HEARING

BEFORE THE

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

FIRST SESSION

NOMINATIONS OF DAVID J. GLAWE TO BE UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS, U.S. DEPARTMENT OF HOMELAND SECURITY, AND DAVID P. PEKOSKE, TO BE ASSISTANT SECRETARY, TRANSPORTATION SECURITY ADMINISTRATION, U.S. DEPARTMENT OF HOMELAND SECURITY

JULY 11, 2017

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**TUESDAY, JULY 11, 2017**

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The Committee met, pursuant to other business, at 10:03 a.m., in room SD–342, Dirksen Senate Office Building, Hon. Ron Johnson, Chairman of the Committee, presiding.


OPENING STATEMENT OF CHAIRMAN JOHNSON

Chairman Johnson. This nomination hearing is called to order.

We are meeting today for a nomination hearing to consider David J. Glawe to be Under Secretary for Intelligence and Analysis for the U.S. Department of Homeland Security (DHS); and Admiral David Pekoske to be Assistant Secretary for Transportation Security Administration (TSA), U.S. Department of Homeland Security.

These are two incredibly important positions, particularly at this point in time with all the threats we face to our transportation sector as well as across the globe and the threats to our homeland.

So the Under Secretary for Intelligence and Analysis (I&A) at the Department of Homeland Security is responsible for leading the Department of Homeland Security’s Office of Intelligence and Analysis and also serves as the Department’s Chief Intelligence Officer. In these roles, the Under Secretary is responsible for fusing the department’s streams of intelligence and analysis to develop a common operational understanding of threats to the homeland, and sharing relevant information within DHS among State, local, and private sector partners. As the Department’s Chief Intelligence Officer, the Under Secretary is also responsible for overseeing intelligence across DHS and collaborating with intelligence community (IC) partners.

Multiple reviews of the Office of Intelligence and Analysis by this Committee, watchdog organizations, and others have raised concerns about the quality and value of its intelligence, the lack of coordination of component intelligence activities, and the low morale and human resources (HR) challenges facing the office. The next Under Secretary has an opportunity to strengthen the Depart-

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1 The prepared statement of Senator Johnson appears in the Appendix on page 33.
The DHS Assistant Secretary, also known as the Transportation Security Administrator, is responsible for the safety and security of the country’s transportation systems, ensuring the free flow of people and commerce. The Administrator’s job is to assess intelligence and threats to the Nation’s transportation sector and direct the approximately 53,000 Transportation Security Administration employees in protecting hundreds of millions of travelers each and every year.

The TSA was created after the September 11th attacks to disrupt future terrorist plots and safeguard the Nation’s transportation system. The agency oversees aviation security as well as rail, highway, mass transit, and pipeline security with an overall budget of over $7 billion. Aviation remains a target for foreign and domestic terrorists. To achieve its mission, the TSA need to continually improve its screening capabilities and strive to adapt to the terrorist threats of the future. The next Administrator has the opportunity to increase the TSA’s screening capabilities, improve workforce morale, and deliver effective and cost-efficient security to the traveling public.

With that, I will turn it over to Ranking Member McCaskill.

OPENING STATEMENT OF SENATOR MCCASKILL

Senator McCaskill. Thank you, Mr. Chairman. I appreciate you holding this hearing, and I want to thank the two nominees for their willingness to serve. I am particularly pleased to be here today given the strong qualifications and distinguished careers of the nominees that are in front of us today. You have both had exemplary public service careers, and we need individuals like you leading our homeland security and intelligence agencies.

You both have difficult jobs ahead of you. The offices you seek to lead are essential ones for the protection of our homeland. TSA has the visible role of protecting air travel as well as the less-well-known job of securing ground, rail, and maritime security. And the Office of Intelligence and Analysis is a component of the intelligence community that informs the work of all DHS agencies and is charged with sharing intelligence with local, State, and tribal governments.

In addition to the challenges you will face in executing the mission of these organizations, you will face a serious challenge given the current morale of the workforce in these offices. Both TSA and I&A are seen by their employees as being among the worst places to work in the Federal Government. According to a survey of Federal agencies, I&A is ranked 304th out of 305 Federal agency subcomponents in employee morale. TSA is doing only slightly better, ranked at 303 out of 305. Strong leadership will be necessary to strengthen the workforce at these offices and ensure that these components are recruiting and retaining the most qualified talent. The culture and sentiment in an office enormously contribute to hiring and keeping the best personnel, who in turn are working hard to keep us safe.

The prepared statement of Senator McCaskill appears in the Appendix on page 35.
Mr. Pekoske, with threats to our transportation system on the rise, TSA has an essential role in protecting our homeland. I have made clear several times my concerns about the President’s proposed cuts to the TSA budget, particularly when it comes to funds for counterterrorism programs. Once you are confirmed, I expect you to make clear to the Administration at the highest levels what you need to do your job, and you should not back down until the Administration proposes a budget that works for you.

Mr. Glawe, I expect you to ensure that the work of your office remains apolitical and informs decisions at the highest level of the Department and the intelligence community. This Administration should be making policy decisions based on intelligence and facts, and it is your office that has the data and the analytic tools to make sure that the policy decisions are sound.

I look forward to our conversation today and working with you in the future. Mr. Pekoske, I understand you told the Committee staff this week that you would come in to sit down with them once you have been on the job for several months. I really appreciate that offer, and I expect my staff will take you up on it. I hope both of you will remain accessible and responsive to this Committee once you are confirmed.

Thank you, Mr. Chairman.

Chairman JOHNSON. Thank you, Senator McCaskill.

The Committee wants to welcome the witnesses and your families. I want to thank you for your past service and your willingness to serve again. I also want to thank your families for their sacrifice because these are big, important jobs and you are going to be busy and away from home. So it is certainly going to be a family sacrifice as well. And I know in your opening statements you will introduce your family members and your friends and supporters during your comments.

It is the tradition of this Committee to swear in witnesses, so if you will both rise 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?

Mr. GLAWE. I do.

Admiral PEKOSKE. I do.

Chairman JOHNSON. Please be seated.

Our first nominee is David Glawe. Mr. Glawe has extensive experience in national security and law enforcement. He currently serves as a Special Assistant to the President and until recently served as the Assistant Commissioner and Chief Intelligence Officer in the Customs and Border Protection (CBP) component at the Department of Homeland Security. Mr. Glawe has previously served as a Federal Bureau of Investigation (FBI) agent and as a Federal Agent with the U.S. Postal Inspection Service and started his career in public service as a Houston police officer. Mr. Glawe has a certificate from the John F. Kennedy School of Government at Harvard University and a Bachelor of Arts degree from the University of Northern Iowa.

Mr. Glawe, in this role I think your extensive background in law enforcement across the spectrum, from local, State, and Federal, is just going to serve you well. It is just crucial. So, again, we appreciate your willingness to serve and look forward to your testimony.
Mr. G LAWE. Chairman Johnson, Ranking Member McCaskill, Members of the Committee, thank you for the opportunity to be before you today as the President's nominee for Under Secretary for Intelligence and Analysis at the Department of Homeland Security. I am honored to have been nominated for this position by President Trump, and I am humbled to have received the support of Secretary Kelly, Deputy Secretary Duke, and Director of National Intelligence (DNI) Coats.

Before I begin, I would like to take a moment to recognize my family. I am grateful for their support and sacrifices to allow me this opportunity. With us today is the bedrock of my life, my 20-year partner and husband, Perry Goerish, a Supervisory Special Agent at the FBI's Washington Field Office. Foremost in our mind are our two wonderful children, Alexis and Wyatt. I also want to thank the rest of my family and friends and co-workers who have supported me throughout my life. I would not have this opportunity without them.

The mission statement of DHS is clear and direct: With honor and integrity, we will safeguard the American people, our homeland, and our values. DHS faces a complex and evolving threat environment and must work across the Federal Government, and in concert with our State, local, tribal, territorial, and private sector partners. As the only member of the U.S. intelligence community statutorily charged with sharing intelligence and information with our State, local, tribal and private sector partners, I&A enables DHS to execute this mission.

Secretary Kelly's guidance is clear: He expects I&A to provide timely, useful, and operationally relevant intelligence to the DHS enterprise, the intelligence community, and our State and local partners. I have over 24 years in law enforcement and intelligence experience and, if confirmed, I will work to apply that knowledge I acquired and the lessons learned to make I&A a premier intelligence organization that drives operations, intelligence integration, information sharing, and the delivery of unique analysis to operators and decisionmakers that enables them to identify vulnerabilities, position resources, and ultimately mitigate threats.

I&A has one of the broadest customer bases in the intelligence community, and meeting the many and varied demands of those customers is a challenge. I intend to focus I&A's analytic capacity on areas where they are positioned to add value, areas like trade, travel, cyber, border, marine, and aviation security, rather than duplicating work done elsewhere.

I&A's greatest strength, without question, is its people. If confirmed, it will be my honor to lead the homeland intelligence professionals at I&A as we endeavor to implement Secretary Kelly's vision by meeting the needs of the primary customers, integrating intelligence and operations, and making I&A a diverse, mission-focused, and productive environment for the workforce.

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1The prepared statement of Mr. Glawe appears in the Appendix on page 38.
In closing, I would like to take a moment to recognize the important role that Congress plays in the success of I&A. If confirmed, I pledge to enable the Committee to fill that role by keeping you informed on I&A activities and developments. I am committed to transparency, and I look forward to partnering with you to move the organization forward and best protect the homeland.

Mr. Chairman, I will stop there and submit the remainder of my comments for the record. Thank you again for the opportunity to appear before you today, and I look forward to answering your questions.

Chairman JOHNSON. Thank you, Mr. Glawe.

Our next nominee is Vice Admiral David Pekoske. Vice Admiral Pekoske was Vice Admiral and Chief Operating Officer (COO) of the U.S. Coast Guard (USCG) when he retired in 2010 after 32 years of service, and, again, we thank you for that service. Prior to becoming Vice Admiral, he was the Commander for the Pacific Area Defense Forces, protecting 73 million square miles of territory throughout the Pacific region. After retiring from the Coast Guard, Vice Admiral Pekoske was group president for the national security group at A–T Solutions and vice president for national programs at Pacific Architecture and Engineering. He has extensive experience in the homeland security field from his time in the Coast Guard and in the private sector covering crisis management, strategic operations, financial and risk management, and counterterrorism. Vice Admiral Pekoske received his Bachelor’s degree from the U.S. Coast Guard Academy and holds two Master’s degrees, one from Columbia University in economics and one from the Massachusetts Institute of Technology (MIT) in business management.

And, Vice Admiral, I just have to say that reading your opening statement, which you will be presenting here, your extensive experience in time to lead such an important agency. So, with that, I look forward to your testimony.

TESTIMONY OF DAVID P. PEKOSKE³ TO BE ASSISTANT SECRETARY TRANSPORTATION SECURITY ADMINISTRATION, U.S. DEPARTMENT OF HOMELAND SECURITY

Admiral PEKOSKE. Thank you, Mr. Chairman, and good morning, Chairman Johnson, Ranking Member McCaskill, and distinguished Members of this Committee. It is a privilege to appear before you today as the President’s nominee to lead the Transportation Security Administration. I am honored to have been nominated by President Trump for this important national security position, and if confirmed, I look forward to the opportunity to work with Secretary Kelly, Deputy Secretary Duke, and the entire team at the Department of Homeland Security.

I have always benefitted from the strong support of my family and am honored to introduce my wife, Michele, who is sitting right behind me, who joins me at this hearing today. Together, we raised four terrific children, all very successful in their own right. They and many members of our family are watching from locations around the country. I thank them for their love and support and

³The prepared statement of Mr. Pekoske appears in the Appendix on page 65.
am glad they are able to be present today, in person and virtually, for this important event in my professional life.

Let me begin by recognizing the men and women of the Transportation Security Administration. Each and every one contributes to the security of our Nation’s transportation system and works tirelessly to earn the trust and respect of the American people. Their work is critical to the security of our aviation and surface transportation systems, and they have, in my opinion, done an outstanding job in protecting us from an ever present and very dynamic threat. It would be my privilege to join them as their Administrator and bring my leadership, skills, and experience directly to the effort of securing our homeland.

TSA could not accomplish its mission were it not for the strong partnerships it has with other Federal partners, State and local public safety and law enforcement agencies, the airline industry, the government services industry, airport and surface transportation system owners and operators, and international partners. Throughout my professional career, I have seen firsthand the importance and enormous value of strong partnerships and professional relationships. This is the extended TSA team, and it would be my privilege to join them as well in our collective goal of ensuring transportation security in the United States.

I had the high honor of serving our country in the United States Coast Guard for most of my adult life. I am forever grateful to my Coast Guard colleagues for their investment in my leadership and professional development. My career in the Coast Guard provided me with the background and the experience that are very relevant to the position of TSA Administrator. Specifically, I performed in top leadership positions of a large operating agency with a security and law enforcement mission in the Department of Homeland Security. I have experience in operational risk management and risk mitigation, and I have experience working with other Federal, State, and local law enforcement and public safety agencies, industry and interest groups, and international partners and international standard-setting bodies.

Following my Coast Guard service, I joined a very successful mid-market company in the government services industry. My experience in the private sector was very valuable, and I learned how government can be a better consumer of private sector expertise and support.

Today, as you know, we face a multitude of threats that are persistent and ever evolving. We know that certain terrorist organizations remain focused on commercial aviation and disrupting the freedoms we enjoy as an open society. Staying ahead of these threats and ensuring that appropriate measures are in place to ensure security effectiveness will continue to be TSA’s most significant challenge.

If confirmed, it would be my honor to serve in what I consider one of the most challenging jobs in government. My overarching goal would be to lead TSA to an even stronger position as an effective and efficient provider of security for our transportation systems, especially aviation, with a strong and growing level of public confidence in the agency’s mission performance. I will articulate a
clear vision for TSA to ensure all of our efforts contribute to its achievement.

My full intention is to serve as TSA Administrator, if confirmed, for as long as the President and Secretary wish me to remain in this position. I think leadership continuity at TSA is very important. If confirmed, I would be the 13th Administrator in 16 years when you include those in an acting capacity.

I am always reminded of a quote of Alexander Hamilton when he, as our first Secretary of the Treasury, issued instructions to the Commanding Officers of the Revenue Cutters Service, which is the predecessor to the Coast Guard. Alexander Hamilton issued these instructions in 1791, approximately 226 years ago today. He said, in part, “They will always keep in mind that their countrymen are freemen, and, as such are impatient of everything that bears the least mark of a domineering spirit. They will, therefore, refrain, with the most guarded circumspection, from whatever has the semblance of haughtiness, rudeness, or insult.” I think this sage guidance from one our country’s Founding Fathers applies to all Federal officials involved in law enforcement and security operations today. It is something that will guide me if I am so fortunate as to have the opportunity to lead TSA.

TSA is the face of the Federal Government to millions of air travelers every day. These travelers rightfully expect effective and efficient screening with a minimum of delay by government officials who treat them with respect. I will work diligently with the entire TSA workforce to ensure TSA continues to meet this standard. We must balance the demands of security with the imperatives of liberty guaranteed in our Constitution.

In closing, I thank President Trump and Secretary Kelly for their confidence in my ability to lead TSA. Chairman Johnson, Ranking Member McCaskill, and distinguished Members of this Committee, I thank you for your courtesies during this confirmation process and for the opportunity to appear before you today. I look forward to answering your questions.

Chairman JOHNSON. Thank you, Vice Admiral.

There are three questions the Committee asks every nominee for the record, and I will ask the questions, and each one of you can answer them separately.

First, is there anything 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? Mr. Glawe.

Mr. GLAWE. No.

Chairman JOHNSON. Vice Admiral.

Admiral PEKOSKE. No, 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? Mr. Glawe.

Mr. GLAWE. No.

Chairman JOHNSON. Vice Admiral.

Admiral PEKOSKE. No, sir.

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? Mr. Glawe.
Mr. GLAWE. Yes.
Chairman JOHNSON, Vice Admiral.
Admiral PEKOSKE. Yes, sir, I do.
Chairman JOHNSON. Again, I want to thank the Committee Members for showing up and attending, and out of respect for your time, what I will do is I will hold off on my questions and turn it over to Senator McCaskill.
Senator McCASKILL. I will do the same since so many of my colleagues are here, and I will be happy to defer to their questions and question at the end like you, Mr. Chairman.
ChairmanJOHNSON. Then it will be Senator Portman.

OPENING STATEMENT OF SENATOR PORTMAN

Senator PORTMAN. Great. Thank you. And I thank the Chairman and Ranking Member for their allowing us to go because we have crazy schedules, and I appreciate the way they conduct the business of this Committee.

Thank you both for your willingness to serve. I appreciate the fact that you both have extensive experience on the intelligence side, and in your case, Admiral, you have had extensive experience on the security side.

I was struck by one thing you said, and that is that there have been 13 people in your position of supervising the TSA operations in 16 years, and you said you hoped to be able to stick around for a while.

Admiral PEKOSKE. Yes, sir.

Senator PORTMAN. This is one of my concerns at DHS, honestly. We have the oversight responsibility for this gargantuan agency that I think was necessary; in other words, we needed to have a better response after 9/11 from the Federal Government level and bring together 23 departments and agencies. But we move people around a lot in that agency, and I am concerned about the impact that has on morale, on readiness in terms of your responsibilities.

You are in a confirmation process here. I know you are not going to be able to say as much as maybe you can tell us once you are confirmed. But could you just for a second talk about that? Are you concerned about the amount of churning, the amount of changes in positions? I know sometimes within the Federal Government's system it is advantageous for an individual to change positions in order to increase compensation. And what can we do to address that? So if you could just talk about that for a second, particularly as it relates to TSA?

Admiral PEKOSKE. Yes, sir. When Secretary Kelly asked me if I would consider the TSA position, one of the things that was important to me is that whatever I agreed to do in the future, that I did it not just for a very short period of time. And I committed to him and committed today at this hearing that I will serve as long as I am able to serve in that position. I think leadership continuity in an agency like TSA is critically important.

Senator McCaskill mentioned the morale issues with the workforce, and I think that is one of my key focuses, should I be confirmed, is to place a lot of attention onto that issue, see if we cannot raise job satisfaction across the employee workforce, and also reduce attrition. And both will improve security effectiveness and
security efficiency. So I am committed to do that, and I am committed to spending a lot of time with the workforce.

Additionally, I think it is important that not just the top leader be in a position for a duration of time, but that the leaders that support that top leadership also have some level of continuity. And if confirmed, I will pay attention to that very carefully in the assignment of Senior Executive Service (SES) members inside TSA.

Senator PORTMAN. Well, thank you. Again, I think a number of us on this Committee would probably like to follow up with you on that once you are confirmed because I think that is a critical management challenge at DHS. And, again, thanks for your service.

Mr. Glawe, your background, again, is very impressive, starting as a police officer, working your way up to the top ranks of intelligence gathering. One of my big concerns about your Department, how it operates, is how the fusion centers are getting information. I think some fusion centers work pretty well, others not so well. And a constant concern I hear back home in Ohio is the fact that sometimes information is not disseminated in an appropriate way, either not quickly enough or not at the level of detail where it really is effective and helpful. And we do put a lot of focus and resources into fusion centers, not just at the Federal Government level, but State and local governments, and particularly law enforcement spend a lot of time and effort on that.

Can you talk to us about that challenge and how you intend to deal with it? I know you have already been in an acting capacity and having to deal with fusion centers. But, one, are they working? And, two, how could we better disseminate that information?

Mr. GLAWE. Senator, thank you for the question. And if confirmed, I look forward to working on the enterprise approach to fusion centers, and I would just start off with your question and answering it. I was fortunate enough to be on the Richmond Joint Terrorism Task Force (JTTF) with the FBI when Virginia started its first fusion center, so I was intimately aware of the relationship with the fusion centers with State and local law enforcement and some of the challenges that occurred then and then watching it progress over essentially the next 13 to 15 years or so. And the relationship with State and locals as coming from those organizations and working with them throughout my career is critical. I have met with all the Major Chiefs and Sheriffs Associations, the National Fusion Center Association, and I hear a reoccurring theme. They are absolutely necessary, but having a business enterprise approach to how they knit the intelligence on both disseminating intelligence to them and also receiving it from them is critical.

The challenge is there are a lot of sheriffs and chiefs out there, and each fusion center operates independently. What I pledge is, if confirmed, to work with in an integrated approach to come up with an enterprise that has some consistency in how we are sharing intelligence, recognizing every fusion center is different. But from a Federal side and how we disseminate intelligence, it is going to be critical on how we have that enterprise approach. And I had a commitment from all the organizations to start working on that. So if confirmed, Senator, I look forward to working on that.

Senator PORTMAN. So a business enterprise approach in your mind means consistency, reliability. What does it mean in terms of
the level of detail that you can provide? In other words, one of the complaints that I hear sometimes is that our fusion centers are not able to get the information that they really find actionable, and they are sometimes told after the fact. And, we have been blessed not to have more terrorist attacks, but certainly we have had some that could possibly have been thwarted had we had a better information flow from the Federal level or even the international level, Federal level, and right down to the State and local level.

So talk to us about that for a minute. How can the business enterprise approach that you are advocating help with regard to getting that information in the right hands?

Mr. GLAWE. Sure, Senator. Thank you for the question. The tactical level intelligence that is needed by the fusion centers, so as threats are fluid and dynamic and changing, to disseminate that intelligence and to have an enterprise starting at DHS I&A and getting it out to the fusion center so it is accurate, correct, but also timely is the critical node. And as we have seen with the other intelligence organizations, a merging of a hybrid, of integrating intelligence and operation and fusing that intelligence, vetting it so it is appropriate and correct, but getting it out quickly. So it has to be tactical so they can adjust resources, readjust personnel, readjust their posture in the communities, be it from terrorist networks, cyber intrusions, transnational criminal organizations, the opioid epidemic that is devastating the United States, we have to produce tactical level enterprise, timely intelligence down range. And that is going to be a change of our business model. The I&A employees are incredibly dedicated. They want to do this. It is going to be creating a process to do it accurately and timely.

Senator PORTMAN. Well, again, once you are confirmed—and I think both of you will be—we look forward to working with you on that. I know this Committee has a strong interest in having fusion centers work, and I am not suggesting there is a cookie-cutter approach. It is different in different regions. But I do think more continuity with regard to the fusion centers per the Admiral’s comment about continuity would help, too, dissemination of information in a reliable way, consistent way, and ensuring that we can thwart these attacks on the homeland.

Thank you for your service.

Chairman JOHNSON. Senator Tester.

OPENING STATEMENT OF SENATOR TESTER

Senator Tester. Thank you, Mr. Chairman. I also want to thank you and the Ranking Member for your courtesy. I very much appreciate that.

Mr. Pekoske, first of all, thanks for stopping in yesterday. We talked a little bit about partnerships with other law enforcement agencies that TSA utilizes. Could you briefly talk about how important those partnerships are? Briefly, please.

Admiral PEKOSKE. Yes, sir. And thank you for your time yesterday. I greatly enjoyed the meeting.

As I said yesterday, I think partnerships—and I said it in my opening statement as well. Partnerships are absolutely critical to the success of TSA’s security mission. There is no easier way to say it. They are absolutely critical. And I greatly appreciate the work
that State and local law enforcement agencies, public service agencies, have provided in partnering with TSA. And I hope that we have been a good partner.

One of the things that, if I am confirmed and I get the opportunity to travel out to the workforce, which I will make as the highest priority for me in the first couple of months, and then throughout my tenure, is to meet with our State and local law enforcement partners and just reinforce the appreciation we have for the service they provide and the criticality it is to the overall success of our mission.

Senator TESTER. OK. As the budget applies, the Law Enforcement Officer (LEO) Reimbursement Program, was zeroed out in the President’s budget. That money is used to basically help local law enforcement support your mission. Do you know if there are any other grants out there that could replace the LEO grants, or is that the only game in town when it comes to supporting local law enforcement?

Admiral PEKOSKE. Senator, I do not know if that is the only game in town to support State and local law enforcement. But if confirmed, I will take a very close look at that and get back on your calendar to——

Senator TESTER. But you would agree that it is really critically important that those partnerships are there. And I can tell you that local government, even State government to a certain extent, really does not have the resources to be able to add value to your operation.

Admiral PEKOSKE. Yes, sir, the partnerships are critically important.

Senator TESTER. Since it was brought up during Senator Portman’s questioning, you said that you wanted to increase job satisfaction and reduce attrition. How much do you think that the pay for your front-line folks has to do with keeping them on the job?

Admiral PEKOSKE. Sir, I think it is certainly a factor. To say otherwise would, I think, be silly. But I have not spent enough time with the TSA workforce. My only time really with the TSA workforce has been as a passenger going through a screening line. But I have read the survey results, and, I pledge, if confirmed, to spend a good amount of time early on to really understand what some of the issues are. For me, just from what I have read, some of the issues would pertain to leadership at all levels of the organization, reinforcement of the front-line individuals’ performance, recognizing good performance when good performance is performed, providing the workforce adequate training; and for those that see a career in TSA, providing them the counseling and the support to pursue that career, but make the expectations realistic.

Senator TESTER. Well, I would just say leadership is critically important. It is critically important, and you know that coming from your previous job. But I would also hope that, as you look at the turnover of your front-line folks, that you take a look at where they are moving to and if pay is a potential problem.

Admiral PEKOSKE. Yes, sir.

Senator TESTER. I mean, if we are in a mode of continually retraining folks that are on the front lines, that is not healthy for the
organization. And I do not think it is healthy for security either, by the way. What is your perception on that?

Admiral PEKOSKE. Sir, I agree, and one of the things that concerns me, in addition to the job satisfaction survey results, is the attrition rate, which is, in my view, very high for the workforce. And I have just a macro number as a nominee. What I would like to do, if confirmed, is to look at the attrition rates across each individual airport and really get a handle on that.

Senator TESTER. I think it is good, and I think the reassignment of people, too, that Senator Portman brought up is also critically important. We are starting to see that in a lot of agencies, if they come out with a decision that maybe the higher-ups do not like, the White House in particular, they get reassigned. And I think that will do more to ruin employee morale than anything. You want people that are able to make decisions and support them in that decisionmaking. So thank you on that.

Mr. Glawe, as far as cyber crime and cyber interference is concerned, which countries do you see as our biggest adversaries?

Mr. GLAWE. Senator, thank you for the question. Clearly, the intelligence community assessment on the Russian cyber intrusion on the elections I agree with, and that raises significant vulnerability points in our critical infrastructure. In an unclassified setting, maybe I would take it for the record to have a list of—the classified response on the countries at risk. But what I would say in this setting is that did illuminate a vulnerability from active foreign intelligence organizations that are on the homeland. And Russia is not the only game in town, is what I would say, and “we”—being the intelligence and law enforcement and private sector community—are going to have to be cognitive of those threats. And if confirmed, I look forward to working on that problem.

Senator T ESTER. And I appreciate that, and I do not think anybody is saying that Russia is the only game in town. But I do want to touch base—and this is not to put anybody in conflict with anybody. It is just we have to deal with these issues because they are real. But the President tweeted out on Sunday that he and Russian President Putin had discussed forming an impenetrable cybersecurity unit so that election hacking and many other negative things will be guarded and safe.

I will give you my opinion. You want to talk about the epitome of the fox guarding the henhouse, this is it.

What do you seek as the head of the DHS office when it relates to Russia and cybersecurity? Go ahead.

Mr. GLAWE. Senator, if confirmed, I look forward to aggressively working with our intelligence, our law enforcement, and our private sector partners to glean the intelligence and our vulnerabilities on our critical infrastructure, especially in the cyber arena. The electoral system is one, but there are others that are vulnerable as well, especially with the private sector. My predecessor, Under Secretary Frank Taylor, had worked for General Electric (GE), and he has vocalized his concerns about the private sector.

So I look at, if confirmed, to really focus on that and what our posture currently is and maybe where we have some business proc-
less and tactical response processes to improve where we are currently postured in the United States.

Senator Tester. Thank you. You do not have to answer this, but one of the questions that I also would like you to answer, through written or whatever, is what you are each going to do to break down silos between your partners, both within the Federal Government, State government, and local government, because I think it is really critical. You guys are not allowed to make a mistake. You just cannot.

And so I appreciate you guys. I fully intend to vote for your confirmation. I think you are two quality candidates. Thank you very much.

Chairman Johnson. Senator Lankford.

OPENING STATEMENT OF SENATOR LANKFORD

Senator Lankford. Thank you, Mr. Chairman. And thank you both for allowing us to be able to move on to the questions as well. I want to pick up where Senator Tester left off here on the silo issue. You have been in law enforcement for a long time, Mr. Glawe. You know full well that there are clear lines between jurisdictions and responsibilities, and there are times when eight people all show up and they have eight different jobs, and you are all standing around waiting for your turn to be on your task. That is especially true when we deal with intelligence operations. Most of our intelligence operations are foreign-facing, trying to be able to figure out what is happening, what is coming at us. You have a very unique responsibility by trying to see what our threats are coming at us, at our closest areas.

But there is also overlap. You mentioned in your written testimony that you intend to focus on analytical capabilities “on areas where we are positioned to add value or that are underserved by other parts of the intelligence community rather than duplicating work done elsewhere.” Help us understand that portion of that. Where do you think you can add value, first? And where do you think there might be duplication that we can help with? We want to help with both of those.

Mr. Glawe. Senator, thank you for the question, and thank you for meeting with me regarding the nomination.

The DHS enterprise is very uniquely poised, I think, in the law enforcement and intelligence community space, in the marine, the trade, the travel, and the border security environment, and also with the private sector and sharing information with State and locals. No one else, I would argue, has that type of infrastructure to collect intelligence, to identify threats from that arena. So that is where I see our—and in conversations with numerous staff and Committee Members, that is a unique posture of DHS where we could enhance value.

With the duplication of effort, I think there is some room for improvement in the terrorism arena. There are a lot of organizations that report on international terrorism and the effects on the homeland, including the FBI and the DHS relationship. If confirmed, I look forward to working with my law enforcement and intelligence community partners to streamline our business processes, to make sure there is not duplication; and where there is, maybe we will,
partner and move our resources in a little bit other areas where there is not as much coverage. So I look forward to looking at the enterprise approach to that, if confirmed.

Senator LANKFORD. I would say we would be very eager to be able to help you with that as well. We have a lot of threats. We need to be able to focus our dollars on the areas where we need to be able to deal with those threats. If we are duplicating dollars, that means we are not looking at something else and we are missing out. So while I understand all the jurisdictional issues and that is their deal and we cannot talk about their deal, we do need some help and some ongoing conversation to be able to determine we do have some overlap here, and so we can deal with that overlap in the days ahead.

You also focused in your testimony on transnational criminal organizations. Obviously, there are multiple entities that are dealing with that part of it as well—State Department, the Drug Enforcement Agency (DEA), all kinds of different groups, FBI obviously. Where do you see your unique section dealing with transnational criminal organizations?

Mr. GLAWE. Senator, thank you for that question. I am very passionate about transnational organized crime as well as the Secretary has spoken about it. The threats that are on the homeland from transnational criminal organizations by its nature starts in a foreign space. The overwhelming amount of narcotics flowing into the United States from Mexico and synthetic narcotics from China are devastating us. The deaths are compiling.

I view the DHS enterprise as the last line of defense at the borders repelling these threats that are coming inbound, but also to push the borders 1,500 miles out, as Secretary Kelly has mentioned. How do we create an intelligence and law enforcement enterprise in partnership with foreign countries, with the embassies, and identifying those threats and empowering our foreign partners, empowering our law enforcement partners, empowering intelligence organizations to mitigate those threats? Because it is quite apparent that they are infiltrating with the narcotics coming into the United States. That is one vector of transnational criminal organizations. Others are cyber as well, the Dark Web.

Again, Senator, if confirmed, it would be a great opportunity to work with the Committee on those threats, have a longer discussion on if we are postured correctly and maybe some potential readjustments that could help us wage our consolidated war on transnational organized crime together.

Senator LANKFORD. I would welcome that conversation. Senator Harris and I both serve on the Intelligence Committee as well as serving here on Homeland Security, and so this is essential for us as we are working through this. So we will see each other often, but we also want to be able to make sure we have right-facing, right agencies, right entities on it.

Vice Admiral Pekoske, you have a tough job. You have a lot of folks that are scattered all over the Nation. They deal with angry travelers every day. They deal with folks that are sick of standing in line, and your Hamilton quote I think is an excellent one to be able to put out there and say they are all free people and they want to be treated with respect.
I would tell you, as you are traveling, after confirmation—I fully expect to be able to affirm both of your confirmations in this. But post-confirmation, we would welcome you to Oklahoma. There is a great team of folks there that work for TSA that treat people with respect, that their head is up, that they are actually engaging with people in a friendly way, very respectful, and have done it exceptionally professional. So we would welcome you to be able to come to Oklahoma and be able to meet the folks there.

I would love to say I see that in every airport. I do not. In the airports that I have the opportunity to be able to travel in, I will occasionally see folks that are in TSA, just the whole organization, head down, not interacting with people, everything is running slow, very different attitude. And so as you are dealing with that from place to place, you have some unique responsibilities. I am sure you have seen some of the red team testing as well, people that are working with TSA to be able to help evaluate where we have weaknesses. That is something that our Committee will track, we will continue to track and to be able to help with. Some of that boils down to not only training of people but acquisition.

So my specific question for you is: How do we deal with the acquisition issues at TSA? Because we have at times done multi-billion-dollar acquisitions that 2 years later decided that was a bad idea, and you are coming back to the Committee to restart again. What can we do to be able to make sure the acquisition process works well while you are also working on the people and the morale issue?

Admiral Pekoske. Yes, sir. Well, thank you for your comments on the TSA workforce and for your invitation to travel to Oklahoma. I would really appreciate doing that and will place that as a priority if confirmed.

With respect to acquisition, that is one of my highest priorities, and I think it is also Deputy Secretary Duke's highest priority, and hopefully soon-to-be Under Secretary for Management Claire Grady's highest priority. The three of us have worked together before, and from my perspective, I would really like to see greater technology insertion in what we do in TSA and getting that technology insertion to the workforce faster. And I think that, too, for the workforce will help them do their jobs from a morale perspective, being able to use something that really is much more useful than perhaps what they are using today, and seeing the agency be responsive to what they, I am sure, have articulated as a need and putting it out in the field and getting it in place.

TSA has an Innovation Task Force, which I have been briefed on. I have a lot of experience in innovation. I led the innovation effort for the Coast Guard when I was the Vice Commandant, and so that will be a key priority of mine to do just what you suggested.

Senator Lankford. Yes, speed is exceptionally important. When we have determined what a threat is, we cannot wait 4 years before we actually distribute that out to the locations.

Admiral Pekoske. Yes, sir.

Senator Lankford. Thank you.

Admiral Pekoske. Thank you.

Chairman Johnson. Senator Harris.
OPENING STATEMENT OF SENATOR HARRIS

Senator HARRIS. Thank you. Mr. Glawe, it is good to see you again. I am sorry I do not see your beautiful children here today. They were a star of the show in addition to you when you came before Senator Lankford and myself in our Intelligence Committee.

I appreciate your responses to my questions for the record for you, and, Mr. Chairman, I would appreciate if we can submit those answers to the written QFRs in our record.1 But I appreciate you asserting, Mr. Glawe, that it “is never appropriate to produce intelligence with the specific intent of supporting a preconceived policy position.” I also appreciate your assurance when you wrote that you would resist any attempts by the White House or anyone else to politicize DHS’s intelligence analysis.

On a different point, recently the Supreme Court partially lifted the stay on the implementation of the Muslim ban. However, the Court said that individuals with a bona fide connection to the United States could not be subject to the ban and must be allowed to enter the United States. In implementing this, DHS issued guidance defining which family relationships qualify as “close family” relationships and excluded grandparents, aunts, and uncles from that definition of “close family.”

So my question for you is: Is there a rationale for excluding grandparents, aunts, and uncles from the definition of close family relationship?

Mr. GLAWE. Senator, thank you for the kind words, and thank you for the questions. I am not aware of the rationale that went behind that, so I would have to take that back for the record on that. I am not aware of the criteria that was used for that policy decision.

Senator HARRIS. Thank you. I appreciate you looking at it, and I would like you to also just consider that even in our country, the definition of what a family is has changed as we move around. Aunts and uncles in many cultures, including our own, and grandparents are really considered almost equal to parent. In many cultures, in fact, depending on birth order of siblings of your parent, you would refer to that aunt as your “older mother” or that uncle as “younger father.” So thank you. I appreciate that.

Mr. Pekoske, in March 2014, TSA released a report in the aftermath of a shooting at Los Angeles International Airport (LAX) where, as you probably know, one TSA officer was killed and three others were wounded. In fact, I went there right after, and it was a tragedy, as you can imagine, for all of us. The report was issued that recommended actions to enhance the presence of law enforcement and local law enforcement at checkpoints, including having TSA officers. And I appreciate Senator Tester bringing up the role of local law enforcement.

So in regards to that March 2014 report, in contrast, the President’s current budget proposes eliminating the Law Enforcement Officer Reimbursement Grant Program, which helps local law en-

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1Mr. Glawe’s responses to post-hearing questions from the Senate Select Committee on Intelligence (SSCI) appear in the Appendix on page 52.
forcement keep airports safe. What is your perspective on that recommendation as it relates to the budget?

Admiral Pekoske. Senator, I was not involved in the build of the fiscal year (FY) 2018 budget. If confirmed, I will get into the details right away to understand the rationale for certain things that are in the budget as additions and some that are subtractions.

I would reiterate that I think the partnership with State and local law enforcement is absolutely critical to TSA's mission, and the incident in Los Angeles in March 2014 really illustrated the risks that TSA officers and State and local officers face nearly every day. So that will be a very high priority for me, and I will take a close look at that.

Senator Harris. I appreciate that, and I would emphasize a point that I think you know, which is that tragedy highlighted also the courage that TSA officers display every day in the work that they do and their readiness to actually stand in the face of fire and protect civilians.

Another recommendation made in that 2014 report following the LAX shooting was to "extend the redeployment of additional Visible Intermodal Prevention and Response (VIPR) teams," that had been temporarily redeployed in the aftermath of that tragic incident. However, again, in the budget there is a recommendation that the number of VIPR teams nationally be reduced from 31 to 8. Are you familiar with that recommendation?

Admiral Pekoske. Yes, I am.

Senator Harris. Can you tell me whether you support that? And if so, why?

Admiral Pekoske. Senator, what I can tell you is that I have worked with VIPR teams in my past. I have found them to be very effective as a deterrent, and I am a strong supporter of the VIPR team effort.

Senator Harris. So will you commit to this Committee that, if confirmed, you will work to actually improve that recommendation and not reduce that number from 31 to 8?

Admiral Pekoske. Senator, what I will commit is that I will look carefully at the rationale for that number and the deployment of VIPR teams, and I will further commit that, I do not want the folks that operate on the VIPR teams to feel like they are underappreciated at all, because the work they perform is critical to our security, and I will reinforce that with them.

Senator Harris. I appreciate that.

And I would like to now talk about TSA wait times, which is, I think, something we all appreciate that folks—it is frustrating for folks who are trying to travel for a variety of reasons, for business, for family relationships. DHS recently announced new screening rules, which require additional screening for safety reasons. And there is no doubt that the security of all travelers is the highest priority, but we can also expect that these new rules will add to wait times or not?

Admiral Pekoske. Senator, I would think that they might slightly add to wait times, but wait time is, from what I understand, something that is very carefully watched by TSA across the entire enterprise. And TSA, in my view, did a superb job last summer in responding to the wait time issues across the country by rede-
ploying assets from one airport to the other based on expected passenger throughput.

The other thing that I would mention to you is I think it is very important to encourage more travelers to go into the trusted traveler programs because that should reduce their wait times. That also increases, in my opinion, security effectiveness and very much so efficiency. So one of my priorities as well, if confirmed, would be to see what we can do to encourage more participation in trusted traveler programs like Global Entry, like TSA Pre-Check.

Senator HARRIS. That would be great. I have in my State two of the largest airports in the country, as you probably know, San Francisco International Airport (SFO) and LAX, and it continues to be a concern for travelers through those airports. I hope Senator Lankford was not thinking of one of them when he was recalling frustrations he has had at airports around the country. But I appreciate that, and you earlier in your testimony made a commitment to innovation and clearly have some innovative ideas. Thank you. I have nothing else.

Admiral PEKOSKE. Thank you, Senator.

Chairman JOHNSON. Senator Hassan.

OPENING STATEMENT OF SENATOR HASSAN

Senator HASSAN. Well, thank you, Mr. Chairman and Ranking Member. And good morning to you both. Thank you for being here.

I wanted to start with a question for you, Mr. Glawe. DHS was created in part to ensure that all homeland security-related functions of the government were housed under one roof, and in doing so, Congress and the Bush Administration endeavored to create the conditions by which homeland security-related information and intelligence was more effectively shared between each of the agencies.

The DHS Office of Intelligence and Analysis was empowered to help facilitate this intelligence sharing between DHS components. However, the Under Secretaries that have come before you have encountered resistance from DHS components in achieving full information and intelligence sharing within the broader DHS.

As the former head of CBP's Intelligence Office, you had a front-row seat to this dynamic between components and the DHS Office of Intelligence and Analysis. So what steps will you take to ensure that DHS components are fully sharing intelligence with the DHS Office of Intelligence and Analysis?

Mr. GLAWE. Senator, thank you for the question, and thank you for meeting with me prior to my testimony today.

I am uniquely postured to answer that question because I did lead the largest component in DHS intelligence enterprise. And a couple things that my predecessor, if confirmed, Under Secretary Taylor developed a mission manager approach, an integration approach of bringing in the operational components, the intelligence apparatus, under a collaboration-type environment, a business enterprise.

I anticipate to facilitate and move forward with that model even further. There is a tremendous opportunity within the components, intelligence functions, their data collection, their human source networks, their law enforcement collection on the aircraft they fly
or the marine environment they collect on, and partnership with the intelligence community partners of the Admiral's prior organization, the Coast Guard. It is going to be a business model of integration. When I was with Customs and Border Protection, I did stand that up within a 60,000-plus organization under a field intelligence group (FIG) model, which was similar to what I learned under the FBI and the Director of National Intelligence Jim Clapper. It is going to be a similar type model, so I am not creating something new. I am tweaking what has already been out there that works for other organizations. But it is going to be a big machine and a heavy lift, and I look forward to partnering with the Committee, if confirmed, on helping do that as a partnership.

Senator HASSAN. Well, thank you very much, and I enjoyed the meeting with you in my office as well.

Vice Admiral, I wanted to touch with you a little bit on an issue that I know others have asked questions about already today, which was about the morale in both of the agencies that you are nominated to lead. But I wanted to follow up with you, Vice Admiral, because one of the questions that the TSA morale issue really begs is the way they are treated compared to other Federal employees, right? So would you consider making TSA employees full-fledged Federal employees who enjoy all of the same benefits as all other civil servants do?

Admiral Pekoske. Senator, thank you for the question, and it is good to see you again. I would really like to get a feel myself for the issues that the workforce faces, and as I said in the opening statement and I said to you in our office meeting several weeks ago, I intend to spend, if confirmed, a great deal of my time out in the field understanding this issue, because I think it is critically important to be able to address. And then I am open to looking at any option that would address it.

I think fundamentally the issue can be largely addressed through leadership at all levels of the organization, and Senator Lankford mentioned that some airports have different levels of performance than others. Well, that is something that we measure and we can look at and try to drill down and figure out, OK, why is that? Is it a facility issue that might be hindering the job satisfaction of the employees? Is it constraints on the facility technology? Or is it something else? And that is something that I really want to pay an awful lot of attention to and get to the root of because being at the very bottom of employee satisfaction is not where I want to be. And, really, from my Coast Guard experience, we are used to being at the other end.

Senator HASSAN. Well, and I thank you for that answer. What I would ask you to talk to TSA employees about, as I have, is the fact that they are uniquely positioned as non-civil servants, and it results in high turnover. It results in a lot of other issues that I think are fundamental to some of the morale issues. So if you just would commit to talking with them about that and considering it, it would be very helpful.

Admiral Pekoske. Yes, Senator, I would definitely talk with them about that. I want to understand that issue much better than I do today.

Senator HASSAN. Thank you.
And one last question again for you, Mr. Glawe. As the office in charge of analyzing the threat to homeland from ISIS and al-Qaeda-inspired terrorism, the DHS Office of Intelligence and Analysis plays an important role in helping to understand the recruitment propaganda that is intended to leverage homegrown terrorist attacks within the United States. Given your experience as a local law enforcement officer, as an FBI counterterrorism agent, and as an intelligence official, what is the best way for the U.S. Government to go about preventing the recruitment of our young people by these groups?

Mr. GLAWE. Senator, thank you for the question, and I have thought about that threat for years, in discussion with partnerships in the intelligence community and law enforcement. At the very tip of the answer would be an integrated approach with law enforcement, the private sector, the communities at the lowest common denominator—I was a community police officer when I first started in Houston almost 25 years ago—is integration with the community, conversations with the communities that are at risk, and developing those partnerships.

It is not going to be solved by the intelligence community, it is not going to be solved by law enforcement, it is not going to be solved by the private sector, the communities alone. It is going to be a partnership. And what I have seen the successes at identifying violent acts or violent activity in communities is a community-based approach. Now, we have a challenge with the online caliphate, and that is a whole different set of challenges as well. How do we create an infrastructure in protecting civil liberties but also identifying those risks as well? But it is a consolidated approach, and the communities to me, in partnership with local law enforcement and local leadership, is the key point. And we have seen success in the Somali communities in the United States back close to 2010. So, if confirmed, I look forward to working on that very tough problem.

Senator HASSAN. Well, I thank you for that. And I just wanted to follow up very quickly. A few weeks ago, this Committee heard testimony from the former Director of the National Counterterrorism Center (NCTC), Mike Leiter, who spoke about the need for the U.S. Government to embrace what I think you are describing an engagement strategy with communities across the country in order to prevent the possibility of homegrown terrorist attacks.

I know I am out of time, but I would like you to think about maybe we could follow up what offices should be the tip of the spear for that particular effort. Thank you.

Chairman JOHNSON. Senator Carper.

OPENING STATEMENT OF SENATOR CARPER

Senator CARPER. Gentlemen, welcome very much. Thanks for your years of service, and your willingness to serve us some more.

Mr. Glawe, it was nice to see you. Have you had the opportunity to talk with General Taylor and sort of looking back at some of the initiatives that he launched, successful to completion and others that are maybe not completed, not fully implemented? What are some things that he started on his watch that you think ought to be continued and improved upon?
Mr. GLAWE. Senator, thank you for the question. I have met with all the prior Under Secretaries—Charlie Allen, Caryn Wagner, and Frank Taylor.

So Under Secretary Taylor, or General Taylor, had a couple of tremendous programs that I hope, if confirmed, to continue with. He had an integrated intelligence surveillance and reconnaissance program where he was looking at the enterprise of DHS, the U.S. Customs and Border Protection, U.S. Coast Guard assets, specifically on the air and marine environment and how we can align our resources so we are not duplicating efforts, we are flying sorties or our float times are appropriate, and then also looking at our data acquisition, how law enforcement data is acquired, how it is integrated among the DHS enterprise, and then also shared with our law enforcement, intelligence community, and private sector partners. General Taylor did an outstanding job of pushing that, and I hope to, if confirmed, continue on that.

And then also the mission manager approach, where he had assigned functional mission managers to threat environments, the trade and travel space, also technology improvements as far as looking at the mission managers involving that. Again, General Taylor I think was absolutely heading in the right path, and I look forward, if confirmed, to continue down those paths of things he started.

Senator CARPER. Good. Thank you.
Admiral, nice to see you. I was delighted to get to know Admiral Neffenger during his time as Administrator at TSA. I was disappointed that he did not continue in this Administration in a leadership role, and my hope is that someday he will have the opportunity to serve in a senior role.

I suspect that you know him pretty well——
Admiral PEKOSKE. Yes, sir.
Senator CARPER [continuing]. And that your time in the Coast Guard sort of overlapped. You have probably known him for a long time. And I was very impressed with the leadership—you mentioned the word “leadership.” I was very impressed with the leadership that he provided at TSA. I always used to say that leadership is the most important ingredient in the success of any organization I have ever seen or been a part of, and that certainly includes TSA.

I am one of those people, when I go through airport security, I thank the folks at TSA for the work that they do, and I would encourage others who might be watching this today to do the same thing. They have a very difficult job, and they need our thanks, especially when they do it well.

I would like for you to answer much as I asked David to answer questions, looking at what Admiral Neffenger was doing, attempting to do as the TSA Administrator over the last year or two, that you think was especially promising, that are bearing fruit. We talked a fair amount here today already about morale. A lot has been done in that regard, and I do not know that you need to reinvent the wheel. But what are some things that you would want to carry on, some things you want to improve upon, and maybe some other things you would like to do?

Admiral PEKOSKE. Yes, sir. Thank you. I know Peter Neffenger very well. We served for many years together in the Coast Guard.
We had many of the same positions in the Coast Guard, and I have great respect for his leadership and his management ability. He and I have talked extensively since I was nominated by the President to succeed him, if I am confirmed, and he shared with me his blueprint for TSA. I reviewed that, and I can assure you that I think he set exactly the right foundation for TSA and view my job as to really build on a lot of the things that he had done.

He placed a lot of emphasis on the workforce, including establishing a TSA Academy so that as new employees came into the workforce, that they had a week or two period of time at Glynco, Georgia, where they could be assimilated into the organization and feel part of it.

Senator CARPER. I have been there and seen the good work that is being done. Thank you.

Admiral PEKOSKE. Yes, sir. I think that has been very successful.

In addition to that, he instituted training for the workforce once they got back to their home airports. He started an Innovation Task Force, which I will absolutely continue, and I will expand that task force because I think that is off on the right track.

He made some organizational changes to TSA which are very important to reduce spans of control and increase accountability, and also centralized the oversight of operations in the agency, which had not been done before. And that allowed TSA to move its resources around to be able to respond to predicted wait time surges at airports around the country.

So all of those were very foundational and things that I look to continue going forward, and rest assured that Peter and I will have an ongoing dialogue over the course of time. We are very good friends, and I have great respect for him.

Senator CARPER. A couple weeks ago, my wife and I flew in and out of O'Hare. We will be back out there later this summer. I recall a bit more than a year ago the place was bedlam.

Admiral PEKOSKE. Yes.

Senator CARPER. And one of the things that Admiral Neffenger did was to determine what caused that. Should they have seen this tidal wave of passengers coming?

Admiral PEKOSKE. Right.

Senator CARPER. And the answer was yes, and what to do about it. He changed out the leadership. And he did not just change it out over a period of a couple months. He like changed it right away. And I was very impressed at the time about how important leadership is, and he provided great leadership and also made sure that the folks at O'Hare—he put in the right leadership team there, and he did it just like pretty much like that.

I want to ask you to talk to us a little bit about the partnership between the Federal Government and the airlines with respect to the work that TSA does, and it is very much a hand-in-glove operation. Particularly, talk about technology and how we are maybe changing the experience that we have when we go through security check-ins at airports using technology to be able to get more throughput in a more secure way.

Admiral PEKOSKE. Yes, sir. A partnership with the airlines is absolutely critical, and if confirmed and I get out into the field, as I intend to do, I will make it a priority to visit the airline head-
quarters around the country and will choose those airports initially so I get that opportunity. I think those partnerships are critical to their success and to TSA's success and to the passenger experience and passenger safety and security.

The airlines have helped a lot with technology insertion in airports around the country. There are screening lines now where you can put down your checked bag and you do not have to wait for the person queued up in front of you. Several people can put it down at the same time. That fixes a known process problem in the security checkpoints.

Additionally, the airlines have been very supportive of putting better technology into checked baggage so that the Transportation Security Officer (TSO) who is trying to look at that screen and make sense of everything that we put into our checked baggage can do it with a little bit more confidence and a little bit quicker.

And so those are things that I would very much look forward to continuing, and many of those were things that Peter had started with his relationship with the airlines. So I look forward to a very robust relationship with them and a very strong partnership.

Senator CARPER. Good for you. Thanks very much to both of you.

Chairman JOHNSON. Senator Paul.

OPENING STATEMENT OF SENATOR PAUL

Senator PAUL. Congratulations to both of you for your nominations.

Admiral Pekoske, with regard to security in general and sort of the philosophy of security at our airports, for about a decade after 9/11, the Bush Administration opposed the frequent traveler program, and they said, oh, everybody is going to be treated the same no matter what, it is universal risk. And I always thought that was a mistake because I think you need to spend more time where there is more risk and less time where there is less risk. You cannot possibly, give the same level of scrutiny to all the passengers. So I think we are doing better, and I like your approach that you are talking about, being in favor of the frequent flyer program as a way to spend more time on those who you know less about and perhaps have more risk.

As you and I discussed, I think there is also a question of how much resources we spend on the random screening at the airport and how much we spend on looking at the risk of people before they get to the airport. And what is your opinion on whether we are spending enough before they get to the airport versus when they get to the airport, and the mix of that, and whether we need to make any changes?

Admiral PEKOSKE. Senator, thanks for the question, and thanks for your time yesterday. I think that mix, from what I understand, is the passenger—now, I have not been briefed by TSA in detail on the classified portions of those reviews, but that is something I would pay a lot of attention to very early on, if confirmed.

As we discussed and as I said earlier today, putting more people into the trusted traveler programs is really important. I think it improves the passenger experience, and it makes the screening a lot more effective. And like you just said, sir, it allows the resources that we have that are limited—and airline travel is in-
creasing at about 4 percent per year, so we need to be mindful of that. So to the extent that we can become more efficient but not suffer any loss of effectiveness in security as well.

Senator Paul. Are you aware of the program that we have for veterans that are amputees, what are screening procedures for them?

Admiral Pekoske. Not in detail, sir.

Senator Paul. OK. I am a little bit aware of it, and I think they will make special accommodations for them. But I think it may require calling in advance, which is not always happening. Unfortunately, we have a lot of veterans that are amputees.

One of the things I would like you to look at, if you would, is to specifically look at this program, and I would think there would be a pretty simple way that, it is pretty obvious if you are an amputee, and that if you could present a military ID, you do not have to take your prosthesis off. I have a friend who is a triple amputee, and just having him take all of his prostheses off, it is a labor for him and makes him less likely to want to fly, basically.

Admiral Pekoske. Sir, I agree, and I just think it is not right, so I will take a look at it.

Senator Paul. Mr. Glawe, one of the things that has really bothered a lot of us who care about privacy is the fact that now citizens are being detained at the border and denied entry back into their country unless they present a password to their phone. I understand the need for information, but I also am a believer that you accuse somebody of something, you get a warrant from a judge, and there is a process. Do you think our current policy is consistent with what citizens should expect of the Due Process Clause of the Constitution, demanding their password, denying them entry to their country?

Mr. Glawe. Senator, thank you for the question, and the policy decision on the border search has not fallen under any of my positions in my prior capacity.

With that being said, in my 24 or 25 years in law enforcement, the Constitution is the bedrock of everything I have done in my career, the First Amendment and Fourth Amendment specifically, and people being secure in their privacy is the utmost. And I will continue that in my career here if confirmed as the intelligence head for DHS and would adhere to any policies and procedures or precedent-setting cases in regard to that matter.

Senator Paul. Just be aware that there is at least a significant portion of our country that is concerned about it. We have a bipartisan bill to say you get a warrant. I am not against you going after threats. I am not against you asking to look at a phone. But you have to ask a judge first. And I think the thing is that people are alarmed at the fact—people are already talking about you cannot take your phone abroad because you may not be allowed back in your country without searching your phone. And your phone, what is on your phone—and there are more extensive documents on your phone than anyone ever had in the papers in their house at the time of the Revolution. So, I mean, I think we cannot willy nilly just say you cannot come back in your country, without looking at everything on your phone.
They are also not telling you what they do with the phone, whether they are downloading all your contacts, all of your search history, all of your Internet browsing. So some of us are very concerned with this. I brought it up with General Kelly. I do not think he shares significant concern for that and said the policy will continue. But I can just let you know that there is a significant amount of the public that is not happy about the idea that you could come back, and I think there is the danger that you come back in, if you are not lily white and look like some sort of standard version of what you think is American, that you are going to have your phone searched. And that is kind of what it is looking like now. But if you have a risk associated with it and you want to ask a judge, by all means. But I do not think we should be stopping people from coming back into the country and demanding to look at everything on their phone.

Thanks.

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

Senator MCCASKILL. Thank you.

I want to thank you, Mr. Pekoske, because you indicated in your policy questionnaire that you would respond to any reasonable requests from Members of Congress, regardless of party.

Mr. Glawe, you did not receive the Committee questionnaire, so you have not had an opportunity to answer that question. Would you also agree to commit to respond to any reasonable requests from any Member of Congress, whether in the majority or the minority?

Mr. GLAWE. Absolutely, Senator.

Senator McCASKILL. Thank you. I want to talk a little bit about whistleblowers and retaliation, Mr. Pekoske, and I think that is part of the problem that you are going to have to confront. And let me go at it this way. There was information sent to employees in the TSA’s Office of Security Capabilities. They were told recently that any and all documents related to an Office of Inspector General (OIG) or the Government Accountability Office (GAO) request must be cleared by TSA leadership before they can be sent to investigators.

Now, I want to give credit to the Acting Administrator because the Acting Administrator, once he realized this had gone out, immediately corrected that and sent out guidance that concurred with the Inspector General's (IG's) recommendation that, they should not, in fact, do that, and it was an all-hands email to employees.

So someone at TSA thought it was appropriate to tell employees that any information given to the IG or GAO had to be cleared. Then once the acting person realized this, they corrected it. But I want to get to that person who issued that guidance in the first place. And the reason that I want to challenge you to find out who that was and to take action is because of the issue I have discovered on whistleblower retaliation.

Last year, I asked the former Administrator how many senior executives at TSA had been found guilty of retaliation against whistleblowers by Inspectors General, the Office of Special Counsel (OSC), or Federal court. He responded, and I quote, “In the past 5 years, neither OSC or any Federal court has made a finding of
whistleblower retaliation with respect to any seniors executives at TSA.”

Well, I was really surprised by that answer because I knew that OSC had obtained corrective action for 7 TSA employees who claimed retaliation in 2015 alone, and that there had been 20 TSA whistleblower claims in the last 5 years. So it did not match up, what I was being told by the Administrator and what we knew to be the reality in terms of whistleblower retaliation.

And what we believe happened is that these cases got settled, and the managers who retaliated against their subordinates received no discipline. There was no action taken against them. There was no record that they had been disciplined for whistleblower retaliation, even though these cases had been settled under that rubric.

So I think that is part of the problem here, because what I think everybody that works there knows, they can retaliate against you for whistleblowing and nothing is going to happen to them.

So I would like you to commit today to looking at this issue, and I think the fact that somebody at TSA sent out that email that you cannot give anything to the IG or GAO without telling the boss is Exhibit A that that culture is one of the reasons that the people who work there have no confidence in the leadership.

Admiral Pekoske. Yes, Senator, thank you, and I will make that commitment to you. The whistleblower issue is one that concerns me greatly. In TSA, it seems to me—and I have not been briefed on this in detail by the agency as the nominee, but it just seems to me that the whistleblower complaints are out of range, and it requires a senior-level look at the entire issue.

Retaliating against whistleblowers is against the law. It just cannot be done. And anybody that does that need needs to be held accountable for doing so. That creates an absolutely toxic environment in the workforce, and that is one of the things that I really think is a key role of the Administrator coming in, is to try to fix that and try to get at it. So I will definitely do as you suggest.

Senator McCaskill. Yes, especially when no one is publicly disciplined, because that sends a really—I know based on your background, if our military or the Coast Guard operated that way, you talk about morale issues. There is a sense that if you screw up, something is going to happen. And it does not appear to me that at TSA that has been the case, and I really hope that you will—and we will follow up with you after you are confirmed to work on this specific issue because I think it is really important.

Admiral Pekoske. OK, Senator. And what I will further commit to you is one of the first meetings I have will be with OSC and with the IG to understand from their perspective what the issues are. And I want to have a very good relationship with them. They perform a very valuable function for the agency, and, I appreciate a third-party look at things that have been going on.

Senator McCaskill. Well, the people who respond—as a former auditor, I would tell you the people who respond to an audit, a look-see, with “Thank you, this is good, we can do better,” end up in a much better place than those who circle the wagons and tell their employees not to tell anybody anything that is negative. It just does not work out.
I was going to ask you about the VIPR programs. You have already addressed that. I do want to briefly, Mr. Glawe, ask you—you did mention the Russian interference. Based on what you know, do you have confidence that the Russians are going to continue to try to interfere in our elections next year and in 2020?

Mr. Glawe. Senator, thank you for the question, and the Russian intelligence services are an aggressive intelligence service, and not going into a classified response, I would anticipate, being an intelligence official for years looking at the State-sponsored or foreign intelligence services, that they are going to be an active and an aggressive intelligence service for some time. And we need to be postured as an intelligence enterprise to address not just Russia but other—as Senator Tester brought up and I answered a question, his question, there are many foreign intelligence organizations that are a risk to the United States, and we need to be postured to address all of those and identify them before they become a substantial issue.

Senator McCaskill. I guess based on your experience in the intelligence community, would you be comfortable partnering with Russia and giving them access to any of our intelligence capabilities in any kind of task force? Would you consider them a viable partner in terms of letting them into our systems to somehow work together in a task force against cybersecurity? Would you consider that a valuable idea?

Mr. Glawe. Senator, thank you for the question. My understanding is that was recently discussed at a senior executive level. What I would say about partnerships with intelligence organizations, foreign intelligence organizations, would have to have significant oversight and checks and balances to whatever agreements and partnerships we would have. Maybe we have common goals as to terrorist organizations, things of that nature, but it would have to be a strict and regimented type of infrastructure built around any partnership with an intelligence organization.

Senator McCaskill. It was a real head-scratcher for me. We just voted 98–2 to put more sanctions on Russia, and then somehow it might be a good idea for us to partner up? It was very confusing to me.

And, finally, let me just say this, and thank you, Mr. Chairman, for your indulgence. I want to tell you, Mr. Pekoske, that as somebody who travels a lot—I call Southwest my “school bus” coming back and forth to Washington every week—I am in airports a lot, and I have to tell you that I have seen a dramatic improvement in the TSA personnel and their professionalism and the processes. And I think they have a really difficult job, and it is always going to be easy to call out a bad situation, and there are bad situations that are going to happen every day. We have a lot of people flying, and people get frustrated and angry, and nobody likes to wait in a line. And I just think overall if I compare and contrast what I was going through 6 or 7 years ago versus now, there have been dramatic improvements. And I do not think we pause often enough to thank the men and women of TSA for the very difficult job they are doing under very difficult circumstances, and I just wanted to end my time at your confirmation hearing that you could carry that
with you, that there are people who really appreciate the good work they are doing.

I do think the Pre-Check lines are getting too long because more and more people are pre-checked now, and I now have to—like at Ronald Reagan Washington National Airport (DCA), I have to check because usually it is a lot quicker to go in the regular line than the Pre-Check line. So I think that is something you are going to have to deal with. But all in all, I think there are very few bad experiences and a whole lot of professionalism going on right now.

Admiral PEKOSKE. Senator, thank you very much for that comment. I will definitely pass it along. It mirrors my experience as well. And I think one of the very important things with respect to the workforce, like you said, there are good things that happen every day. We do not hear about them, and we need to. And the leadership at those airports needs to highlight the good performance of people when they perform exceptionally well. So thank you very much for the comments.

Senator MCCASKILL. You bet.

Chairman JOHNSON. Thank you, Senator McCaskill.

Let me just pick up on that a little bit. My own background is in manufacturing, continuous operation, millions of pounds of plastic going by operators 24/7. It can be really monotonous, and yet it was packaging material for medical devices. We could not have any defects in that. And you have a very similar process now with TSA. It can be pretty monotonous, and I think a big difference—and this is where I do appreciate the continuous improvement of Admiral Neffenger. I am also very impressed with the reaction last summer, that kind of flexible deployment.

Within the military—and I never served in the military—the esprit de corps, the understanding of the finest among us of how critical their mission is, even though they may be deployed in some pretty monotonous tasks as well, they understand what they are doing. I think that is something Admiral Neffenger and yourself can continue to bring to this organization, that esprit de corps, that culture, describing to the members of the TSA, no matter what their position, they can save lives. The mission is just so critical.

And so I have not been down to the TSA Academy. I would love to accompany you down there. I think that is a good starting point. But we have just got to be looking at that continuous improvement to instill in every member of the TSA, if we could shift them more and more to an overall culture that we already have instilled in the finest among us, in the military, I think that would be a really good step in the right direction.

You talked about innovation. I would just like you to talk a little bit about how do you actually implement innovation. I will make a suggestion from the standpoint of pilot programs. There are differences between airports. Part of it might just be differences in the labor pool. Obviously, leadership makes a big difference. But I think metrics, measuring, incentivizing, empowering management, and then highlighting the best practices, can you just kind of speak to those concepts?

Admiral PEKOSKE. Yes, sir. First, thanks for your comments on the workforce. I greatly appreciate them. And I think it is very similar to the National Aeronautics and Space Administration
example. Every person that worked at NASA put a man on the moon. Every TSA employee contributes to the safety and security of the American public. And we are not talking small numbers here. We are talking almost 800 million people per year travel by air, and that is not even mentioning the surface transportation security work that TSA does in partnership with the owners and operators of those systems.

With respect to innovation, I look at innovation in sort of two ways. The first way is technological innovation and being able to insert technology rapidly, and so I 100 percent agree with you that prototyping is very important to be able to do that. The key, though, is to make sure that when you have a successful prototype, you actually get it implemented.

One of the things that I have seen with innovation programs is they start out very strong, but if the workforce does not see what they contribute to actually finding its way into the field, then the innovation program tends to wane a little bit. And so cycle time and being able to take a little bit of risk with respect to acquisition process I think is very important to be able to get that in place.

Chairman JOHNSON. But, again, that is technological innovation. I am really talking about workforce innovation.

Admiral Pekoske. Yes.

Chairman JOHNSON. I am talking about how you schedule the shifts, how you relieve people; how long are they on the screens. How do you move people around? How are you flexible with your workforce? So I think from my standpoint that is even more critical.

Admiral Pekoske. Yes, sir. And that would be the second tranche, is process innovation. When you are an individual who works a process day in and day out, 5 to 7 days a week, you know where it can be improved. And I think what TSA needs to do and what I will do if confirmed is to put a process in place where the workforce can put those recommendations up online. In the Coast Guard, we had a virtual innovation forum where, if you had a good idea—and these mostly came from our more junior members, who, like I said, were doing the job day in and day out—you post it on website. You put your name to it. And then others could make comments on it. And so we really crowdsourced those ideas. And then we took the best of them, the ones that got a lot of very positive votes, if you will, and implemented them and did that rapidly.

Again, I think the cycle time is very important, from the time that somebody comes up with a good idea and sees it implemented. It cannot be 2 or 3 years. It has to be relatively quick. But I agree with you 100 percent, sir.

Chairman JOHNSON. As Senator McCaskill was pointing out, though, too, you compare the military—it may not be zero tolerance, but people are held accountable in the military.

Admiral Pekoske. Right.

Chairman JOHNSON. And I think that is so important. I think it is one of the reasons you have the result in the military as—in the civilian Federal workforce, there is not that level of accountability. It is shocking, the level of retaliation, even though there have been laws on the books for 100 years. And we have the Office of Special
Counsel, we have the Inspector General. And yet retaliation occurs unbelievably often.

Admiral Pekoske. Right.

Chairman Johnson. So I think that has to be a top priority. I agree with Senator McCaskill. We have to root it out. There can be no tolerance for it whatsoever. That alone will dramatically improve the morale because in an organization, if you allow bad apples to just continue to infect the organization, that is exactly what ends up happening.

Admiral Pekoske. Right.

Chairman Johnson. Mr. Glawe, we had a hearing about a month or two ago on transnational criminal organizations. We focused on MS–13. With your background in local law enforcement, the priorities on the homeland security side of this Committee have been border security, cybersecurity, protecting critical infrastructure, and combating Islamic terrorists and any other extreme violent actor. It has become so apparent that I would say the primary root cause of our unsecured border is our insatiable demand for drugs and what that has led to, the creation of the drug cartels, these transnational criminal organizations.

As I traveled around Wisconsin on a national security tour talking to local, State, and Federal law enforcement, I asked them, “What is the biggest problem you are dealing with?” Without exception, it was drugs—the crime it creates, the broken families.

Speak a little bit about that as your priority in terms of getting the intelligence and analyzing that so we can attack it effectively.

Mr. Glawe. Chairman Johnson, thank you for the question, and thank you for meeting with me, too. I am extremely passionate about it. I would argue that I am sure our friends and family, everyone has been impacted by narcotics or substance abuse, addiction. It is eroding our communities, and the threats are emanating in foreign space. So we have an issue with our demand here that also has to have some tough policy decisions on how that is going to be addressed.

But empowering our State and local partners and using the fusion centers to identify these threat vectors of how the cartels are moving their supply chain narcotics into our communities, how they are using the Dark Web, how they are using encrypted communication, they have become sophisticated. They are Fortune 500 billion-dollar corporations with worldwide nexus to move money, people, and resources. To posture the intelligence community, the private sector, Department of Defense (DOD), and law enforcement in a community approach to this is going to be critical, and I look forward, if confirmed, to working with the Committee. If there are stovepipes or policy or legal impediments, we are going to have to drive through them because this has become just an epidemic problem in the United States. Thank you for raising it, and I look forward to further dialogue and conversations with the Committee on how to address this. But it is going to be a partnership. At the lowest common denominator, getting them the intelligence of the threat environment that is mitigating and changing and adaptable all the time because the cartels are brilliant, sophisticated adversaries, and it is going to take a brilliant, sophisticated network to defeat that adversary.
Chairman Johnson. When I first joined this Committee, one of the first phrases I heard is, “When you have seen one fusion center, you have seen one fusion center.” So it does depend on personnel. It depends on leadership. But in talking about what your mission is, what are you going to focus on, how can you bring a differentiated product to the table, I cannot think of a better niche for you to operate in as really these transnational criminal organizations, the drug organizations, the gangs—just a scourge on our society.

The last one for you, Vice Admiral. I am a huge supporter of K-9 units, and I think you will find a great deal of bipartisan support in Congress for increasing the number of units we have. Now, they do not come cheap, but as we have held hearings on this, there is no technology that can beat the nose of a dog. And with the new emerging threats in terms of explosive and smaller devices, I think it is just critical.

So I guess, I definitely want to work with you to do everything we can to find the resources, and I am just looking for a commitment to K-9 units.

Admiral Pekoske. Sir, I am also a huge fan of K-9 units. I have experience working with them in my Coast Guard background. I think they are superb at detecting and also superb at deterring behavior. And so you have my commitment to take a very close look at that. I think that is one of the ways that we can really improve the effectiveness of security.

Chairman Johnson. Well, I will tell you, one of the things I like about this Committee is, first of all, the Members attend; they ask excellent questions. I kind of like this technique. We let our colleagues ask the questions. I have kind of run out of them.

Let me just say that—I mentioned the priorities of our Committee. The fifth that I did not mention was the fact that we are committed to making sure the Secretary, his Under Secretaries, and everybody in this function of trying to keep our homeland safe and secure, that you succeed in your mission. So we are dedicated to doing that.

Let me just say, help us help you. You have to communicate with us. We want to do everything we can to support your mission because it is just so critical.

Again, I want to thank you for your past service and your willingness to serve again. I thank your family members. You are going to see them less because these are such important jobs, and we are just so appreciative that you are willing to serve your Nation once again in these important capacities.

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

1The Information of Mr. Pekoske appears in the Appendix on page 68.
I also want to make sure, without objection, that Senator Harris’ questions can also be entered in the record. Hearing no objection, so ordered.

The hearing record will remain open until noon tomorrow, July 12th, for the submission of statements and questions for the record. This hearing is adjourned.

[Whereupon, at 11:30 a.m., the Committee was adjourned.]

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2The questions of Senator Harris appears in the Appendix on page 52.
APPENDIX

Opening Statement of Chairman Ron Johnson
Nomination Hearing to Consider David J. Glawe to be Under Secretary for Intelligence and Analysis, U.S. Department of Homeland Security and David Pekoske to be Assistant Secretary (Transportation Security Administration), U.S. Department of Homeland Security
July 11, 2017

Today the Committee will consider two nominations that are integral to ensuring the Department of Homeland Security accomplishes its mission to protect the homeland:

Under Secretary for Intelligence and Analysis, Department of Homeland Security

The Under Secretary is responsible for leading the Department of Homeland Security’s Office of Intelligence and Analysis, and also serves as the Department’s Chief Intelligence Officer. In these roles, the Under Secretary is responsible for fusing the Department’s streams of intelligence and analysis to develop a common operational understanding of threats to the homeland, and sharing relevant information within DHS and among state, local, and private sector partners. As the Department’s Chief Intelligence Officer, the Under Secretary is also responsible for overseeing intelligence across DHS and collaborating with Intelligence Community partners.

Multiple reviews of the Office of Intelligence and Analysis by this Committee, watchdog organizations, and others have raised concerns about the quality and value of its intelligence, the lack of coordination of component intelligence activities, and the low morale and human resources challenges the office faces. The next Under Secretary has an opportunity to strengthen the Department’s intelligence program and, therefore, help Secretary Kelly secure the nation.

Assistant Secretary, Transportation Security Administration, Department of Homeland Security

The DHS Assistant Secretary - also known as the Transportation Security Administrator - is responsible for the safety and security of the country’s transportation systems, ensuring the free flow of people and commerce. The Administrator’s job is to assess intelligence and threats to the nation’s transportation sector, and direct the approximately 53,000 Transportation Security Administration employees in protecting hundreds of millions of travelers every year.

The TSA was created after the September 11th attacks to disrupt future terrorist plots and safeguard the nation’s transportation system. The agency oversees aviation security as well as rail, highway, mass transit, and pipeline security with an overall budget of over seven billion dollars. Aviation remains a target for foreign and domestic terrorists. To achieve its mission, the TSA needs to continually improve its screening capabilities and strive to adapt to the terrorist threats of the future. The next Administrator has the opportunity to increase the TSA’s screening capabilities, improve workforce morale, and deliver effective and cost efficient security to the travelling public.
David Glawé

Mr. Glawé has extensive experience in national security and law enforcement. He is currently a Special Assistant to the President, having recently served for several years as the Assistant Commissioner and Chief Intelligence Officer in the Customs and Border Protection component of the Department of Homeland Security. Prior to that, Mr. Glawé served as an FBI agent and a federal agent with the U.S. Postal Inspection Service. He started his career in public service as a police officer for the Houston Police Department, and later was a police officer for the Aurora, Colorado Police Department. Mr. Glawé has a certificate from the John F. Kennedy School of Government at Harvard University, and a Bachelor of Arts degree from the University of Northern Iowa. He has also received the National Intelligence Superior Service Medal for his work supporting the Intelligence Community and promoting our national security.

David Pekoske

David Pekoske was serving as Vice Admiral and Chief Operating Officer when he retired in 2010 after 32 years in the U.S. Coast Guard. Prior to becoming Vice Admiral, he was the Commander for the Pacific Area Defense Forces protecting 73 million square miles of territory throughout the Pacific region. Following his retirement from the U.S. Coast Guard, Vice Admiral Pekoske moved to the private sector where he was Group President for the National Security Group at A-T Solutions and Vice President for National Programs at Pacific Architecture and Engineering. He has extensive experience in the homeland security field from his time in the Coast Guard and in the private sector covering crisis management, strategy operations, financial and risk management, and counterterrorism. Vice Admiral Pekoske received his Bachelor of Science degree from the U.S. Coast Guard Academy and holds two master’s degrees: a Master of Public Administration from Columbia University in Economics, and a Master of Business Administration from the Massachusetts Institute of Technology.

I’d like to thank the nominees for agreeing to serve in these important positions, and I look forward to hearing their testimony.
U.S. Senate Committee on Homeland Security and Governmental Affairs
Nomination of David J. Glawe to be Under Secretary for Intelligence &
Analysis at the Department of Homeland Security (DHS); David Pekoske to
be Assistant Secretary of Homeland Security, Transportation Security
Administration

June 28, 2017

Ranking Member Claire McCaskill

Opening Statement

Thank you Mr. Chairman, I appreciate you holding this hearing and want to
thank the two nominees for their willingness to serve. I am particularly pleased to
be here today given the strong qualifications and distinguished careers of the
nominees before us. You have both had exemplary public service careers and we
need individuals like you leading our Homeland Security and Intelligence
agencies.

You both have difficult jobs ahead of you. The offices you seek to lead are
essential ones for the protection of our homeland. TSA has the visible role of
protecting air travel as well as the less well-known job of securing ground, rail, and
maritime security. And the Office of Intelligence and Analysis is a component of
the Intelligence Community that informs the work of all DHS agencies and is
charged with sharing intelligence with local, state, and tribal governments.
In addition to the challenges you’ll face in executing the mission of these organizations, you’ll face a serious challenge given the current morale of the workforce in these offices. Both TSA and I&A are seen by their employees as being among the worst places to work in the federal government. According to a survey of federal agencies, I&A is ranked 304 out of 305 federal agency subcomponents in employee morale. TSA is doing only slightly better, ranked 303 out of 305. Strong leadership will be necessary to strengthen the workforce at these offices and ensure that these components are recruiting and retaining the most qualified talent. The culture and sentiment in an office enormously contribute to hiring and keeping the best personnel, who in turn are working hard to keep our nation safe.

Mr. Pekoske, with threats to our transportation systems on the rise, TSA has an essential role in protecting our homeland. I have made clear several times my concerns about the President’s proposed cuts to the TSA budget, particularly when it comes to funds for counter-terrorism programs. Once you are confirmed, I expect you to make clear to the administration at the highest levels what you need to do your job. And you should not back down until the administration proposes a budget that works for you.
And Mr. Glawe, I expect you to ensure that the work of your office remains apolitical and informs decisions at the highest levels of the Department and of the intelligence community. This administration should be making policy decisions based on intelligence and facts. And it is your office that has the data and the analytic tools to make sure that the policy decisions are sound.

I look forward to our conversation today, and to working with you in the future. Mr. Pekoske, I understand that you told Committee staff this week that you would come in to sit down with them once you’ve been on the job for several months. I appreciate that offer and expect my staff will take you up on it. I hope both of you will remain accessible and responsive to this Committee once you are confirmed.
Statement of David J. Glawe
Nominee for Under Secretary for Intelligence and Analysis,
Department of Homeland Security

Before the
U. S. Senate Homeland Security and Goveramental Affairs Committee

July 11, 2017

* * *

Chairman Johnson, Ranking Member McCaskill, and Members of the Committee – Thank you for the opportunity to appear before you today as the President's nominee for Under Secretary for Intelligence and Analysis (I&A) at the Department of Homeland Security (DHS). I am honored to have been nominated for this position by President Trump, and I am humbled to have received the support of Secretary Kelly, Deputy Secretary Duke, and Director of National Intelligence Coats.

I would like to take a moment to recognize my family. I am grateful for the support they provide, the core values they instilled in me, and the sacrifices they made to enable me to pursue a career in public service. With me today is my partner and husband Perry Goerish, a Supervisory Special Agent at the FBI's Washington Field Office. I also want to recognize our two wonderful children Alexis and Wyatt. I also want to thank the friends and co-workers who have supported me throughout my life – I would not have this opportunity without them.

The mission statement of DHS is clear and direct: with honor and integrity, we will safeguard the American people, our homeland and our values. DHS faces a complex and evolving threat environment, and must work across the federal government, and in concert with our State, Local, Tribal, Territorial, and Private Sector partners. As the only member of the US Intelligence Community statutorily charged with sharing intelligence and information with our State, Local, Tribal and Private Sector partners, I&A enables DHS to execute its mission.

Secretary Kelly's guidance is clear: he expects I&A to provide timely, useful, and operationally-relevant intelligence to the DHS enterprise, the intelligence community, and our state and local partners. I have more than 24 years of experience in law enforcement and intelligence which includes serving as a Houston, Texas, and Aurora, Colorado, police officer; supervising counterterrorism and national security cases as an FBI Special Agent; integrating and creating efficiencies with the threat finance mission at the Office of the Director of National Intelligence; and most recently leading the Office of Intelligence at US Customs and Border Protection, the nation's largest law enforcement agency.
If confirmed, I will work to apply the knowledge I acquired and the lessons learned to make I&A a premier intelligence organization that drives operations, intelligence integration, information sharing, and the delivery of unique analysis to operators and decision-makers that enables them to help identify gaps, position resources, and ultimately mitigate threats. I will work tirelessly to ensure that I&A stays focused on delivering the information its customers need to be effective in their missions to keep the homeland and our communities safe.

I&A has one of the broadest customer bases among intelligence agencies, ranging from the DHS Secretary and Components; policymakers; the US Intelligence Community; thousands of state, local, and private sector officials; and foreign partners - each of whom have different mission, information, and classification requirements. I&A must continue to meet their diverse needs by producing a broad range of usable intelligence products for strategic and tactical use. If confirmed, I intend to focus I&A’s analytic capacity on areas where we are positioned to add value or that are underserved by other parts of the intelligence community—rather than duplicating work done elsewhere. The trade, travel, cyber, border, marine and aviation security are logical areas of mission focus that DHS has a unique and significant role.

Intelligence production must be integrated in the sense it must take into account all the relevant information available to illustrate an accurate and comprehensive threat picture. Silos and stove-piping information puts the country at risk. Intelligence community, law enforcement, regulatory agency, and open-source information must be accessible and available in a usable format to develop an accurate and complete threat picture. We must be focused and vigilant to identify unknown and complex networks from Transnational Criminal Organizations, Foreign State Actors, and terrorists attempting to harm the United States. If confirmed, I intend to review intelligence production at I&A to ensure that we are effectively integrating DHS with State, Local and Private Sector partners. Our goal must be to take an integrated and mission-focused approach to intelligence assessments, with unbiased analysis and sound tradecraft that drives timely production with repeatable and adaptable business processes.

I&A’s greatest strength, without question, is its people. If confirmed, it will be my honor to lead the homeland intelligence professionals at I&A as we endeavor to implement Secretary Kelly’s vision by meeting the needs of the primary customers, integrating intelligence and operations, and making I&A a mission-focused and productive environment for the workforce.

It’s no secret that workforce morale is an enduring challenge at I&A. If confirmed, I plan to spend time getting to know both the organization and the workforce in an effort to better understand the underlying issues. As I have done in my management positions, I will support diversity and encourage programs to recruit employees who represent the communities we serve. In addition, clear protocols for career path progression and professional development opportunities will be messaged to the workforce.

If confirmed, I will work with the leadership team to find ways to help employees better understand their mission and develop strong connections both to that mission and to their customers. I have adopted this approach in the past with great success. Most recently at US Customs and Border Protection’s Office of Intelligence, I oversaw a significant increase in the Federal Employee Viewpoint Survey results over the course of my tenure. The key to that
success was a mission orientated approach, integrating intelligence and operations, empowering mid-level managers with the ability to be creative, receive input from all employees, and make decisions. Achieving success in this area is difficult, but I am confident a collaborative mission-centric approach will put I&A on the path to improving workforce morale.

In closing, I would like to take a moment to recognize the important role Congress plays in the success of I&A. If confirmed, I pledge to enable the Committee to fulfill that role by keeping you informed of I&A activities and developments. I am committed to transparency, and I look forward to partnering with you as we move the organization forward to best protect the Homeland.

Thank you again for the opportunity to appear before you today. I look forward to answering your questions.
Mr. Glawe thank you for your willingness to continue serving. It was good to see you again. The position you have been nominated for is critical to our domestic security, especially behind the scenes.

The 9/11 Commission noted that improved information sharing within the intelligence community may have prevented the attacks on September 11th. At the same time, our intelligence agencies each have finite limits on their legal authorities to prevent abuses that infringe upon Americans’ Constitutional freedoms. How will you protect citizens’ 4th Amendment rights while guarding against threats to the nation’s security?

I view the dual obligation to protect our citizen’s constitutional rights while guarding against threats to our nation’s security as one of the primary responsibilities of the Under Secretary for Intelligence and Analysis (I&A). I understand that I&A is currently operating under comprehensive Attorney General approved Intelligence Oversight Guidelines developed pursuant to Executive Order 12333. If confirmed, I intend to carry these concurrent and inseparable obligations by fully utilizing I&A authorities and ensuring strict compliance with I&A’s intelligence oversight framework. I will never put one of those obligations ahead of the other.

When we met in May, you discussed some of the challenges the Department of Homeland Security (DHS) faces in meeting its customers’ needs. You briefly touched on this in your statement before the Committee. Will you explain your goal to “operationalize” intelligence and make it more useful to your customers?

In contrast to strategic intelligence, which is often high-level and forward looking, tactical or operational intelligence gives operators, such as federal, state, and local law enforcement; DHS Components; federal, state, and private sector network defenders; critical infrastructure owners, etc., the information they need to reposition resources and better execute their missions in the “here and now.” The DHS Intelligence Enterprise has unique intelligence collected through a variety of sources. I&A must take this information, fuse and analyze it, and produce the kind of intelligence and information its customers need to achieve operational outcomes against the asymmetric threats facing our homeland from terrorists, transnational criminal organizations, state and non-state actors and nefarious cyber actors. If confirmed, I will work to posture I&A to operationalize intelligence and enable its customers to immediately adjust resources in response to fluid and dynamic threats.

In Montana we have nearly 550 miles of international border. It is of critical importance that we eliminate any vulnerabilities on our northern border, which bad actors may view as our “soft
I understand and share your concerns with vulnerabilities on our northern border. It is clear to me that the Department of Homeland Security (DHS) must have a defined and collaborative business enterprise approach to securing our northern border, and that approach must align scarce DHS resources with other federal, state, local, tribal, territorial and private sector partners to be effective. I understand DHS recently completed and submitted to Congress a comprehensive report analyzing operational capabilities on the Northern border as directed under the Northern Border Security Review Act (Public Law 114-267), and that the report includes a preliminary assessment of capability gaps and challenges in legal authorities; cross-Component cooperation; coordination between state, local, and tribal law enforcement organizations; and cooperation and information sharing with law enforcement and intelligence partners. If confirmed, I look forward to reviewing the findings of that report and developing a business enterprise approach that identifies and aligns DHS intelligence and operational assets in response to the gaps and challenges identified in the report.

One approach I have seen applied successfully in other agencies is the blending of intelligence and operations in regionally-focused intelligence units known as Field Intelligence Groups (FIGs). I believe that successful application of the FIG model can establish and enhance enduring relationships with other federal, state, local, tribal, territorial, private sector and foreign partners all engaged in aspects of the border security mission. A FIG collaborates and at times leads the collection, analysis, production and dissemination of actionable intelligence to lead and support law enforcement missions, specifically those seeking to prevent foreign threats from infiltrating the United States. The FIG model standardizes and provides a consistent enterprise approach to intelligence, and is repeatable yet adaptable to the local threats. It could also align regionally the broader scope of DHS intelligence resources and provide a “touch point” for federal, state, local tribal, territorial, and private sector entities at the field level. If confirmed, I will work to examine the feasibility of implementing this kind of regionally-focused enterprise approach to the DHS intelligence mission at the northern border.
1. What ideas and aspirations do you have to improve the U.S. Department of Homeland Security’s Intelligence and Analysis (I&A) activities, and make the areas under your control, or which you can influence, more efficient and effective?

If confirmed, I intend to make I&A more efficient and effective by focusing I&A’s analytic capacity on areas where they are positioned to add value. With the varied missions of the DHS Components, DHS is leader in the federal government for knowledge, expertise, and data related to areas like trade, travel, cyber, borders, marine, aviation security and homeland-focused aspects of counterterrorism. As DHS’s primary link to the Intelligence Community (IC), I&A will be most efficient and effective by focusing its operations and analysis in these areas rather than duplicating work done elsewhere. I will also ensure I&A continues to prioritize the incorporation of DHS and state, local, tribal, territorial, and private sector data into its intelligence products, and that those products are released at the lowest classification level possible to best meet the needs of I&A’s diverse and underserved customer base.

a. How will you identify, eliminate and prevent waste in and by I&A?

One of my top priorities would be to identify inefficiency at I&A, specifically where other law enforcement and IC partners may be performing similar or duplicative efforts. For example, many law enforcement and IC agencies report on international terrorism and associated threats to the homeland. If confirmed, I would work with those partners to identify areas where our missions overlap, and engage those partners in a collaborative effort to streamline our business processes and define “lanes in the road” that reduce duplication and allow all of us to reposition resources to areas with less coverage.

In addition, I understand I&A has developed a robust performance measurement analytic capability that can measure both outputs and outcomes across the full spectrum of the intelligence cycle. If confirmed, I plan to use this capability to further analyze I&A production and outcomes to ensure the organization is meeting or exceeding its quantitative and qualitative goals to ensure the most efficient use of the resources entrusted to it.

2. I, my colleagues in the Congress, and much of the country, have significant concerns regarding violations of the U.S. Constitution, and warrantless searches or invasions of privacy.
a. What are your thoughts and feelings about searches of U.S. citizen's cellular telephones and laptops upon their return home following international travel?

Border search authority is an essential and invaluable tool for the protection of our nation and the enforcement of our laws. With over 24 years of experience as a law enforcement officer, I am keenly aware that the intrusive nature of border searches makes this authority subject to regular scrutiny and debate. I view that scrutiny as a healthy and necessary element of our democracy, and I believe that border officers' awareness of that scrutiny and debate helps ensure the authority is executed with a great degree of sensitivity to the traveler's privacy and in a manner appropriate to the circumstance.

b. What involvement did you have with these policies and practices under the previous administration, both in your time at I&A, and at Customs and Border Protection (CBP)?

As the Assistant Commissioner at U.S. Customs and Border Protection (CBP), and as the Acting Under Secretary for Intelligence and Analysis at DHS, I was a customer of information obtained during the course of lawful border searches by uniformed law enforcement officers and agents of U.S. Customs and Border Protection. I was not involved in any way with border search authority policy formulation or execution.

c. If confirmed, what will you do to prevent the violation of U.S. Citizens' Constitutional rights?

As I stated in the hearing, the Constitution is the bedrock of my 24 year career in law enforcement. If confirmed, I intend to continue the tradition of prior Under Secretaries for Intelligence and Analysis by treating the protection of our national and homeland security and the preservation of our nation’s rights and liberties as dual obligations, not competing interests. I understand that I&A is currently operating under comprehensive Attorney General approved Intelligence Oversight Guidelines developed pursuant to Executive Order 12333. With this approach, and with these strong intelligence oversight guidelines in place, the protection of Constitutional rights and privacy interests are included in the discussion and planning of intelligence activities from the beginning. I will always strive to protect these interests, even if it makes activities or operations more challenging or time consuming.

3. Following the September 11, 2001, terrorist attacks, I&A became the only IC element statutorily charged with delivering intelligence to state, local, tribal, territorial and private sector partners; and, developing intelligence from those partners, for usage by the Federal government, including by DHS and other members of the IC. While this has benefits, it also presents potential dangers to civil liberties, including a blurring of the line between
domestic law enforcement and intelligence gathering activities, as well as intentional abuse or inadvertent misuse.

a. If confirmed, what will you do to insure that any and all intelligence gathered or disseminated by DHS, will be handled with utmost concernregarding people’s privacy and other rights, by all individuals or entities that may receive or encounter such information?

As I understand it, the merging of intelligence and law enforcement missions and information within I&A has been successfully managed by applying the same IC mandates for strict protections of U.S. Person information to all information within I&A, including domestic law enforcement information. I&A is currently operating under comprehensive Attorney General approved Intelligence Oversight Guidelines developed pursuant to Executive Order 12333. These rules ensure that established mission and relevance thresholds are met before such information is collected, retained, or disseminated, whether that dissemination is made to other elements of the IC or to I&A’s state, local, tribal, territorial, or private sector partners. If confirmed, I intend to continue this strict compliance regime.

b. How will you address the potential for domestic law enforcement practices to become entangled with, or abused for use by intelligence or related activities, or vice versa?

Domestic law enforcement agencies are essential I&A mission partners. Each has its own mission and authorities which contribute to the common goals of securing our nation while preserving our liberties. If confirmed, I intend to fully utilize the resources and authorities of I&A to advance those goals, including through collaboration with partner organizations, while also protecting the institutional integrity of DHS intelligence from potential misuse or inappropriate entanglements.

c. With regard to Fusion Centers, what will you do to ensure consistent quality, management, protections and other practices, amongst them?

While fusion centers are owned and operated by state and local entities, DHS plays an integral role in helping these entities develop common capability and performance standards and supporting fusion centers as they execute the intelligence cycle in a more common and consistent manner. If confirmed, I will work to ensure I&A’s deployed personnel support fusion centers in accordance with the Homeland Security Act. I will also ensure I&A continues to collaborate with the Federal Emergency Management Agency (FEMA) to ensure that DHS grant funds leveraged for fusion centers support the development, implementation, and
sustainment of capabilities outlined in the Baseline Capabilities for State and Major Urban Area Fusion Centers developed by DOJ and DHS.

It is also my understanding that DHS conducts an annual fusion center assessment which provides a comprehensive picture of the National Network of Fusion Centers’ performance, helps measure the effectiveness of FEMA grant funding, and guides partners to invest in mission areas with the greatest potential benefit to the entire homeland. If confirmed, I will seek to mature this assessment process to better capture performance measures that demonstrate the impact of the National Network and provide a standard against which to measure its progress, strengths and weaknesses, all focused on outcomes of fusion center activities and their impact on protecting the homeland. An honest and objective review of how the National Network is meeting these performance measures will help federal and state stakeholders make informed decisions about how best to allocate resources and adjust policies to make steady and visible progress.
Ranking Member Claire McCaskill
Post-Hearing Questions for the Record
Submitted to David Glawe
Nomination of David Glawe to be Under Secretary, Office of Intelligence and Analysis, U.S. Department of Homeland Security
Tuesday, July 11, 2017

Morale

Each year, the Partnership for Public Service releases a survey of the “Best Places to Work in the Federal Government.” This survey is a useful gauge of employee morale, and agencies highlight when they score highly on it.

For example, a December 16, 2016 press release from the Office of the Director of National Intelligence (ODNI) titled, “Intelligence Community Once Again a Best Place to Work in Federal Government,” proclaimed “For the eighth consecutive year, Intelligence Community employee job satisfaction ranks the IC as one of the ‘Best Places to Work in the Federal Government.’”

Although the Intelligence Community writ-large does well in this survey, when sorted by “Agency Subcomponents,” the Department of Homeland Security’s Office of Intelligence and Analysis ranked 304 out of 305 subcomponents government-wide. I&A’s index score improved in 2016 over 2015, but the overall assessment is pretty devastating.

1. Despite efforts undertaken by the Department in recent years, what do you think is contributing to I&A’s persistently low ranking? And why is it so much lower than the rest of the intelligence community?

Based on my experience, morale is often linked closely to an employee’s ability to clearly understand the mission, to identify how their role supports the mission, and to be given the resources and empowerment to do their job. Although I&A’s mission statement is clear, my sense is that not all of the dedicated professionals in I&A’s workforce feel a direct, personal connection to that mission. If confirmed, I will endeavor to determine the root causes of I&A’s morale issues and ensure our efforts to improve employee morale are tailored to target those root causes.

2. What policies will you implement to improve morale at I&A and what metrics will you use to measure effectiveness?

If confirmed, my first action on this front will be to ensure the agency’s mission is communicated clearly and consistently to the workforce. I will hold I&A managers at all levels accountable for establishing daily briefs on their activities, messaging campaigns that help communicate the value of the work they produce, and establish a battle rhythm with all their employees that clearly articulates the mission and operational requirements of I&A’s customers. In addition, I&A
managers will be expected to provide daily feedback and transparency on the mission and intelligence products they produce. To foster better understanding of customer needs and help employees develop a closer, deeper connection to our critical homeland security mission, I also intend to create opportunities for the workforce to engage more regularly and directly with their customers through field deployments and rotational assignments. I also intend to continue efforts already in progress at I&A to equip employees with the tools and resources they need to do their jobs, including improving service support to employees, enabling analysts to access data and data sets more quickly, and standardizing and codifying processes that impact employees’ daily work experience.

If confirmed, I would measure effectiveness of these initiatives by leveraging I&A’s performance management & evaluation capability to implement metrics, track progress on these initiatives, and launch a well-researched and standardized employee pulse survey that will enable us to link progress on these and assess whether they are indeed having the desired effect on improving morale.

Cyber and the reorganization of the National Protection and Programs Directorate

In your hearing before the Senate Select Committee on Intelligence, in response to questioning from Senator Manchin, you said that cyber threats are among the greatest security threats we face as a nation. Chairman Johnson and I, along with our bipartisan House counterparts, are working to elevate the cybersecurity mission within the Department of Homeland Security.

3. As we work to enhance DHS’s cyber mission, do you think I&A’s relationship with the new cyber structure will need to change from its existing relationship with the National Protection and Program’s Directorate (NPPD)?

It is my understanding that I&A works closely with the National Protection and Programs Directorate (NPPD) to provide intelligence support to the Department’s overall cybersecurity and critical infrastructure protection missions. If confirmed, and if the effort to implement a new cyber structure at DHS is successful, I will work to better understand that new structure and evaluate how to best position I&A to continue providing critical intelligence support to the new entities charged with these critical homeland security missions.

A) If yes, what should I&A’s role in the reformed entity look like?

DHS’s cybersecurity and critical infrastructure protection missions must be informed by timely, accurate, and operationally-relevant intelligence in order to be effective. As the Department’s primary link to the IC, I&A must continue to provide intelligence support to these critical missions. If confirmed, I look forward to studying the new structure and evaluating how to best position I&A to continue fulfilling this intelligence support function.
According to a June 2014 GAO report on “DHS Intelligence Analysis,” I&A received positive reviews for its analytic efforts related to cybersecurity from private critical infrastructure sectors. Since that report was released three years ago, cyber threats have become more sophisticated. In recent weeks, we have seen threats like WannaCry impact government and private sector entities across the globe simultaneously.

4. What type of regular engagement does I&A conduct with states and private sector critical infrastructure owners and operators to ensure that its products are useful to its clients?

It is my understanding that I&A engages regularly with State, local, tribal, territorial, and private sector partners to share information, disseminate intelligence products, collect feedback, and discuss new products that would be of the highest value to their partners. Some of these engagements include the State and Local Intelligence Council (SLIC), the Corporate Security Symposia, the Classified Intelligence Forum (CIF), and the Public-Private Analytic Exchange Program. In addition to these more structured engagements, I&A’s Field Operations Division manages I&A’s support to the National Network of Fusion centers, which in addition to deploying Intelligence Officers, Reports Officers, and Analysts to work directly with these entities, also includes management of a process to incorporate partner input concerning their intelligence needs into I&A’s annual collection, analysis, and production plans. If confirmed, I would work to enhance those efforts, maximize I&A’s ability to share information with these partners, and enable these partners to identify and mitigate threats and vulnerabilities.
1. Due to a severe lack of manpower and resources, enforcement at the Northern Border is primarily driven by intelligence. As the Under Secretary for Intelligence and Analysis, you would play a key role in gathering and assessing intelligence from multiple sources to determine how DHS should allocate its resources.

   a. Given your background and previous experience, what strategies have you used to determine how to allocate scarce resources?

      As a law enforcement officer, I have extensive experience working in a task force environment composed of representatives from multiple agencies with different jurisdictions and mandates. A key element of success is convincing your partners of the value of establishing a collaborative business process that is repeatable and adaptable to address common threats with limited resources. For example, prior to my tenure, CBP lacked a properly resourced and consolidated Confidential Human Source program. Instead, the Offices of Air and Marine, Field Operations, and the US Border Patrol all managed individual stove-piped human source programs. I recognized this decentralized approach as a policy and training vulnerability as well as a resource challenge that inhibited CBP’s overall ability to collect human intelligence. As a result, I lead the development of a business enterprise approach that institutionalized confidential human source policy, training, oversight operations and collections within an approximately 60,000 person law enforcement organization. If confirmed, I would look for similar opportunities to coordinate and align DHS intelligence operations to ensure the efficient use of the resources entrusted to DHS.

   b. How would you leverage your experience to address the unique challenges and resource limitations that exist at the Northern Border?

      The Northern Border faces unique geography and scale of threats that differs significantly from those at the Southern border. It is clear to me that DHS must have a defined and collaborative business enterprise approach to securing our northern border, and that approach must align scarce DHS resources with other federal, state, local, tribal, territorial and private sector partners to be effective. I understand DHS recently completed and submitted to Congress a comprehensive report analyzing operational capabilities on the Northern border as directed under the Northern Border Security Review Act (Public Law 114-267), and that the
report includes a preliminary assessment of capability gaps and challenges in legal authorities; cross-Component cooperation; coordination between state, local, and tribal law enforcement organizations; and cooperation and information sharing with law enforcement and intelligence partners. If confirmed, I look forward to reviewing the findings of that report and developing a business enterprise approach that identifies and aligns DHS intelligence and operational assets in response to the gaps and challenges identified in the report.

One approach I have seen applied successfully in other agencies is the blending of intelligence and operations in regionally-focused intelligence units known as Field Intelligence Groups (FIGs). I believe that successful application of the FIG model can establish and enhance enduring relationships with other federal, state, local, tribal, territorial, private sector and foreign partners all engaged in aspects of the border security mission. A FIG collaborates and at times leads the collection, analysis, production and dissemination of actionable intelligence to lead and support law enforcement missions, specifically those seeking to prevent foreign threats from infiltrating the United States. The FIG model standardizes and provides a consistent enterprise approach to intelligence, and is repeatable yet adaptable to the local threats. It could also align regionally the broader scope of DHS intelligence resources and provide a “touch point” for federal, state, local tribal, territorial, and private sector entities at the field level. If confirmed, I will work to examine the feasibility of implementing this kind of regionally-focused enterprise approach to the DHS intelligence mission at the northern border.
QUESTIONS FOR THE RECORD
MR. DAVID J. GLAWE

QUESTIONS FOR THE RECORD FROM SENATOR KING

1. In response to the Committee’s prehearing questions, you stated that all DHS I&A analytic products must follow “ICD 203 tradecraft standards.” If confirmed, what steps will you take to ensure these standards for analytic integrity are strictly adhered to?

It is my understanding that the Office of Intelligence and Analysis’ (I&A) Planning, Production, and Standards Division (PPSD) evaluates all I&A products for compliance with the nine tradecraft standards laid out in ICD 203 as well as a tenth developed specifically by I&A to ensure maximum coordination and collaboration with Intelligence Community (IC) and DHS Intelligence Enterprise (DHS IE). If confirmed, I would ensure I&A analysts receive adequate and continuing training on each of these standards. I would also ensure tradecraft quality reviews are built into the production process at both the beginning and near the end of the process, ensuring tradecraft subject matter experts have ample opportunity to conduct initial reviews as well as final evaluations. The final evaluations are critical to ensure finished products adhere to tradecraft standards. They can also be used to capture best practices and common mistakes that can be incorporated into training on the front end.

2. What do you consider the appropriate role of intelligence to be in the formulation of policy? Is it appropriate to draft an intelligence product with the specific intent of supporting an administration policy, either legally or politically, in mind?

In my view, it is never appropriate to produce intelligence with the specific intent of supporting a pre-conceived policy position. It is appropriate to provide policymakers with timely, accurate, objective, and integrated intelligence and information to inform policy decisions. When intelligence information needed by policymakers is not available, it is also appropriate to work with those policymakers and other elements of the IC to close those gaps. If confirmed, I would strive to provide intelligence and information
without regard to political positions or influence.

3. **What avenues of redress are available to you in the event you are pressured to politicize intelligence?** If confirmed, would you access those avenues of redress if asked to compromise your professional obligation to oversee and lead the production of objective and politically unbiased intelligence analysis? Do you consider this Committee to be among those avenues of redress?

If confirmed, I would strive to provide intelligence and information without regard to political positions or influence. If I ever felt pressured to produce intelligence in support of a pre-conceived policy position or politicize intelligence in any way, I would not hesitate to avail myself of the most appropriate avenue of redress. I consider DHS leadership, the Director of National Intelligence, and the Inspectors General of DHS and of the IC as my primary avenues of redress. Depending on the source and extent of the concern, I would also consider the Committee as another avenue of redress.

4. **Do you support allowing the Government Accountability Office’s (GAO) cleared auditors access to DHS I&A for conducting classified audits and reviews at the request of this Committee?**

Yes. It is my understanding that I&A has been a cooperative partner of GAO, and has benefited from the GAO’s work.

5. **The 2016 “Hack the Pentagon” pilot program and subsequent Department of Defense “bug bounty” programs have helped identify vulnerabilities within the Department’s information systems. In your view, what role should such bug bounty programs play in our government’s cyber-security strategy?**

In the area of cybersecurity, the role of the Under Secretary for Intelligence and Analysis at the Department of Homeland Security is to produce intelligence and share information in support of the Department’s cybersecurity mission. I have reviewed open source information regarding the “Hack the Pentagon” pilot program. To the extent they could help the Department identify previously unknown network vulnerabilities or further define intelligence requirements, I believe “bug bounty” programs could be useful tools within a larger government-wide cybersecurity strategy.
QUESTIONS FOR THE RECORD FROM SENATOR WYDEN

Signaling System 7

In April 2017, the Department of Homeland Security (DHS) issued a Study on Mobile Device Security. The report concluded that vulnerabilities in Signaling System 7 (SS7) could be used to determine the physical location of phones, disrupt phone service, and intercept or eavesdrop on communications. According to the report, DHS “believes that all U.S. carriers are vulnerable to [SS7] exploits, resulting in risks to national security, the economy, and the Federal Government’s ability to reliably execute national essential functions.” Further, these “vulnerabilities can be exploited by criminals, terrorists, and nation-state actors/foreign intelligence organizations.”

6. Do you agree with the assessments in the report?

Yes.

7. How significant is the counterintelligence threat posed by the SS7 vulnerabilities?

I am not in a position to offer an informed assessment of the significance of the counterintelligence threat related to SS7 vulnerabilities. However, I understand I&A’s Counterintelligence Division is in close contact with IC partners on this topic. If confirmed, I will endeavor to learn more about potential counterintelligence threats posed by these vulnerabilities and ensure the DHS Counterintelligence Program is positioned to identify and mitigate any counterintelligence threats directed at DHS employees or systems related to these vulnerabilities.

8. What is the role of the Office of Intelligence and Analysis in ensuring that SS7 vulnerabilities and similar threats identified by the Science and Technology Directorate or other components of the Department are brought to the attention of counterintelligence elements of the Intelligence Community?

I&A provides intelligence support to the Department’s cybersecurity
and critical infrastructure protection missions. If confirmed, I will work to ensure I&A’s Counterintelligence Division coordinates closely with IC partners to assess threats related to the vulnerabilities identified in this report and share intelligence about those threats with customers. The Under Secretary for Intelligence and Analysis also serves as the Department’s Counterintelligence Executive, so I would also work to ensure the DHS Counterintelligence Program is positioned to identify and mitigate any counterintelligence threats directed at DHS employees or systems related to these vulnerabilities.

9. **What steps do you believe the Department should take to warn federal agencies and employees of those agencies whose mobile phones may be vulnerable as a result of SS7 vulnerabilities?**

I believe DHS has a duty to warn and collaborate with federal and industry partners to implement an effective mitigation strategy which minimizes vulnerabilities identified in the report. If confirmed, I will work with my DHS colleagues at the Science and Technology (S&T) and National Protection and Programs Directorates (NPPD) to ensure they have the intelligence support they need to develop and implement effective mitigation measures.

10. **Will you commit to ensuring that my staff is provided a briefing on SS7 vulnerabilities and actions being taken by the Department to address them?**

It is my understanding that DHS S&T, who led DHS efforts on this report, provided your staff with a briefing on this topic on July 7, 2017, and that DHS NPPD is also in contact with your staff about arranging a follow-up briefing. If confirmed, I would work to ensure I&A is positioned to support any future briefings, if necessary.

**Stingrays**

Multiple press stories have described the capability of cell site simulators, sometimes called IMSI catchers or “stingrays,” to track mobile phones and intercept communications (e.g., “Tech firm tries to pull back curtain on surveillance efforts in Washington, *The Washington Post*, September 17, 2014;
“Someone is spying on cellphones in the nation’s capital, CBC News, April 3, 2017).

11. **Do you agree that the placement of illicit “stingray” devices, particularly around government buildings in Washington, D.C., would pose a serious counterintelligence concern?**

   I am not in a position to offer an informed assessment of counterintelligence threats related to cell site simulator technology. If confirmed, I will work to ensure I&A’s Counterintelligence Division coordinates closely with IC partners to assess counterintelligence threats associated with these technologies. The Under Secretary for Intelligence and Analysis also serves as the Department’s Counterintelligence Executive, so I would also work to ensure the DHS Counterintelligence Program is positioned to identify and mitigate any counterintelligence threats directed at DHS employees or systems related to these technologies.

12. **Is the Department of Homeland Security seeking to locate any illicit stingrays in Washington, D.C.?**

   I am not aware of any DHS effort to locate illicit cell site simulator technology devices in Washington, D.C.

**Clandestine Human Collection**

In responses to pre-hearing questions, you wrote “[a]s the DHS [Chief Intelligence Officer], I expect my role coordinating DHS Component Confidential Human Source [CHS] operations would be similar to the CINT role coordinating other DHS Component intelligence capabilities; to exercise leadership and authority over the formulation and implementation of policy and programs throughout the Department, and to provide strategic oversight of and support to the intelligence-related missions and goals for the DHS Intelligence Enterprise... It is my understanding that the DHS CINT has no role coordinating or tasking directly DHS Component CHS operations. Given the fact that DHS collectively comprises the largest federal law enforcement presence in the United States, I feel that is a missed opportunity.”

13. **Under what legal authority could the DHS CINT coordinate or task DHS Component CHS operations?**
I understand the role of the CINT includes providing strategic oversight of DHS Component intelligence activities and establishing intelligence collection, processing, analysis, and dissemination priorities and policies for the DHS Intelligence Enterprise. As stated above, I do not believe the DHS CINT has an independent authority to directly task DHS Component Confidential Human Source (CHS) operations.

14. How would the tasking, by an entity of the Intelligence Community of non-IC collectors, be covered under Executive Order 12333 and other relevant authorities?

It is my understanding that in general, it is within the DNI’s enumerated authorities to provide “advisory tasking” to non-IC establishments consistent with Attorney General approved procedures specific to that activity. I am not aware of such procedures ever having been established, nor do I have any specific knowledge of how this process may have been used. With regard to DHS, I do not believe the CINT has an independent authority to directly task DHS Components. To the extent any such authority were to be established for the DHS CINT, I assume that authority would most likely derive from the authorities of the DHS Secretary, and not from those of the DNI, Executive Order 12333, or any other IC authority.

**GAO Report on Confidential Informants**

In your responses to pre-hearing questions, you wrote that “[Customs and Border Protection’s] Confidential Human Source Policy Manual sets forth CBP’s policies and procedures regarding CHSs. This Policy Manual, issued in 2015, was modeled in part upon CHS guidelines promulgated by the Department of Justice and other federal law enforcement agencies.” In September 2015, GAO issued a report entitled “Confidential Informants: Updates to Policy and Additional Guidance Would Improve Oversight by DOJ and DHS Agencies” (GAO 15-807), which reviewed the policies and processes that apply to CBP, Immigration and Customs Enforcement (ICE), the U.S. Coast Guard (USCG), and the U.S. Secret Service (USSS). The report stated that the relevant Attorney General Guidelines do not explicitly apply to DHS agencies and that neither the Guidelines nor DHS requires a review of DHS component agencies’ policies.
15. What is your view of the findings of the GAO report?

I believe the findings were valuable, and as the lead for CBP’s Confidential Human Source (CHS) program, I ensured the recommendations were incorporated into that program. It is my understanding that CBP’s CHS program is fully compliant with DOJ CHS policy and guidelines, and that CBP has implemented GAO’s recommendations.

16. In response to one of GAO’s Recommendations for Executive Action, “DHS concurred with our recommendation that DHS provide oversight and guidance to ensure that DHS agencies comply with the Guidelines. DHS stated that it plans to designate a DHS entity to be responsible for developing, implementing, and overseeing policies and programs to ensure DHS-wide compliance with the Guidelines, as appropriate.” What is your understanding of DHS’s implementation of this recommendation?

While I was not involved in DHS’s implementation of this recommendation, I have reviewed information on GAO’s website related to this recommendation. It is my understanding that DHS issued a policy guidance memo on the use of confidential informants in July 2016. GAO found that policy guidance memo consistent with their recommendation. They agreed it would help ensure component agencies take action to update their policies consistent with the Guidelines, and they consider this recommendation closed.

17. In response to another one of GAO’s Recommendations for Executive Action, “DHS concurred with our recommendation that ICE and USCG update their respective policies and corresponding monitoring processes. DHS stated that ICE will review requirements related to the oversight of informants' illegal activities as part of an ongoing update to its informant handbook. DHS stated that USCG has issued an interim policy that requires compliance with Guidelines and that USCG also plans to do a comprehensive review and revision of its policy.” What is your understanding of DHS’s implementation of this recommendation?

While I was not involved in DHS’s implementation of this recommendation, I have reviewed information on GAO’s website related
to this recommendation. It is my understanding that both USCG and ICE have taken steps to address this recommendation. USCG issued an updated confidential informant policy, and GAO found that policy consistent with their recommendation. ICE is in the process of updating its relevant policy handbooks and expects to implement them by December 2017.
QUESTIONS FOR THE RECORD FROM SENATOR HARRIS

A CNN story from February 25, 2017 titled, “White House effort to justify travel ban causes growing concern for some intelligence officials” alleges that, “some DHS officials are concerned that the new I&A director—Acting Undersecretary for Intelligence David Glawe—may be politicizing intelligence” and references your role in preventing a report from moving forward. The referenced report may have reached conclusions that were inconsistent with the White House’s policy position.

18. During the hearing, we discussed your involvement with the intelligence report related to the travel ban. Let me be clear of your answer: did you delay the release of this intelligence report? If yes, why?

Thank you for the opportunity to clarify. I did not delay the release of the document cited in the CNN article. The document went through the standard coordination processes, but due to the evolving situation with the Executive Order, it was never finalized. Apart from reviewing a draft of the document at the time of coordination, I played no further role in the document’s production or disposition.

There was a related but separate I&A intelligence assessment that I did have a more active role in reviewing at approximately the same timeframe. The assessment, initiated by I&A in August 2016, focused on foreign-born, US-based violent extremists that conducted or attempted to conduct terrorist activity in the United States. It was prepared and coordinated through standard processes and briefed to I&A and DHS leadership prior to its finalization and dissemination. When I received the draft assessment and briefing, I was concerned that it did not include information from ongoing law enforcement cases, nor did it cover individuals who were tried or removed from the United States for reasons other than terrorism charges. Given the nature of the topic and the scope of the draft document, I directed the authors to seek additional information from relevant federal law enforcement agencies for incorporation into the product, and official coordination from IC members with access to such information. Although the information was not made available to I&A analysts, I&A published and disseminated the report with official coordination from an IC partner. The report included an expanded scope
note to describe what sources of information were and were not included in assessment, and no significant changes were made to the findings. I felt it was important to seek this coordination and concurrence from IC partners to protect the integrity of I&A’s analytic tradecraft and ensure the document’s findings were accurate and backed by to the original source documents and “raw” intelligence.

19. **During your time as Acting Under Secretary of DHS, were you ever pressured to alter intelligence conclusions to support White House policy?**

No.

20. **Do you believe that citizenship is a reliable terrorist threat indicator?**

I believe that to fully assess the threats posed by terrorist organizations, it is important to evaluate not only the operators executing the attack, but also the origins of the individuals, their support networks, and the locations from which these support networks operate.

21. **In your opinion is it appropriate for DHS I&A to be tasked to create an intelligence product that supports a policy position of the administration?**

In my view, it is never appropriate to produce intelligence with the specific intent of supporting a pre-conceived policy position. It is appropriate to provide policymakers with timely, accurate, objective, and integrated intelligence and information to inform policy decisions. When intelligence information needed by policymakers is not available, it is also appropriate to work with those policymakers and other elements of the IC to close those gaps. If confirmed, I would strive to provide intelligence and information without regard to political positions or influence.

22. **In your opinion, is it appropriate for an intelligence product to be produced for purposes of supporting litigation related to an Administration policy?**

In my view, it is never appropriate to produce intelligence with the
specific intent of supporting a pre-conceived policy position. It is appropriate to provide policymakers with timely, accurate, objective, and integrated intelligence and information to inform policy decisions. In some circumstances, I believe it may be appropriate to cite intelligence information or products in litigation and judicial proceedings. For example, original sources of intelligence and associated products are routinely used in the Foreign Intelligence Surveillance Court proceedings. However, it is critical that such information not be produced with the specific intent of supporting a pre-conceived policy position.

23. In your words, how do you see the importance of analytic objectivity for members the intelligence community, including DHS I&A?

Analytic objectivity is the foundation of sound analytic tradecraft and is critical in maintaining the integrity of analysis. If confirmed, I would strive to provide intelligence and information without regard to political positions or influence.

24. What is your understanding of the current mechanisms or channels within DHS I&A to raise analytic dissent?

It is my understanding that I&A utilizes a variety of mechanisms to resolve both internal and external dissent that may arise due to differences of opinion regarding the analytic line of a specific product.

Internally, analysts meet informally to discuss and resolve differences of opinion as a product is being drafted. If the dissent emerges from a senior analyst, manager, or other leadership, the parties can meet with the analytic ombudsman to determine the cause of the dissent and help identify a path forward. If the ombudsman process proves unsuccessful, the Inspector General should be notified to determine whether an investigation is warranted. In addition, external parties such as agency leadership or congressional oversight committees could be contacted to review and address the issue.

If dissent arises externally across agencies, I&A can use several mechanisms to resolve the dissent. The first and most important is for analysts to discuss and address concerns during the coordination
process while drafting the product. If unable to resolve at their level, analysts should report the issue to the senior analysts and managers to resolve during the draft phase. If differences of opinion remain, the dissenting agency has a responsibility to formally outline its position and an alternative analysis for inclusion in the final product. If that dissent is rejected by the product’s author, the dissenting agency can then appeal to the ODNI’s Office of Analytic Standards for review or engagement with the IC’s analytic ombudsman.

25. If confirmed, will you support and if necessary expand upon these mechanisms?

Yes.

26. If confirmed, will you commit to resist any attempts by the White House, or anyone else, to politicize DHS’s intelligence analysis?

Yes.

27. If confirmed, will you commit to notify this Committee of any attempts by the White House, or anyone else, to politicize DHS’s intelligence analysis?

Yes.
MAJOR CITIES CHIEFS ASSOCIATION

June 26, 2017

The Honorable Ron Johnson
Chairman
Homeland Security Committee
U.S. Senate
Washington, D.C. 20510

The Honorable Claire McCaskill
Ranking Member
Homeland Security Committee
U.S. Senate
Washington, D.C. 20510

Dear Chairman Johnson and Ranking Member McCaskill,

The Major Cities Chiefs Association, representing 69 of the nation’s largest metropolitan law enforcement agencies, is proud to endorse President Donald Trump’s nomination of David Glawe as the next Under Secretary for Intelligence and Analysis at the Department of Homeland Security.

Mr. Glawe has dedicated his professional life to law enforcement, starting his 24 years in public service in the same way many of us chiefs did; as a cop patrolling city streets. After his time with the Houston Police Department, Mr. Glawe became a Federal Agent with the United States Postal Inspection Service, and later, a Special Agent with the Federal Bureau of Investigation (FBI). While with the FBI, Mr. Glawe served on many tactical teams and eventually was promoted to Supervisory Special Agent in the Counterterrorism Division. In 2014, President Barack Obama handpicked Mr. Glawe to spearhead a strategy to dismantle Transnational Organized Crime, which led to his being awarded the National Intelligence Community Superior Service Medal. Currently, Mr. Glawe is the Assistant Commissioner for the Office of Intelligence with U.S. Customs and Border Protection.

Throughout his career, Mr. Glawe has exhibited a commitment to excellence and unquestionable leadership. We believe his resume is of incomparable qualifications, and respectfully ask that you support his nomination.

Sincerely,

J. Thomas Manger
Chief of Police
Montgomery County Police Department
President, Major Cities Chiefs Association
Statement of Vice Admiral David P. Pekoske  
Nominee for Assistant Secretary of Homeland Security  
Transportation Security Administration  
U. S. Department of Homeland Security  

Before the  
Committee on Homeland Security and Governmental Affairs  
United States Senate  

July 11, 2017  

Good morning Chairman Johnson, Ranking Member McCaskill and distinguished members of this committee. It is a privilege to appear before you today as the President’s nominee to lead the Transportation Security Administration (TSA). I would like to thank President Trump for nominating me for this important national security position and I would like to also thank Secretary Kelly and Deputy Secretary Duke for their support during this process.

My first comments today are in strong support of the men and women of the TSA. Each and every one contributes to the security of our nation’s transportation system and works tirelessly to earn the trust and respect of the American people. Their work is critical to the security of our aviation and surface transportation systems and they have, in my opinion, done an outstanding job in protecting us from an ever present and very dynamic threat. It would be my privilege to join them as their Administrator and bring my leadership, skills and experience to the effort of securing our homeland.

TSA could not accomplish its mission were it not for the strong partnerships it has with other federal partners, state and local public safety and law enforcement agencies, the airline industry, the government services industry, airport owners and operators, and international partners. Throughout my professional career I have seen the importance and enormous value of strong partnerships and professional relationships. This is the extended TSA team and it would be my privilege to join them as well in our collective goal of ensuring transportation security in the United States.

I have been fortunate enough to have the strong support of family and friends throughout my life. I thank them for always being there, providing unvarnished advice and encouraging me over the years. If confirmed, I look forward to recognizing the important role that family and friends play in supporting the men and women at TSA.

I had the high honor of serving our country in the United States Coast Guard for most of my adult life. I am forever grateful to my Coast Guard colleagues for their investment in my leadership and professional development. If confirmed, I would join Admiral Jim Loy and Vice Admiral Peter Neffenger
as Coast Guard flag officers who have also served as Administrator. Both of them made significant contributions to the development of TSA and I welcome the opportunity to build on the foundation they and other Administrators have laid since the establishment of TSA by the Aviation and Transportation Security Act.

I have extensive experience in counter-terrorism and security operations and in leading a large operating federal agency. I was at the Coast Guard Commandant’s side on 9/11 as his executive assistant when the attacks on our homeland occurred. Like you, I will never forget that day and the days that immediately followed. I was privileged to remain as the Commandant’s executive assistant when the TSA and the Department of Homeland Security were established.

My first assignment as a Coast Guard flag officer was as Commander of the First Coast Guard District, with regional responsibility for all Coast Guard operations from Northern New Jersey to Maine. Within weeks of arriving in this position, I served as the lead federal official for maritime security at our first two national political conventions since 9/11, the Democratic National Convention in Boston and the Republican National Convention in New York City. As the District Commander, I had oversight of the Coast Guard’s maritime security operations in the ports of New York, New Jersey and Boston. We effectively managed risk and ensured the safe and secure flow of maritime commerce in these two ports.

I served as the Assistant Commandant for Operations at Coast Guard headquarters, establishing service-wide policy for our security operations and regularly participating in discussions with the National Security Council staff and the operations deputies of the other military services. While the head of operations for the Coast Guard, we matured the development of Coast Guard deployable specialized forces that provided advanced counter-terrorism capability in our nation’s ports and coastal areas.

I returned to Coast Guard field operations as Commander of the Pacific Area. I was responsible for all Coast Guard operations on the west coast of the United States, Alaska and Hawaii. In addition, I was the operational commander of the Coast Guard’s polar icebreaker fleet with operations in the Arctic and Antarctic. Given the vast expanse of the Pacific and our national strategy of increasing emphasis on operations in the Pacific theater, I worked closely with the Coast Guards of Russia, China, South Korea, Japan and Canada. I am a strong supporter of international engagement and international standards setting. Both can contribute substantially to the security of the United States.

As Vice Commandant of the Coast Guard I served as the Vice Service Chief, the Chief Operating Officer and the Coast Guard Acquisition Executive responsible to train, equip and organize a Coast Guard force of over 50,000 people. Both Coast Guard Area Commanders and the most senior headquarters staff (Deputy Commandant for Operations, Deputy Commandant for Mission Support, the Assistant Commandant for Resources, The Judge Advocate General, and the Assistant Commandant for Governmental and Public Affairs) reported directly to me in this position. During this time, the Coast Guard responded to the Deepwater Horizon Oil Spill and I served as Acting Commandant when ADM Thad Allen became the National Incident Commander for Deepwater Horizon. In addition, I was the executive champion for the Coast Guard Innovation Program, one of the most well established
innovation programs in government. Should I be confirmed as TSA Administrator, innovation will be one of my key focus areas. I think it is critical in continuing to improve the effectiveness and efficiency of TSA operations.

Following my Coast Guard service, I joined a very successful mid-market company in the government services industry. We provided counter-terrorism services to components of the Departments of State, Defense and Homeland Security. Our expertise was in counter-improvised explosive devices. My experience in the private sector was very valuable, as I learned how government can be a better consumer of private sector expertise and support. In addition, I joined several interest groups that advocated for military, veterans and national security issues. I have been an instructor at the Naval Postgraduate School for several years, participating in a course on innovation for new flag/general officers and members of the Senior Executive Service. I have also been an adjunct faculty member at American University teaching a graduate course titled “Politics, Policymaking and Public Administration.”

My experience in the Coast Guard and in the private sector is directly relevant to the mission of TSA. Today, we face a multitude of threats that are persistent and ever evolving. We know that certain terrorist organization remain focused on commercial aviation and disrupting the freedoms we enjoy as an open society. Staying ahead of these threats and ensuring the appropriate measures are in place will continue to be TSA’s most significant challenge.

TSA is the face of the federal government to millions of travelers every day. These travelers rightfully expect effective and efficient security with minimum delay by government officials who treat them with respect. I will work diligently with the entire TSA workforce to ensure we meet this standard. We must balance the demands of security with the imperatives of liberty guaranteed in our Constitution.

If confirmed, it would be my honor to serve in one of the most challenging jobs in government. My overarching goal would be to leave the TSA in an ever stronger position as an effective and efficient provider of security for our transportation systems, especially aviation, with a strong and growing level of public confidence in the agency’s mission performance.

I am always reminded of a quote of Alexander Hamilton when he, as our first Secretary of the Treasury, issued instructions to the Commanding Officers of Revenue Cutters (predecessors to the Coast Guard) in 1791. He said, in part, “They will always keep in mind that their countrymen are freemen, and, as such are impatient of everything that bears the least mark of a domineering spirit. They will, therefore, refrain, with the most guarded circumspection, from whatever has the semblance of haughtiness, rudeness, or insult.” I think this sage guidance from one our country’s founding fathers applies to all federal officials involved in law enforcement and security operations today. It is something that will guide me if I am so fortunate as to have the opportunity to lead TSA.

In closing, I thank President Trump and Secretary Kelly for their confidence in my ability to lead TSA. Chairman Johnson, Ranking Member McCaskill and distinguished members of this committee, I thank you for the opportunity to appear before you today and look forward to answering your questions.
HSGAC BIOGRAPHICAL QUESTIONS FOR EXECUTIVE NOMINEES

1. Basic Biographical Information

Please provide the following information.

<table>
<thead>
<tr>
<th>Name of Position</th>
<th>Have Been Nominated For</th>
<th>Date of Nomination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant Secretary of Homeland Security, Transportation Security Administration</td>
<td></td>
<td>June 6, 2017</td>
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<tr>
<th>Current Employment</th>
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<tbody>
<tr>
<td>First Name</td>
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<tr>
<td>David</td>
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<table>
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<tr>
<th>Residential Address</th>
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<tbody>
<tr>
<td>(do not include street address)</td>
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<tr>
<td>City: Potomac</td>
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<th>Office Address</th>
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<td>Street:</td>
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<tr>
<th>Birth Year and Place</th>
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<tbody>
<tr>
<td>Year of Birth</td>
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<tr>
<td>(Do not include month and day)</td>
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<td>1955</td>
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<th>Marital Status</th>
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<td>Check All That Describe Your Current Situation:</td>
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<tr>
<td>Never Married</td>
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<td>X</td>
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<th>Spouse Information</th>
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<tr>
<td>Husband/Wife Name (if any)</td>
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<tr>
<td>Spouse's First Name</td>
</tr>
<tr>
<td>Michele</td>
</tr>
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<th>Children's Names (if any)</th>
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<tbody>
<tr>
<td>First Name</td>
</tr>
<tr>
<td>Matthew</td>
</tr>
<tr>
<td>Kristen</td>
</tr>
<tr>
<td>Corrine</td>
</tr>
<tr>
<td>Jillian</td>
</tr>
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</table>
2. Education

List all post-secondary schools attended.

<table>
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<tr>
<th>Name of School</th>
<th>Type of School (college/university/technical school)</th>
<th>Date Began School (month/year) (check box if entering school)</th>
<th>Date Ended School (month/year) (check box if entering school)</th>
<th>Degree</th>
<th>Date Awarded</th>
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<tbody>
<tr>
<td>U.S. Coast Guard Academy</td>
<td>Service Academy</td>
<td>June 1977</td>
<td>May 1977</td>
<td>B.S.</td>
<td>1977</td>
</tr>
<tr>
<td>Massachusetts Institute of Technology</td>
<td>University</td>
<td>June 1996</td>
<td>June 1997</td>
<td>MBA</td>
<td>1997</td>
</tr>
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</table>

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.

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<th>Type of Employment</th>
<th>Name of Employer/Assigned Duty Station</th>
<th>Most Recent Position/Title/Rank</th>
<th>Location</th>
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<th>Date Employment Ended</th>
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<td>Non-Government</td>
<td>Frontier Security Strategies</td>
<td>Expert</td>
<td>Washington, DC</td>
<td>March 2017</td>
<td>Present</td>
</tr>
<tr>
<td>Employment</td>
<td>PAE, Inc.</td>
<td>Vice President, National Programs</td>
<td>Arlington, VA</td>
<td>June 2015</td>
<td>October 2016</td>
</tr>
<tr>
<td>Non-Government</td>
<td>American University</td>
<td>Adjunct Professor, Lecturer</td>
<td>Washington, DC</td>
<td>December 2011</td>
<td>Present</td>
</tr>
<tr>
<td>Active Military Duty</td>
<td>U.S. Coast Guard HQ</td>
<td>Vice Commander</td>
<td>Washington, DC</td>
<td>August 2009</td>
<td>May 2010</td>
</tr>
<tr>
<td>Active Military Duty</td>
<td>U.S. Coast Guard, Coast Guard Pacific Area</td>
<td>Commander</td>
<td>Alameda, CA</td>
<td>May 2008</td>
<td>July 2009</td>
</tr>
<tr>
<td>Active Military Duty</td>
<td>Naval Postgraduate School, Center for</td>
<td>Instructor</td>
<td>Monterey, CA</td>
<td>January 2007</td>
<td>Present</td>
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<td></td>
<td>Executive Education</td>
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<tr>
<td>Active Military Duty</td>
<td>U.S. Coast Guard HQ</td>
<td>Assistant Commander for</td>
<td>Washington, DC</td>
<td>July 2006</td>
<td>May 2008</td>
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<td></td>
<td></td>
<td>Operations</td>
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<tr>
<td>Active Military Duty</td>
<td>U.S. Coast Guard, First Coast Guard District</td>
<td>Commander</td>
<td>Boston, MA</td>
<td>June 2004</td>
<td>July 2006</td>
</tr>
<tr>
<td>Active Military Duty Station</td>
<td>U.S. Coast Guard HQ, Personnel Services Division</td>
<td>Executive Assistant to the Commandant</td>
<td>Group Commander/Captain of the Port/Officer in Charge, Marine Inspection</td>
<td>Washington, DC</td>
<td>July 2001</td>
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<tr>
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<td>Active Military Duty Station</td>
<td>U.S. Coast Guard HQ, Program Review Division</td>
<td>Division Chief</td>
<td>Washington, DC</td>
<td>July 1997</td>
<td>June 1999</td>
</tr>
<tr>
<td>Active Military Duty Station</td>
<td>U.S. Coast Guard HQ</td>
<td>Student</td>
<td>Massachusetts Institute of Technology</td>
<td>June 2006</td>
<td>June 2007</td>
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<tr>
<td>Active Military Duty Station</td>
<td>U.S. Coast Guard, Group Milwaukee</td>
<td>Group Commander</td>
<td>Milwaukee, WI</td>
<td>August 1993</td>
<td>May 1996</td>
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<tr>
<td>Active Military Duty Station</td>
<td>U.S. Coast Guard HQ, Program Review</td>
<td>Program Reviewer</td>
<td>Washington, DC</td>
<td>May 1990</td>
<td>July 1993</td>
</tr>
<tr>
<td>Active Military Duty Station</td>
<td>U.S. Coast Guard HQ</td>
<td>Member - Health Care Delivery Systems Study Group</td>
<td>Washington, DC</td>
<td>September 1989</td>
<td>May 1990</td>
</tr>
<tr>
<td>Active Military Duty Station</td>
<td>U.S. Coast Guard HQ, Personnel Services Division</td>
<td>Staff Officer</td>
<td>Washington, DC</td>
<td>February 1989</td>
<td>September 1989</td>
</tr>
<tr>
<td>Active Military Duty Under Instruction</td>
<td>U.S. Coast Guard</td>
<td>Student</td>
<td>Columbia University</td>
<td>September 1987</td>
<td>January 1989</td>
</tr>
<tr>
<td>Active Military Duty Station</td>
<td>U.S. Coast Guard, Group Shinnecock</td>
<td>Group Commander</td>
<td>Hampton Bays, NY</td>
<td>September 1984</td>
<td>June 1987</td>
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<tr>
<td>Active Military Duty Station</td>
<td>U.S. Coast Guard, Eleventh District</td>
<td>Planning Officer, 1984 CO Olympics Task Force</td>
<td>Long Beach, CA</td>
<td>June 1983</td>
<td>August 1984</td>
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<td>Active Military Duty Station</td>
<td>U.S. Coast Guard, Eleventh District</td>
<td>Admiral's Aide</td>
<td>Long Beach, CA</td>
<td>April 1983</td>
<td>June 1983</td>
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<tr>
<td>Active Military Duty Station</td>
<td>USCSC Port Evans</td>
<td>Commanding Officer</td>
<td>Long Beach, CA</td>
<td>April 1979</td>
<td>April 1981</td>
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<tr>
<td>Active Military Duty Station</td>
<td>USCSC DEPENDABLE</td>
<td>Deck Watch Officer</td>
<td>Panama City, FL</td>
<td>August 1977</td>
<td>March 1979</td>
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<tr>
<td>Active Military Duty Station</td>
<td>U.S. Coast Guard Academy</td>
<td>Waterfront Instructor</td>
<td>New London, CT</td>
<td>May 1977</td>
<td>August 1977</td>
</tr>
</tbody>
</table>

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

N/A

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.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Homeland Security’s Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department’s Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

(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.

Homeland Security Distinguished Service Medal
Coast Guard Distinguished Service Medal (2 awards)
Legion of Merit (2 awards)
Meritorious Service Medal (5 awards)
Coast Guard Commendation Medal (2 awards)
Coast Guard Achievement Medal (4 awards)
Coast Guard Commandant’s Letter of Commendation (1 award)
National Association of State Boating Law Administrators (NASBLA) Award

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), discount clubs (such as Groupon or Sam’s Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

<table>
<thead>
<tr>
<th>Name of Organization</th>
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<th>Position(s) Held</th>
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<tbody>
<tr>
<td>InfraGard National Members Alliance</td>
<td>2012-2015</td>
<td>Chairman of the Board and Board Member</td>
</tr>
</tbody>
</table>
72

<table>
<thead>
<tr>
<th>Organization</th>
<th>Start Date</th>
<th>Role/Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jewish Institute for the National Security of America (JINSA)</td>
<td>2014-2023</td>
<td>Board of Advisors</td>
</tr>
<tr>
<td>Heroes Linked: Military Veterans Appreciation Trust Foundation</td>
<td>2015-2023</td>
<td>Board of Advisors</td>
</tr>
<tr>
<td>Association for Rescue at Sea</td>
<td>2015-2023</td>
<td>Board Member</td>
</tr>
<tr>
<td>National Academies of Sciences, Engineering and Medicine</td>
<td>2014-2023</td>
<td>Member, Naval Studies Board</td>
</tr>
<tr>
<td>National Academies of Sciences, Engineering and Medicine</td>
<td>2016-2023</td>
<td>Member - Committee on Polar Icebreaker Cost Assessment</td>
</tr>
<tr>
<td>U. S. Global Leadership Coalition</td>
<td>2012-2023</td>
<td>Member - National Security Advisory Council</td>
</tr>
<tr>
<td>Coast Guard Academy Board of Trustees</td>
<td>2006-2008</td>
<td>Member</td>
</tr>
<tr>
<td>Country Place Citizens Association</td>
<td>2012-2023</td>
<td>Chair - Covenants Committee</td>
</tr>
<tr>
<td>Coast Guard Academy Alumni Association</td>
<td>1977-2023</td>
<td>Member</td>
</tr>
<tr>
<td>MIT Sloan Alumni Association</td>
<td>1997-2023</td>
<td>Member</td>
</tr>
</tbody>
</table>

7. Political Activity

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

No

(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.

N/A

(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.

N/A

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.
<table>
<thead>
<tr>
<th>Title/Topic</th>
<th>Place/Audience</th>
<th>Date(s) of Speech</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Modernization and the Coast Guard Reserve”</td>
<td>Rudder Post Newsletter</td>
<td>November 2008</td>
</tr>
</tbody>
</table>

(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.

<table>
<thead>
<tr>
<th>Title/Topic</th>
<th>Place/Audience</th>
<th>Date(s) of Speech</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implementation of the SAFE Port Act</td>
<td>Senate Committee on Commerce, Science and Transportation</td>
<td>October 4, 2007</td>
</tr>
</tbody>
</table>

(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.

<table>
<thead>
<tr>
<th>Title</th>
<th>Place/Audience</th>
<th>Date(s) of Speech</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cross-border risk management</td>
<td>Miami Beach FL – Maritime Security Conference</td>
<td>February 2011</td>
</tr>
<tr>
<td>Ocean Policy Task Force</td>
<td>Providence, RI Public hearing</td>
<td>May 4, 2010</td>
</tr>
<tr>
<td>Commissioning of National Security Cutter (NSG USCGC Waesche)</td>
<td>Alameda, CA Public event</td>
<td>May 7, 2010</td>
</tr>
<tr>
<td>Global Maritime Information Sharing Symposium</td>
<td>Washington, DC Maritime industry stakeholders (public and private entities)</td>
<td>September 2009</td>
</tr>
<tr>
<td>Barbers Point Aircrew Memorial</td>
<td>Barbers Point, HI</td>
<td>September 4, 2009</td>
</tr>
<tr>
<td>National Association of State Boating Law Administrators</td>
<td>Corpus Christi, TX</td>
<td>September 2009</td>
</tr>
<tr>
<td>Coast Guard Innovation Expo</td>
<td>Virginia Beach, Virginia Event was open to the public</td>
<td>November 17, 2009</td>
</tr>
<tr>
<td>Sport Fishing and Boating Safety Trust Fund</td>
<td>Partners Dinner</td>
<td>January 14, 2008</td>
</tr>
<tr>
<td>“Conversation with the Country”</td>
<td>Joint event with the Navy and Marine Corps, Portland, OR</td>
<td>February 21, 2008</td>
</tr>
<tr>
<td>Navy Executive Business Course II</td>
<td>Sentaar, Babson Univ, Wellesley MA</td>
<td>March 6, 2008</td>
</tr>
<tr>
<td>Hellenic Marine Environmental Protection Association</td>
<td>Athens, Greece</td>
<td>March 20, 2008</td>
</tr>
<tr>
<td>Event Description</td>
<td>Location/Details</td>
<td>Date</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>-------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>&quot;Conversation with the Country&quot;</td>
<td>Joint event with the Navy and Marina Corp, Los Angeles, CA</td>
<td>April 16, 2008</td>
</tr>
<tr>
<td>Milwaukee Armed Forces Week</td>
<td>Dinner, Milwaukee WI</td>
<td>May 12, 2008</td>
</tr>
<tr>
<td>Coast Guard Foundation</td>
<td>Pacific Northwest Awards Dinner, San Francisco, CA</td>
<td>August 14, 2008</td>
</tr>
<tr>
<td>North Pacific Coast Guard Forum</td>
<td>Welcoming Dinner, San Francisco, CA</td>
<td>September 9, 2008</td>
</tr>
<tr>
<td>Pacific Northwest Coast Guard Ball</td>
<td>Seattle, WA</td>
<td>September 8, 2008</td>
</tr>
<tr>
<td>Coast Guard Alameda Officers Association</td>
<td>Lunch, Alameda, CA</td>
<td>October 1, 2008</td>
</tr>
<tr>
<td>Navy Executive Business Course</td>
<td>Babson Univ., Wellesley, MA</td>
<td>October 17, 2008</td>
</tr>
<tr>
<td>Honolulu Coast Guard Officers Association Lunchon</td>
<td>Honolulu, HI</td>
<td>November 5, 2008</td>
</tr>
<tr>
<td>Navy League</td>
<td>Pearl Harbor Remembrance Dinner, Alameda, CA</td>
<td>December 7, 2008</td>
</tr>
<tr>
<td>2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Association of Naval Service Officers</td>
<td>Conference</td>
<td>March 23, 2007</td>
</tr>
<tr>
<td>National Naval Officers Association</td>
<td>Conference</td>
<td>July 17, 2007</td>
</tr>
<tr>
<td>National Boating Safety Advisory Committee</td>
<td>Advisory Committee</td>
<td>October 20, 2007</td>
</tr>
<tr>
<td>National Commercial Fishing Industry Vessel Safety Advisory Committee</td>
<td>Advisory Committee</td>
<td>November 13, 2007</td>
</tr>
<tr>
<td>eNavigation Conference</td>
<td>Washington, DC</td>
<td>November 13, 2007</td>
</tr>
</tbody>
</table>

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.)

  No

- Have you been arrested by any police officer, sheriff, marshal or any other type of law enforcement official?

  No
• Have you been charged, convicted, or sentenced of a crime in any court?
  No

• Have you been or are you currently on probation or parole?
  No

• Are you currently on trial or awaiting a trial on criminal charges?
  No

• To your knowledge, have you ever been the subject or target of a federal, state or local criminal investigation?
  No

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.
  No

(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.

<table>
<thead>
<tr>
<th>Date Claim/Filing</th>
<th>Court Name</th>
<th>Parties Involved in Action/Proceeding</th>
<th>Nature of Action/Proceeding</th>
<th>Results of Action/Proceeding</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005 Mediation</td>
<td></td>
<td>Protected by confidentiality agreement</td>
<td>complaint of discrimination under the Age Discrimination Employment Act of 1967; mediation process</td>
<td>Confidential settlement reached on September 20, 2005</td>
</tr>
</tbody>
</table>

(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.

There was a complaint of discrimination under the Age Discrimination Employment Act of 1967 initiated by an employee in 2005. A mediation process was implemented and all issues between the
parties have been resolved. The agreement, signed on September 20, 2005, contains a confidentiality clause, which prohibits divulging the details of the case.

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.

No

(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**
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

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.)

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.

15. Agreements or Arrangements
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, 401(k), deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment.

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.

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.)
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.

[Signature]

This 22 day of June, 2017
June 9, 2017

The Honorable John Thune
Chairman
Committee on Commerce, Science,
and Transportation
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 David P. Peckeske, who has been nominated by President Trump for the position of Assistant Secretary of Homeland Security, Transportation Security Administration, 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,

DAVID APOL
General Counsel

1201 NEW YORK AVE NW, SUITE 500, WASHINGTON DC 20005
May 31, 2017

Joseph 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 Assistant Secretary of Homeland Security, Transportation Security Administration, 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.

I terminated my employment with Pacific Architects and Engineers, Inc., its parent corporation, affiliates, business units, divisions and subsidiaries (including National Security Solutions (NSS), PAE A-T Solutions Inc., PAE Professional Services, Inc., and PAE-Labat Anderson Inc.) collectively “PAE”, on October 13, 2016. At that time, I entered into a separation agreement with PAE that entitles me to receive monthly payments until November 2017. As a part of the contract, I agreed to cooperate with PAE in potential litigation or litigation matters and PAE agreed to reimburse me for any expenses incurred by me as a result of that cooperation. I will not participate personally and substantially in any particular matter to the extent that my knowledge has a direct and predictable effect on the ability or willingness of PAE to provide these contractual benefits to me, 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). Additionally, during any period in which PAE is providing these benefits to me, I will not participate personally and substantially in any particular matter involving specific parties in which I know PAE is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Upon confirmation, I will resign from my positions and professional affiliations with the following entities: Association for Rescue at Sea; American University; Naval Postgraduate School; Covenants Committee, Country Place Citizens Association; National Academy of Sciences; Jewish Institute for the National Security of America; U.S. Global Leadership Coalition; Heroes Linked, Military Veterans Appreciation Trust Foundation; and Frontier Security 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. § 2635.902(d).

If I rely on a de minimis exemption under 5 C.F.R. § 2640.202 with regard to any of my financial interests in securities, I will monitor the value of those interests. If the aggregate value of interests affected by a particular matter increases and exceeds the de minimis threshold, I will not participate personally and substantially in the particular matter that to my knowledge has a direct and predictable effect on the interests, unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1).

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the exemption at 5 C.F.R. § 2640.201(a), or obligations of the United States.

I will meet in person with you during the first week of my service in the position of Assistant Secretary in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will also document my compliance with this ethics agreement by notifying you in writing when I have completed the steps described in this ethics agreement.

I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order no. 13770) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

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,

[Signature]

David Pekoske
U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing Questionnaire
For the Nomination of David Pekoske to be
Assistant Secretary of Homeland Security – Transportation Security Administration
Department of Homeland Security

I. Nomination Process and Conflicts of Interest

1. Did the President give you specific reasons why he nominated you to be the next Assistant Secretary of Homeland Security (Assistant Secretary) – Transportation Security Administration (TSA) at the Department of Homeland Security (DHS or the Department)?

   No.

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

   No.

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

   No.

4. Are you aware of any business relationship, dealing, or financial transaction that could 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.

   In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Homeland Security’s Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department’s Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

II. Background of the Nominee

5. What specific background, experience, and attributes qualify you to be Assistant Secretary?
My experience in the Coast Guard and in the private sector is directly relevant to the mission of TSA, and I have extensive experience in counter-terrorism and security operations and in leading a large operating federal agency.

Specific aspects of my background and experience that qualify me to serve as TSA Administrator include:

- Performance in top leadership positions of a large operational agency in the Department of Homeland Security;
- Experience in operational risk management and risk mitigation;
- Crisis leadership;
- Experience working with other federal, state and local law enforcement and public safety agencies;
- Experience in working with industry and interest groups;
- Experience in working with international partners and international standards setting bodies;
- Knowledge of improvised explosive devices; and
- Business experience in government services contracting.

6. Please describe:

   a. Your leadership and management style.

      I think it is critically important for a leader to interact with, understand, and support his/her front-line employees. I have a genuine and keen interest in what my colleagues are doing, and desire to understand how a mission is performed and what I could do as a leader to help my employees be more effective at completing their mission.

      I believe in delegating decision-making to the appropriate level within an organization. In my opinion, it is important for leadership to articulate a vision and a strategy and ensure the organization’s effort is focused in achieving outcomes that support them.

   b. Your experience managing personnel.

      I have successfully managed people for my entire professional life. Perhaps most relevant to the position of TSA Administrator is my Coast Guard flag officer experience.

      My first assignment as a Coast Guard flag officer was as Commander of the First Coast Guard District, which had a regional responsibility for all Coast Guard operations from Northern New Jersey to Maine. In addition, when serving as the Commander of the Pacific Area, I was responsible for all Coast Guard operations on the west coast of the United States, Alaska and Hawaii.

      As Vice Commandant of the Coast Guard, I served as the Vice Service Chief, the Chief Operating Officer and the Coast Guard Acquisition Executive. In this capacity,
both Coast Guard Area Commanders and the most senior headquarters staff (Deputy Commandant for Operations, Deputy Commandant for Mission Support, the Assistant Commandant for Resources, The Judge Advocate General, and the Assistant Commandant for Governmental and Public Affairs) reported directly to me.

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

My responsibilities as Vice Commandant included overseeing a Coast Guard force of over 50,000 people.

III. Role of the Assistant Secretary - TSA

7. Please describe your view of the agency's core mission and the Assistant Secretary's role in achieving that mission.

I believe TSA's primary mission is to ensure that all modes of transportation are safe and secure and that the agency’s security operations are effective at countering evolving terror threats and efficient at screening passengers. The Assistant Secretary has specific authorities in law and leads a TSA workforce that provides airport screening services and ensures security for all modes of transportation. The Assistant Secretary develops policy, guidelines and regulations to accomplish TSA's mission. Additionally, the Assistant Secretary is the Secretary of Homeland Security's principal assistant for transportation security and establishes relationships with other stakeholders to include state and local public safety and law enforcement agencies, the transportation industry, and international transportation security organizations.

8. In your opinion, is TSA currently fulfilling its aviation security responsibilities? If not, what would you do differently as Assistant Secretary?

Yes, I believe TSA is fulfilling its aviation security responsibilities; particularly the front-line employees who I believe have done an outstanding job in protecting the traveling public from the ever-present and very dynamic aviation security threat.

I also believe there are opportunities to improve the effectiveness and efficiency of TSA operations to ensure the Agency is staying ahead of threats and ensuring the appropriate measures are in place.

9. In your opinion, is TSA currently fulfilling its responsibilities for securing other modes of transportation besides aviation? If not, what would you do differently as Assistant Secretary?

At this time, I'm not sufficiently familiar with the details of all that TSA is doing to accomplish its mission. That said, if confirmed, I would ensure TSA uses a risk-based approach to weigh how resources are allocated amongst the different modes of transportation.

IV. Policy Questions
10. What do you believe are the most pressing internal and external challenges currently facing TSA? Which challenges will you prioritize and what do you plan to do to address each of those challenges?

From my perspective as a nominee, TSA’s top challenges are maintaining security effectiveness in the face of an agile and adaptive threat; workforce engagement; innovation; and surface transportation security. If confirmed, these may change, but I have provided additional detail here based on my current, yet limited, understanding of the agency’s challenges.

Security Effectiveness: The threats to our transportation systems, especially aviation, are very dynamic. TSA has been successful in mitigating this threat for the past 16 years. We know from Secretary Kelly’s announcement on June 28, 2017, that aviation remains a particular concern as terrorists are stepping up efforts to target the aviation sector. Global events directed at surface transportation indicate this is a significant target as well. TSA must always stay at least one step ahead of terrorists and this requires an all-hands effort to include TSA employees, airlines, airport owners and operators, surface transportation system owners and operators, state and local law enforcement, and international partners. Ensuring security effectiveness would be my top priority, if confirmed.

Workforce Engagement: TSA is comprised of approximately 60,000 dedicated men and women who help ensure the security of our aviation and surface transportation systems. The workforce must be responsive to the changing threat environment in providing effective and efficient security services. They represent the face of government to the American public who travel by air and enjoy a public trust that their work makes air travel secure. If confirmed, I will place emphasis on training and leadership development of the TSA workforce with the goal of continued performance improvement and higher levels of employee satisfaction.

Innovation: TSA has an innovation task force that has formed a beneficial public-private partnership with industry, airports and airlines to foster innovation. This task force is working to identify and introduce technology solutions to improve the effectiveness and efficiency of checkpoint security. This ongoing effort needs to continue and receive strong support from top leadership. In addition to technological solutions, this partnership can foster innovation on process improvements using existing and new technology. If confirmed, I will take an active personal role in advancing innovation at TSA.

Surface Transportation Security: TSA’s role in surface transportation security is focused on security program oversight, system assessments, voluntary operator compliance with industry standards, collaborative law enforcement and security operations, and regulations. The risk to surface transportation needs to be continually evaluated as threats evolve. Surface transportation systems are vulnerable and a security incident can
result in high negative consequences. If confirmed, I will ensure TSA continues to place emphasis on surface transportation security.

11. In your view, what are the highest priorities in both urgency and importance for enhancing transportation security? Why?

The U.S. faces a multitude of persistent and ever-evolving threats, and in my opinion, staying ahead of these threats and ensuring the appropriate measures are in place, will continue to be TSA’s most significant challenge.

12. What measurements would you use to determine whether your office is successful?

If confirmed I would be briefed on and examine the measures TSA currently has in place and ensure they are geared toward the achievement of security effectiveness and efficiency outcomes.

Improving employee satisfaction also would be a key goal of mine. If confirmed, I would use current government-wide data and direct interaction with the workforce to measure progress in this regard.

Screening efficiency at airport checkpoints is a critical aspect of the agency’s mission. In order to assess checkpoint screening efficiency, I would, if confirmed, be briefed on agency operations and capabilities, including:

- Trusted traveler enrollment (Pre-check, Global Entry, TWIC)
- Technological advances and limitations with the installed screening equipment
- Next generation technology under consideration by the agency’s Innovation task force
- Automation of certain aspects of the screening process (identity verification and the processing of carry-on baggage)

If confirmed, I would also seek to learn about the readiness of surface transportation security to include system security, voluntary operator compliance with industry standards, assessments, collaborative law enforcement and security operations and information/intelligence sharing.

13. How do you plan to balance the challenges that TSA faces in balancing security of transportation systems and passengers with customer service and the flow of commerce and people?

From my perspective, screening effectiveness and efficiency are interrelated. If confirmed, I will work to ensure TSA operations remain effective against a threat that is adaptive and agile. At the same time, I understand and appreciate industry and passenger concerns for efficient screening.
As a passenger, I want my travel to be secure while at the same time, I expect an efficient and professional workforce that is well trained and has the proper tools at hand to accomplish screening with efficiency. My personal experience as a traveler interacting with TSA officers is very positive and I greatly appreciate the work they do. As passenger volumes increase and threats continue to evolve, from my perspective as a nominee, I believe continued investment in the TSA workforce is likely needed. Such investment would likely need to be complemented by technological and process improvements in passenger screening to include increasing the number of pre-vetted trusted travelers. Maximizing the use of trusted traveler programs, in my opinion, would likely provide a key means of achieving this balance.

Workforce and Accountability

14. The Office of Personnel Management's 2016 Federal Employee Viewpoint Survey data showed that TSA ranked 303 out of 305 agency subcomponents in job satisfaction, leadership and knowledge management, results-oriented performance culture, and talent management. Please describe your plan to enhance workforce morale at the TSA.

If confirmed, enhancing employee morale and increasing retention rates and the overall job satisfaction amongst the TSA workforce would be a top priority. It is very important for top leadership to be present with the workforce to understand what challenges they face in accomplishing their job and working to provide the tools and guidelines to enable the workforce to best accomplish the mission.

It is also critical that employees are supported by their leadership, particularly when they perform their job according to the guidance provided by that leadership that may receive negative responses from the traveling public. I also firmly believe that outstanding individual and team performance should be publicly recognized.

15. What do you consider to be the principal challenges in the area of human capital management at TSA?

It seems TSA still faces challenges with employee satisfaction, which is reflected in workforce attrition rates and annual employee survey results. Perceived employee morale issues and relatively high employee attrition can affect employee performance and public confidence in the agency. The TSA workforce is critical to the agency’s mission success. If confirmed, I will place great emphasis on improving employee satisfaction, training, recognition, and leadership development.

16. How would you handle employee disciplinary issues within the TSA?

a. How would you respond to underperforming employees within the TSA?
As I have throughout my career, I would ensure any performance shortcomings are discussed with the employee by the employee’s supervisor. If additional training is needed to address the situation, I would ensure TSA provides such training. If performance does not show improvement after initial counseling and or training, it should be documented and additional appropriate steps initiated to remedy the performance issue.

b. Please explain your views on putting an employee on paid administrative leave pending an investigation or disciplinary action. Under what circumstances, if any, do you believe that might be appropriate?

I am not familiar with any written policy TSA may have that covers paid administrative leave. If confirmed, I would review that policy and make adjustments if necessary.

In my Coast Guard experience, it was appropriate in every situation that I can recall to place an employee on paid administrative leave until all facts pertaining to the situation were available and the employee was afforded due process.

17. Currently, TSA contracts with private companies to provide security screening services at 21 airports across the country through the Screening Partnership Program (SPP). The private contractors in SPP are required to follow TSA policies and procedures and are subject to oversight from TSA. What role do you feel TSA should play in oversight of the SPP program?

I understand that TSA establishes standardized operating procedures for passenger screening at airports to ensure the overall aviation system in the United States is secure from terrorist threats. In general, TSA should ensure that contracted screening services fully meet TSA standards for screening, to include screening efficiency. If confirmed, I look forward to being briefed on these matters and adjusting if so necessary.

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

a. During your career with the U.S. Coast Guard, how did you address whistleblower complaints?

I ensured the Coast Guard complied with the law and that all whistleblower complaints were investigated. In my opinion, whistleblowers can perform a valuable function and support the mission of the agency.

b. How do you plan to implement policies within the TSA to encourage employees to bring constructive suggestions forward without the fear of reprisal?

If confirmed, I would put a high value on input from the TSA workforce as to how we can improve our processes. Employee input would be encouraged and valued.
c. Do you commit without reservation to work to ensure that any whistleblower within TSA does not face retaliation?

Yes. If confirmed, I will fully support the Whistleblower Act and act on any credible allegation of reprisal.

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

Yes. If confirmed, I will fully support the Whistleblower Act and act on any credible allegation of reprisal.

19. What is your view of the role of the DHS Inspector General as it relates to the TSA?

I support and appreciate the work and oversight efforts provided by the IG. I believe the office provides very valuable input into the operation of the agency.

a. If confirmed, what kind of relationship do you anticipate having with the DHS Inspector General?

If confirmed, I intend to have a productive working relationship with the IG.

Aviation Security

20. How do you view the different roles of the government and the private sector in providing aviation security, especially in regards to passenger screening?

In my view, the role of government is to establish policy and guidelines to ensure successful mission outcomes. Private sector passenger screening services have been successfully conducted for years in many airports around the country, including at large airports. The government should ensure any contracts for passenger screening services are awarded as a result of a competitive process and contain provisions to incentivize contractor performance and preserve government flexibility in the event of performance deficiencies.

Securing all modes of transportation requires a collaborative effort between TSA and all relevant stakeholders, many of whom own and operate the transportation elements of the transportation system. There is a shared responsibility between TSA and private sector stakeholders.

21. What actions will you take to make sure TSA is able to adapt to the evolving terrorist threat, particularly the threat posed by foreign fighters with Western passports?
If confirmed, I would ensure TSA has a very strong intelligence and analysis capability that fully leverages the U.S. Intelligence community’s capability. TSA should also continue to benefit from cooperation and coordination with partner foreign intelligence and transportation security services. Protecting the homeland starts overseas, and I would strengthen the agency’s efforts in this regard as needed.

22. Non-military unmanned aerial systems, such as drones, have increased in popularity. Do you believe TSA should examine security implications of non-military unmanned aerial systems?

My current understanding is the FAA has primary responsibility for the safety aspects of UAS. If confirmed, I will seek a briefing on how TSA may be working closely with the FAA to ensure the security implications are being fully addressed.

Interagency and Stakeholder Collaboration

23. As of today, there are two states that have not complied with the REAL ID Act and have not received an extension from the federal government. How will you work with states to try and obtain full compliance with the REAL ID Act?

If confirmed, I will continue working with Departmental leadership, who I understand is working with the States, to become compliant with the REAL ID Act. I generally am aware of TSA’s outreach efforts to educate passengers, to include signage at airport checkpoints and the posting of information on the TSA web site.

24. In assessing the differing security risks across the five different modes of transportation (aviation, freight rail, mass transit, highway, and pipeline), how will you work with other DHS components, agencies, and industry stakeholders to ensure security needs are met while at the same time avoiding duplication of efforts?

If confirmed, I will work collaboratively with other federal agencies, state and local law enforcement and public safety agencies, and all industry stakeholders to meet our transportation security mission. I have experience in doing this in the maritime mode throughout my Coast Guard service. In my opinion, the keys to success in this effort involve leadership engagement, robust communication, coordinated planning and regular exercises.

25. TSA is responsible for overseeing pipeline security throughout the United States. As most pipelines are owned and operated by private entities, how do you see TSA’s role in coordinating with these private entities to ensure the physical security of pipelines and the cybersecurity of their operating systems?

I see TSA’s role as ensuring strong communications and close coordination with the owners and operators of pipelines throughout the United States to ensure both physical and cyber security of our pipeline systems. Like any element of our transportation systems, security depends upon...
strong partnerships between the federal government, state and local governments, and the owners and operators of transportation infrastructure.

Federal Air Marshal Service (FAMS)

26. How do you envision the relationship between the Federal Flight Deck Officer Program and the FAMS program under your leadership?

If confirmed, I will become more familiar with the relationship between both programs. In my opinion, both programs should be well coordinated to optimize security aboard passenger aircraft.

27. FAMS must establish memoranda of understanding (MOU) with countries to secure immunity for federal air marshals and to gain compliance with International Civil Aviation Organization standards. How will you work with countries FAMS does not currently have MOUs with and navigate the any objections they might raise?

If confirmed, I will examine this issue closely and work with the FAMS and TSA’s counterparts in other countries towards achieving uniformity of treatment that ensures the safety for TSA employees and compliance with international standards.

Risk-Based Passenger Screening

28. Managed Inclusion programs have had mixed results in the past with regards to security effectiveness. TSA uses these programs to aid in the goal of expedited screening of 25 percent of all passengers. What steps will you take to make sure that Managed Inclusion programs are effectively aiding in the security screening process while also expediting passengers?

If confirmed, I will carefully examine the managed inclusion programs to determine what steps are necessary to ensuring effective and efficient screening of passengers. I will examine this program, like all programs at TSA, with security first and foremost in mind.

29. The TSA Pre-Check screening program has an enrollment goal of 25 million travelers by 2020. What improvements or efforts are necessary for TSA to accomplish this goal?

If confirmed, I look forward to getting briefed on current PreCheck enrollment programs and future enhancements. One of my key priorities would be to look into how TSA can increase enrollment in the PreCheck program and other trusted traveler programs. These programs are desirable from both security effectiveness and security efficiency standpoints.

30. In 2014, a traveler with a criminal background and ties to a domestic terrorist group was approved for Pre-Check screening. What steps will you take to make
sure expedited travel programs such as Pre-Check screening are not exploited by
criminals or terrorists?

If confirmed, I will examine the process being used to approve applications for Pre-
Check enrollment as well as procedures to re-cert those currently enrolled. Additionally,
I will examine the procedures for random selection of Pre-Check passengers for
enhanced screening to ensure program effectiveness.

Surface Transportation Security

31. How would you balance the allocation of funds and resources between aviation
security and other means of transportation security covered under TSA?

If confirmed, I will assess TSA’s resource allocation to surface transportation security to
determine whether relative resource allocation is appropriate given the risk and the role
of TSA in surface transportation security.

V. Relations with Congress

32. 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?

Yes.

33. 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?

Yes.

34. 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?

Yes.

VI. Assistance

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

The answers in this questionnaire are my own. I have been briefed on overall TSA
programs at an unclassified level by TSA since my nomination by the President. This has
informed my answers, as has information on TSA that is publicly available.
Minority
Supplemental Pre-hearing Questionnaire
For the Nomination of David Pekoske to be
Assistant Secretary of Homeland Security – Transportation Security Administration
Department of Homeland Security

I. Nomination Process and Conflicts of Interest

1. Has the President or his staff asked you to sign a confidentiality or non-disclosure agreement?

No.

II. Background of Nominee

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

I value and actively seek dissenting views. In my experience, this strengthens the decision-making process and promotes inclusion. I encourage constructive critical dialogue with subordinates by personally seeking out input usually in group and individual discussions.

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

I have disagreed with my superiors on resource allocation and program priorities on multiple occasions throughout my career. For example, I was a program reviewer in the Coast Guard Chief of Staff’s office as a mid-grade officer and at times took positions that were at odds with people much more senior than I was. I always advocated my position based on sound analysis of factual data and support of agency strategy. Sometimes I was successful, sometimes not. As a Coast Guard flag officer, I, on occasion, disagreed with my superiors on policy decisions. I always approached these in a collegial manner and on a business, not personal, basis. Again, sometimes I was successful, sometimes not, but the overall results were almost always better for the agency and its people.

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

Some of the most difficult decisions I have made have involved the decision to suspend the search for a missing person lost at sea. There is understandably a great deal of pressure to continue such searches, but my responsibility was to also ensure overall readiness to respond to other potential cases. I have always found that early and frequent communications are essential whenever making difficult decisions.

5. What would you consider your greatest successes as a leader?
My greatest success as a leader has been the development of people, helping them
achieve greater success and better contribute to the success of the organization's
mission. In my opinion, I have always led organizations that I enjoyed the opportunity to
lead with higher morale, higher productivity and greater efficiency.

6. If you ever served as a general court-martial convening authority involving an
offense involving sexual misconduct or assault, have you ever disapproved the
findings of a court-martial related to the offense(s) or reduced the sentence
adjudged by a court-martial, other than in connection with a pre-trial agreement?

To the best of my recollection, no.

III. Policy Questions

Whistleblower protections

7. Please describe any previous experience—in the public or private sector—with
handling whistleblower complaints, and what steps you took to ensure those
individuals did not face retaliation and that their claims were thoroughly
investigated?

I do not recall any personal involvement in a specific whistleblower complaint but did
have oversight responsibility to ensure any complaints were promptly investigated,
appropriate action taken and that individuals whistleblowers did not face any retaliation.

8. If confirmed, how will you ensure that whistleblower complaints are properly
investigated?

If confirmed, I will ensure that whistleblower complaints are properly
investigated.

The President's 2018 Budget

9. The FY 2018 Budget Proposal cuts DHS grant programs by about 30%; many of
these grant programs assist state and local entities in counterterrorism and
homeland security efforts.

a. What do you see at the role and value of these grant programs?

I am generally aware of the grant program changes proposed in the President's FY18
Budget Request. Partnership with state and local law enforcement and public safety
agencies is critical to transportation security.

b. In your opinion, would the reductions in these programs make TSA's
collaboration with state and local entities more difficult?
ensure TSA works closely with law enforcement agencies, who are TSA’s key partners, to mitigate the effect of any potential reductions in support.

IV. Relations with Congress and the Public

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

   If confirmed, I will ensure TSA monitors responsiveness to Member requests for information and that I am made aware of all instances where a response may not be made in a timely manner. In those situations, I will ensure TSA proactively communicates the situation and updates the Member’s staff.

13. If confirmed, 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?

   Yes.

14. If confirmed, do you agree without reservation to reply to any reasonable request for information from members of Congress?

   Yes.

15. If confirmed, do you commit to take all reasonable steps to ensure that you and your agency comply with deadlines established for requested information?

   Yes.

16. If confirmed, do you commit to protect subordinate officials or employees from reprisal or retaliation for any testimony, briefings or communications with members of Congress?

   Yes.

17. If confirmed, will you ensure that your staff will fully and promptly provide information and access to appropriate documents and officials in response to requests made by the Government Accountability Office (GAO) and the Congressional Research Service?

   Yes.

18. If confirmed, will you agree to work with representatives from this Committee and the GAO to promptly implement recommendations for improving TSA’s operations and effectiveness?
In my opinion, collaboration with state and local entities is critically important and if confirmed, I will work very hard to ensure these relationships are strong and productive.

10. Under the President's 2018 budget, Visible Intermodal Prevention and Response (VIPR) teams would be reduced by $43 million in the FY 2018 budget; reducing the number of teams from 31 to eight.

a. What do you see as the role and value of the VIPR teams?

I have experience working with VIPR teams and understand the value they provide in securing both aviation and surface transportation. VIPR teams provide an enhanced deterrent and response capability and I appreciate the contributions of VIPR team members to our transportation security.

b. Are you concerned that this reduction will impede TSA's ability to detect and thwart attacks at transportation hubs and airports?

As previously mentioned, security of transportation systems is a shared responsibility between state and local authorities, transportation facility owners and operators, and the federal government. If confirmed, I will work to ensure TSA continues to provide effective and efficient security for our transportation systems. My objective would be to optimize TSA's capabilities with the resources available and zealously advocate for the agency when it needs additional resources.

11. The Law Enforcement Reimbursement Program which provides assistance to airports that have to meet security requirements set in the Aviation and Transportation Security Act (ATSA). There are over 300 airports currently participating in this program, the vast majority of which are medium or small sized airports who depend on this funding to meet their security requirements.

a. What do you see as the role and value of the Law Enforcement Reimbursement Program?

As I understand the Law Enforcement Reimbursement Program has provided funding support to state and local law enforcement agencies at airports around the country. Law enforcement presence at airports is very important to ensuring public safety through the airport including security checkpoints and public areas.

b. If this funding is eliminated, how will you work with airport operators across the country to ensure they are still able to meet their security requirements?

If federal reimbursement is eliminated as proposed in the President's FY18 budget request, I believe the challenges in maintaining airport law enforcement support at current levels will vary by local law enforcement jurisdiction. If confirmed, I will
19. If confirmed, will you direct your staff to fully and promptly respond to Freedom of Information Act requests submitted by the American people?

Yes

I, [Signature], hereby state that I have read the foregoing Pre-Hearing Questionnaire and Supplemental Questionnaires and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

This 23rd day of July, 2017
Chairman Ron Johnson  
Post-Hearing Questions for the Record  
Submitted to Vice Admiral Pekoske  
Nomination of David Pekoske to be Assistant Secretary of Homeland Security,  
Transportation Security Administration,  
U.S. Department of Homeland Security  
Tuesday, July 11, 2017  

Thank you for coming before the Senate Committee on Homeland Security and Governmental Affairs to answer questions and share your vision regarding your nomination for the important position of TSA Administrator. As Chairman of the Committee, I look forward to working with you to protect the nation’s transportation systems.

1. In your testimony before the Committee, you committed to examining allegations of whistleblower retaliation at TSA and the restrictions and delays by TSA in response to document requests from federal investigative agencies. Specifically, you committed to looking into guidance given by an Executive Advisor at TSA Headquarters to TSA’s Office of Security Capabilities that would, if followed, restrict and/or delay the Department of Homeland Security Office of Inspector General’s (DHS OIG) access to TSA documents. If confirmed, will you commit to producing all records, reports, audits, reviews, documents, papers, recommendations, or other materials requested by DHS OIG without undue delay?

   Yes.

2. Testifying before the House Committee on Oversight and Government Reform in March 2017, Acting TSA Administrator, Huban Gowadia, cited DHS guidance as the reason for TSA’s withholding of documents requested by OSC on the basis of attorney-client privilege. DHS staff has informed my Committee staff recently that withholding documents from OSC on the basis of a common-law privilege is an executive branch policy.

   a. What written guidance, memorandums, recommendations, policies, or other such materials is TSA or DHS relying on to withhold documents from OSC on the basis of a common-law privilege?

      As a nominee, I have not been provided access to this information.

   b. Will you provide any documents identified above to the Committee?

      If confirmed, I will seek out any written guidance, memorandums, recommendations, and policies regarding OSC and provide them to the Committee.
1. What ideas and aspirations do you have to improve the U.S. Department of Homeland Security’s (DHS’s) Transportation Security Administration (TSA), both to prevent waste, or add efficiencies?

   Government services should be provided in the most effective and efficient way possible. If confirmed, I will look for ways to implement technological advancements into the screening process. This should improve both effectiveness and efficiency. Additionally, I will seek the input of the TSA workforce and outside experts on ways to improve the screening process to make it both more effective and more efficient.

   If confirmed, I will review the management structures of the agency to ensure they are appropriate to the mission. I will also review whistleblower complaints of waste, fraud and abuse to identify areas for corrective action.

2. Please discuss some of the ways you will enhance the use of the trusted traveler programs.

   TSA administers the TSA Pre-check program. As I understand it, TSA Pre-check now has approximately 5 million participants or roughly 20 percent of the air traveler population on any given day. If confirmed, I would work to ensure the benefits of TSA Pre-check in terms of reduced wait times are sustained to provide the incentive for non-Pre-check passengers to consider enrollment.

   Additionally, if confirmed, I would look at categories of passengers who have the equivalent of a TSA Pre-check review, such as government employees with a security clearance, and seek to provide them automatic enrollment in the program. In my opinion, increased emphasis on trusted traveler programs is needed. It is good for security and provides a better passenger experience.

3. As I relayed to your confirmation hearing, I have concerns regarding TSA’s screening practices for disabled or medically impaired people. Though one such example, a glaring example of these are veterans with service-connected mobility disabilities and injuries that require assistive devices.

   a. If confirmed, what will you do to protect the dignity of such people, provide appropriate accommodations, and more efficient, respectful service or screenings?
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If confirmed, I would examine TSA’s current policy for screening of disabled or medically impaired people to determine what changes should be made to provide dignified, appropriate, efficient and respectful passage through the airport screening process. In airports where there are facility constraints, I will work with the airport owner/operator to work as best we can considering these constraints and to make consideration of changes a key element of any redesign of the screening checkpoints.

4. I, my colleagues in the Congress, and much of the country, have significant concerns regarding violations of the U.S. Constitution, and warrantless searches or invasions of privacy. As I told Secretary Kelly, we have even initiated legislation to stop these.

   a. What are your thoughts and feelings about searches or seizures of U.S. citizens’ cellular telephones and laptops upon their return to the U.S. following international travel?

      I do not believe TSA is involved in this process.

      i. What are your thoughts and feelings about DHS or its TSA detaining U.S. Citizens who refuse to turn over or provide access to their property in such instances?

      I do not believe TSA is involved in this process.

      ii. What involvement did you have with these policies and practices, and when, in your time at the United States Coast Guard (USCG)?

      I did not have any involvement with these policies and practices during my time in the Coast Guard.

   b. If confirmed, what will you do to prevent the violation of U.S. Citizens’ Constitutional rights?

      If confirmed, I will ensure the TSA workforce has the appropriate training to ensure U.S. citizen’s constitutional rights are protected and institute immediate corrective action in any case where there is a violation of a citizen’s constitutional rights.

5. Earlier this year, the House Oversight and Government Reform Committee held a hearing regarding Transparency at TSA where they identified longstanding issues with TSA’s Office of Chief Counsel, excoriated their practice of invoking an inapplicable attorney-client privilege to withhold information or redact documents from Executive Branch investigators and prosecutors – the President’s investigators and prosecutors, and underscored that TSA has a legal obligation to provide all requested documents, in an un-redacted form. Furthermore the DHS Inspector General also concluded that TSA has been both excessive and arbitrary in its redacting of information, which makes it appear
as if the TSA will go to any lengths to cover-up the truth, and prevent the proper administration of justice.

a. If confirmed, will you address the longstanding issues with TSA’s Office of Chief Counsel?

   If confirmed, I will look into these issues and personally meet with the DHS IG. Once I have a clear understanding of what has occurred and may be still occurring, I will ensure TSA complies with the law and executive branch policy.

b. Do you pledge to provide any and all requested information to federal law enforcement during their conduct of an investigation of the TSA?

   I pledge to ensure TSA complies with the law and executive branch policy pertaining to investigations.

c. Will you ensure that TSA, or the employees thereof, do not obstruct justice; and, do you pledge to take and ensure all appropriate actions against those that do?

   Yes.

6. Not only does TSA have a number of problems or deficiencies which have become national news, but it appears to have become notorious in its climate of chilling or retaliating against whistleblowers who seek to disclose fraud, waste, abuse or mismanagement to Congress or other appropriate sources.

a. Do you believe that all employees should be free to engage in protected activity, and encouraged to disclose fraud, waste, abuse, mismanagement, or other misconduct in or by government?

   Yes.

b. Do you believe that all employees should be able and encouraged to

   I believe all employees should be able and encouraged to disclose fraud, waste, abuse, mismanagement or other misconduct in or by government.

c. If confirmed, do you pledge to ensure that TSA fosters an environment where whistleblowers feel safe and encouraged to report potential fraud, waste, abuse, mismanagement, or any other misconduct or crimes, without fear of retaliation?

   Yes.

d. Do you pledge to take all appropriate action against those who commit prohibited personnel practices in the TSA, including those who aide and abet such?
Yes.

e. Will you encourage and support the full and thorough investigation of such unlawful activities, including by the Legislative or Executive branches?

Yes.
Mr. Pekoske thank you for your willingness to serve again. The position you have been
nominated for is critical to our domestic security, both on the frontlines and behind the scenes.

Morale within the Department of Homeland Security (DHS) historically has been low. Although,
under President Trump, with Secretary Kelly’s leadership, we have seen confidence and morale
begin to improve. As you mentioned in your statement before the Committee, the Transportation
Security Administration (TSA) is the face of federal security efforts to millions of traveling
Americans each day. When TSA morale is low, it negatively impacts the mission and customer
service. As Administrator, how will you help improve morale at TSA and improve its trust
with the public?

Enhancing employee morale and increasing retention rates and the overall job satisfaction
amongst the TSA workforce would be a top priority of mine, if confirmed. It is very
important for top leadership to be present with the workforce to understand what
challenges they face in accomplishing their job and work to provide the tools and
guidelines to enable the workforce to best accomplish the mission. It is also very important
that leaders at all levels clearly understand their responsibilities and are accountable for
properly executing them.

It is critical that employees are supported by their leadership, particularly when they
perform their job according to the guidance provided by that leadership that may receive
negative responses from the traveling public. I also firmly believe that outstanding
individual and team performance should be publicly recognized.

If confirmed, I will place great emphasis on improving employee satisfaction, morale,
training, recognition, and leadership development.

The voluntary Screening Partnership Program (SPP) is an effective way for TSA to leverage its
limited resources, especially at smaller airports. Out of 21 participating airports nationally, eight
are in Montana. Last year, a Montana airport (Butte) wanted to transition to Federal screeners,
the last administration threatened to remove all screening and reverse screen passengers upon
arrival at the destination airport. Clearly, eliminating screening reduces security. How will you
work with rural airports to ensure they have all the necessary security resources?

As a nominee, I have not been briefed on the issue of transitioning to federal screening, but
pledge to look into it if confirmed. I would appreciate the opportunity to discuss it further
with you when I have more information.
Large electronics in the cabin of aircraft has been a hot topic, recently. There are different levels of risk on different airline routes. We want travelers to use their time in the air effectively, but we have zero tolerance for aviation disasters. **How will you appropriately balance everyone’s security needs with the needs of business travelers?**

From my perspective, screening effectiveness and efficiency are interrelated. If confirmed, I will work to ensure TSA operations remain effective against a threat that is adaptive and agile. At the same time, I understand and appreciate industry and passenger concerns for efficient screening.

As a business traveler myself, I fully understand the desire to be productive while flying. As a nominee, I have not received any classified briefings on the threat. If confirmed, I will work to ensure the appropriate balance between security and traveler convenience is struck in light of the threat.
Ranking Member Claire McCaskill
Post-Hearing Questions for the Record
Submitted to Vice Admiral Pekoske
Nomination of David Pekoske to be Assistant Secretary of Homeland Security,
Transportation Security Administration,
U.S. Department of Homeland Security
Tuesday, July 11, 2017

Morale

Each year, the Partnership for Public Service releases a survey of the “Best Places to Work in the Federal Government.” This survey is a useful gauge of employee morale, and agencies highlight when they score highly on it.

Mr. Pekoske, TSA is ranked 303 of 305 subcomponents government-wide. Your previous agency, the U.S. Coast Guard receives much higher rankings.

Q. What do you think is contributing to TSA’s low ranking?

   I think there are many factors contributing to the low ranking. From my Coast Guard and private sector experience, these are some of the factors that I think are contributing to the low ranking of TSA: pay, job-related pressure, lack of recognition, poor leadership, inadequate supervision, inadequate training, lack of accountability, poor communication and lack of reinforcement on the importance of the job.

   One of my top priorities, if confirmed, is to improve TSA employee satisfaction. In my opinion, this will improve security effectiveness and efficiency and reduce cost.

Q. What policies will you implement to improve morale at I&A and what metrics will you use to measure effectiveness?

   If confirmed, I will place emphasis on training and leadership development of the TSA workforce with the goal of continued performance improvement and higher levels of employee satisfaction. I would use the annual federal survey results and employee retention as measures of satisfaction.

   High performing organizations typically have high morale. If confirmed, I will examine the measures TSA has to assess screening effectiveness and efficiency and articulate achievable goals to improve these metrics at each airport.

   In my experience morale is highest in organizations where employee feedback is requested and valued. If confirmed, I will encourage employee feedback and highlight where this feedback has improved TSA’s processes.
Leaders have to be visible and accessible to their co-workers. If confirmed I will be very visible to all employees and ensure that our organizational communications are improved. I will require leaders at all levels within TSA to do the same.

Outstanding employee performance needs to be recognized and I will measure the improvement in TSA recognition in DHS and national level awards programs.

Whistleblower Retaliation

Mr. Pekoske, at the hearing we discussed my concerns about whistleblower retaliation that has plagued TSA for many years.

Q. Rather than platitudes about investigating employees and complying with applicable laws, what specific, actionable steps can you take to change the culture and make clear that whistleblower retaliation will not be tolerated in any form?

If confirmed, I will hold any supervisor who retaliates against a whistleblower accountable for their actions and will ensure the workforce is aware that the individual has been held accountable.

I will personally look into the open cases on hand and ensure they are being processed in a timely and appropriate manner to include the appropriate release of documents to those investigating the case.

I will meet with whistleblowers to personally hear their concerns.

I take this issue very seriously and have no tolerance for retaliation against any employee who is properly following the procedures for filing a complaint. I want to encourage proper reporting and not in any way suppress it.

TSA’s Work with Contractors

Currently, TSA contracts with private companies to provide screening services through the Screening Partnership Program (SPP) at 21 airports.

Q. Do you think TSA has the ability to properly oversee these contractors?

It is my understanding that the Federal Security Director and staff at SPP airports remains in place and provides performance oversight of contractor compliance with the terms of the contract. If confirmed, I will ensure TSA has the ability to properly oversee contractor performance.
Q. If not, what changes need to be made in order to ensure that contractors are following TSA’s guidelines appropriately?

It is my understanding that SPP airports must comply with TSA standard screening procedures and meet the same efficiency standards as non-SPP airports. I have not been briefed on the specific measures TSA has in place across the system to assess airport screening performance or if there are any differences in the performance of SPP airports as compared to non-SPP airports and will look into this, if confirmed.

TSA does a lot of contracting work, particularly in the aviation security sector with advanced screening technologies. Given the new nature of some of these technologies, there are certain areas of TSA operations that could benefit from additional competition or from timely adoption of innovative technologies and products.

Q. What will you do to make sure that the contracting process, particularly with advanced screening technologies and other screening innovations, is fair and competitive?

If confirmed, I will ensure TSA’s contracting process complies with government procurement law and policy and am committed to improving the screening process.

Cuts to TSA Programs

A critical aspect of your job will be to actively work with senior officials at the Department and across government to create, leverage, and support programs and policies that mitigate the threat that we face from home grown extremists. Recent terrorist attacks in the United States were perpetrated by Americans radicalized here, and often those attacks have been on soft targets such as in San Bernardino and the Pulse nightclub. The recent attacks in Europe also illustrate how difficult it is to prevent attacks involving cars targeting bystanders on the street.

TSA is responsible for the security of our public transportation system – not just aviation. Yet the President’s budget proposal cuts Visible Intermodal Prevention and Response (VIPR) teams which provide a critical presence in pre-security areas at airports, train stations and bus terminals, eliminates the Law Enforcement Officer (LEO) Reimbursement Program, which provides financial assistance to local law enforcement agencies that help secure our airports, reduces the Port Security Grant Program and the Transit Security Grant Program by more than half, and the Urban Area Security Grant Initiative by approximately $150 million. It also zeros out the Complex Coordinated Terrorist Attacks Grant Program, which could be particularly helpful to TSA in mitigating threats.

Given the complexity of securing public transportation and the budget cuts proposed, threat mitigation becomes even more critical.
Q. Based on your own expertise, have you identified any programs government-wide that you consider to be valuable in mitigating the threat to our aviation and transportation security systems?

Based on my expertise, there are many programs that are valuable in mitigating threats to our aviation and transportation security systems. The intelligence and analysis program provides a critical capability to identify threats and threat patterns. This program’s value is enhanced through information sharing with other government and private sector partners. I have experience with both VIPR and canine teams and they are, in my opinion, an effective part of a much larger layered system of security. Public area security summits improve assessments, planning and provide exercise opportunities to enhance security in the public areas of airports. Programs that address the insider threat issue work towards mitigating that threat to our aviation and transportation.

Q. Do you have plans to identify, create, and leverage programs that will help mitigate the threat to our transportation security systems? How will you go about doing that?

Terrorists have proven to be very agile and adaptive and TSA’s intelligence and security programs must be responsive to this dynamic. In my opinion, TSA should continue to leverage those programs that have proven to work and always identify and create new programs that improve the effectiveness and efficiency of transportation security. If confirmed, I will focus on the continued development of TSA’s intelligence and analysis capability, its Innovation Task Force, and improving its acquisition process to rapidly field new technologies. Additionally, if confirmed, I will actively seek input from TSA’s employees, partners, stakeholders and the public to improve the process of providing security to our transportation systems.

Q. What are your thoughts about the DHS program to Counter Violent Extremism? What value might engagement with vulnerable communities have to you as the head of an operational component charged with protecting our transportation systems?

While I have not been briefed on this program, I believe it is important for the U.S. Government to work aggressively to counter terrorist recruitment and radicalization in our homeland. While it is my understanding that a number of related programs are undergoing review, I look forward to being involved to ensure the Department is forward-leaning in fighting homegrown terror and keeping our people safe.

Q. Will you commit to meeting with officials across government who are in charge of countering violent extremism programs?
Yes.

As I’m sure you’re aware, even if the LEO Reimbursement Program funding disappears, airport operators are still required to provide law enforcement security coverage in their airports as dictated by the Aviation and Transportation Security Act. The vast majority of the more than 300 airports that are currently entered into agreements with TSA are small and medium-sized airports, many in rural areas. These airport operators already struggle with their budget, I know because six airports in my state have entered into these agreements to help them offset costs.

Q. If this funding disappears, how will you work with airport operators to make sure they have the funding they need to provide the security coverage that they’re required to provide?

Partnership with airport owners and operations and state and local law enforcement and public safety agencies is critical to providing security at our airports. If confirmed, I look forward to working with them to ensure ATSA’s requirements are met. I do appreciate the challenges they will face if the LEO reimbursement program ends.

VIPR teams are an important deterrent and first response to potential attacks against airports, mass transit hubs, and other “soft targets.” If you’ve been paying attention to the news like I have, you know that these areas are being targeted by terrorists more and more. The President’s FY 2018 budget seeks to massively cut funding for VIPR teams by 74%, going from 31 teams to 8 to cover the whole country.

Q. In your opinion, are 8 VIPR teams enough to manage the threat that we face in the transportation arena all across the country?

In my opinion, VIPR teams have provided an effective deterrent and response capability at both airports and surface transportation systems. I appreciate the impact these teams have had by working in partnership with law enforcement and public safety partners and transportation system owners and operators. VIPR teams are an important part of transportation system security and if the FY18 appropriation reduces these teams, in my opinion, TSA would need to work with its partners to find alternate means to maintain security effectiveness.

Q. How will these cuts impact your ability to carry out your job, which is to keep our transportation systems and our passengers safe?

Securing transportation systems is a shared responsibility between state and local authorities, transportation facility owners and operators, and the federal government. If confirmed, I would work to ensure TSA continues to provide effective and efficient security for our transportation systems. My objective would be to optimize TSA’s capabilities with the resources...
available and zealously advocate for the agency when it needs additional resources.

**TSA PreCheck**

I understand that there is an effort to expand the use of the TSA PreCheck program. PreCheck is exactly the kind of risk-based win-win program we need more of. It provides faster throughput to low risk passengers and allows TSA to reduce the number of travelers it has to focus on.

I understand that you can now start the pre-enrollment process online, for example, so that all of your paperwork is done before you go in for the interview. During a hearing with the previous administrator, I also suggested that TSA consider setting up kiosks in airports for passengers to begin fill out the forms and begin the signup process.

It seems like such a captive audience to me. In response, TSA stated that it is already undergoing market research and looking into options for enrollment solutions including potential kiosks. TSA indicated that it was still in the process of reviewing and evaluating the proposals provided from industry. This was last summer.

**Q.** If you are confirmed, will you take a look at, and share the market research that was started during the last administration, so we can work together to expand this critical program?

**Yes.**

**Retirement Benefits**

In May 2016, OPM began sending letters to retired TSA criminal investigators notifying them that their retirement benefits had been overpaid. In the letters, OPM asked these retired law enforcement officers to pay back the amount of the overpayment going back to the time of their retirement. TSA disagrees with the OPM finding, and argues that there was no overpayment. However, OPM does not believe that, absent legislation, it can waive the requirement for repayment. In April 2017, TSA and OPM offered a joint legislative proposal to make statutory changes to preserve the full retirement benefits of the retired TSA law enforcement officers.

**Q.** What are your views on the need to adequately compensate TSA law enforcement officers and how do you believe an issue like this, if unresolved, will impact recruitment and retention at TSA? Can you commit to the Committee to review the matter and provide your views on the need for a legislative solution?

**In my opinion, if this issue remains unresolved it will have a negative impact on recruitment and retention. I am not familiar with the details of this situation and commit to review the matter and provide my views on a solution, if confirmed.**
1. In North Dakota and across the country, the Law Enforcement Officer (LEO) Reimbursement Agreement Program has played an important role in helping airports meet federally mandated requirements and provide airport security. I have serious concerns about the impact that defunding this program, which was proposed in the President’s FY 18 budget, would have on small and medium-sized airports, posing a potentially significant financial burden.

   a. As Assistant Secretary, will you commit to strengthening partnerships with airports and seeking their input when considering changes to TSA policy?

      Yes.

   b. As Assistant Secretary, what steps would you take to ensure that airports are not unduly burdened by potential changes to the LEO Reimbursement Agreement Program?

      If confirmed, I would ensure TSA is proactive in engaging with airports to ensure there is good dialogue on how the airports plan to meet their requirements to provide security under ATSA. I would ensure robust communication with airports as key partners in ensuring security at their facilities.

2. I have heard from constituents who have expressed concern about the president’s budget proposal to eliminate funding for the staffing of airport exit lanes, which is critical to keeping airports secure. Some have suggested that if investments were made in automated exit lane systems, it would alleviate TSA staffing requirements and reduce operating expenses.

   a. In general, do you believe that airport exit lands should be staffed by TSA officers or managed by airports?

      It is my understanding that TSA is statutorily required to staff airport exit lanes and if confirmed, TSA will continue to comply with the law.

   b. What role, if any, do you see exit lane technology playing in keeping airports secure? Should investments be made in exit lane technology?

      If confirmed, I would welcome a review of exit lane technology.