

United States Senate Committee on Homeland Security and Governmental Affairs

June 5, 2025

Statement of James H. Percival

Nominee for General Counsel, Department of Homeland Security (DHS)

Chairman Paul, Ranking Member Peters, and distinguished members of this committee, thank you for the opportunity to present testimony regarding my pending nomination to serve as the next General Counsel of the Department of Homeland Security. It is an honor to appear before this esteemed committee. My six children are here with me today. I am hoping to raise them with the same abiding love that my wife and I have for this country and for its Constitution, and I consider it a great privilege for them to watch their father participate in a critical feature of that Constitution, the advice and consent process. I take this process very seriously, and I know this Committee does as well.

In that spirit, I hope to continue the productive dialogue I have had with many of you prior to today, and I look forward to continuing that conversation.

I want to first thank President Donald J. Trump for the trust he has placed in me through this nomination. The Department of Homeland Security is a critical agency for implementing the President's agenda, and every person I have met whom the President selected to serve in this agency has been a person of incredible skill and character. I am honored to be considered in such company. In that same vein, I would also like to thank Secretary Kristi Noem for her incredible support through this process and for her outstanding leadership of the Department of Homeland Security. I think everyone is impressed with how much the Department has accomplished in such a short time, and if confirmed, I look forward to supporting the Department's mission.

I want to acknowledge and thank my family, friends, and mentors for getting me this far. I don't have time to thank them all, but I want to thank in particular Senator Moody, who was my boss and mentor for the last six years and without whom I would not be sitting before this committee.

I want to thank my darling wife who has supported me and my career in public service even when it meant barely affording to raise six children. She understands what it means to feel called to serve your country, and she has never balked at the sacrifices we have had to make as a family in order to do that.

Finally, I want to thank God, who has been faithful in good times and bad, and who I rely on for every breath I take on this earth.

Over the last four years, I served in State government in Florida, where I saw firsthand the problems the American people face when the Department of Homeland Security is off mission. We saw unchecked illegal immigration in the State of Florida, we saw FEMA employees skipping the homes of hurricane victims because of their political affiliation, and we saw the Secret Service fail to adequately protect a former President and major party nominee. All of these

things happened in the State of Florida while I served in State government, and all of them had significant impacts on me personally in that role.

As a result of this experience, when I received the call asking if I was interested in serving as General Counsel, it was an easy choice. The Department under the previous Administration needed to be steered in a different direction. I believed Kristi Noem, under President Trump's leadership, was the person to fix the Department, and that has proved true since January 20.

I view the role of the General Counsel as limited. The attorneys in the federal government were not on the ballot. The President and his policy makers are the proper officials to make policy decisions for the federal government. The role of a General Counsel is to provide excellent, accurate legal advice free from political bias or motivation. If confirmed, that is what I would do.

I thank this esteemed committee again for its attention to this confirmation process and I welcome your questions.