have a criminal record. What are your thoughts on this?

General KELLY. Well, I think as a public servant, if confirmed, I do not think I have the authority to pick and choose what laws

need to be followed. I think it is in a lot of ways dangerous to think that you can pick and choose which laws. I understand maybe the perspective of some of the local leaders, but I do think the law is the law, and I think the law has to be followed.

Senator LANKFORD. Yes, sir. I would agree.

Let me bring up one last thing with you as well, and it is something you and I have talked about before, and that is the Northern Triangle and our good relationship with El Salvador, Honduras, and Guatemala and some of their leaders that are really doing a remarkable turnaround. We spoke about Guatemala and the new president, Jimmy Morales, and Thelma Aldana, the attorney general there, and the remarkable work that they are doing.

What practically can we do as a Nation to help them? As we deal with cocaine use, for instance, around 90 percent of the cocaine that comes to the United States touches soil first in Guatemala.

General KELLY. Right.

Senator LANKFORD. So what can we do to be able to partner with them to deal with interdiction efforts?

General KELLY. Stop the demand.

Senator LANKFORD. That is a big one.

General KELLY. If we stop the demand, this would—and you are never going to get to zero. We have talked about this, obviously. You never get to zero. But stopping the demand, and we just do not have and never have had a truly comprehensive demand reduction that goes to everything from law enforcement, treatment, rehabilitation, interdiction of large amounts of drug as it is in the flow, working with our partners down south. We have never had a real serious public campaign here in the United States.

I testified in this room in April, you had some real experts up here about behavior modification, tobacco, Mothers Against Drunk Driving-type campaigns. You never get to zero. But we have to reduce the amount of drugs used. Forty-seven thousand Americans died last year from drug overdoses. It cost America \$250 billion. We have to do something.

Senator LANKFORD. I would agree. Thank you.

Chairman JOHNSON. Thank you, Senator Lankford.

Now back to the Northern Border, Senator Heitkamp. [Laughter.]

OPENING STATEMENT OF SENATOR HEITKAMP

Senator HEITKAMP. I deserved that. There are a lot of critics of the Northern Border here.

I am going to just rapidly go through a number of things that you and I talked about that you know are of great interest, and I think Senator Tester hit on the recruitment, so did Senator Daines. Absolutely critical. We think that DHS has begun a process that can actually result in some successes. Please stay on top of that. We absolutely have to give these folks help. And it is not fair what is happening to a lot of our Border Patrol agents, Customs and Border Protection, who are told literally they cannot move home to other parts of the country or transfer. You are going to lose those folks to other Federal agencies who will, in fact, give them an opportunity to move. So it is critical that we pay attention to the workforce on the Northern Border, pass the bill, sign the bill. We

look forward to your analysis, putting your touch on the Northern Border, challenges and issues, and I am greatly interested in how that whole thing comes out.

Cybersecurity—I join Senator Lankford in saying we hear it coming at us from all different directions. I think historically the Intel Committee has kind of taken a little jurisdiction there, and we do not want a stovepipe or rice bowl—I think you were saying rice bowl. That is a new one to me. We do not want to silo these issues. We want DHS to assert their important role in cybersecurity.

Human trafficking—we just did a hearing this morning for the Permanent Subcommittee on Investigations with Backpage. It is a scourge. Obviously, that the Blue Campaign is working to train officers, and has been absolutely a critical resource for people in my State as we confront the area of human trafficking. Please look at that program. I think there are improvements that can be made, but I will tell you that your officers and investigators within DHS have been critical in advancing the cause of protecting children in this country.

Something that I do not think has been raised here, which is first responders. I challenge you to take a look at what is happening with volunteer fire departments. For the vast majority of area in this country, the fire protection comes from volunteers. Maybe there is a professional or a paid staff person, but the volunteers provide that service. They are having a hard time recruiting volunteers. Some of that goes to equipment. Some of that goes to just losing a culture of volunteerism. Somebody else is going to do it.

I think it is critical that you assert your role, and I am going to ask that you pay attention to our RESPONSE Act which just passed that would take a look at the Federal Emergency Management Agency (FEMA's) role in training people, especially as it relates to hazardous and flammable material on the rails.

I think Senator Hassan was hitting on something very critical on the anti-radicalization. Have you had a chance to visit with the folks within DHS who are working on that program and evaluate what you think of that program and how you would change the current program that they have?

General KELLY. I have not. Because of the ingoing/outgoing MOU, we cannot directly touch.

Senator HEITKAMP. OK.

General KELLY. But I am in there, if confirmed.

Senator HEITKAMP. I really believe that it is critical that you bring the expertise of your service historically to that effort. I think that it is a little late in coming, but I think it can be a force for good and I think critically important. There are also some local grants to communities who want to bring a collaborative nature, bring people together, build those relationships that hopefully will, number one, prevent radicalization but certainly report it as a front-line effort. The motto, "See something, say something," if the community does not feel appreciated, respected, or is afraid to report something for fear that it will come back to them, you are not going to get the intel that you need.

I want to spend just a little bit of time talking about the Northern Triangle. I like to tell—and I think I should tell your wife, the

excuse he gave me is you no longer wanted him underfoot. [Laughter.]

I do not know. But we are extraordinarily grateful, and you must be extraordinarily proud, both his daughter and his wife. This is a remarkable public servant. But one of the reasons why I believe that DHS won the Cabinet lottery—and you can tell from perhaps this love fest that we are having with you today—is that you have such a breadth of experience in an area that is very challenging to our Southern Border and really our entire border security. Your work at SOUTHCOM is critical. You told me that very many of those Latin American leaders called you and were very excited. That gives us a real opportunity.

But one of the things that I think we have missed as we look at the rush of the children to the border is the opportunity that we have to work with organizations like the Organization of American States and the United Nations High Commissioner for Refugees (UNHCR), who are trying to deal with the people fleeing violence in those communities and in those countries and refugee in place, by helping Belize, by helping Nicaragua, by helping Southern Mexico, by helping Costa Rica, who has taken a fair number of these refugees into their community.

Have you had a chance to take a look at those efforts regionally to look at helping people out of violence but also then stabilizing communities? And are you at all concerned about blanket statements about nation building and whether that is going to restrict or in any way hamstring your ability to bring a different perspective to the Northern Triangle?

General KELLY. Senator, the first thing I would offer, when in SOUTHCOM and for my entire career, every discussion really began and ended with human rights and a discussion of human rights. I had a very good relationship up here in Washington, and every country—every time I visited a country, I would make it a point to meet with the local human rights groups because you get a far different view of what is needed, what the real conditions are, from the local human rights people.

I would make the same comment about the churches, church leadership in that part of the world. Of course, it is overwhelmingly Roman Catholic with a very sizable Evangelical Christian. I worked, met with those people. Oftentimes, maybe most of the time, the non-governmental organizations (NGOs) and organizations like that have a better view and, a way ahead that is worth listening to. I spent an awful lot of time with them. So I am totally—but at the end of the day, really, to use an overused term, it is really improving the security on the ground, and investment—not just more money—investment monitored in the right way by the right organizations. The Inter-American Development Bank (IDB) is a particularly good one in that part of the world. I am not suggesting we give them money. I am suggesting we rely on them to tell us how to invest that money.

But it is a tough problem, and it comes back to the incredible profits that flow out of our country because of the use of drugs. The average American who uses drugs say recreationally does not think there is anything wrong with it. The Latins will tell you because of your recreational use or your abuse, thousands and thousands

of Latins die every year that should not die. And I just wish we had a campaign to make people understand that there is no such thing as a nonviolent use of drugs.

Senator HEITKAMP. Thank you so much, and, again, thank you so much to your family and to you for your long service and your continued service to our country.

General KELLY. Thank you, ma'am.

Chairman JOHNSON. Senator Hoeven.

OPENING STATEMENT OF SENATOR HOEVEN

Senator HOEVEN. Thank you, Mr. Chairman.

I was presiding on the floor from 3 to 4, so one of the good things about coming late is that we get to hear all the testimony and the answers to the questions. One of the bad things is you end up last in line. But, again, I want to add my thanks to you for your service, for your service to the military and for your willingness to serve again, and your family, too. And you bring great experience. Thanks for coming by the office today and engaging in conversation about this important position.

I kind of want to start off, I come from the funding side. I chaired the Appropriations Subcommittee for Homeland Security for the last 2 years, and particularly in terms of results. So talk to me, if you would, for a minute about how do we make sure that we have secured the border and that we are measuring results so that we know exactly what is going on and that we communicate those results to the people of the country so they understand what is going on.

General KELLY. Well, Senator, I think the two ways to measure it would be—and my law enforcement friends tell me that in the case of drugs that come in—frankly, I am not arguing for legalization of marijuana here. I am just saying that the only drugs that I really ever concerned myself with at SOUTHCOM were the three hard drugs. All the marijuana flow that we saw was coming from some of the Caribbean islands south. So I just focused on the hard drugs.

They will tell you that if you have an effective law enforcement strategy, I would argue border strategy, you will start to see the cost of drugs go up. They are dirt cheap now, but kind of a supply and demand thing, if you can reduce the availability, and that is one way to the street price of drugs. It is interesting, a kilo, a retail kilo, not street value cut down, but a kilo in Washington, D.C., here costs about \$40,000. A kilo in most of the rest of the world costs about a quarter of a million dollars, and that is because of the business aspect of the movement. But the point is the law enforcement people say if you see the price going up, then you are doing something right.

And in terms of the illegal movement of people, fewer people come in. In a way it is anyone's guess how many—there is a certain number that we pick up, but it is anyone's guess how many actually get through. But, I think there are some pretty good metrics that you could use, a range of people that get through, a range of people that are being processed in the legal deportation route. But I think those two things: how many you are actually grabbing at the border would be one metric, internally how many

people are apprehended and enter the process of deportation or at least the legal process, and then the price of drugs. I think those would be pretty good metrics.

Senator HOEVEN. So are you willing to commit to provide those metrics so that we truly have an understanding of what is going on at the border, both the Southern Border and the Northern Border, but then also our international airports and seaports.

General KELLY. Right.

Senator HOEVEN. The issue of visa overstays, the work we need to do to make sure that E-Verify is mandatory so we truly have an understanding of who is coming, who is coming in, who is being detained at the border, and what is the resolution of someone that is detained. Are you committed to providing those statistics so we all have a common understanding of what is factually going on?

General KELLY. I am certainly committed, Senator, but I think also, if confirmed, I am going to get into how accurate the numbers are in the first place. We are working with numbers. If you talk to people about the amount of cocaine, as an example, that is produced in the three countries that produce it, the spectrum is like this [indicating]. I am told that, 200 tons at the most, but I got 200 tons my last year at SOUTHCOM. The Colombians got 158 tons or something like that. So there is wild estimates as to what the numbers are, whether it is people, whether it is drugs.

So, yes, the commitment is there, and also a commitment to try to get—much of this data comes from DEA, FBI—to try to clue this together and come up with better numbers so we really know what we are dealing with. But, yes, sir, you have my commitment.

Senator HOEVEN. How do you make sure you secure the border? Talk in terms of the wall, in terms of technology, in terms of people. How do you make sure we have a secure border?

General KELLY. Perhaps the most important thing right now, as I have heard—and, again, this is not briefed out of Homeland Security. We are not talking to them right now. But, anecdotally, it is allowing the great men and women that are in the law enforcement business at DHS, particularly down on the border, allow them to do the job according to the law.

I had an interesting experience. Just a few months ago, I was down on the border in El Paso, off active duty, working for the Department of Defense down there looking at some things. And I was talking to some Border Patrol men and women, five of them on the border. Maybe 200 yards down, there was a big fence there, call it a “wall.” I mean, it is pretty substantial. It is not a chain-link fence. It is 18 feet tall and pretty seriously constructed. But I saw, half a dozen or so people jump over the fence. And I am standing there just expecting the officers to jump in their cars, put their lights on, and dash down there. And they said, “What is the use?” I was surprised. That is not good for morale.

So I think the number one thing right now would be, in accordance with the law, let the people who are tasked to protect the border do the job.

Senator HOEVEN. So the need to really empower the people, Customs and Border Patrol—

General KELLY. The laws are there, as I understand it. No one says the laws are not there that I talk to. Again, very anecdotal, kicking the tires. But we ought to be allowed to do our job.

Senator HOEVEN. Touch for a minute on unmanned aerial systems (UAS), both in terms of using them on the border as part of the technology effort, but then also counteracting them, defense in terms of, other countries or penetration by other technologies.

General KELLY. Well, I think, the beauty of the UAS is they are low maintenance, relatively low cost, and they do not get tired, they do not complain. There is no one riding them around. It is pretty good stuff.

One of the things I did in Central America was encourage—they thought they needed air forces. They do not need air forces. They cannot afford them. And we got them going down the route of looking at UASs. It is a relatively cheap solution for observation purposes.

The other part of your question about the opposition—

Senator HOEVEN. Counteracting. One of the things we have done is set up test sites to develop UAS. We are using them on the border. We need to do more of that. But then we also need to have the ability to counteract any type of UAS coming in or penetrating our system or creating a security breach.

General KELLY. Well, one of the things—I have not been briefed in any way or any discussions on their use, say the cartels' use of UASs, but they do use the ultralights to cross the border. That is another problem. They are very hard to detect. But, again, there are ways to pick these things up. I am not completely conversant on the technologies that they use to go after these ultralight aircraft, but will be if confirmed.

Senator HOEVEN. Thank you, Mr. Chairman. I appreciate it very much. And, again, General, thanks to you for your service and for your willingness to serve again.

General KELLY. Thank you.

Chairman JOHNSON. Well, thank you, Senator Hoeven. And, again, welcome to both you and Senator Harris. I appreciate you asking some great questions.

I think what you have just witnessed here, General Kelly, is what certainly I have experienced in my 6 years on this Committee, a Committee of people that, again, we share the same goal, as you do. We share your mission, keeping this Nation safe and prosperous and secure. And we do not do show trials here. We treat witnesses with respect.

I reserved my question time, but the Committee Members asked a lot of great questions, so I will not hold you any further. Just the last couple points.

Every one of these hearings that we hold from my standpoint is all about laying out a reality, try and describe a problem, try and go to the root cause, just lay out the reality of the situation. I think the reality that we exposed in this hearing is that, as Senator Heitkamp alluded to, we have the pleasure, the privilege, the honor of holding a hearing to confirm an extraordinary American, somebody that we are all incredibly appreciative of the fact that you are willing to answer the call one more time, your family is willing to support you. So, again, I want to thank you. I want to thank

Karen, Kathleen, Jake, and your son John, who could not attend. Just thank you for serving.

Our commitment to you is we want to help you succeed in your mission. We made that same commitment to Secretary Jeh Johnson. I want to wish him well. I think we all had a great deal of respect for the job he did. He led the effort, unity of effort, and I appreciate the fact in your answers you also are committed to that unity of effort. I think it is extremely important.

I just spoke with Senator McCaskill. We would kind of like to see a unity of your responsibility reporting to Congress as well. I know it is a real snarl here, all these agencies with different committees. We will do what we can to try and at least streamline that so you can concentrate on your important mission of keeping this Nation safe and secure. So, again, I just want to thank you for your willingness to serve.

General Kelly has made financial disclosures and provided responses to biographical and pre-hearing questions submitted by this Committee. Without objection, this information will be made part of the hearing record,¹ with the exception of the financial data, which are on file and available for public inspection in the Committee offices.

Chairman JOHNSON. This hearing will remain open until 5 p.m. tomorrow, January 11th, for the submission of statements and questions for the record.

This hearing is adjourned.

[Whereupon, at 5:52 p.m., the Committee was adjourned.]

¹The information referenced by Senator Johnson appears in the Appendix on page 66.

A P P E N D I X

**Chairman Johnson Opening Statement
Nomination of General John F. Kelly, USMC (Ret.),
to be Secretary, U.S. Department of Homeland Security
January 10, 2017**

As submitted for the record:

Good afternoon. Thank you for joining us today.

It is an honor to convene the committee's first hearing of the 115th Congress to consider the nomination of Gen. John Kelly – a man who is uniquely qualified to be the fifth secretary of the Department of Homeland Security.

General Kelly, on behalf of the committee, I thank you for your willingness to once again answer the call to serve our nation. I also applaud President-elect Trump for nominating you for this position.

General Kelly has devoted his life to service—beginning as an enlisted infantryman in 1970, he became a four-star general. He led our men and women in uniform during three tours in Iraq, oversaw the operations at the detention facility at Guantanamo Bay, and served as commander of U.S. Southern Command. His extensive and relevant experience has provided General Kelly with a deep knowledge and understanding of the grave security threats facing our nation and the sacrifices that are required to keep us safe.

Secretary of the Department of Homeland Security is one of the most challenging jobs in government. The department employs 240,000 men and women who are responsible for securing our borders, aviation system, and waterways; administering and enforcing our immigration laws; defending cyberspace; and preparing our nation to respond to disasters. The department also plays a critical role in the nation's counterterrorism efforts, and must work with law enforcement personnel from around the nation who are on the front lines, working to prevent terrorist attacks.

During the last congress, this committee held extensive hearings on the threats and vulnerabilities facing America. From those hearings, I concluded that our borders are not secure, immigration laws are not being fully enforced, cyber threats are real and growing, and our critical infrastructure is not adequately secure. As a result, the next secretary of the Department of Homeland Security will be shouldering enormous responsibilities.

General Kelly, as chairman of this committee, I commit to working with you and your team at the department to address these challenges and to do whatever we can to help make America a more prosperous and secure nation.

Our committee has a history of bipartisanship and a track record of working with the department to make our nation safer. During the 114th Congress, I was honored to work with Ranking Member Carper and all of the members of our committee to enhance our economic and national

security. We held 86 hearings and enacted 49 laws—including important legislation to strengthen the department and to secure our borders.

I look forward to continuing that tradition of bipartisanship with our new ranking member, Senator McCaskill.

Ensuring the continuity of leadership at the department is an important responsibility of this committee and the U.S. Senate. That is why Secretary Napolitano—President Obama’s nominee for DHS secretary—was confirmed by voice vote on the day of the president’s inauguration.

For the sake of our national and homeland security, I sincerely hope we can similarly fulfill our responsibility at the start of the new administration.

General Kelly, thank you again for your service to our nation and your willingness to serve in such a vital position.

**Opening Statement of Ranking Member Claire McCaskill
Nomination Hearing for General John F. Kelly to be
Secretary, Department of Homeland Security
January 10, 2017**

As prepared for delivery:

Thank you, Chairman Johnson.

Today's hearing is the first full Committee hearing of the new Congress, and the Committee's first hearing on one of President-elect Trump's nominees. As members of the Committee and the Senate, we have a constitutional obligation to review the nominations made by the President and consent to their appointment. We are not here to participate in a partisan or a political exercise; we are here to fulfill the Senate's constitutional obligations as part of the orderly transfer of power to a new Administration.

General Kelly has answered the Committee's advance questions and provided all the information required for us to hold this hearing. General Kelly, welcome. Thank you for your past service to this country, and for being here today, willing to serve your country again.

You have been asked to serve as the fifth Secretary of Homeland Security. The Department of Homeland Security (DHS) has the tremendous responsibility to protect our homeland, both its people and its infrastructure. I plan today to ask as many questions as necessary to understand how you will address that responsibility, if confirmed.

At this moment in our history, I cannot emphasize enough the need to protect our critical infrastructure – whether that is electric grids, public transportation or power plants. We need to understand what steps you will take to defend our nation's critical infrastructure against intrusion and harm.

Our intelligence community, of which DHS is part, is among the finest in the world. It is made up of dedicated public servants, including members of our military. In order for these

people to do their job of protecting Americans in an increasingly challenging world, they need the support of our government, all the way to the top. I want to understand whether you will take intelligence seriously and engage with people whose job it is to give us good information so that we can make good decisions.

In your answers to the Committee's questions before this hearing, you said that drug demand in the United States is causing much of the violence in Central and South America, and that this violence is the major reason for the large number of people moving illegally from that area into the United States. The issues underlying border security are complex, but one thing is clear – many of the people coming across the border aren't trying to sneak in under the fence or evade the Border Patrol; they are seeking refuge from the incredible violence in their home countries. I know that your experience at Southcom will help you in developing a comprehensive, inclusive approach to addressing immigration and border issues.

I was also encouraged to see you discuss the necessity of engaging law enforcement, medical treatment and rehabilitation, and local communities in a comprehensive drug demand reduction campaign that includes addressing the opioid epidemic as a big driver of heroin use. If you are confirmed, I hope that this will remain at the top of your priority list.

Another major component of protecting the homeland is the Department's counterterrorism efforts. In today's environment, effective counterterrorism efforts require using existing and new technology, as well as other tools, to counter evolving adversaries across shifting geographic borders. I plan to ask how you will address this challenge in new and innovative ways. I also hope that you will employ the same thoughtful and multi-faceted approach to counterterrorism as in your proposal to address drug demand.

Recent events have shown us that terrorism has many faces. We have to get at root causes of extremism and also must ensure that people in our communities feel empowered to report concerns. I hope to hear from you today that you understand that our fight against violent extremism is not singular in its focus, and that you will fight against any narrative that encourages committing crimes against Americans based on hate.

As members of this Committee, we also have a Constitutional responsibility to conduct oversight of taxpayer dollars. I can tell you right now that if you are confirmed, when you come before Congress to seek funds from American taxpayers, you better be prepared to answer some tough questions. I am going to ask you about contracting and cost-benefits analyses. I am going to want to see Independent Government Cost Estimates, performance plans and real metrics. Decisions must be made on facts and data, not campaign promises.

I expect someone with your experience to be a strong leader. But even the best-managed federal agency has waste, fraud, and abuse. I believe that whistleblowers are essential to good government, and I have made it one of my missions to expand and enhance protections for them. I want to make sure that you understand that open lines of communication, responsiveness to employee concerns, and a swift response to retaliation are things I expect from agency leadership. I also encourage any whistleblowers to contact my office at whistleblowers@mccaskill.senate.gov if they have information to report.

I believe you will also take seriously the role of congressional oversight in your new role. I am glad that you have already agreed to work with me as Ranking Member of this committee because we have a lot of work to do. If you are confirmed, I look forward to continuing to build this relationship.

Our country is facing a difficult time, and we have difficult problems to solve. DHS needs good management and strong leadership. In your responses to the questionnaire and in our meeting before this hearing, you said that one of your greatest strengths as a leader is “speaking truth to power.” General Kelly, I think we all anticipate that you will need that in your next job, where you will have the responsibility and the obligation to speak truth to President-elect Trump, who has used some of his most extreme and divisive rhetoric about issues under DHS’ jurisdiction. Given your experience, I expect you to be up to that challenge. And if I think you are backing down, you will hear from me.

I thank you for being here today and I look forward to your testimony.

Statement by Senator McCain

**Nomination of General John F. Kelly, USMC (Ret.), to be Secretary, U.S.
Department of Homeland Security
January 10, 2017**

Thank you, Mr. Chairman.

Mr. Chairman, Ranking Member McCaskill, members of the committee, it's an honor say a few words in support of General John Kelly's nomination to be the next Secretary of Homeland Security. He is an excellent choice, superbly well-qualified for the position, and a person of the highest integrity. The American people are fortunate that a man of his caliber is again willing to serve them in an important office after having already devoted many decades of his life to the distinguished service of our country.

When he retired from his last command, Commander of the U. S. Southern Command, General Kelley was the longest serving Marine Corps general still on active duty, having worn the uniform for almost half a century. He was the longest serving active duty general in Marine Corps history, I believe. In fact, I think he was the second longest serving general officer in the entire armed forces. Only the late General John Vessey, also an officer of the highest integrity and selfless devotion to duty, served longer, forty-six years to General Kelly's forty-five.

When he was nearing the end of his tour as SouthComm commander and approaching retirement, he said in an interview that his "greatest fear was that I'd be offered another job."

Mr. Chairman, I have no doubt whatsoever that General Kelly's statement was entirely sincere. Those of us who have had the privilege of knowing General Kelly for a while, who have heard him testify before our committees, and paid attention to his answers to our questions, know that John Kelly says what he believes to be the truth, always, no matter the inconvenience it might cause him. Speaking truth to power is something he's renown for, and no less so for his respect for the chain of command.

Former Defense Secretary Gates had this to say about General Kelly:

"In the event of a military operation or initiative, if he thought the constraints were too great or that it was ill conceived, he wasn't afraid to

... speak his mind to civilian superiors. Always respectfully. And always prepared to move on whatever the decision."

If anyone has earned a peaceful retirement from public duty, it is General Kelly. But he's a patriot ... always. And like Jack Vessey, his peer in length of active duty service, he doesn't refuse his country's call. President Reagan called General Vessey out of retirement to serve as his special emissary to Vietnam to get an accounting for America's missing from the war. President-elect Trump has asked General Kelly to lead the Department of Homeland Security and help keep the American people safe from those who wish us harm. It's work he's obviously well-qualified for.

He served three tours in Iraq, and was a key figure in helping sustain the Anbar Awakening that, with the surge, turned around a war we were near to losing. In that role, he learned the value of developing local relationships based on mutual respect. A lesson that served him well in future commands.

As SouthComm commander, General Kelly was highly regarded for the skill and success he had developing close working relationships with the civilian and military leaders of Latin America and the Caribbean. Many of those leaders consider him a friend. They all respect him.

Even more important for his pending assignment, General Kelly's has extensive experience with many of the challenges that await him as Homeland Security Secretary – the threats to our security posed by drugs and violence that make their way into our country across our southern border, and the potential for developing strains of Islamic extremism in the hemisphere to foment terrorist attacks here. He's the right man to meet these and the many other challenges awaiting him.

General Kelly isn't, I'm sorry to say, a graduate of the United States Naval Academy. It might surprise the committee that I don't find that lack of credential disqualifying. I barely graduated from the place myself. But he has more impressive credentials. He enlisted in the Marine Corps.

General Kelly came from modest beginnings, as do most enlisted men and women in all our armed services. He is the proud son of his working-class family and the great City of Boston. In conversations with me, he's recalled the childhood friends he's lost to the scourge of drug abuse.

Before he went to college, he volunteered to risk his life and limb in an infantry company in the 2nd Marine Division. He was a sergeant when he left the Corps and a second lieutenant when he returned to it four years later. What followed was an exemplary career, with many challenging assignments, and quite a few very dangerous ones, to which he gave every measure of his talent, discipline, courage and love of country.

General Kelly has sacrificed a great deal for his country. More than most. And in every day of his service, he knew and respected and remains in awe of the courage and dedication of the men and women, enlisted and officers, who stand in harm's way so that the rest of us can pursue our aspirations and live our peaceful lives without fear of the terrors they face for our sake.

Should he be confirmed, as he deserves to be and I'm confident he will be, he will be entitled to the appellation, "The Honorable." Few cabinet secretaries will have deserved it more. I endorse his nomination wholeheartedly, with gratitude for his willingness to serve and for the honor of introducing him to you today.

Thank you.

**Introduction of General John Kelly,
Nominee for Secretary of Homeland Security
By Senator Tom Carper (D-DE)
January 10, 2017**

Good afternoon Chairman Johnson, Ranking Member McCaskill and colleagues. It's a privilege to join Senator McCain and Secretary Gates in introducing a man who needs little introduction to this committee, General John Kelly, and to welcome his wife Karen and their daughter Kathleen and her husband Jake to this confirmation hearing.

Created about a dozen years ago, DHS's 240,000 employees get up every day and go to work to protect our homeland and its citizens. Almost every month for the past four years, I've gone to the Senate floor to talk about the remarkable work they do for all of us. They respond to devastating hurricanes, saving lives and helping people put their lives back together. They protect us from cyber attacks and help secure thousands of miles of our country's borders.

They expedite the movement of billions of dollars of commerce daily, while intercepting drugs and disrupting human smuggling rings. They keep us safe when we fly the sometimes not-so-friendly skies. They protect Presidents and Vice-Presidents and their families, as well as candidates for these offices and the leaders of scores of other nations. They do all of this and much more, often times without a word of thanks.

General John Kelly is an exceptionally well qualified nominee to lead DHS. If confirmed, he would succeed another exceptional leader – Secretary Jeh Johnson. Jeh – who with the help of his leadership team, this Committee and Congress – has begun a transformation of the Department that was badly needed and is much welcomed.

The key to the success of any organization I've ever been a part of – or witnessed – is almost always enlightened leadership. John Kelly is a leader. He is humble, not haughty. He has the heart of a servant. He understands that his job is to serve and not be served. He leads by example. With General John Kelly, it's not do as I say but do as I do. He has the courage to stay out of step when everyone else is marching to the wrong tune. He surrounds himself with the best people he can find and when the team he leads does well, he gives them the credit. When the team falls short, he takes the blame. He doesn't try to raise himself up by pushing other people down. He is a purveyor of hope and consistently appeals to peoples' better angels.

Throughout John Kelly's 45 years of military service in the Marine Corps, he has sought to do what's right, not what is easy or expedient. He embraces the Golden Rule, treating other people the way he wants to be treated. He looks at adversity and sees opportunity. He believes that everything we do, we can do better. He is tenacious. There is no quit in this man. When he knows he's right, he never gives up.

When we met in my office yesterday, he spoke of the importance of addressing the root causes of the problems and challenges we face as a nation and not just the symptoms. As an example, he cited the transformation of Colombia from an almost failed nation 20 years ago, to a far different one today and a valued ally and trading partner.

He also spoke of how our addiction to drugs is the root cause of the violence and lawlessness in the countries of Honduras, Guatemala, and El Salvador. And while he spoke thoughtfully and creatively of ways to better secure our southern border with Mexico, he understands that those steps need to be coupled with others embodied in the Alliance for Prosperity adopted by Honduras, Guatemala, and El Salvador and supported by the U.S., much as we've supported Plan Colombia for two decades.

Finally, General Kelly understands the importance of working cooperatively with Congress and, in particular, this Committee. He may not always tell us what we want to hear, but he will always tell us what we need to hear.

And, when it's needed, he'll remind the people he leads at DHS to "just use some common sense," the way my dad used to remind me and my sister when we were young. In short, he'll provide the leadership that will enable DHS to continue its transformation, making us safer and proud of them all.

JOHN KELLY

**CHAIRMAN JOHNSON, RANKING MEMBER
MCCASKILL, DISTINGUISHED MEMBERS OF THE
COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENT AFFAIRS, IT GIVES ME GREAT PLEASURE
TO INTRODUCE MY FRIEND AND FORMER COLLEAGUE,
JOHN F. KELLY, AS THE PRESIDENT'S NOMINEE TO BE
THE NEXT SECRETARY OF HOMELAND SECURITY.**

**IN TODAY'S WORLD, THE DEPARTMENT OF
HOMELAND SECURITY IS MUCH LIKE A COMBAT
COMMAND – PERHAPS THE MOST COMPLEX SUCH
COMMAND DEFENDING OUR NATION AND OUR PEOPLE.
AMONG ITS DIVERSE RESPONSIBILITIES ARE
PROTECTING US FROM TERRORISM, GUARDING OUR
BORDERS AND COASTS, DECIDING WHO GETS INTO THE
COUNTRY, PROTECTING OUR TRANSPORTATION
NETWORKS AND INFRASTRUCTURE, DEFENSE AGAINST**

CYBER ATTACKS, AND PROVIDING HELP WHEN DISASTER STRIKES.

I CAN THINK OF NO ONE MORE FAMILIAR WITH THESE THREATS AND CHALLENGES OR BETTER PREPARED TO LEAD OUR HOMELAND DEFENSE THAN JOHN KELLY.

THE DEPARTMENT OF HOMELAND SECURITY IS A COMPLICATED MIX OF MULTIPLE AGENCIES AND ORGANIZATIONS WITH DIFFERENT CULTURES AND HISTORIES. YET, AS COMMANDER OF SOUTHERN COMMAND, GENERAL KELLY SUCCESSFULLY MANAGED RELATIONSHIPS AND PARTNERSHIPS WITH SEVEN DIFFERENT CABINET DEPARTMENTS AND, IN ALL, MORE THAN TWENTY CIVILIAN ORGANIZATIONS. LEADING A COMBATANT COMMAND THESE DAYS REQUIRES MANAGING MULTIPLE DOMESTIC AND FOREIGN RELATIONSHIPS AND GENERAL KELLY DID SO WITH

GREAT SKILL AND SUCCESS. I AM CONFIDENT HE WOULD DO SO AS WELL AS SECRETARY OF HOMELAND SECURITY.

IN ADDITION, AS SENIOR MILITARY ASSISTANT TO TWO SECRETARIES OF DEFENSE, JOHN SUCCESSFULLY HELPED LEAD THE LARGEST AND MOST COMPLEX ORGANIZATION IN AMERICA. HE WAS INVALUABLE TO ME AND TO LEON PANETTA IN HELPING BREAK DOWN BUREAUCRATIC BARRIERS TO COOPERATION AND IN HOLDING SENIOR OFFICIALS ACCOUNTABLE FOR DECISIONS AND PERFORMANCE. AND THE NEEDS OF THE TROOPS ON THE FRONT LINES WERE ALWAYS FOREMOST FOR HIM.

OF SPECIAL IMPORTANCE TO THIS COMMITTEE, JOHN KELLY WAS TWICE ASSIGNED AS MARINE CORPS LIAISON TO THE CONGRESS, THE SECOND TIME AS THE COMMANDANT'S SENIOR LEGISLATIVE ASSISTANT. AS A

RESULT, HE HAS A DEEP UNDERSTANDING OF THE LEGISLATIVE PROCESS, AND ESPECIALLY OF THE NEED TO BE RESPONSIVE TO CONGRESS AND TO HAVE A RELATIONSHIP OF OPENNESS AND TRUST.

IN TERMS OF SKILLS AND EXPERIENCE, GENERAL KELLY IS, IN MY VIEW, SUPERBLY QUALIFIED TO SERVE AS SECRETARY.

BUT IT IS JOHN'S CHARACTER AND VALUES THAT TRULY SET HIM APART. TO PUT IT QUITE SIMPLY, HE IS ONE OF THE FINEST PEOPLE I HAVE EVER KNOWN. I WOULD TRUST HIM WITH MY LIFE. MANY OTHERS, MAINLY YOUNG MARINES, HAVE LITERALLY DONE SO. AND HOW OFTEN IS A TOUGH COMMANDER GENUINELY BELOVED BY HIS TROOPS?

INTEGRITY IN WORD AND DEED IS THE SOURCE OF MORAL AUTHORITY – AND IT IS MORAL AUTHORITY THAT MOVES PEOPLE TO FOLLOW A LEADER EVEN AT

PERSONAL RISK AND SACRIFICE. JOHN KELLY IS A MAN OF GREAT MORAL AUTHORITY. IF HE IS CONFIRMED, THE PROFESSIONALS THROUGHOUT THE DEPARTMENT OF HOMELAND SECURITY WILL REALIZE THAT THEIR NEW SECRETARY CARES ABOUT EACH AND EVERY ONE OF THEM AND THAT HE WILL DO EVERYTHING IN HIS POWER TO PROTECT AND SUPPORT THEM AND TO GET THEM WHAT THEY NEED TO DO THEIR JOBS – PROTECTING ALL OF US.

I COMMEND THE PRESIDENT-ELECT FOR NOMINATING GENERAL KELLY FOR THIS POSITION BECAUSE JOHN IS A STRAIGHT-TALKING, CANDID, COURAGEOUS LEADER WHO WILL SAY EXACTLY WHAT HE THINKS. HIS VALUES ARE A REFLECTION OF AMERICA’S BEST VALUES. HE WILL NOT DISAPPOINT YOU.

**OVER A MILITARY CAREER SPANNING MORE THAN
FORTY YEARS, JOHN KELLY AND HIS FAMILY HAVE
SACRIFICED MUCH SERVING OUR COUNTRY. AND YET,
HERE HE IS, WILLING TO SERVE AGAIN. IT IS WITH
GREAT PRIDE THAT I INTRODUCE HIM TO YOU TODAY.**

**Statement of General John F. Kelly, USMC (Ret.)
Before the
U.S. Senate Homeland Security and Governmental Affairs Committee
On His Nomination to Serve as
Secretary of the Department of Homeland Security
January 10, 2016**

Mr. Chairman, Ranking Member McCaskill, and distinguished Senators of the Committee, please accept my thanks and appreciation for considering my nomination to lead the men and women of the U.S. Department of Homeland Security.

Senator McCain, Senator Carper, and Secretary Gates – I am grateful that each of you took the time to be here on my behalf, and for your kind words.

Please allow me to introduce my family. My wife, Karen, is here, as are my daughter and son-in-law. Anyone who has answered the call to serve our country knows that the personal sacrifices of public service are often felt most acutely by their families. As the wife and mother to three strong-willed Marines and one determined FBI agent, Karen has been my anchor and I'm grateful for her love and partnership.

Over the past 45 years, I have been privileged to serve my nation as both an enlisted Marine and an officer. I have led platoons and divisions. I have held senior command positions in Iraq, served as the Combatant Commander of the U.S. Southern Command, and as the Senior Military Assistant to two Secretaries of Defense—Secretaries Gates and Panetta. I have worked with our allies, across agencies, the private sector, and with independent experts to identify innovative, comprehensive solutions to current and emerging threats.

These assignments—while varied—shared the common characteristics of working within and leading large, complex, and diverse mission-focused organizations, while under great pressure to produce results.

I am humbled to once again be called to serve, this time with the men and women of the Department of Homeland Security.

As I solemnly swore before God when I entered the Marine Corps, if confirmed, I will faithfully support and defend the Constitution of the United States against all enemies foreign and domestic—every second of every day.

I believe in America and the principles upon which our country and way of life are guaranteed. I believe in respect, tolerance, and diversity of opinion. I have a profound respect for the rule of law and will always strive to uphold it. I have never had a problem speaking truth to power, and I firmly believe that those in power deserve full candor and my honest assessment and recommendations.

I love my country, and I will do everything within my power to preserve our liberty, enforce our laws, and protect our citizens. I recognize the many challenges facing the Department of

Homeland Security—and should I be confirmed—I look forward to partnering with you all to protect the homeland.

I look forward to discussing the future of this Department and answering the Committee's questions. Thank you for this opportunity.

REDACTED

**HSGAC BIOGRAPHICAL QUESTIONS FOR
EXECUTIVE NOMINEES**

1. Basic Biographical Information

Please provide the following information.

<i>Position to Which You Have Been Nominated</i>	
<u>Name of Position</u>	<u>Date of Nomination</u>
Secretary, Department of Homeland Security	

<i>Current Legal Name</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
John	Francis	Kelly	

<i>Addresses</i>					
<u>Residential Address</u> (do not include street address)			<u>Office Address</u> (include street address)		
			Street:		
City: Woodbridge	VA	22192	City:	State:	Zip:

<i>Other Names Used</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	<u>Check if Middle Name</u>	<u>Name Used From</u> (Month/Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)
					Est <input type="checkbox"/>	Est <input type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Birth Year and Place</i>	
Year of Birth <i>(Do not include month and day.)</i>	Place of Birth
1950	Boston, MA

<i>Marital Status</i>						
Check All That Describe Your Current Situation:						
Never Married	Married	Separated	Annulled	Divorced	Widowed	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				

<i>Spouse's Name</i> <i>(current spouse only)</i>			
Spouse's First Name	Spouse's Middle Name	Spouse's Last Name	Spouse's Suffix
Karen	Hernest	Kelly	

<i>Spouse's Other Names Used</i> <i>(current spouse only)</i>						
First Name	Middle Name	Last Name	Suffix	Check if Multiple Names	Name Used From (Month/Year) (Check box if estimate)	Name Used To (Month/Year) (Check box if estimate)
					Est <input type="checkbox"/>	Est <input type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

Children's Names (if over 18)			
First Name	Middle Name	Last Name	Suffix
John	Francis	Kelly	Major USMC
Robert	Michael	Kelly (KIA Afghanistan 9 November 2010)	2Lt USMC
Kathleen	Margaret	Fox	

2. Education

List all post-secondary schools attended.

Name of School	Type of School (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	Date Began School (month/year) (check box if estimate)	Date Ended School (month/year) (check box if estimate) (check "present" box if still in school)		Degree	Date Awarded
			Est	Present		
Mass. Bay Community College	Junior College	Sept 1973	Dec 1973	Est <input checked="" type="checkbox"/> Present <input type="checkbox"/>		
UMass Boston	University	Dec 1973	Jan 1976	Est <input type="checkbox"/> Present <input type="checkbox"/>	BA	Jan 1976
Georgetown University	University	Apr 1982	Apr 1984	Est <input type="checkbox"/> Present <input checked="" type="checkbox"/>	MA	Apr 1984
National Defense University	DoD Senior Service University	Aug 1994	June 1995	Est <input type="checkbox"/> Present <input type="checkbox"/>	MS	June 1995

3. Employment

(A) List all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

<u>Type of Employment</u> (Active Military Duty Station, National Guard/Reserve, USPS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other	<u>Name of Your Employer/Assigned Duty Station</u>	<u>Most Recent Position Title/Rank</u>	<u>Location</u> (City and State only)	<u>Date Employment Began</u> (month/year) (check box if estimate)	<u>Date Employment Ended</u> (month/year) (check box if estimate) "present" box if still employed)
US Merchant Marine	Seafarers International Union	Merchant Seaman	At Sea	Jan 1969 Est <input type="checkbox"/>	June 1970 Est <input type="checkbox"/>
Active Duty US Marine Corps	US Government	Sergeant	USA	Sep 1970	Sep 1972
Campus Police	Boston College	Officer	Boston, MA	Feb 1973 Est <input type="checkbox"/>	Dec 1975
Active Duty US Marine Corps	US Government	Marine Officer General Combatant Commander	USA + Overseas Duty	Jan 1976 Est <input type="checkbox"/>	Feb 2016 Est <input type="checkbox"/>
Consultant	DynCorp	Senior Advisor	McLean, VA	Apr 2016	Present

(B) List any advisory, consultative, honorary or other 2016 part-time service or positions with federal, state, or local governments, not listed elsewhere.

<u>Name of Government Entity</u>	<u>Name of Position</u>	<u>Date Service Began</u> (month/year) (check box if estimate)	<u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving)
Department of Homeland Security	Member Advisory Council as a Special Government Employee	Jan 2016	Present
		Est <input type="checkbox"/>	Est Present <input type="checkbox"/>

		Est □	Est Present □ □
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4. Potential Conflict of Interest

(A) Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. **None**

(B) Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration or execution of law or public policy, other than while in a federal government capacity. **None**

5. Honors and Awards

List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.

Defense Distinguished Service Medal, Defense Superior Service Medal, 2X Legion of Merit (W/Combat "V"), 2X Meritorious Service Medal, 4X Marine Corps & Navy Commendation Medal, Marine Corps & Navy Achievement Medal, Combat Action Ribbon

6. Memberships

List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years.

Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of \$1,000 or less, Parent-Teacher Associations or other organizations connected to schools attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam's Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

<u>Name of Organization</u>	<u>Dates of Your Membership</u> (You may approximate.)	<u>Position(s) Held</u>
Marine Corps Heritage Foundation (Charitable Organization)	2016	Board Chairman

7. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office.

<u>Name of Office</u>	<u>Elected/Appointed/ Candidate Only</u>	<u>Year(s) Election Held or Appointment Made</u>	<u>Term of Service (if applicable)</u>

(B) List any offices held in or services rendered to a political party or election committee during the last ten years that you have not listed elsewhere.

<u>Name of Party/Election Committee</u>	<u>Office/Services Rendered</u>	<u>Responsibilities</u>	<u>Dates of Service</u>

(C) Itemize all individual political contributions of \$200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

<u>Name of Recipient</u>	<u>Amount</u>	<u>Year of Contribution</u>

8. Publications and Speeches

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with copies of all listed publications. In lieu of hard copies, electronic copies can be provided via e-mail or other digital format.

<u>Title</u>	<u>Publisher</u>	<u>Date(s) of Publication</u>

(B) List any formal speeches you have delivered during the last five years and provide the Committee with copies of those speeches relevant to the position for which you have been nominated. Include any testimony to Congress or any other legislative or administrative body. These items can be provided electronically via e-mail or other digital format.

<u>Title/Topic</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>

(C) List all speeches and testimony you have delivered in the past ten years, except for those the text of which you are providing to the Committee.

<u>Title</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>

9. Criminal History

Since (and including) your 18th birthday, has any of the following happened?

- Have you been issued a summons, citation, or ticket to appear in court in a criminal proceeding against you? (Exclude citations involving traffic infractions where the fine was less than \$300 and did not include alcohol or drugs.)
- Have you been arrested by any police officer, sheriff, marshal or any other type of law enforcement official?
- Have you been charged, convicted, or sentenced of a crime in any court?
- Have you been or are you currently on probation or parole?
- Are you currently on trial or awaiting a trial on criminal charges?
- To your knowledge, have you ever been the subject or target of a federal, state or local criminal investigation?

If the answer to any of the questions above is yes, please answer the questions below for each criminal event (citation, arrest, investigation, etc.). If the event was an investigation, where the question below asks for information about the offense, please offer information about the offense under investigation (if known).

- A) Date of offense:
 - a. Is this an estimate (Yes) Jan 1972
- B) Description of the specific nature of the offense: "Simple Affray"
- C) Did the offense involve any of the following?
 - 1) Domestic violence or a crime of violence (such as battery or assault) against your child, dependent, cohabitant, spouse, former spouse, or someone with whom you share a child in common: No
 - 2) Firearms or explosives: No
 - 3) Alcohol or drugs: No
- D) Location where the offense occurred (city, county, state, zip code, country): Kinston, Onslow County, NC

- E) Were you arrested, summoned, cited or did you receive a ticket to appear as a result of this offense by any police officer, sheriff, marshal or any other type of law enforcement official: Yes
- 1) Name of the law enforcement agency that arrested/cited/summoned you: Kinston, NC Police
 - 2) Location of the law enforcement agency (city, county, state, zip code, country): Kinston, Onslow County, NC 28501, USA
- F) As a result of this offense were you charged, convicted, currently awaiting trial, and/or ordered to appear in court in a criminal proceeding against you: No
- 1) If yes, provide the name of the court and the location of the court (city, county, state, zip code, country):
 - 2) If yes, provide all the charges brought against you for this offense, and the outcome of each charged offense (such as found guilty, found not-guilty, charge dropped or "nolle pros," etc). If you were found guilty or pleaded guilty to a lesser offense, list separately both the original charge and the lesser offense:
 - 3) If no, provide explanation:
- G) Were you sentenced as a result of this offense: No
- H) Provide a description of the sentence:
- I) Were you sentenced to imprisonment for a term exceeding one year: No
- J) Were you incarcerated as a result of that sentence for not less than one year: No
- K) If the conviction resulted in imprisonment, provide the dates that you actually were incarcerated:
- L) If conviction resulted in probation or parole, provide the dates of probation or parole:
- M) Are you currently on trial, awaiting a trial, or awaiting sentencing on criminal charges for this offense: No
- N) Provide explanation:

10. Civil Litigation and Administrative or Legislative Proceedings

(A) Since (and including) your 18th birthday, have you been a party to any public record civil court action or administrative or legislative proceeding of any kind that resulted in (1) a finding of wrongdoing against you, or (2) a settlement agreement for you, or some other person or entity, to make a payment to settle allegations against you, or for you to take, or refrain from taking, some action. Do NOT include small claims proceedings.

<u>Date Claim/Suit Was Filed or Legislative Proceedings Began</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>

(B) In addition to those listed above, have you or any business of which you were an officer, director or owner ever been involved as a party of interest in any administrative agency proceeding or civil litigation? Please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

<u>Date Claim/Suit Was Filed</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>

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(C) For responses to the previous question, please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

11. Breach of Professional Ethics

(A) Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee, or other professional group? Exclude cases and proceedings already listed.

<u>Name of Agency/Association/Committee/Group</u>	<u>Date Citation/Disciplinary Action/Complaint Issued/Initiated</u>	<u>Describe Citation/Disciplinary Action/Complaint</u>	<u>Results of Disciplinary Action/Complaint</u>

(B) Have you ever been fired from a job, quit a job after being told you would be fired, left a job by mutual agreement following charges or allegations of misconduct, left a job by mutual agreement following notice of unsatisfactory performance, or received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as violation of a security policy? No

12. Tax Compliance

(This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

REDACTED

13. Lobbying

In the past ten years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State). No

14. Outside Positions

See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

For the preceding ten calendar years and the current calendar year, report any positions held, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

<u>Name of Organization</u>	<u>Address of Organization</u>	<u>Type of Organization</u> (corporation, firm, partnership, other business enterprise, other non-profit organization, educational institution)	<u>Position Held</u>	<u>Position Held From</u> (month/year)	<u>Position Held To</u> (month/year)
DC Capitol Partners	11 Canal Center Plaza, Alexandria, VA 22314	Corporation	Board member	Apr 2016	Current

DynCorp	1700 Old Meadow Road, McLean, VA 22102	Corporation	Senior Consultant (part time)	Jun 2016	Present
DOD National Defense University-Capstone	260 5 th Ave, Ft McNair, DC 20319	Defense Department	Senior Educational Mentor	Apr 2016	Present
Beacon Global Strategies	2101 L Street NW, Washington, DC 20037	Think Tank	Advisory Board	Oct 2016	Present
Flag Officers	5465 Ashewoode Downs Drive Alpharetta, GA 30005	Speakers Bureau	Event Speaker	Oct 2016	Present

15. Agreements or Arrangements

x See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

As of the date of filing your OGE Form 278, report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment. **None**

Provide information regarding any agreements or arrangements you have concerning (1) future employment; (2) a leave of absence during your period of Government service; (3) continuation of payments by a former employer other than the United States Government; and (4) continuing participation in an employee welfare or benefit plan maintained by a former employer other than United States Government retirement benefits.

<u>Status and Terms of Any Agreement or Arrangement</u>	<u>Parties</u>	<u>Date</u> (month/year)

16. Additional Financial Data

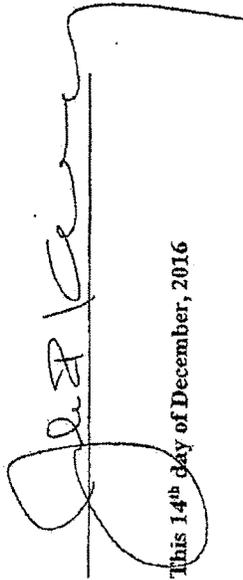
All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

REDACTED

SIGNATURE AND DATE

I hereby state that I have read the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.



This 14th day of December, 2016

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



REDACTED

JAN 09 2017

The Honorable Ron Johnson
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by John F. Kelly. President-Elect Trump has announced his intention to nominate Mr. Kelly for the position of Secretary, Department of Homeland Security.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

Walter M. Shaub, Jr.
Director

Enclosures **REDACTED**

January 5, 2017

Joseph B. Maher
Designated Agency Ethics Official
Department of Homeland Security
Washington, D.C. 20528-0485

Dear Mr. Maher:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Secretary of the Department of Homeland Security.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Upon confirmation, I will resign from my positions with the following entities: DynCorp; DC Capital Partners; Flatter & Associates; and Beacon Global Strategies. For a period of one year after my resignation from each of these entities, I will not participate personally and substantially in any particular matter involving specific parties in which I know that entity is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

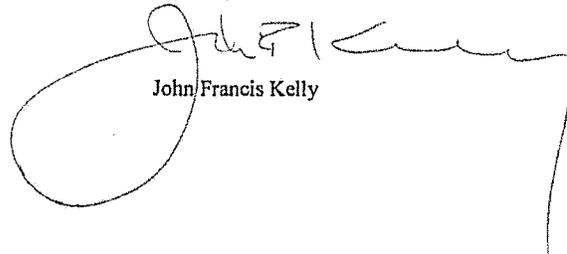
I am the sole proprietor of my consulting business, Oak Square Perspectives, LLC, which is dormant and has never had any clients. During my appointment to the position of Secretary of Homeland Security, Oak Square Perspectives, LLC, will remain dormant and will not advertise. I will not perform any services for the business, except that I will comply with any requirements involving legal filings, taxes and fees that are necessary to maintain the business while it is in an inactive status. As Secretary, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of Oak Square Perspectives, LLC.

I am owed a payment from the Australian government for a speaking engagement that I have now completed. I received an emoluments clause authorization from the Department of Defense, pursuant to 37 U.S.C. § 908, prior to engaging in this activity. Until I have received full

payment, I will not participate personally and substantially in any particular matter involving specific parties in which Australia, is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,

A handwritten signature in black ink, appearing to read "John Francis Kelly". The signature is written in a cursive style with a large, prominent loop at the beginning.

John Francis Kelly

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 skypeing 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's 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 QHSR 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 utmost 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 QHSR 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 QHSR. 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 QHSR 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 measurable. 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 your 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 reinstatement 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.

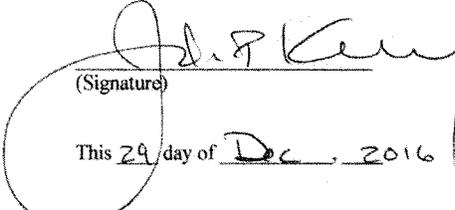
75. The Continuing Appropriations Act of 2014, Section 157 includes the following language:

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.

I, John Kelly, hereby state that I have read the foregoing Pre-Hearing Questionnaire and each of the supplements and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.


(Signature)
This 29 day of Dec., 2016

**Post-Hearing Questions for the Record
Submitted to The Honorable John F. Kelly
From Ranking Member Claire McCaskill**

**Nomination Hearing
For General John F. Kelly, USMC (Ret.)
To be Secretary
U.S. Department of Homeland Security
Tuesday, January 10, 2017**

Cybersecurity

In response to a question on the policy questionnaire regarding the Department of Homeland Security's (DHS's) role in addressing a foreign government's attempts to influence and disrupt U.S. institutions, you stated that the ability of DHS and members of 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."

1. What would aggressive pursuit and proactive defensive measures look like if you were DHS Secretary?

As I indicated in my policy questionnaire responses, we must be faster and more agile across everything we do to safeguard and secure cyberspace. This requires a combination of threat intelligence, policy, technology, workforce, and training. Should I be confirmed, I will begin by assessing the Department's existing programs to determine if additional capabilities or capacity is needed to effectively defend and secure our networks and to disrupt attacks before they can affect our networks, systems and assets. As you know, DHS does not do this alone- other parts of the Federal Government and private sector stakeholders play major roles in defending our networks. Should I be confirmed, I will also meet with them to fully understand the full spectrum of activities, ensure effective coordination and determine where any gaps or lack of clarity about roles exists. Should I be confirmed, I also look forward to working with the Congress on these issues.

On January 6, DHS announced that it would be designating election infrastructure as a critical infrastructure subsector, meaning DHS can offer cybersecurity assistance to state and local governments that request it.

2. Do you agree with this designation? Why or why not?

I agree that safeguarding our electoral process is critically important to the integrity of our constitutional republic. Should I be confirmed, I will work to further my understanding about the implications of the recent designation.

3. Are you satisfied with the current state of our election infrastructure, and, if not, what will you do at DHS to help ensure the security and integrity of our voting systems?

Should I be confirmed, I will review the Department's evaluation of the current state of our election infrastructure as well as the evaluations of other stakeholders to include the state's themselves. I will learn more about the mitigation measures they have undertaken to date in order to understand if the Department's efforts are sufficient and what, if any, additional actions or offers of assistance may be warranted. I see the Department in support of the various state's efforts to safeguard the most fundamental aspect of our precious democracy.

In an October 2012 report, the DHS Inspector General highlighted weaknesses in some of DHS components' compliance with the Department's security guidelines.

4. If confirmed, what actions will you take to require DHS components to adhere to the Department's own security guidelines and federal law?

I know that the Department has a process in place to make progress on IG report recommendations. Should I be confirmed, I will evaluate the progress that has been made to eliminate any security weaknesses and I will ensure guideline compliance. Further, I will direct whatever additional actions are necessary and I look forward to updating this Committee.

At your nomination hearing and in the policy questionnaire, you called reorganization of the National Protection and Programs Directorate (NPPD) a top priority, and you committed to a full study of the issue.

5. What data will you use to inform your study of NPPD, and how will you determine the direction you would like to see the directorate go?

Should I be confirmed, I will review the assessments and recommendations of the Department. In addition, I know Congress has given this issue much attention and I will consult with the Congress. Further, I know many outside groups have given this issue serious attention and I would seek the input of the stakeholder community-public and private. I would assess all of this input and do it as expeditiously as possible to ensure that NPPD can most effectively execute its missions and that there is sufficient clarity about those missions.

Border Security and Immigration

There are currently more than 650 miles of fencing and walls along the southern border with Mexico. In your questionnaire responses, you stated that "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*." Some have said that the 650 miles of fencing we have already serves that purpose and represents about 90 to 95 percent of what we need.

6. If you are confirmed, what type of review will you undertake to determine what we actually need?

The President-elect is committed to securing our border, that is his stated intent, and he will look to recommendations from me and others about the optimum mix of resources and policies necessary to do that. Should I be confirmed, I will work with the men and women of U.S. Customs and Border Protection to do a thorough

analysis to determine how to finally secure our southern border. I will then present to the President-elect my recommendations on how to accomplish this task.

7. If you find, after careful analysis, that you agree with the assessment that we already have 90 to 95 percent of the fencing we need, will you advocate for using any additional resources you receive in a different way?

I don't have any information to presume that DHS has "90-95%" of what is needed so I cannot agree with the premise of the question. Should I be confirmed, and once I am able to meet with the men and women of U.S. Customs and Border Protection—as well as state, local, tribal and territorial officials—and make an informed assessment of my own, I will better be able to make recommendations as to the resource mix required. Should I be confirmed, I look forward to working with the Congress to ensure we have the necessary resources to secure our border.

The most recent statements of the President-elect have been that U.S. taxpayers will pay for the wall first, then somehow we will get a refund from the Mexican government.

8. Have you discussed this latest funding plan with the President-elect?

No.

9. Do you think this is feasible? What assurances can you offer that taxpayers will not be on the hook?

I have not reviewed all possible sources of funding for construction of a wall, and cannot comment on the feasibility of any particular funding mechanism at this time.

10. By what specific metrics will you evaluate the effectiveness and fiscal responsibility of various methods used for border security, including walls, fences, personnel at and between ports, aerostats, drones, and manned aircraft? Will you commit to making this analysis public?

Should I be confirmed, I will commit to evaluating the effectiveness and fiscal responsibility of all methods of border security. I intend to make any such analysis public to the extent permitted by law, and in a manner that does not compromise law enforcement efforts.

The U.S. Border Patrol uses as its best estimate for the number of illegal border crossings the number of people it apprehends between ports of entry each year.

11. Do you agree that apprehensions are the best metric we have currently for measuring illegal border crossings?

I understand that apprehensions are a metric that some use to determine the approximate number of illegal border crossings. At this time, I do not have available sufficient internal Department information to determine if this is the best metric. As I said in the hearing, should I be confirmed I will also assess the accuracy and sources of all current numbers and statistics.

12. Going forward, what specific metrics would you want Congress to use to evaluate whether you are successful at securing the border?

I have not identified specific metrics that I would want Congress to use to evaluate whether the Department is successful at securing the southern border. As I suggested at the hearing, we should also look at the price of drugs as a metric. Additionally, we should work even more closely with our partners to the south, particularly Colombia, Mexico, El Salvador, Guatemala and Honduras, as well as non-governmental organizations to gauge the flow of drugs and people along the Transnational Criminal Network(s). Should I be confirmed, I will commit to working with Congress to identify specific metrics to allow proper oversight.

13. What steps will you take if you are confirmed to promptly disseminate accurate border security and immigration data to Congress and the American public?

Should I be confirmed, I will ensure that the information provided to Congress and the American public is accurate and provides as much detail as possible about border security and immigration data as permitted by law and consistent with appropriate law enforcement practices.

In the policy questionnaire, you stated that U.S. Customs and Border Protection (CBP) agents have the laws, regulations, and authorities to protect the nations and “they simply have to be allowed to execute their mission.”

14. What have agents not been allowed to do, and what is missing?

I have been told anecdotally by Border Patrol agents that they are not permitted to faithfully execute the laws on the books. Should I be confirmed, I will further my understanding of the concerns of the men and women of the Border Patrol. As I stated in my hearing, I believe that public servants sworn to uphold the law are obligated to enforce federal and local laws to the fullest extent possible.

The growth of unaccompanied children and families showing up at our southern border has been used to criticize the DACA program. Some say DACA is responsible for pulling immigrants to our country. CBP data show an influx of apprehensions of unaccompanied children from El Salvador, Guatemala, and Honduras in recent years. Yet, the same data show a decrease of apprehensions of unaccompanied children from Mexico.

15. Do you believe that DACA is responsible for the surge of immigrants from El Salvador, Guatemala, and Honduras, and, if so, why are apprehensions of unaccompanied Mexican children not following the same trend line?

I do not have sufficient information to provide an informed opinion on this issue at this time. Should I be confirmed, I will work to ensure the security of our southern border, and to collaborate with our partners in the northern triangle region.

In your nomination hearing, you talked about the root causes of drug violence pushing children and families out of Central America.

16. What protections should be in place to ensure that individuals from Guatemala, Honduras, and El Salvador who are in the United States are not returned to the violence they fled?

My understanding is that the laws passed by Congress, including laws related to the asylum process, dictate who should and should not be allowed to reside in the United States. Should I be confirmed, I will faithfully execute the law.

17. What more can be done to target traffickers and smugglers rather than their victims?

I have spoken at length with the Committee and its Members about my thoughts on how we need to target the criminal smuggling networks through a variety of means that include efforts to attack the U.S. demand and financing that fuels their criminal enterprise, to supporting our tremendous partners in the Western hemisphere who are also fighting on our behalf as well as their own. Should I be confirmed, I will continue to advocate for efforts by DHS, the U.S. Government at large, for increased assistance to our Western Hemisphere partners that combat the smuggling networks. I will also work towards a comprehensive drug demand reduction program in the United States

You served on the Homeland Security Advisory Council (HSAC). In March, a subcommittee of the advisory council found that rapid growth at CBP “has led to serious criminal and disciplinary problems within the agency” and that CBP, the largest law-enforcement agency in the nation, is “vulnerable to a corruption scandal that could potentially threaten the security of our nation.”

18. Do you share these concerns?

Criminal and disciplinary problems and corruption vulnerabilities are always a concern in any large organization that has experienced rapid growth. The amount of money gained from the profit of our drug demand in the U.S. provides virtually unlimited financial resources for bribery, intimidation and the murder of law enforcement professionals. The overwhelming percentage of the DHS work force are honest and ethical public servants many of whom put their lives on the line every day to accomplish their assigned missions. I am of course concerned about rooting out corruption in the DHS workforce and look forward to learning more about current efforts and capabilities in place to counter it. We should expect the highest integrity standards from our law enforcement agents and officers, and should I be confirmed, I will ensure that such standards are in place and met.

Given current proposals, it is likely that CBP will significantly scale up its operations.

19. If significant staffing additions are made and major border security initiatives are undertaken, how would you address integrity concerns and strengthen accountability at CBP?

Should I be confirmed, I will lead the Department in the same way I led in the military. I will insist that the men and women of the Department follow the law and adhere to the highest standards of professional conduct. This imperative will reflect in all my actions and policies as secretary. I will have a trained, professional acquisition and contracting workforce who will employ best federal practices. I will rely on a vigilant Inspector General to grade our work. I will ensure that the men

and women of DHS are motivated to hold themselves and each other to our standards, and that our internal affairs organizations are empowered to detect and pursue the very few employees who dishonor their oath. I will also be frequently out-and-about kicking the tires keeping my own fingers on the pulse of the organization. I will work with the Congress in their effort to provide effective oversight.

20. Will you commit to publicly reporting on progress made in this area?

Yes.

In November, a HSAC subcommittee initially recommended that DHS continue its use of private, for-profit facilities for immigrant detention. However, upon review, a majority of the full council voted to approve the report with the dissenting opinion that DHS should make a concerted effort to move away from contracting with private prison operators. The report also recommended reduced reliance on county jails and improved oversight of Immigration and Customs Enforcement (ICE) detention facilities.

21. Do you concur with the full HSAC recommendations that DHS should move away from private prisons, reduce reliance on county jails, and improve oversight? If so, how do you plan to achieve these goals? If not, why not?

I was initially on the subcommittee assigned to review these detention facilities. I withdrew from the subcommittee before it issued its report. Should I be confirmed, I will review the report and its recommendations. I will operate detention facilities as required by law.

22. Will you increase transparency by permitting non-governmental inspections of detention facilities and publishing statistics on detention operations?

As I stated above, should I be confirmed, I will review the report and its recommendations and I will operate detention facilities as required by law and the terms of the contract(s). I have a track record of working successfully with human rights organizations in previous assignments, notably Southern Command, to address similar concerns and provide transparency.

Alternatives to detention (ATD) programs have long been demonstrated to be effective in meeting the government's goal of compliance with immigration requirements while saving tremendous costs and facilitating better access to services and counsel as asylum seekers or immigrants proceed with their legal cases. A GAO report found that, between 2011 and 2013, 99 percent of those enrolled in full-service government ATD programs appeared for their hearings, and 95 percent appeared for their final hearings. While the cost of a family detention or adult ICE detention space can range from \$120 to \$160 per person per day, the cost of enrollment in ICE's ATD program in 2016 was estimated to be just over \$5 per day.

23. Given the cost-savings and effectiveness of ATD programs, do you intend to continue their use? If so, how will you determine which cases are most appropriate for ATD?

I am not familiar with that report and cannot comment on its specific recommendations at this time. Should I be confirmed, I will ensure that the

Department uses its detention authority according to the law and that we address detention capacity limitations and costs effectively.

CBP is making a hiring effort to employ more female Border Patrol agents. As of March 2015, only 5 percent of Border Patrol agents were women. This is the lowest percentage of women agents in any federal law enforcement agency.

24. What steps will you take to end Border Patrol's lack of female agents through nondiscriminatory recruitment and retention?

Should I be confirmed, I will review requirements, hiring, and retention practices. I will assess the adequacy of measures to ensure nondiscriminatory practices and take appropriate measures to address them. I will ask the Inspector General or the Chief Human Capital Officer to assess this as well.

Many immigration experts believe that a weak link in U.S. immigration policy is our inability to address the demand for undocumented workers. Despite a 1986 law making it a crime to hire undocumented immigrants, it is still too easy for workers and employers to operate outside the rules. As a result, jobs continue to pull undocumented workers to the U.S. There is a strong need for a more effective way to verify which job applicants are citizens or immigrants with valid work authorization. Many people believe EVerify, the agency's electronic worker verification pilot program, can provide the solution. It is currently a voluntary program, but various attempts have been made to make it mandatory.

25. How do you rate the success of the E-Verify program?

I am not yet fully aware of all of the metrics used to evaluate the success of the E-Verify program, but my general understanding is that the program is helpful in assisting employers determine the eligibility of individuals to work in the United States. However as a mostly voluntary program, it is perhaps an incomplete picture.

26. What are some of the key issues DHS must confront if it seeks to convert the program into a national, mandatory verification system?

My understanding is that making E-Verify a national, mandatory verification system requires action from Congress. In the meantime, should I be confirmed I will work to ensure wider adoption and ensure that the Department has the capacity to implement any change in law.

27. What other measures should DHS pursue to ensure that workers and employers follow the law with respect to eligibility for employment?

Should I be confirmed, I will commit to furthering my understanding of the range of possible measures that the Department could pursue to ensure that workers and employers follow the law with respect to eligibility for employment. I understand that some have criticized the effectiveness of the current worksite enforcement program, but I do not yet have an opinion on measures the Department should pursue in this realm—other than to ensure that we faithfully execute the law.

As Secretary, you would frequently be required to evaluate programs to determine how best to protect the homeland while at the same time protecting individuals' privacy, civil rights, and civil liberties.

28. What basic principles do you believe should guide such evaluations?

Should I be confirmed, as I said many times in my written and oral testimony, my number one guiding principle is to follow the Constitution and the law.

How will you ensure that privacy and civil liberties concerns are considered early on and throughout the development of new programs and policies?

Should I be confirmed, I will direct that the Office of Policy, the Office of Privacy, and the Office of Civil Rights and Civil Liberties to collaborate from the beginning of the policy-making process and consult relevant stakeholders.

To ensure that privacy and civil liberties concerns are appropriately addressed at the highest levels of the Department, Congress created both a Privacy Office and an Office for Civil Rights and Civil Liberties.

29. If confirmed, how will you seek to support the mission of these offices and ensure that privacy and civil rights and civil liberties are appropriately supported throughout the Department?

Should I be confirmed, I will direct the Office of Privacy and the Office of Civil Rights and Civil Liberties to collaborate from the beginning with policy offices on all policy-making processes and program implementation.

As SOUTHCOM commander, you were responsible for detention operations in Guantanamo Bay, Cuba.

30. Do you believe that Guantanamo Bay has been used by terrorist organizations as a propaganda tool to recruit and mobilize supporters to commit acts of violence against the United States and our interests both at home and abroad?

No.

31. Do you believe Guantanamo Bay is the most appropriate facility for these purposes? If so, why?

I see no reason it is inappropriate. The U.S. Military personnel provide humane and dignified treatment at the facility and every American should be proud of the job they do under extremely difficult circumstances.

32. Do you believe the continued use of Guantanamo Bay is in the best interest of U.S. homeland security? If so, why?

I support the continued use of Guantanamo Bay facilities by the United States. The U.S. government relies on the facilities as a key part of the Department's Alien Migrant Interdiction operations at sea, allowing for aliens to be quickly returned to

countries of origin without the costly process required if they successfully enter the United States. This process is in the interest of U.S. homeland security.

Aviation Security

Most U.S. airlines outsource at least some of their repair and major overhaul work to foreign repair stations – some of which are located in State Department designated terrorist safe havens, such as the Philippines, Egypt and Colombia. In the 2003 Federal Aviation Administration (FAA) reauthorization bill, Congress required TSA to issue security rules applicable to domestic and foreign facilities that repair aircraft used in the United States. It took more than 10 years, but that rule was finalized in January 2014. The rule falls short in several areas. Most notably, it fails to require employees at foreign stations working on U.S. aircraft to undergo background checks. U.S. mechanics are subject to these checks and threat assessments.

33. Do you agree that holding safety-sensitive employees at foreign repair stations to the same standards as employees at domestic facilities is an appropriate step?

I do not have enough information to speak to this issue at this time. Should I be confirmed, I will carefully consider this recommendation.

34. Will you commit to revisiting this rule to harmonize our standards for employees working on commercial aircraft, whether that work is occurring on American soil or off of it?

Should I be confirmed, I will commit to examining the rule.

Another safety issue with foreign repair stations is drug and alcohol testing. The 2012 FAA reauthorization included a provision requiring drug and alcohol testing of the employees of foreign repair stations, consistent with what is required of the same workers at domestic facilities. Although public comment was sought in 2014, there is no final rule leading to a disparity with huge safety implications between U.S. repair stations and those outside our border.

35. Will you commit to ensuring TSA works with the FAA and our foreign partners to put in place a commonsense rule, consistent with any existing treaties and obligations?

Yes.

In addition to the Global Entry and Pre-Check programs, DHS manages several other trusted traveler and transportation worker vetting programs, including CBP's U.S.-Mexico and U.S.-Canada expedited travel programs and TSA's Crew Vetting and HAZMAT Endorsement Threat Assessment programs.

36. Do you believe the Department should look for ways to improve the efficiency and effectiveness of its threat assessment and vetting programs, which could include consolidating one or more of these programs?

Should I be confirmed, I will look for ways to increase efficiency and effectiveness across the Department. I have been told that the fact that Global Entry members

are automatically eligible for Pre-Check is a great example of this type of successful consolidation and has been popular with travelers.

Maritime Security

37. Do you plan to implement the 9/11 Act requirement for 100 percent scanning of all cargo container shipments, or will you continue to support CBP's current approach of identifying and examining high-risk shipments?

I am aware of the mandate and should I be confirmed will ensure that resources are used effectively to comply with the law to the fullest extent possible.

The U.S. Coast Guard is entrusted with a diverse maritime mission set, including the responsibility to protect marine environments, interdict illicit drugs, rescue persons in distress, and provide coastal and port security. To do so, agency personnel must frequently rely on assets that are more than 30 years old. As GAO has testified, the Coast Guard has faced challenges meeting expected mission performance requirements because of the declining condition of its fleet. However, the Coast Guard is working to recapitalize its aviation and surface fleets to ensure the service can continue to carry out its missions safely now and in the future.

38. How do you see a declining or prolonged investment period for Coast Guard recapitalization impacting our nation's maritime security, including areas adjacent to the Southwest border?

I believe the U.S. Coast Guard's role in our nation's maritime security is vital and that it must modernize to effectively perform its mission. I was privileged to work closely with the U.S. Coast Guard during my time at U.S. Southern Command and if confirmed I will work with the Administration and the Congress to ensure they have the resources necessary to effectively execute their important missions.

Surface Transportation Security

After September 11, 2001, the federal government moved quickly to improve the security of commercial aviation. As terrorists continued to target this mode of transportation, using explosives devices hidden on bodies or in cargo, the Department has adapted to address the evolving threat to aviation. The Department has also built and strengthened its maritime security programs to address concerns that seaports and cargo supply chains were vulnerable to smuggling of people and weapons of mass destruction. Following terrorist attacks on rail and transit systems in Madrid, London, and Mumbai, Congress included a number of provisions in the 9/11 Commission Recommendations Act to address perceived vulnerabilities affecting domestic rail and transit systems. However, DHS and TSA defer operational responsibility for the security of rail and transit systems to local authorities, and some security experts and members of Congress have expressed concern that DHS insufficiently prioritizes rail and transit security.

39. What are your priorities for strengthening surface transportation security?

Should I be confirmed, I will assess the TSA strategic management plan and determine if it adequately addresses priorities for and risks to surface transportation security.

BioDefense

We spend a lot of money on a lot of things (detectors, countermeasures, etc.) but sometimes without any assurance that they work or whether the government is getting the best deal when it is the only customer. For example, while Ebola is a serious threat to our nation, DHS and HHS spent money specifically earmarked for counterterrorism efforts on an Ebola vaccine at the expense of shoring up our security against possibly more pressing terrorist threats.

40. If confirmed, will you commit to taking a close look at the process for approving spending on bioterror countermeasures?

Yes.

41. Do you believe that there can be a threat that is too remote and/or implausible to justify spending limited countermeasure funding on?

Should I be confirmed, I will use a risk-management approach to make investment decisions. Risk management incorporates assessing threats, as well as vulnerabilities and consequences. In some cases, prudent risk assessments require investing in addressing high consequence threats even if these dangers are perceived to more be more remote or implausible. As Secretary I will make sober assessments and prudent decisions on where and how to invest.

42. Do you believe there is room to improve our threats determination process?

I do not currently have knowledge of the internal processes for threat determinations. However, it is almost always true that no process is perfect —room for improvement usually exists. Should I be confirmed, I will commit to reviewing the current threats determination process.

Management

In recent years, there have been issues with whistleblower retaliation at DHS, particularly with TSA. I understand you told my staff that you are willing to commit to whistleblower training for yourself and your senior staff, and that is a good first step.

43. Beyond training and implementing hotlines for whistleblower complaints, what are the specific ways you plan to ensure an appropriate response to whistleblower retaliation at DHS.

Should I be confirmed, whistleblower retaliations will not be tolerated under my leadership. I will use the legal tools available to me to appropriately reprimand retaliatory employees.

Many whistleblower complaints end in a negotiated settlement with the whistleblower receiving some sort of restitution but with the alleged retaliating manager admitting no wrongdoing. As a result the manager is not disciplined at all, and the message that sends is clear: You can retaliate

against whistleblowers with impunity. This can create a potentially toxic work environment. One way to hold management accountable is to make handling disclosures from employees and responding to retaliation concerns a part of the performance appraisal process.

44. Would you consider implementing such a policy at DHS?

Appropriate handling of whistleblower complaints should be expected at all levels of management.

Since 2003, the Department has issued nearly \$40 billion in preparedness grants. While the Post-Katrina Emergency Reform Act and the Implementing Recommendations of the 9/11 Commission Act of 2007 require the Federal Emergency Management Agency (FEMA) to develop performance measures and a comprehensive assessment system to evaluate their effectiveness, FEMA has yet to meet these requirements. As a result, we lack systematic analysis of grant effectiveness and are unable to gauge how much the grants have contributed to strengthening preparedness.

45. If confirmed, what will you do to ensure that FEMA finally meets these requirements?

It is vital that we assess the effectiveness of our grant programs. Should I be confirmed, I will task the FEMA Administrator to meet these requirements and provide whatever assistance from the Department is necessary for FEMA to do so. I will review FEMA's strategic plan to improve its performance and capabilities regarding preparedness grant management.

**Post-Hearing Questions for the Record
Submitted to The Honorable John F. Kelly
From Senator Heidi Heitkamp**

**Nomination Hearing
For General John F. Kelly, USMC (Ret.)
To be Secretary
U.S. Department of Homeland Security
Tuesday, January 10, 2017**

1. The 2011 *Beyond the Border Declaration* signed by President Obama and then-Canadian Prime Minister Harper is a commitment by both the U.S. and Canada to achieve mutual goals in the areas of Addressing Threats Early, Trade Facilitation, Economic Growth and Jobs, Integrated Cross-Border Law Enforcement, and Critical Infrastructure and Cybersecurity. There are various initiatives and pilot programs currently underway as a result of this declaration including: increased cross-border communications interoperability including a binational radio system; increased coordination on cyber policy, enhanced cross-border cooperation among law enforcement involving Customs and Border Protection, Immigration and Customs Enforcement, U.S. Coast Guard, Royal Canadian Mounted Police, and the Canadian Border Services Agency among others; and the advancement of Trusted Traveler Programs. If you are confirmed, will DHS remain committed to the goals that are outlined in the *Beyond the Border Declaration*?

Should I be confirmed, I will review the goals outlined in the *Beyond the Border Declaration*. I spent significant time at U.S. Southern Command fostering international partnerships, including with Canada. My experience has been that Canada is consistently a strong and trusted partner on multiple fronts. With our common border, security, and economic interests, I am confident that our long and valued partnerships with Canada to enhance our collective security will continue.

2. If confirmed, how will you prioritize the Department's cybersecurity missions with the many other responsibilities the DHS has responsibility?

Should I be confirmed, the Department's cybersecurity missions will be a top priority. As promised by the President-elect, the Department will meet its responsibility to address cyber threats as required by law and executive orders.

3. Does the DHS have the necessary resources to perform its cybersecurity missions?

Should I be confirmed, I look forward to working with Congress to make sure the Department has the necessary resources it needs to perform its cybersecurity missions.

4. By federal law, and Administration policy, the Department of Homeland Security plays a critical role in the cybersecurity of the federal civilian departments and agencies. Programs such as EINSTEIN and continuous diagnostics and mitigation provide tools to agencies to help

automate their security. However, GAO found that the adoption of these tools and other DHS services among federal agencies is weak. What will you do as Secretary to ensure that federal agencies have cybersecurity defenses equivalent to the data that those agency hold?

Should I be confirmed, I will ensure the Department's obligations to protect cyber federal infrastructure are met as required by law.

a. What will you do as Secretary to improve both the capability and the adoption of the tools DHS provides among the agencies?

As I stated in testimony, should I be confirmed, as part of my assessment to determine the future structure, activities, and programs of the National Protection and Programs Directorate, I will determine what appropriate improvements should be made and how the Department's cyber role and capabilities compliment other Federal and private sector capabilities and responsibilities.

5. DHS ranked last among large federal agencies on the Partnership for Public Service's "Best Places to Work in the Federal Government" in 2016 and has consistently received among the lowest scores on the employee engagement index in the Federal Employee Viewpoint Survey since 2012. If confirmed, to what extent will you prioritize the improvement of employee engagement and morale at DHS?

From my years of military service, I learned that improving morale is the leader's job. Should I be confirmed, I will make clear that improving morale will be the responsibility of all leaders at the Department, starting with me. As I have previously stated, it is important to get out and speak to the dedicated men and women of the Department to understand the challenges of each component and to prioritize efforts to overcome them. People work best and are motivated in what they do if they are allowed to do the jobs they signed on for, and are appreciated for what they do. Should I be confirmed, I will assess the current Unity of Effort initiative and other on-going programs and build from there.

a. If confirmed, what strategies will you implement to improve DHS employee engagement and morale?

I have found that leadership, championing the mission, providing visible career paths, and recognizing and celebrating success result in strong job satisfaction. My management style includes going out to where the employees are, and interacting with them personally to get their input directly. I also welcome other open forms of communication with employees.

6. In response to a question from Sen. Harris, you stated that you believe DACA recipients will not be a priority for immigration enforcement under the new Administration. Can you explain what you mean here?

As I stated in my oral and written testimony, should I be confirmed, my primary mission will be to faithfully execute the immigration laws of the United States. In faithfully executing those laws, my understanding is that the President-elect has made public commitments to prioritizing the removal of criminal aliens.

- a. What about the parents of DACA recipients, will they be a priority for enforcement?

As I stated in my pre-hearing questionnaire, should I be confirmed, my primary mission will be to faithfully execute the immigration laws of the United States. In faithfully executing those laws, my understanding is that the President-elect has made public commitments to prioritize the removal of criminal aliens.

7. Hundreds of thousands of DACA recipients around the country are afraid right now not only for what this administration might do to them, but also what it might do to their unauthorized family members. In order to receive DACA, these young people submitted extensive paperwork to the federal government providing detailed information regarding themselves and their loved ones. At the time, the Department of Homeland Security assured them that it would follow its longstanding practice of not using such information for immigration enforcement purposes except in very limited circumstances. They are worried that the information they provided in good faith to the government may now be used to track them down and lead to their removal. Do you recognize that DACA applicants relied upon those assurances from the government when they decided to come forward and provide all of that information to the government?

As I stated in my pre-hearing questionnaire, 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, I will work to advance my understanding.

8. In response to Sen. Lankford's question on "sanctuary cities," you indicated you would "follow the law." Given that Courts have ruled that detainers--requests to hold an individual beyond when a jurisdiction would otherwise release them--are not mandatory, and that many Courts have found jurisdictions liable under the 4th Amendment for holding people on detainers, do you believe that these policies comply with the law, and that jurisdictions with sanctuary policies are following the law?

Should I be confirmed, I will work with the General Counsel to further my understanding of this area. I also look forward to working with local law enforcement and political leaders to ensure that criminal aliens who come into custody, whether federal, state or local, are not released to commit additional crimes against our citizens, but rather, are prosecuted and/or removed.

- a. Do you believe that policies that strengthen relationships between local law enforcement and the community are essential for public safety?

I agree that policies that actually strengthen relationships between local law enforcement and the community are essential for public safety.

- b. Do you believe that local police departments should face penalties for adopting trust or limited detainer policies that prioritize community safety over their participation in federal immigration enforcement activities?

I believe that law enforcement organizations should comply with the law and should cooperate with their federal law enforcement counterparts trying to do their jobs enforcing the nation's laws.

- c. What approaches do you think are most strategic in increasing community safety?

Increasing community safety often correlates with increased compliance with the law.

- 9. In your testimony, you cited the important role that community engagement played in your work in Iraq and the Northern Triangle. Do you think it is important for DHS and CBP to engage with the border communities in which it operates?

Yes. Absolutely.

- a. How will you engage them and ensure that a wide range of stakeholders is drawn into policy discussions?

It is my understanding that the Department has many platforms for input, beginning with the Council of Governors and extending to local engagement by U.S. Customs and Border Protection and the U.S. Coast Guard and FEMA. I intend to use all of them.

- b. Will you work with these communities and have an understanding that one-size-fits all policies are not going to work – especially given the difference between our Northern and Southwest Border and individual ports of entry and sectors along those borders?

As I stated in my written and oral testimony, I do not believe there is a one-size-fits-all approach to securing our borders.

- 10. Border Patrol Agents should not be in the business of evaluating the veracity of “credible fear” claims, nor should they be responsible for changing diapers, distributing juice boxes, or otherwise performing child care and other oversight duties for individuals who do not pose an obvious threat – and that once apprehended we should know where all of the minors are located and that they are being cared for appropriately. I believe that we should reform the intake, processing, detection and tracking of unaccompanied minors and family units crossing the southwest border. What are your thoughts on this?

Should I be confirmed, I will commit to exploring all options to secure our southern border and ensure that all detained are cared for appropriately. I agree generally that it would seem to be a poor use of highly trained law enforcement agents to do a variety of things that do not require an armed, uniformed law enforcement professional, and should I be confirmed, I will look at how such functions might be performed by other mission support personnel as has been done in previous initiatives to get badges back to the border.

11. Are you open to taking a look at having officials from other agencies – possibly in conjunction with outside assistance – processing and making initial “credible fear” determinations? Are you open to looking at turning over UACs and Family Units to HHS/ORR earlier in the process in order to free up CBP officers to spend more time performing the duties they were hired to perform?

As I have said repeatedly, should I be confirmed, my primary mission will be to secure our borders and faithfully execute the immigration laws of the United States, which are established by Congress.

12. By what specific metrics will you evaluate the effectiveness and fiscal responsibility of various methods used for border security, including walls, fences, personnel at and between ports, aerostats, drones, and manned aircraft?

We must secure our borders. Should I be confirmed, I commit to reviewing current metrics, the way in which statistics are compiled, and to employ the best federal acquisition and contracting practices. I will ask the Inspector General to review programs. I look forward to working with the Congress on providing appropriate oversight.

a. Will you commit to making this analysis public?

Should I be confirmed, I look forward to working with the Congress on making sure appropriate information is available to the extent permitted bylaw even if some information must be conveyed in a classified setting. I am sensitive, from my time in the Department of Defense, to ensuring that public disclosures about specific tactical vulnerabilities or capability gaps do not provide a roadmap to our adversaries to exploit. But I believe that such information is vital for Congress to adequately perform its oversight role.

13. In the past 10 years, the number of Border Patrol agents has doubled and trillions of dollars have been spent on border security. How will you measure effective border security?

I believe that it is important for the Department to be able to accurately measure the effectiveness of its complex and demanding operations to secure our borders. If confirmed, I look forward to digging in to how we currently measure both failure and success and the metrics used and to suggesting new improvements or methodologies that may provide us with a more accurate picture.

a. What data will you rely on to ensure border security resources are dedicated for efforts that most effectively strengthen quality of life in the border region and throughout our country?

I have not identified specific metrics to evaluate whether the Department is successful at securing our borders. Should I be confirmed, I will commit to identifying specific metrics to ensure effective execution of the Department's mission.

14. Often children appear before an immigration judge for their deportation proceedings without an attorney. Do you believe that children--even those as young as three or four--have the ability to represent themselves without a lawyer in the immigration court system?

As I indicated in my pre-hearing questionnaire, I do not yet have a full understanding of all of the precise parameters of the administration of our immigration system nor the Department's role in this issue specifically.

15. The United States has a long and proud tradition of upholding our international and domestic commitments to protecting people from the persecution and torture they may face if returned to their home countries. Regardless of the population, do you agree that a robust asylum system should still form a part of this country's immigration policy?

Under the U.S. Constitution, the decision to provide relief from removal to any individual living in the United States illegally resides with the Congress.

16. In your hearing you talked about the root causes of violence pushing children and families out of Central America. What concrete steps will you take to work with governments in the region to tackle these root causes?

As I stated in my testimony, should I be confirmed, I will work with the Departments of Defense and State to help allied nations in the region build their capacity to govern, improve public safety and economic development, and combat corruption as they support our efforts to combat the transnational smuggling networks. Perhaps more than anything else, however, is the need for a comprehensive drug-demand reduction campaign in our own country. Such a campaign would save nearly 50,000 U.S. citizens a year, but also reduce the unlimited profits the trans-national organized crime syndicates harvest every year.

17. What can be done in Mexico and Central America as a whole to build up regional refugee and protection capacity?

I think much can be done. Should I be confirmed, I will work with the Departments of State and Defense, as well as NGO's, on this effort.

18. How will you ensure civil society in those countries is involved in efforts to rebuild and regain control of their communities?

As I stated in my written and oral testimonies, as the Commander of U.S. Southern Command, I saw first-hand the importance of helping our partner nations in the hemisphere develop their civil institutions and improve governance, public safety, and reduce corruption. Should I be confirmed, I will work with the Departments of State and Defense towards these ends.

19. Tackling the root causes of violence in the Northern Triangle is critical to stemming the flow of children and families looking to find safety in the U.S. and elsewhere. But doing so--to take the example you brought up, of Colombia's transformation--will take time. What will you do to ensure that the due process rights of asylum seekers in the U.S. are protected, and that--so long as conditions in the Northern Triangle remain incredibly dangerous--asylum seekers have access to protection mechanisms in the United States as well as other countries in the region?

My understanding is that under our Constitution, the decision to provide relief from removal to any individual living in the United States illegally resides with the Congress.

20. Your questionnaire states: "The message I heard [from Northern Triangle leadership] 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." If large numbers of people leaving those countries have legitimate protection needs, won't rapid, mass deportations be impossible to achieve with due process?

Should I be confirmed, I commit to faithfully executing the immigration laws of the United States. But those deemed eligible for removal by our legal process should be returned speedily to their home countries, and those countries should readily accept their own nationals.

a. Won't such deportations endanger returnees, and violate legal obligations?

My understanding is that our immigration laws provide mechanisms through which individuals who fear return to their countries of nationality can seek relief from removal if they meet the standards required by the law.

b. If you agree with the difficulties this will lead to, how then do you suggest we handle this issue while we work to change conditions in the Northern Triangle countries?

Should I be confirmed, I commit to working with the Northern Triangle countries to achieve long-term solutions to U.S. drug demand and to increase the stability of these countries while also ensuring they take back their own nationals who are deemed eligible for removal by the United States.

21. The United States has a legal and moral obligations not to return people who have legitimately fled violence or persecution. What protections should be in place to ensure

individuals from Guatemala, Honduras, and El Salvador who are in the United States are not returned to the violence they fled?

My understanding is that under our Constitutional republic, the decision to provide relief from removal to any individual living in the United States illegally resides with the Congress.

22. Given your experience in the region – what more do we need in terms of resources and what else should we – or other countries be doing – to stem the tide of drug and human trafficking that is flowing from this area?

It is my opinion that cooperation between the U.S. and Central American governments can reduce illicit flows, decrease serious crime, bolster effective policing and security, improve economic conditions, and re-establish the rule of law. We can offer Central American governments training, advice and funding for their police and military to achieve these goals, and if I am confirmed, it is my intention to examine the Department's options to enhance that cooperation.

a. What more can be done to target traffickers and smugglers rather than their victims?

The number one contribution we can make to reducing the threat of human trafficking is to shut down the criminal networks that conduct human trafficking and secure U.S. borders.

23. With the large numbers of children seeking protection at our border do you think it is important for CBP to be able to have specially trained agents and officers specifically tasked with the care and screening of children to ensure line agents have the time and energy they need to do their fieldwork?

It is my understanding that Congress has determined the appropriate protocols for the treatment of unaccompanied minors encountered at or near our borders. If I am confirmed, I will ensure that unaccompanied minors are humanely treated by CBP officers and in compliance with the law.

24. The Central American Minors, or CAM, program, has been an important way for the U.S. to create a pathway for children and others in the Northern Triangle region in serious danger to apply for protection without having to first make the dangerous journey north. Do you believe this program should be continued to ensure children are not subject to the dangers of the journey or fall into the hands of human trafficker?

As I indicated in my responses to the pre-hearing questionnaire, I believe that the key to solving the root problems of illegal migration to the United States is to work closely with Central American governments to reduce illicit flows managed by transnational criminal networks, decrease dreadful rates of related crime and murder, help re-establish rule of law and effective policing, and start the process of rebuilding their economies.

25. The USCIS Ombudsman recently released in December 2016 recommendations to address processing delays within and augment the Central American Minors (CAM) program, which provides in-country refugee processing for minors in Honduras, El Salvador, and Guatemala. How do you plan on implementing the recommendations of this report?

As I indicated in my responses to the pre-hearing questionnaire, I am familiar with conditions in Central America that are prompting migration. While I am unfamiliar with the Citizenship and Immigration Services Ombudsman's specific recommendations, should I be confirmed, I intend to review the recommendations and work with the governments of Central America to diminish the crisis conditions that contribute to migration from the region.

26. Will victims of human trafficking, including both sex trafficking and labor trafficking, be able to turn to the authorities for protection without fear of detention, deportation, or other legal retribution?

Although I do not have a comprehensive understanding of all of our immigration laws, it is my understanding that Congress has provided mechanisms through which victims of sex and labor trafficking can receive assistance in the United States.

a. Will undocumented workers be able to report employer abuses without fear of legal retribution?

It is my understanding that multiple entities in the federal government are committed to combating unlawful practices by unscrupulous employers. Should I be confirmed, I will commit to faithfully executing the laws with which I am charged with enforcing.

b. How will you ensure that employers do not abuse and take advantage of undocumented workers?

It is my understanding that multiple entities in the federal government are committed to combating unlawful practices by unscrupulous employers. Should I be confirmed as Secretary, I will commit to faithfully executing the laws with which I am charged with enforcing.

27. We hear horror stories of how some undocumented and unaccompanied children are trafficked AFTER arriving in the U.S. – and it seems no agency takes responsibility for knowing their whereabouts through their entire time in this country – and that is a huge flaw in our system that has been exploited by traffickers. Are you willing to address a major gap in how we handle unaccompanied minors and make sure that we can track – in one central place not spread amongst various agencies – the processing and movement of all of these children?

Our immigration system should operate in a manner that does not encourage human trafficking. Should I be confirmed, I will continue the Department's efforts

to investigate human trafficking, to arrest traffickers, and to protect victims and will remain open to proposals that discourage human trafficking.

28. Will you prioritize human trafficking at DHS – and is it something that you will ensure proper training for your border, ports-of-entry, and TSA agents to identify, report, and investigate? Will you work with other agencies – like the DOJ, State Department, HHS, and Labor to make sure that we are efficiently and effectively utilizing all available resources and sharing relevant information to shutdown trafficking organizations and routes?

Should I be confirmed, I will.

29. The crime of human trafficking is a \$150 billion worldwide enterprise that enslaves tens of millions of people in commercial sex and forced labor. Between December 7, 2007 and October 31, 2016, the National Human Trafficking Hotline has received reports of 31,943 cases of trafficking in the United States and has identified 33,153 victims. During your time at SouthCom, you were instrumental in negotiating the Alliance for Prosperity, which invested significant resources in the Northern Triangle to address a wide range of issues, including targeting criminal networks responsible for human trafficking. What are some lessons from those experiences you learned about how to effectively target human traffickers and provide assistance to victims?

As the commander of U.S. Southern Command, I learned first hand that human trafficking is both a grave threat to public safety and the cruelest violation of human rights. Combating human trafficking is vital for achieving the Department's mission of securing the U.S. border. Should I be confirmed, destroying the criminal networks that facilitate human trafficking will be a top priority.

30. In 2015, Congress recently passed a law preventing products made by forced labor from entering the United States. The primary responsibility for investigating violations of this law falls to the Department of Homeland Security, through Customs and Border Protection. Will you prioritize enforcement of the prohibition against goods made by forced labor from entering the United States?

Should I be confirmed, I will ensure that Customs and Border Protection and Immigration and Customs Enforcement comply to the fullest extent of the law with the resources available.

Questions for the Record

Senate Committee on Homeland Security and Governmental Affairs

Hearing: Nomination

January 10, 2017

Senator Kamala Harris

Questions for General John F. Kelly, USMC (Ret.), to be Secretary, U.S. Department of Homeland Security (DHS)

1. You acknowledged that law enforcement resources to conduct immigration removals are limited. You also stated that “law abiding individuals would . . . probably not be at the top of the list” of priorities for immigration enforcement.
 - a. Do you recognize that DHS Secretary Jeh Johnson’s civil immigration enforcement priorities, announced in November 2014, have been successful? Note that in FY 2016, according to DHS, 98 percent of initial enforcement actions involved individuals classified within one of the three enforcement priority categories.¹

The premise of this question is based on a subjective opinion, and I cannot comment on the effectiveness of the existing civil immigration enforcement priorities at this time. Should I be confirmed as Secretary, I will faithfully execute the immigration laws of the United States consistent with the policy preferences of the President-elect.

- b. Will you continue to carry out DHS Secretary Jeh Johnson’s November 2014 civil immigration enforcement priorities?

Should I be confirmed as Secretary, I will faithfully execute the immigration laws of the United States consistent with the policy preferences of the President-elect.

- c. If not, how will you institutionalize enforcement priorities, given your recognition that law enforcement resources are limited?

Should I be confirmed as Secretary, I will faithfully execute the immigration laws of the United States. Further, it is my understanding that the President-elect has called for the removal of criminal and dangerous aliens as the top

¹ <https://www.dhs.gov/news/2016/12/30/dhs-releases-end-year-fiscal-year-2016-statistics>

enforcement priority for his Administration. I intend to carry out the policy preferences of the President-elect.

2. You promised during your hearing to look at U.S. Citizenship and Immigration Services “Frequently Asked Questions”² concerning the Deferred Action for Childhood Arrivals (DACA) program, and that you would “keep a very open mind when looking at this document.”
 - a. In this document you will see that among other qualifications, to receive DACA, applicants had to undergo background checks and must “have not been convicted of a felony, a significant misdemeanor, three or more other misdemeanors, and [must] not otherwise pose a threat to national security or public safety.” How will you ensure that any current recipients of DACA who have not breached the terms of their original DACA eligibility, are not the targets of immigration enforcement activity, to ensure that you are using limited law enforcement resources efficiently?

Should I be confirmed as Secretary, I will faithfully execute the immigration laws of the United States. Further, it is my understanding that the President-elect has called for the removal of criminal and dangerous aliens as the top enforcement priority for his Administration. I intend to carry out the President-elect’s decision.

3. You committed during your hearing to get briefed on the impact on immigrant communities of DHS sweeps against communities. What resources will you draw upon for such a briefing? Will they include California community-based organizations, southern California law enforcement leaders, as well as representatives of the California Chamber of Commerce, the Los Angeles Chamber of Commerce, and representatives of California’s agricultural industry?

I cannot commit to any such specific details for such a briefing at this time. Should I be confirmed as Secretary, I will ensure that our immigration enforcement activities follow the laws passed by Congress.

4. The DHS Office of Inspector General in 2015³ raised a serious concern about whether some Border Patrol sectors are violating U.S. obligations under international law by referring asylum seekers for illegal entry and re-entry prosecutions before it is determined whether they might have a valid claim for protection under U.S. law. What steps will you take to ensure that the U.S. Border Patrol’s practices are uniform and consistent with our obligations under U.S. and international law?

² <https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process/frequently-asked-questions>

³ https://www.oig.dhs.gov/assets/Mgmt/2015/OIG_15-95_May15.pdf

Should I be confirmed as Secretary, I will work with the General Counsel to ensure that our immigration enforcement activities comply with applicable laws.

5. Often children appear before an immigration judge for their deportation proceedings without an attorney. Do you believe that children—even those as young as three or four—have the ability to represent themselves without a lawyer in the immigration court system?

As I indicated in my pre-hearing questionnaire, I do not yet have a full understanding of all of the precise parameters of the administration of our immigration system nor the Department's role in this issue specifically.

6. How will you ensure that border enforcement operations, policies or practices in no way dissuade or prevent genuine asylum-seekers from seeking protection in the United States?

Should I be confirmed as Secretary, I will faithfully execute the immigration laws of the United States, which are established by Congress.

7. Early in the hearing you stated that “the wall won’t be built anytime soon,” in reference to a question about the need for technology to secure the border. And yet, President-elect Trump has continued to call for the wall to be built as soon as possible. Will building the wall be an urgent priority for DHS under your leadership?

Should I be confirmed as Secretary, I will carry out the policy preferences of the President-elect, consistent with applicable law and the Constitution. We will endeavor to build the wall as fast as funds and construction capacity allows—but it will take time.

8. You served until recently on the Homeland Security Advisory Council (HSAC). In November 2016, a subcommittee of HSAC on which you served, produced a report on DHS’s use of privatized immigration detention facilities.⁴ A number of improvements to the detention system (whether private or public) were recommended including: improvements to inspections methodology, expansion in the use of Performance Based National Detention Standards, and improvement of the channels through which detainees and their families and representatives may report problems. How will you implement the improvements to immigration detention facilities recommended by this report?

I was initially on the subcommittee assigned to review these detention facilities. I withdrew from the subcommittee before it issued its report. Should I be confirmed, I will review the report and its recommendations. I will operate detention facilities as required by law.

⁴ <http://crimmigration.com/wp-content/uploads/2016/12/DHS-HSAC-PIDF-Report-FINAL-DRAFT.pdf>

9. As Attorney General, I worked personally with law enforcement and prosecutors in the U.S., Mexico, and Central American countries to understand how transnational crime impacts our states and nations. In 2014, my office issued a report which found that there were 305 transnational criminal organizations operating in California. It found that \$30-40 billion is being laundered through California each year and 70 percent of the U.S. supply of methamphetamine is entering through the San Diego port of entry. And these criminal organizations aren't just trafficking drugs, they are also trafficking human beings. 1,300 human trafficking victims were rescued in California from 2010-2012. These crimes are heartbreaking, and the violence that these victims have been exposed to is astounding.

a. Are you aware of how much transnational criminal activity comes through California?

Generally, yes. I am aware that it is a major problem.

b. Do you agree that in order to combat these criminal organizations, we must work collaboratively, at the state, federal, and international level? And if confirmed, will you work with officials in California to take meaningful measures to stop transnational criminal organizations?

Yes.

c. What more can be done to target traffickers and smugglers rather than their victims?

Should I be confirmed, I will work closely with other relevant federal agencies including the Departments of Justice, Defense, and Treasury. I will seek to ensure we are all maximizing what we can to target the smuggling networks. There may be additional legal tools that would facilitate our effort and I look forward to working with Congress on that effort.

10. What will you do to ensure that the naturalization system is efficient and accessible to eligible lawful permanent residents who want to become new Americans?

Should I be confirmed as Secretary, I will faithfully execute the immigration laws of the United States. I will ensure that we do so efficiently and in a manner consistent with the law.

11. As we face the worst forced displacement crisis in recorded history with over 65 million displaced persons, including over 21 million refugees, DHS is critical to the processing and vetting of refugees who have applied for admission to the United States. Refugees are the most vetted population to enter the United States, with a security process that

draws on DHS, the Department of State, and the federal law enforcement and intelligence communities. Do you believe it is in both the U.S. national interest and our national security to resettle refugees in the United States?

It is my belief that it is important for refugees to be safe from harm, wherever they may be. I do not believe that all refugees need to come to the U.S. to be safe.

12. During the hearing, you mentioned, in response to a question from Sen. Peters, that you would not surveil or deny entry to persons solely based on ethnicity or religion. Do you believe similarly that the United States should not discriminate against refugee admissions on the basis of ethnicity or religion?

Although I do not currently have a complete understanding of every permutation of the Refugee Admissions Program, I do not believe that we should discriminate against any refugee based on their ethnicity or religion. I do believe, however, that every refugee must be properly vetted regardless of their religion or ethnicity.

13. Given DHS's mandate to protect U.S. critical infrastructure, what additional steps would you take to overcome the significant cyber threats to our hospitals, power grids, and air traffic control systems? Will you commit to conducting a full investigation into these vulnerabilities and report back to this committee?

As I indicated in my responses to the pre-hearing questionnaire, DHS 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. I am committed to DHS's infrastructure protection mission and, if I am confirmed, I look forward, in coordination with our partners, to fully examining U.S. infrastructure vulnerabilities and working with the Committee to reduce vulnerabilities.

14. Given that the vast majority of U.S. critical infrastructure is privately held and not owned by the government, what is your plan to work more effectively with the private sector and technology community in protecting American critical infrastructure?

As I indicated in my responses to the pre-hearing questionnaire, a strong, transparent and nimble partnership with public and private owners and operator 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 are needed. We must find better ways to expand the scope of voluntary preparedness in the private sector.

15. As you know, very serious storms are battering California at present. The damage from these storms is substantial, and is exacerbated by increased wildfires the state has suffered recently (which many attribute to climate change). Californians have seen power lines topple, trees blocking streets, damage to buildings, and fatal car accidents as a result. Will you commit that FEMA will work with local California authorities on timely and effective disaster relief?

Yes.

**Post-Hearing Questions for the Record
Submitted to The Honorable John F. Kelly
From Senator Steve Daines**

**Nomination Hearing
For General John F. Kelly, USMC (Ret.)
To be Secretary
U.S. Department of Homeland Security
Tuesday, January 10, 2017**

Thank you for your willingness to serve again and for testifying. On behalf of Sen. Bill Cassidy, please see the question below.

In 2004, Hurricane Ivan roared through the Gulf of Mexico and caused an undersea mudslide that destroyed the oil platform at the Mississippi Canyon 20 (MC-20) location. Since that time, the government has been unable to bring this situation to resolution.

General Kelly, as you will learn, the MC-20 incident in the Gulf of Mexico has been ongoing for a dozen years without resolution. Will you commit that within 90-days after your confirmation you will be briefed on the MC-20 incident and meet with me and other interested colleagues about what you think the next steps should be?

Should I be confirmed, I will.



The American-Arab Anti-Discrimination Committee

Statement for the Record on the

Nomination of General John Kelly to U.S. Secretary of the Department of Homeland Security

before the

U.S. Senate Committee on Homeland Security and Governmental Affairs

Nominee Confirmation Hearing

January 10, 2016

Samer Khalaf, Esq., ADC National President
Yolanda C. Rondon, Esq., ADC Staff Attorney
American-Arab Anti-Discrimination Committee
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To: Senator Ron Johnson, Chairman, Homeland Security & Governmental Affairs
Senator Claire McCaskill, Ranking Member, Homeland Security & Governmental Affairs

Introduction

I am writing to you on behalf of the American-Arab Anti-Discrimination Committee (ADC), the country's only national Arab-American organization. ADC has a long history of supporting the human and civil rights of all Americans and opposing racism, discrimination and bigotry in any form. ADC was founded by former U.S. Senator James Abourezk in 1980. Today, ADC is the largest grassroots Arab-American civil rights and civil liberties organization in the United States. ADC is non-profit, non-sectarian, and non-partisan, with members in nearly every State of the United States. ADC routinely works with a broad coalition of national organizations to address immigrant rights and support refugees. ADC respectfully takes this opportunity to provide a statement for the record to U.S. Senate Committee on Homeland Security and Governmental Affairs on General John Kelly nomination to serve as U.S. Secretary of Department of Homeland Security.

Statement

First, Kelly's position on immigration is alarming. Kelly has made broad statements on cracking down on illegal immigration and movement of people, and support for "building a wall." In practice, crack downs on illegal immigration by the Department of Homeland Security target communities of color and persons fleeing for their lives from persecution. Kelly's position undermines the duty of the U.S. Secretary of Department of Homeland Security to defend the Constitution and our liberty – our human rights. This duty is interrelated to the United States obligation under international and domestic federal law to protect refugees and asylum-seekers.

For the first time in recent history, the United States is set to discriminate against the admittance of refugees, singling out Arabs (specifically Syrians and Iraqis) and Muslims for no admittance and heightened screening based on their identity alone. This directly contradicts the purpose of the 1951 Refugee Convention and the protective status. The Refugee Convention is derived from the asylum protected status enumerated under the Article 14 of the 1948 Universal Declaration of Human Rights, to provide immediate safe haven to those in danger.¹ The Secretary of the Department of Homeland Security must remain objective in his role and not cave into sensationalized propaganda aimed to cultivate fear and xenophobia.

The United Nations Refugee Agency conducts an extensive vetting process² with multiple levels of clearances before the U.S. vetting and security checks process even begins. Upon

¹ See U.N. High Commissioner for Refugees, 1951 Convention relating to the Status of Refugees and the 1967 Protocol – 60 Years, Introductory Note, <http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf>.

² Syrian Refugees Eyeing America See Long Waits and Extensive Vetting, WALL STREET JOURNAL, Nov. 9, 2015, http://www.wsj.com/video/syrian-refugees-eyeing-america-see-long-waits-and-extensive-vetting/4F0CA055-6E95-42DA-821F-15873247B4C1.html?mod=WSJ_World_VideoCarousel_1.



referral of a refugee application from the U.N. Refugee Agency, the U.S. makes the ultimate determination of whether the U.S. will allow the refugee to enter the U.S. Multiple federal agencies – DOD, DHS, FBI, NCTC, the U.S. Citizenship and Immigration Services agency and the U.S. Department of State are intricately involved in the rigorous review process of each and every refugee application that requires at a minimum 2 to 4 years of extensive examination.³

Kelly expressed support for extreme vetting and extending travel ban coverage under the Visa Waiver Program Prevention in Terrorist Travel Act to more countries. Kelly's position on this matter is gravely disturbing. There is no empirical evidence to support that these travel bans will even effectively strengthen the Visa Waiver Program. These regulations are more likely to screen out health and aid workers, clergymen, journalists, teachers, translators, and businessmen. Identifying persons for "extreme vetting and/or subjecting persons to different rules and requirements based on their country of national origin is profiling.

Profiling has been shown to be ineffective, waste of resources, and counterproductive to securing our nation. In April 2011, the U.S. Department of Homeland Security de-listed the countries required to register under National Security Entry-Exit Registration System (NSEERS), which targeted predominately Muslim-majority and Arab countries. In doing so, DHS recognized the profiling apparatus, and confirmed that "DHS seeks to identify specific individuals and actions that pose specific threats, rather than focusing on more general designations of groups of individuals, such as country of origin." On December 23, 2016, DHS rescinded the NSEERS regulatory framework in recognition of its discriminatory apparatus and ineffectiveness.

Targeting individuals based on religion and/or national origin is not a legitimate law enforcement practice. An individual's religion and/or national origin is not a valid or useful criterion by which to judge whether they pose a security threat. Furthermore, targeting immigrants based on their religion also risks exacerbating a wedge of distrust between law enforcement and affected communities. Engaging in profiling against members of these communities will only serve to alienate communities and undermine communication and cooperation between these communities and law enforcement for actual legitimate law enforcement activities.

ADC has serious reservations about Kelly's ability to adequately balance civil rights and liberties with the use of mass surveillance powers, data collection and monitoring, and supporting transparency, accountability and oversight. During the nomination hearing, Kelly discussed enhanced information sharing, fusion centers and REAL ID but failed to address ensuring enforcement of procedures for retention, dissemination, accuracy, third party and foreign country sharing protocol. Kelly's acquiescence during his nomination hearing to creating a border security force that uses surveillance tools to the extent of drones and technology like "Israel" is problematic. The United States is not Israel, and frankly the United States should not want to

³ See Elise Foley, Refugee Screenings Are More Intensive Than Some Politicians Would Have You Think, Huff Post, Nov. 17, 2015, http://www.huffingtonpost.com/entry/refugee-screening-process-syrians_564b55eccc4b045b3df0ecec7.



mirror the human rights abuses that have been documented on their border security programs and activities.⁴

ADC has serious concerns on targeting of Arab Americans and persons of Arab ancestry in the United States for countering violent extremism programs (CVE). Kelly's position on rooting out purported "radical" Islam demonstrates that if confirmed to serve as Secretary, DHS will continue to push this fundamentally flawed theory of radicalization⁵ at the expense of First Amendment protected rights – freedom of speech and religion. These concerns are only exasperated by the lack of DHS guidance in compliance with the 2015 U.S. Department of Justice Revised Profiling Guidance on Use of Race, National Origin and Religion by Federal Law Enforcement.

Additionally, there is a lack of confidence in Kelly's ability to focus on identifying specific individuals and actions that pose specific threats, rather than focusing on more general designations of groups of individuals. This is due to Kelly's large professional background in federal enforcement against drug trafficking that is known for and widely criticized for profiling, use of informants and entrapment tactics.⁶ This flags a serious concern for the Arab American community because it is representative of Kelly's perspective of enforcement and how Kelly would likely approach law enforcement activities at DHS. Kelly's application of these profiling tactics in the role of Secretary of DHS is troublingly. Tied to this are serious concerns on disproportionality targeting of Arab and Muslim Americans for counterterrorism efforts although reports demonstrate that right wing violent extremism represents a significant terrorism threat.⁹ ADC foresees this only amounting to further waste of resource and increase DHS budget requests over the already \$19 billion DHS budget. Thus, Kelly's ability to effectively serve as Secretary of DHS is debatable.

⁴ Speakers Cite 'Disturbing Evidence' of Human Rights Violations as Fourth Committee Takes up Illegal Israeli Practices in Occupied Arab Lands, GA/SPD/601, Nov. 11, 2015, <https://www.un.org/press/en/2015/gaspd601.doc.htm>.

⁵ Faiza Patel, *Rethinking Radicalization*, BRENNAN CENTER FOR JUSTICE, Mar. 8, 2011 <https://www.brennancenter.org/publication/rethinking-radicalization>; Countering Violent Extremism: Myths and Facts, Brennan Center for Justice, Nov. 2015, <https://www.brennancenter.org/sites/default/files/analysis/102915%20Final%20CVE%20Fact%20Sheet.pdf>; ADC Brief on Impact of CVE on Human Rights & Freedom of Expression – UN Special Rapporteur Report, American-Arab Anti-Discrimination Committee, http://www.adc.org/wp-content/uploads/2017/01/ADC_2016-Special-Rapporteur-Report-CVE-One-Pager.pdf.

⁶ See Amanda J. Schreiber, *Dealing with the Devil: An Examination of the FBI's Troubled Relationship with Its Confidential Informants*, 34 COLUM. J.L.&SOC. PROBS. 301 (2001); see also Brad Heath, *Investigation: ATF drug stings targeted minorities*, USA TODAY, July 20, 2014, <http://www.usatoday.com/story/news/nation/2014/07/20/atf-stash-house-stings-racial-profiling/12800195/>.

⁹ Homegrown Extremism: Deadly Attacks Since 9/11, New America Foundation, International Security Project, Summer 2015, <https://www.newamerica.org/in-depth/terrorism-in-america/what-threat-united-states-today/#americas-layered-defenses>.



**CWS Statement to the U.S. Senate Committee on Homeland Security and Governmental Affairs
Pertaining to the Nomination of General John Kelly for Secretary of Homeland Security
January 11, 2017**

As an ecumenical organization representing 37 Protestant member communions, Church World Service urges the committee to emphasize the importance of access to protection for refugees and asylum seekers during its consideration of the nomination of General John Kelly for Secretary of Homeland Security. As we face the worst displacement crisis in recorded history, with over 65 million people forced from their homes, we call on General Kelly to recognize refugee protection and resettlement as cornerstones of U.S. global leadership that promote U.S. interests, including regional stability and global security.

While CWS respects General Kelly's military service, we are concerned that he could lead DHS to pursue an increasingly militarized approach to immigration policies. DHS is charged with protecting and processing asylum seekers, unaccompanied children, refugees, and other vulnerable populations arriving to the United States. It is essential that the DHS Secretary carry out this charge with compassion, prioritize access to protection for asylum seekers, and respect the human rights and dignity of all individuals, including immigrants. We are troubled that General Kelly has called immigrants from Latin America an "existential threat" to the United States, and has supported circumventing restrictions to train foreign forces that have committed grave human rights violations.

The incoming administration has alluded to policy proposals that would discriminate against people based on their religion or country of origin, drive families apart through record deportations, dismantle trust between local law enforcement and the communities they serve, and militarize the border. All of these ideas are an affront to our country's values of religious freedom, family unity, fairness, and equality. We encourage Senators to concerns about these proposals during General Kelly's confirmation hearing and ask if he will safeguard access to protection, protect family unity, and reject policies that target populations based on national origin or religious identity.

CWS also expresses absolute opposition to Kris Kobach as a nominee for political appointment, which has been recently rumored, given his current work on President-Elect Trump's transition team. Kris Kobach has clear ties to white supremacists and hate organizations, and has authored and advanced policies of discrimination against immigrants, Muslims and other religious minorities, and people of color -- all at taxpayers' expense. Kobach co-authored a 2010 Arizona bill, SB 1070, which encouraged racial profiling by law enforcement and was found largely unconstitutional by the Supreme Court. Kobach was also instrumental in the passage of similar laws in other communities, most of which have been overturned by federal courts. Kobach has championed policies geared toward making immigrants' lives unbearable, and has sued the federal government over the Deferred Action for Childhood Arrivals (DACA) program -- a lawsuit that the U.S. district court dismissed. Kobach has grounded his policies in bigotry, irrational fears, and racial discrimination and is unfit to serve in any administration. We urge all Senators to strongly oppose any nomination of Kris Kobach.

CWS stands in solidarity with all refugees, immigrants, and newcomers and remains committed to defending the rights and dignity of all people. For this reason, we urge the Senate to reject any nomination of Kris Kobach, and we ask both the Senate and General John Kelly to honor our country's legacy of welcome by supporting policies that are grounded in our values of compassion, hospitality, and respect.



January 9, 2016

The Honorable Ron Johnson
 Chairman
 The Honorable Claire McCaskill
 Ranking Member
 U.S. Senate Committee on Homeland Security & Governmental Affairs
 340 Dirksen Senate Office Building
 Washington, DC, 20510

**Re: Nomination and confirmation of General John Kelly (ret.)
 to be the next U.S. Secretary of Homeland Security**

Dear Senator Johnson and Senator McCaskill:

The E-Verify Employer Agent Alliance (E2A2) would like to go on record as supporting the nomination of General John Kelly (ret.) to be the next U.S. Secretary of Homeland Security.

It's quite apparent from General Kelly's background and experience – as commander of the U.S. Southern Command, Unified Combatant Command, and commanding the Multi-National Forces in Iraq – that he has the capabilities necessary to run an organization as diverse and substantial as the U.S. Department of Homeland Security.

As you know, there are many federal agencies associated with the department. For instance, the U.S. Citizenship and Immigration Services (CIS) is one that we would ask General Kelly to focus on when he is sworn-in as Secretary – specifically E-Verify, the government system that allows employers to verify an employee is authorized to work in the United States.

Immigration reform was a central focus of the most recent elections and no matter what side of the policy spectrum one falls on regarding comprehensive immigration reform, all people seem to agree that an E-Verify system that protects workers and employers, helps ensure a safe work environment, protects jobs for authorized workers, and is hardened against prevent cyber-attacks should be provided by USCIS. In addition, the voice of the customer (employers, agents, and users) must be incorporated into the process of enhancing the E-Verify product to ensure the needs of both government and customer are prioritized to maintain a healthy system and reduce burdens on the economy. With more than 50% of E-Verify activity being processed using the computer-to-computer interface (Web Services), which is primarily used by agents (in effect, E-Verify's sales force), input from customers is key to the growth and ongoing success of E-Verify.

Employers are burdened with complying with a potpourri of varying E-Verify mandates at the state level. With both presidential candidates, including President-elect Trump, a bipartisan majority in Congress, most state governors, state legislatures, and the American electorate finally recognizing the importance of E-Verify, perhaps the time has come for Congress and the new Administration to fully enable E-Verify the reforms, tools, and funding necessary to efficiently protect and serve the American people.

It will be through the leadership of General Kelly, your Senate Committee and other committees that these reforms will be adopted. Confirming General Kelly would be a good first step.

David Fowler
 President

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National Border Patrol Council

January 10, 2017

The Honorable Ron Johnson
 Chairman
 U.S. Senate Committee on Homeland Security & Government Affairs
 240 Dirksen Senate Office Building
 Washington, DC, 20510

The Honorable Claire McCaskill
 U.S. Senate Committee on Homeland Security & Government Affairs
 240 Dirksen Senate Office Building
 Washington, DC, 20510

Dear Chairman Johnson and Senator McCaskill:

My name is Brandon Judd and I am currently a Border Patrol agent, as well as the president of the National Border Patrol Council. The National Border Patrol Council (NBPC) represents the 16,500 border patrol agents that work to protect our borders. With my 19 years of experience as a Border Patrol agent as well as the many years of serving the agents through the NBPC, I have a very skilled and expert view on how the border of the United States should be secured.

I have served under several Secretaries of the Department of Homeland Security over my career, but none give me more promise and enthusiasm to complete the mission that needs to be accomplished than General John Kelly. He served our nation with honor for more than 40 years. Due to his proven leadership abilities, General Kelly rose through the ranks to become a four-star general. He knows in a deeply personal way what sacrifice means to secure the homeland. Not only did he risk his life in combat, but he is also a Gold Star father. General Kelly lost his youngest son, Marine 1st Lt. Robert Kelly, in combat in Afghanistan in 2010.

As you know, General Kelly took over as Commander of U.S. Southern Command in 2012. In that command, General Kelly was responsible for countering a range of security threats to the Homeland. This included intercepting illegal human trafficking and disrupting criminal drug networks based in South and Central America. His experience in this capacity, coupled with his more than 40 years of combined military service managing large complex organizations, make him uniquely qualified in my opinion for this critical role in the Administration. By all accounts, the men and women who served under General Kelly felt he was fair and honorable and acted in their best interest. His reported inclusive leadership style will help improve agent morals, whose moral year after year ranks at the bottom of all federal employees.

In closing, I would ask that you act swiftly. General Kelly is clearly qualified for this position and I believe that any incoming President should have his Secretary of Homeland Security ready to serve on day one.

Sincerely,

Brandon Judd
 President
 National Border Patrol Council

January 9, 2017

The Honorable Ron Johnson
328 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Johnson,

On behalf of the more than 8 million Americans in the on-line network of the NumbersUSA Education & Research Foundation, I am writing to express our support for Gen. John F. Kelly for the position of Secretary of the Department of Homeland Security.

I believe Gen. Kelly's knowledge and experience will be essential in transforming our overall immigration policy into one that serves Americans' interests and keeps our nation safe.

On one front, Gen. Kelly's first-hand experience with terrorism and border-security issues provides assurance that he will be fully committed and able to protect the physical security of the American people. He recognizes that border surges of any kind, as well as illegal-alien smuggling for any purpose, creates opportunity for terrorists, drug smugglers and other criminal operations.

On the other important immigration-policy front of protecting the economic and quality-of-life interests of the American people, Gen. Kelly is on record as recognizing how seriously unmanaged flows of migration can upset and even collapse a society.

We look forward to working with Gen. Kelly as he manages immigration policies to protect the physical and economic interests of America's most vulnerable workers, taxpayers and communities.

Sincerely,

Roy Beck
President



January 11, 2017

The Honorable Ron Johnson
Chairman
U.S. Senate Committee on Homeland Security & Government Affairs
240 Dirksen Senate Office Building
Washington, DC, 20510

The Honorable Claire McCaskill
U.S. Senate Committee on Homeland Security & Government Affairs
240 Dirksen Senate Office Building
Washington, DC, 20510

Dear Chairman Johnson and Senator McCaskill:

The United States has entered into a period of international uncertainty, where old expectations have given way to new threats and emboldened enemies. Violence now flairs where there was once stability; our great nation is beset upon by radical extremists; and, through it all, our borders remain porous, unable to deter those who are committed to our destruction. Our country therefore needs a deft hand to oversee our internal security—an experienced mind, who not only understands the risks but also has the diplomacy necessary to bring competing stakeholders together in pursuit of a common mission. General John Kelly is that man.

General Kelly enlisted in the Marine Corps in 1970. He served our nation with honor for more than 40 years and, in that time, picked up a tempered insight to command that only can be learned in the crucible of combat. Due to his proven leadership abilities, John Kelly rose through the ranks to become a four-star General. He knows in a deeply personal way what sacrifice means in order to secure the Homeland. Indeed, General Kelly knows that sacrifice twice over. Not only did he risk his own life on behalf of this great nation, but he is also a Gold Star father. General Kelly lost his youngest son, Marine 1st Lt. Robert Kelly, to combat in Afghanistan in 2010.

General Kelly, in other words, understands the threats this nation faces as well as the cost that is sometimes required to emerge on the other side. He will not take that charge lightly, nor will his competency and perseverance allow those sacrifices to be made in vain. General Kelly took over as Commander of U.S. Southern Command (“SOUTHCOM”) in 2012. In that command, he was responsible for countering a range of security threats to the Homeland including intercepting illegal human trafficking, responding to disasters, providing humanitarian relief, ensuring the safe flow of trade routes, and disrupting

criminal drug networks based in South and Central America. General Kelly could not have successfully completed these critical missions based on unilateral action. These missions require the skill to engage and effectively coordinate with a multitude of stakeholders including other U.S. Federal agencies, state and local governments, the U.S. public, foreign powers, non-governmental organizations, etc.

As Attorney General of Texas, I can personally attest to the risks posed by this country's permeable border. I can also attest to the difficulties incumbent in leading a multi-limbed office, albeit on a smaller scale. I say with conviction that the skills and abilities that General Kelly demonstrated in his U.S. SOUTHCOM role and throughout his distinguished career have well equipped him for the responsibilities he will bear as Secretary. I therefore respectfully urge the Senate to confirm General John Kelly as the next Secretary of the Department of Homeland Security and to do so speedily. It is important for the safety and security of the Homeland that any incoming President have his Secretary of DHS confirmed and ready to serve on day one. Delays merely make us all vulnerable, and that is something no nation can afford.

Very Truly Yours,

A handwritten signature in black ink that reads "Ken Paxton". The signature is written in a cursive, flowing style.

Ken Paxton
Texas Attorney General



Major County Sheriffs' Association

Sheriff Michael J. Bouchard
Vice President – Government Affairs
Oakland County Sheriff's Office
1200 North Telegraph – Building 38 East
Pontiac, MI 48341
(248) 858-5001 mbouchard@mcssheriffs.com

December 9, 2016

President-Elect Donald J. Trump
725 5th Avenue
New York, New York 10022

Dear President-Elect Trump:

The Major County Sheriffs' Association (MCSA) applauds your selection of General John F. Kelly to lead the Department of Homeland Security as its Secretary for your Administration. This choice demonstrates to the nation's law enforcement that you are fully supportive of them and are ensuring the best men and women lead our nation under your tenure.

The MCSA represents our nation's largest counties, collectively serving over 100 million Americans, and we seek to be a positive source of solutions and ideas to increase public safety and strengthen partnerships within the communities we serve. Our Association is at the forefront of federal legislative initiatives and we are heavily invested in homeland security and public safety policy.

As you move forward and select individuals to lead under General Kelly for such positions as Deputy Secretary of Homeland Security and in particular, the Director of the Office of State and Local Law Enforcement, MCSA would encourage you and your team to look at individuals who have had careers as law enforcement professionals. Those who have practical, hands-on experience as to how state and local law agencies actually operate will create a much stronger relationship between the locals and our federal partners. Having valuable firsthand knowledge of how the boots on the ground across our nation function will serve all law enforcement at all levels very well.

Our Association is excited to have a partner who supports law enforcement in the White House and we look forward to having continued engagement with your team to form a strong relationship under your leadership.

Very Respectfully,

A handwritten signature in black ink that reads "Michael J. Bouchard".

Sheriff Michael J. Bouchard
Oakland County Sheriff (MI)

January 8, 2017

The Honorable Mitch McConnell
Majority Leader
United States Senate
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Charles Schumer
Minority Leader
United States Senate
322 Hart Senate Office Building
Washington, DC 20510

RE: Support from Former Secretaries of DHS for the Nomination of John F. Kelly

Dear Majority Leader McConnell and Minority Leader Schumer:

President-elect Trump has announced that he will nominate John F. Kelly as the next Secretary of the Department of Homeland Security ("DHS"). Each of us has previously served in that role and are intimately familiar with the intense demands of the job. We firmly believe from our experience that John Kelly is an outstanding choice to be the next Secretary of DHS.

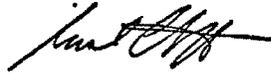
General Kelly enlisted in the Marine Corps in 1970. He served our Nation with honor for more than 40 years. Due to his proven leadership abilities, John rose through the ranks to become a four-star General. He knows in a deeply personal way what sacrifice means in order to secure the Homeland. Not only did he risk his life in combat, but John is also a Gold Star father. General Kelly lost his youngest son, Marine 1st Lt. Robert Kelly, in combat in Afghanistan in 2010.

General Kelly took over as Commander of US Southern Command ("SOUTHCOM") in 2012. In that command, General Kelly was responsible for countering a range security threats to the Homeland including intercepting illegal human trafficking, responding to disasters, providing humanitarian relief, ensuring the safe flow of trade routes, and disrupting criminal drug networks based in South and Central America. General Kelly could not have successfully completed these critical missions based on unilateral action. These missions require the skill to engage and effectively coordinate with a multitude of stakeholders including DHS, other US Federal agencies, state and local governments, the US public, foreign powers, non-governmental organizations, etc. As former Secretaries of DHS, we can say with conviction that the skills and abilities that General Kelly demonstrated in his USSOUTHCOM role and throughout his distinguished career have well equipped him for the critical missions he would be responsible for overseeing as Secretary.

In closing, it is important for the safety and security of the Homeland, that any incoming President have his Secretary of DHS confirmed and ready to serve on day one of the new Administration. Delay makes

us all vulnerable. General Kelly is clearly well qualified to assume that important responsibility on that first day. We respectfully urge the Senate to swiftly confirm General John Kelly as the next Secretary of the Department of Homeland Security,

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Chertoff". The signature is fluid and cursive, with a prominent flourish at the end.

Michael Chertoff
Former Secretary
Department of Homeland Security

A handwritten signature in black ink, appearing to read "Tom Ridge". The signature is cursive and somewhat stylized, with a long horizontal stroke at the end.

Tom Ridge
Former Secretary
Department of Homeland Security

January 9, 2017

The Honorable Ron Johnson

Chairman

U.S. Senate Committee on Homeland Security and Government Affairs

Dirksen Senate Office Building

Washington, DC 20510

The Honorable Claire McCaskill

Ranking Member

U.S. Senate Committee on Homeland Security and Government Affairs

Washington, DC 20510

Dear Chairman Johnson and Senator McCaskill:

On behalf of the many fine men and women serving this great nation in the Department of Homeland Security, and especially the families of those who serve, it is my honor to offer my full support of General John Kelly to serve as the next Secretary of Homeland Security. I humbly present my 31 years as a U.S. Border Patrol Agent, retiring as the national Deputy Chief (Deputy Assistant Commissioner, U.S. Customs & Border Protection), and former White House Director for Law Enforcement, with the Homeland Security Council, as points of reference from which to demonstrate my support of General Kelly.

In recent years, I have served as President of the Border Patrol Foundation, a non-profit organization whose core mission is to support the surviving families of fallen Border Patrol Agents, and to provide for the needs of families whose loved ones have been wounded, injured and fallen ill in the line of duty. Like all great organizations, it really is about the people.

This is what General John Kelly brings to the mix, in protecting America at its borders, within its borders and even beyond the borders of the USA. As we say in "*The Patrol*," he is one of us. He is a bootstraps leader, from bottom-to-top; he is a defender who understands what it takes to put one's life on the line, day in and day out. He's not afraid to get his boots dirty. He understands the heart and fortitude of the people in Homeland Security, and best of all, they understand him. First in, last out; put your people first, and be a smart risk taker. That is what I demanded of myself, and the leaders within the ranks of the U.S. Border Patrol.

General John Kelly is just that kind of leader!

Again, it is my *honor* to share my deep respect and highest recommendation of General John Kelly to you. As we say in The Border Patrol: "*Honor First.*" I stand ready to answer any further questions that the Committee may have.

Best Regards and Respectfully,

Ronald S. "Ron" Colburn

National Deputy Chief / US Border Patrol (Retired)

President, The Border Patrol Foundation

January 6, 2017

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Dear Chairman Johnson and Senator McCaskill:

Over the course of nearly 40 years in federal law enforcement, I had the distinct honor of serving in the leadership of four of the seven operational components of the U.S. Department of Homeland Security (DHS). I served as the Director of the Federal Law Enforcement Training Center (FLETC), the Chief of Staff of the Transportation Security Administration (TSA) when it was founded, the Director of the U.S. Secret Service, and later as the Commissioner of U.S. Customs and Border Protection (CBP). The experience of serving alongside the frontline men and women who keep us safe was the highest honor of my life and having served under three Secretaries of DHS I believe my background offers me a unique perspective on the role of the leader of the Department and the type of individual that I think the men and women of DHS need right now.

I write to offer my unequivocal support of General John Kelly to serve as the next Secretary of DHS and to share with the committee that I believe General Kelly is the exact type of leader needed by the men and women of the Department at this critical moment in its history.

The mission of the Department is among the most difficult and complex in our Government. The largest reorganization of Government since the creation of the Department of Defense was without question the right thing to do – but many challenges remain as DHS nears its third decade in existence. I believe General Kelly is uniquely equipped to deal with just about all of them, but I believe that his background and experience will allow him to tackle perhaps the most important one: culture. Anyone that's worked in law enforcement will tell you that there will

never be a one size fits all culture for every enforcement organization or agency. Just as there are distinct cultures and traditions in each service branch, there are distinct and unique cultures in the legacy organizations that make up DHS. While they do not need a uniform culture, they do need a common vision and sense of shared mission. General Kelly is the type of hands on leader who can communicate that vision and who can help solve the morale problems that continue to hamper DHS's ability to achieve its highest potential.

Finally, General Kelly has one other attribute that should not go unnoticed by the committee: he is an operator and will be the first operator to serve as Secretary in the Department's history. He rose from an enlisted man to the highest rank in our military over his decades of exemplary service – an exceedingly rare occurrence. If he is confirmed, the tens of thousands of frontline personnel on our borders, at our ports of entry, at sea, at airports, and many others enforcing our laws will see a kindred spirit in their new Secretary: someone who has worn a uniform and walked the line, just as they do every day. This will give him a unique ability to engage the Department's employees in new ways and to forge new partnerships and opportunities for joint operations and innovations both within the Department and amongst the many federal, state, local, and tribal organizations with which DHS must partner to accomplish its mission.

It is my distinct pleasure and honor to share my views on General Kelly's nomination. I thank the Committee for its important work on securing our Homeland and am happy to answer any additional questions that the Committee may have.

Best Regards,

A handwritten signature in black ink, reading "W. Ralph Basham". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

W. Ralph Basham

January 6, 2017

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Dear Chairman Johnson and Senator McCaskill,

In the past 45 years in public safety it has been my honor to serve as Chief of the Miami-Dade Fire Rescue Department, President of the International Fire Chiefs, United States Fire Administrator and Deputy Secretary of the Department of Homeland Security as the Director of FEMA.

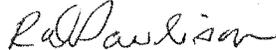
As the Fire Chief of Miami-Dade County I deployed a team to the Pentagon and a team to New York during the attack on our country on September 11, 2001. I have seen, first hand what terrorist can do to our homeland.

As you know, it is extremely important to have the right person at the helm of DHS. We must have someone with operational experience. Someone who is a proven leader with on the ground experience and someone with the intelligence to truly understand the depth of what the real issues are.

General Kelly is that person to lead DHS during these difficult times. He is that proven leader. I have seen, first hand, his leadership and understanding of those important issues during his service as Commander of Southern Command here in South Florida.

It is indeed an honor to share my views of General Kelly. You serve on such an important Committee and I thank you for your dedicated service to our country. I am happy to answer any questions you might have.

Warm regards,



R. David Paulison



INTERNATIONAL ASSOCIATION OF FIRE CHIEFS

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Dear Chairman Johnson and Senator McCaskill:

On behalf of the nearly 12,000 fire and emergency service leaders of the International Association of Fire Chiefs (IAFC), I express our support for the nomination of General John Kelly to be Secretary of Homeland Security. General Kelly has the broad leadership abilities required to manage the various missions of the U.S. Department of Homeland Security (DHS), including the vital mission of ensuring that the national preparedness system has the capability to provide effective response to all hazards.

General Kelly has demonstrated his leadership skills over the years in a variety of postings. He has served as the Marine Corps liaison to Congress and as an aide to two U.S. Secretaries of Defense. He also has held combat commands and served as the commander of the U.S. Southern Command (SOUTHCOM). In his leadership of SOUTHCOM, General Kelly provided leadership through a number of diverse missions including disaster response. I believe that General Kelly's leadership experience will help him to improve coordination of the various components of DHS and help the department to provide better service to its various stakeholders, including the nation's local fire and emergency service personnel.

The IAFC looks forward to working with the committee to ensure that General Kelly's nomination is considered in a timely manner. As the terrorist threat evolves, it is important that DHS have experienced leadership to respond to such threat. It also is important to have a leader experienced with responding to the consequences of natural disasters and other risks and challenges. I believe that General Kelly will provide the necessary leadership to help the nation be prepared to respond to all hazards.

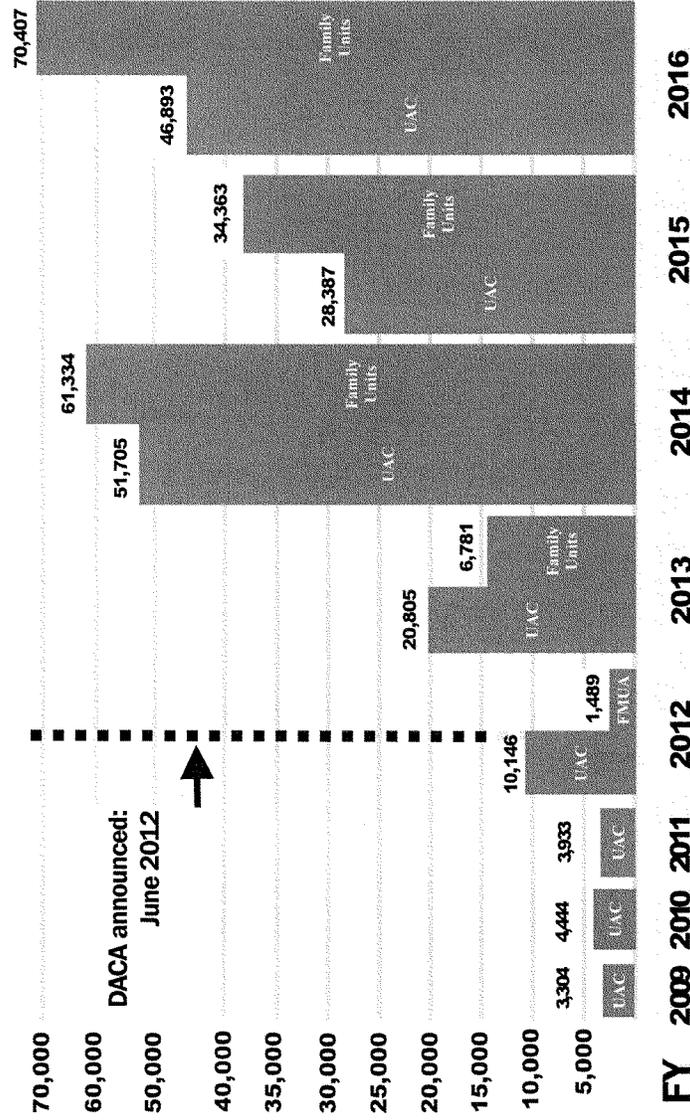
Thank you again for your support for America's fire and emergency service!

Sincerely,

A handwritten signature in cursive script that reads "John D. Sinclair".

Fire Chief John D. Sinclair
President and Chairman of the Board

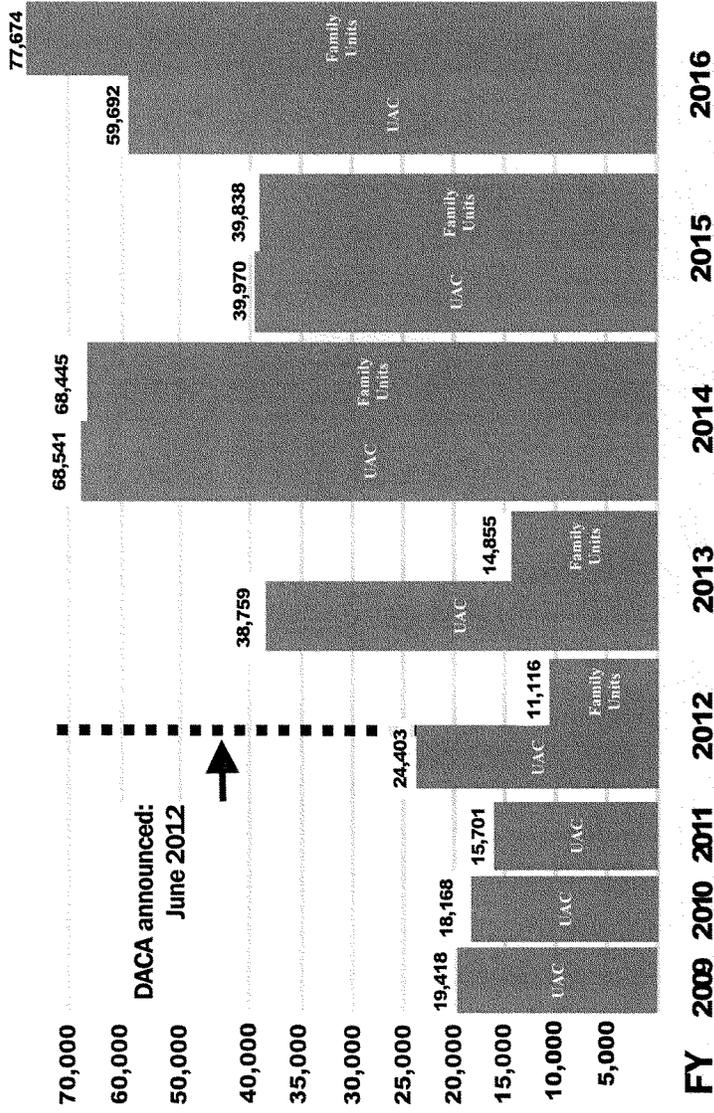
UAC AND FAMILY UNITS APPREHENSIONS



* UAC figures only include unaccompanied minors from El Salvador, Guatemala, and Honduras.
U.S. Border Patrol, U.S. Customs and Border Protection.



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