

**U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing Questionnaire
For the Nomination of Kirstjen Nielsen to be
Secretary, 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 Secretary of the Department of Homeland Security (DHS or “the Department”), and if so, what were they?

The President indicated to me that he was looking for a leader who can make tough decisions, who would be dedicated in supporting the men and women of DHS and who has an in depth understanding of the homeland security enterprise and environment to include evolving threats, policy and operations. Citing my experiences, knowledge, skill sets, devotion to the mission and conversations with those who have worked with me, he conveyed that he believed I am such a leader.

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

No, other than to fulfill my duties with dedication, determination and resolve and never waver in fulfilling my obligations to our citizens, laws and country.

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

No. I am committed only to leading with integrity and by example, to obey and enforce the laws of our country and to honor and support the men and women who work every day to keep our country secure.

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

I have consulted with the Office of Government Ethics and the Department of Homeland Security’s Designated Agency Ethics Official to identify any potential conflicts of interest. My resulting ethics agreement has been provided to the Committee. I am not aware of any actual or any other potential conflicts of interest. Should I need to recuse myself from a particular matter in the future, I will follow policies and accepted practices in ensuring that the appropriate senior official(s) at the Department executes any responsibilities that may be covered by the recusal.

II. Background of the Nominee

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

My homeland security subject matter expertise, experience in government and the private sector, and my leadership, communication and outreach skills make me uniquely qualified to be Secretary of the Department of Homeland Security.

I have worked in the homeland and national security sectors for more than two decades with federal, state, local, tribal and territorial governments, critical infrastructure owners and operators, private sector entities, international partners, think tanks, universities, non-governmental organizations and non-profits. Having worked at the crossroads of policy, strategy, risk, and operational environments, I have a unique blend of operational and enterprise perspective on policy and strategy development, organizational optimization and management, mission execution, the importance of stakeholder outreach and communication, and the role of technology as an enabler and force multiplier. As a government employee, consultant and thought leader/subject matter expert, I have advised government and private sector entities in identifying and understanding emerging threat and risk trends and provided a global perspective to support the development and adoption of best practices to ensure resilience in the face of evolving risk, increasing digitization, and multi stakeholder environments.

Having worked at the Transportation Security Administration prior to the creation of DHS, on the staff of the Homeland Security Council and as the Chief of Staff of the Department, I have witnessed first-hand and contributed to the maturation of the organization and have an understanding of what the men and women of DHS do every day – and need to do – to secure our homeland.

I have contributed to or supported the execution of nearly every homeland security policy document and major national plan and strategy since the Department of Homeland Security was created in 2003. I have run interagency policy processes and have worked with Congressional Committees to ensure that DHS has the tools, authorities and organization it needs to successfully execute its mission.

Having worked in the U.S. Senate, the executive branch and the private sector enables me to appreciate the different perspectives of homeland security stakeholders. I have a proven ability to bring stakeholders with diverse viewpoints and motivations together in a unity of effort towards the common goal of homeland security. The threats we face are too many and too varied for any one entity to address them successfully alone. Partnership is key and I have created and effectively utilized partnerships at all levels of

government and within and between sectors to close vulnerabilities and mitigate potential consequences.

6. Please describe:

a. Your leadership and management style.

I lead by example and always through the promotion of integrity, transparency, compliance with the law, and commitment to mission. I believe in ensuring that the mission is clearly articulated - at every level - and that clear objectives and metrics are agreed upon and assessed. I foster a team approach based on concepts of unity of effort and clearly delineate roles and responsibilities based on the mission. I believe in performance evaluation and in learning and acting on lessons identified, not just observing or admiring them. I expect to be held accountable and hold others accountable. I also believe it is important to take the time to acknowledge a job well done. I have found that talking to personnel on the frontlines, in the field, at their desks is invaluable to understand operating environments, needs and concerns. I believe in empowering those who work with me and believe it is my duty to ensure that they have the authorities, tools, resources and training needed to perform their jobs. I value dissenting opinions and make every effort to ensure that all voices have a place to be heard, and I strive to maintain an environment of trust and respect. Communicating often and consistently with employees, Congress and private sector stakeholders is vital. While seeking to make decisions as quickly as possible, I ensure that they are both informed decisions as well as clear and actionable.

b. Your experience managing personnel.

I have managed personnel at each stage of my career and have had responsibilities for day-to-day operations, hiring, performance evaluations, professional development, budget and profit and loss, determining how best to organize an entity and ensuring that personnel roles and responsibilities are clearly delineated. I also have in depth experience in managing diverse stakeholders from varied sectors who voluntarily, under my leadership, partnered to reach common desired outcomes.

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

As DHS Chief of Staff, I had the privilege of overseeing all DHS staff (240,000) and directly managed not only the Office of the Secretary which included approximately 65 people but had resourcing and budget related decision-making authority and responsibility for the Office of the Secretary and Executive Management, made up of ten offices, 585 personnel and with a budget of \$137 million (FY 2017 enacted). As WH Principal Deputy Chief of Staff, I oversee approximately 200 people.

7. Please describe your previous experience, including roles and responsibilities, on the White House Homeland Security Council.

As a detailee from the Transportation Security Administration, I initially served as the Director for Preparedness on the Homeland Security Council staff. I was then commissioned as a Special Assistant to the President and served as the Senior Director for Prevention, Preparedness and Response. I advised the President and White House senior staff through the Homeland Security Advisor on homeland security threats and risks and oversaw aspects of government policy development/implementation related to critical infrastructure protection, security and resilience, emergency preparedness and response, counterterrorism and information sharing.

- **I led the development and adjudication of interagency policy decisions as the Chair of five Policy Coordinating Committees (PCC) (including the Cybersecurity PCC, Critical Infrastructure PCC, the Plans, Training, Exercise, and Evaluation PCC, the Information Sharing PCC, and the Domestic Readiness Group PCC) consisting of Assistant Secretaries throughout the Federal Government.**
- **I authored, edited, contributed to and led the interagency policy coordination process for various policy and strategy documents, homeland security presidential directives, and executive orders for the President's consideration and issuance, including co-drafting HSPD-19 (*Combating Terrorist Use of Explosives in the United States*), the Executive Orders addressing Public Alert and Warning (E.O. 13407) and National Security Professional Development (E.O. 13434), and Presidential Memoranda on the Information Sharing Environment. I also led the interagency adjudication of the prevention, preparedness and response issues related to the National Strategy for Combatting Terrorism (2007) and the National Strategy for Pandemic Influenza (2006).**
- **I oversaw the government-wide implementation of HSPD-5 (*Management of Domestic Incidents*), HSPD-7 (*Critical Infrastructure Identification, Prioritization and Protection*), and HSPD-8 (*National Preparedness*), and all Executive Orders (EOs) and Presidential Memoranda regarding Information Sharing and the Information Sharing Environment.**
- **I oversaw the federal interagency coordination and drafting of the first National Infrastructure Protection Plan (NIPP) and the Sector Specific Plans, as well as the Information Sharing Environment Implementation Plan and oversaw and led the development of federal policy related to continuity of government.**
- **Post Hurricane Katrina, I was a major contributor to the 2006 White House *Federal Response to Hurricane Katrina Lessons Learned*, and coordinated the development of the roles and responsibilities of DHS and the Sector Specific Agencies for incident management, including the development of request for information and request for assistance processes, led the interagency revision of the National Response Plan and developed and coordinated the development of the Critical Infrastructure/Key Resources Annex.**

- I articulated policy priorities for and facilitated the development of recommendations to the President from two Presidential advisory boards, the National Infrastructure Advisory Council and the National Security Telecommunications Advisory Council.
 - I led the development of exercise objectives and scenarios and oversaw all aspects of exercise participation by White House officials in the bi-annual continuity of operations government exercise, and oversaw the planning of two TOPOFF exercises. I also oversaw the identification of the highest priority Federal lessons learned for the TOPOFF exercises and developed policy options to address them. I led the development and coordination of the National Exercise Plan, the National Exercise Schedule, scenarios and objectives for TOPOFF and Senior Official Exercises, the assessment of U.S. Government exercises, the identification of lessons learned and the assignment of actions to close gaps, eliminate redundancies and strengthen underlying policies, plans and procedures.
- a. If confirmed, what lessons learned from your time on the Homeland Security Council will you bring to the position of Secretary?

There are many experiences and lessons from my time on the Homeland Security Council staff that I would draw from should I be confirmed. To describe a few: I understand the value of interagency policy and strategy coordination as well as the need for such coordination to support, rather than hinder, the ability of Departments and Agencies to perform their missions. I understand that resourcing and training must go hand in hand with and flow from clear risk based policies, strategies and priorities to ensure effective mission execution. Given the scope and breadth of the homeland risks we face today, I also understand how vital it is to work with state, local, tribal and territorial governments as well as the private sector - in particular the owners and operators of critical infrastructure. I chose then and continue to choose transparency over political expediency. Finally, policy cannot be created in a vacuum - it must be informed by the operational needs and realities of those operating in the field and on the frontlines.

III. Role of the Secretary of DHS

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

Consistent with the Homeland Security Act of 2002, the Department's primary mission is to prevent, reduce our vulnerability to, and recover from terrorist attacks against the United States. Additionally, DHS has a number of specific responsibilities to enforce our immigration laws, ensure the security of our borders, protect the nation's critical infrastructure and respond to natural disasters.

I believe the Secretary's role is to set priorities, to clearly articulate mission, objectives and performance goals and to ensure that the men and women of DHS have the tools and resources they need to execute their missions. Should I be confirmed, I would also work across the interagency and with Congress to ensure that all needed and appropriate authorities and resources are brought to bear to secure our homeland.

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

From a risk perspective - border security, law enforcement, cyber security, aviation security and assessing and understanding both how our risks are evolving and the most efficient and effective ways to address those risks. From a leadership perspective - to work with the men and women of DHS to increase unity of effort and to define and clarify missions, roles and responsibilities throughout the enterprise and to ensure that they have the tools, resources and training they need to secure our homeland. Should I be confirmed, I will also work with Congress to reauthorize the Department and to address any gaps in needed authorities and/or to further clarify federal roles and responsibilities related to homeland security.

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

Should I be confirmed, I would plan to continue the strong initiatives of Secretary Kelly and Acting Secretary Duke. I believe cohesion and cooperation flow from a mutual, clear understanding of mission and risk-based priorities, clearly articulated roles and responsibilities, accountability and acknowledgement, support for the enforcement of our laws, and having the tools and resources needed to do one's job. Should I be confirmed, I will work with the Deputy Secretary and the Undersecretary for Management to assess the effectiveness of current unity of effort programs and processes and strengthen them where needed. Ensuring that voices can be heard in an environment of trust and respect is vital. I will also seek to eliminate stovepipes and develop plans, processes and programs to integrate and leverage capabilities and tools throughout the Department. Finally, I will also work to promote joint education and training of DHS personnel to underscore that homeland security, although made up of component missions, is one mission and to be effective DHS must be able to function as one team.

IV. Policy Questions

The Quadrennial Homeland Security Review and DHS's Missions

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

Strategic level processes that enable the Department to assess itself and update its strategies and planning, including the QHSR, are important for the further maturation of the institution and to ensure that its mission is effectively and efficiently executed. My overall assessment of the 2014 QHSR is that it adequately reflects the priorities and goals of the previous Administration and describes the threats and vulnerabilities of greatest concern in 2014, but like any such document it is a snapshot in time. As discussed in other parts of this questionnaire, in my view the threats have evolved and certainly the environment in which the threats manifest has evolved. Of course then, this Administration's approach and prioritization of missions and goals against the threats existing in 2018 may differ. I understand that DHS has already been significantly engaged in reviewing and updating the 2014 QHSR in order to lay the groundwork for the 2018 QHSR. If confirmed, I look forward to reviewing the work completed to date. With respect to the 2018 QHSR my goal will be to ensure the document reflects and is responsive to current threats, vulnerabilities and consequences and can be used as a guide to prioritize the Department's missions and resource needs.

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

There are several notable examples. Since 2014, the world has changed in ways that were difficult to predict in 2014 including increasing digitization, the pace of technological innovation, hyperconnectivity, an explosion of the internet of things, the exponential rise in quantities of data available and stored, artificial intelligence, 3-d printing, and expanding use of cloud services. As a result, we face new and novel vulnerabilities and the potential for large-scale cascading consequences resulting from attacks and natural disasters. In 2014, we were significantly concerned about U.S. and European individuals who were radicalized traveling to the Middle East to join ISIS on the battlefield. Today, as we, with our allies, have greatly disrupted the ability of ISIS to command and control from the caliphate, we are much more concerned both about the diaspora of foreign fighters fleeing a disintegrating caliphate and preventing their travel to the West, and addressing the ability of ISIS to inspire lone wolf attacks throughout the world. We also have seen new types of threats to aviation and an increasing number of attacks using common items such as vehicles as weapons.

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

Over time, the threats to our homeland have evolved, our vulnerabilities have changed and the potential consequences from all hazard events have morphed and in many cases expanded. How the Department goes about its work and prioritizes its missions and resources must also continuously evolve. When I joined the then new Transportation Security Administration, one of the primary motivations was preventing another large scale terrorist attack – likely in the aviation sector – against the homeland and the main

threat was Al Qaeda. Fifteen years later, we fully appreciate that there are a variety of threats we guard against in addition to foreign terrorists, ranging from natural disasters to cyberattacks to mutated viruses to human and narcotics smuggling organizations. In my mind, in general, DHS' mission should continue to be to prevent, protect against, mitigate, respond to, recover from and mitigate the consequences of all hazard threats against the homeland, to enforce the laws charged to its care, to strengthen our resilience, and to protect the nation's critical infrastructure. Our challenge is to keep up with the threat and how it manifests in our changing world.

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

Terrorist threats, threats from natural disasters and other emergencies, cyberattacks and cybercrime, threats to our aviation system and maritime domain, transnational criminal organizations. It is vital to continually assess and understand both how our risks are evolving and the most efficient and effective ways to address those risks. However, if I had to pinpoint a single greatest threat, it might be cyberattacks on our critical infrastructure assets, systems, information and functions because such attacks can result in large scale cascading consequences, our vulnerabilities are morphing, remain significant and in some cases are growing, those who intend to do us harm are numerous and varied, and the cost to pursue and execute such attacks is low. If confirmed, I will bring renewed focus to closing our vulnerabilities, enhancing our capabilities to detect such attacks and strengthening our levels of resiliency – throughout our ecosystem – to mitigate the consequences.

Mission 1—Prevent Terrorism and Enhance Security

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

DHS continues to mature and expand its capabilities to prevent terrorist attacks and enhance security. As the threat evolves and expands, DHS must be able to adjust with increasing speed and agility to meet emergent threats. DHS must increase its capabilities to address terrorist exploitation of the internet and social media for radicalization, the security of soft targets, evolutionary aviation security threats and next generation terrorist threats such as advanced disruptive cyberattacks and the terrorist use of drones.

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

If confirmed, I look forward to reviewing the Department's ongoing work on the 2018 QHSR, and ensuring it is coordinated with the Administration's strategy for national security before making any recommended changes to the 2014 goals.

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

I view information sharing with and among our federal, state, local and tribal partners as a vital part of effectively securing the homeland. I co-drafted and oversaw the federal implementation of all Bush Administration Executive Orders (EOs) and Presidential Memoranda regarding information sharing and the Information Sharing Environment (ISE). In creating and instituting the ISE, we spent time categorizing the types of information we needed to share and the stakeholders who needed to share and receive such information. The basic frameworks, policies and procedures have expanded and been updated over the years, but the underlying goal - to connect the dots - has remained.

I am somewhat familiar, from my time as DHS Chief of Staff, with some of the Department's recent initiatives to enhance and improve information sharing, some led by the Office of Community Partnership and Engagement. I have had conversations with a number of representatives from state and local law enforcement and first responder organizations, including the fusion center community, to gain their perspective on how DHS is doing and how it can do better. If confirmed, I look forward to working with such representatives and other federal partners to expand the use of best practices, address gaps in sharing, identify innovative tools and processes to ensure that such sharing is accurate, timing and actionable and in general to continue to strengthen the Department's relationship with federal, state, local and tribal officials and the flow of information in both directions. These officials are on the front line of our nation's homeland security, and we all benefit greatly from improving our information sharing.

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

Here at home and overseas, transportation systems continue to be a prime target for terrorists. Whether aviation, rail, maritime, mass transit or shipping the potential to cause mass casualties and/or economic disruption draws the attention of those who mean us harm. If confirmed, improving TSA's effectiveness and efficiency at all levels of operations and staffing to address today's threats – while ensuring the freedom of movement for people and commerce – is a high priority for me and one near to my heart, as my first job within DHS was at TSA during its formation. If confirmed, I look forward to working with Administrator Pecoske to also improve the professional training and career path for the employees of TSA.

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

I believe such engagement is vital. It is not however only a DHS role. While I was the DHS Chief of Staff, we spoke with officials from multiple states, localities, organizations and

countries to better understand what was working in various communities and what programs and initiatives could be scaled and tailored to other communities. If confirmed, I will ask to be thoroughly briefed by DHS, other stakeholders and experts in this field so support comprehensive strategies to counter terrorists and other violent extremists through community engagement. I commit to doing this early in my tenure.

20. What is your assessment of the threat and our ability to mitigate the threat of the acquisition and use of Chemical, Biological, Radiological, and Nuclear (CBRN) materials? Please describe your priorities regarding CBRN-related threats.

It is my understanding that DHS is working on an updated assessment of CBRN threats, and if confirmed I look forward to reviewing it in detail. We have no doubt of the intent of our adversaries to acquire these weapons and use them, and we have models of the terrible consequences these weapons can reap in the wrong hands. We know terrorists have undertaken efforts to test certain CBRN capabilities on the battlefield, and we have seen them attempting to export such tactics for external operations and attacks against the West. I believe we can do more to create a focal point within DHS and within the federal government to counter the CBRN threat and, if confirmed, look forward to working with the Committee and Congress on this to better protect the American people.

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

These are significant threats with extremely high potential consequences and more work remains to understand and address these threats. A primary DHS role and responsibility is to work closely with partners outside of DHS in understanding risk, ensuring resiliency and developing response and recovery planning for any EMP, GMD, cybersecurity or physical attack on the nation's critical infrastructure. Partnership remains the cornerstone of addressing such threats as much of our nation's critical infrastructure is owned and operated by the private sector. We must better understand the panoply of attack vectors and attack types against our critical infrastructure- both through modeling and information sharing.

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

I am aware of the March 2016 GAO report and recall that it found that while DHS, the Department of Energy and the Federal Energy Regulatory Commission have taken steps in line with the Commission's report, further actions are needed. Should I be confirmed, I commit to assessing the open recommendations and ensuring that DHS, within its roles

and authorities, addresses the threat in partnership with other federal agencies and the private sector.

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

One of the challenges facing DHS protective security programs is the need to adapt to emergent and changing threats. Such programs must also be risk based. If confirmed, I will more thoroughly review the Department's related efforts so as to better target them to meet the technical assistance needs of partners in areas such as the protection of soft targets.

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

I do not believe that the description of a balancing act reflects my view accurately, as it implies that in order to protect the homeland we must sacrifice some of our most cherished, constitutionally protected rights and liberties. I don't view it as a system of tradeoffs between two equally worthy goals but rather that our challenge is to determine how to protect the homeland within the limitations imposed by the laws which protect privacy, civil rights and liberties. DHS has multiple offices that help ensure privacy, civil rights and civil liberties are protected and, if confirmed, I will ensure that Department personnel are made aware of my beliefs that such protection is not merely a compliance box to check but part of our solemn duty to uphold and defend the Constitution in the oath we take.

Mission 2—Secure and Manage Our Borders

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

The President has made very clear that securing and better managing our borders is a top priority of this Administration and demands our utmost focus. If confirmed, I will be briefed immediately on the forthcoming strategic plans for managing and securing our Northern and Southern borders and will review them in the context of the 2014 QHSR goals, and perhaps more importantly strive to have them inform the goals of the 2018 QHSR in this area. I know Congress will also be briefed on the strategies and if confirmed, I look forward to working with the Committee and the Congress on aligning the strategy with our QHSR goals.

26. Please discuss the challenges DHS and its components face in preventing illegal import and entry as well as export and exit. How would you plan to address these challenges?

Assuming this question refers to goods rather than people, the Department, particularly CBP and ICE, faces significant challenges in preventing illegal importation and entry of goods as well as their export at the nation's ports of entry. One historic challenge has been that the Department acts as the executive agent at the border for a number of other federal agencies ranging from the Department of Agriculture, to the Department of Defense, to the U.S. Postal Service, to the Department of Commerce to enforce our laws and regulations governing goods coming or going. DHS must rely heavily upon these other agencies and in some cases upon affected U.S. industry for the requisite expertise and guidance on what to look for and on what to focus. Another challenge is the sheer volume and speed of international supply chain movements with express consignment carriers, just in time inventories and the rapidly changing way goods flow across borders through ecommerce. On the export side, there is the significant challenge that the way in which DHS facilities and port infrastructure are arranged make it more difficult to conduct outbound inspections than inbound ones. I know this is something Acting Commissioner McAleenan is looking at in coordination with our partners in Mexico and Canada. If confirmed, to address these challenges, I will focus on how we can get smarter and faster in selecting what we look at by harnessing all available data for anomaly detection and audit. The lack of complete control between the ports of entry of course poses its own challenges discussed elsewhere, among which is the smuggling of illicit cargo items, which might otherwise be legal if properly and lawfully imported (e.g. tobacco, alcohol), in order to circumvent duties or other restrictions by avoiding any chance of inspection.

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

A key component of CBP's charge is to facilitate lawful international travel and trade. If confirmed, I will work with CBP to ensure that we continue to strengthen all dimensions of safeguarding and expediting lawful trade and travel. DHS is currently working on a number of strategic plans on border security, with primary input from CBP, ICE, the Coast Guard and TSA. If confirmed, I look forward to being briefed on this draft strategic plan and ensuring it addresses our responsibility to facilitate lawful trade and travel while better securing our border against illicit people and things.

28. What do you believe are the primary causes of illegal migration from Central America, and how do you believe the U.S. can partner with these countries to address the ongoing illegal migration?

The reasons for this in my view are the so called "push and pull factors" and the solutions are both simple and complex. While I was Chief of Staff to Secretary Kelly we spent considerable time discussing this issue, and I benefited greatly from his knowledge of and commitment to the region and from meetings we held with Central American leaders. I concur with his assessment given to this Committee that the continued "push" drivers for illegal migration from Central America are the crime and instability in those countries that

are largely a consequence of drug demand in the United States and the resulting destabilization from drug trafficking organizations using these countries as transit zones. The “pull” factors continue to be economic opportunities in the United States that are substantially better than those available at home to most citizens of these countries and also a continued, but decreasing, perception that if a person can successfully get to the U.S. border they will either not be caught or be allowed to stay. In terms of the solutions available to us, I believe we can and should continue to seek greater cooperation with willing partners in these countries and devote greater energy and resources to help them combat DTO’s and criminal gangs as well as assist them to provide economic opportunities for their citizens at home so they will not be “pushed” to make a dangerous journey in the first place. We also can continue to improve all aspects of our immigration enforcement process from border security, to certainty of deportation and return, to employment verification in order to reduce the “pull” for illegal immigrants from Central America and elsewhere and to act as a powerful deterrent to the choice of illegal rather than legal means of migration.

29. What is your view on the use of expedited removal as a consequence to illegal migration?

Expedited removal is one of the law enforcement actions available to DHS to quickly return those who came or come to the United States illegally. I believe, when it can be legally and appropriately used, it is a valuable tool for DHS to provide swift, certain and actual consequences for illegal entry. It also reduces the need for detention resources while protecting due process and counters the perception that anyone who has entered illegally is entitled to stay in the United States indefinitely for infinite legal proceedings.

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

The Administration has recently set forth plans for aggressively countering the opioid crisis as part of a larger comprehensive drug demand reduction strategy. DHS plays an important role in that effort and in the nation’s broader counter narcotics efforts centered on interdiction and targeting transnational criminal organizations and smuggling networks. If confirmed, I will work to ensure that the Department fulfills its critical role in keeping drugs from reaching our communities. While I would continue to strengthen DHS interdiction efforts at our border and investigations of transnational criminal organizations, I would also bring renewed attention to the Department’s role which starts well beyond our borders with targeting drugs and chemical precursors in foreign ports of embarkation; continues with CBP and Coast Guard interdiction efforts in the transit zones and includes cooperative efforts throughout with our international and interagency partners.

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

Both in the private sector as a homeland security subject matter expert and during my time in government I have been a part of fostering international partnership, collaboration and cooperation on security and resiliency issues. It is the only way we have a chance at addressing today's quickly evolving threats. I have in depth experience in working with officials of foreign governments and multinational organizations to find common ground that enhances our collective security, and most importantly that of the United States. For example, I have chaired groups of international experts from various countries representing a myriad of sectors and experiences towards assessing and making recommendations towards addressing systemic cyber risk. As it relates to U.S. borders in particular, as the DHS Chief of Staff, I worked with multiple foreign governments, including those of Mexico and Central American countries on efforts to strengthen our border security by working collectively to share information and to, in partnership, address transnational criminal organizations and networks. If confirmed, I would bring these experiences, coalition and partnership building skills, and relationships to bear in order to better protect our homeland.

Mission 3—Enforce and Administer Our Immigration Laws

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

Since the start of the Administration, the Department continues to make significant progress in addressing the two goals identified in the QHSR: Strengthen and Effectively Administer the Immigration System; and Prevent Unlawful Immigration. Ultimately, our ability as a Department and a nation to fully achieve both goals in my view depends heavily on further policy decisions regarding full deployment of full biometric exit capability. On the legal immigration side, DHS still has much to do to find efficiencies in its processes and reduce backlogs amidst heavy volume both on immigrant and non-immigrant visa applications as well as asylum adjudications. If confirmed, I look forward to working with the Committee and Congress to do the hard work necessary to address these goals.

33. How would you work to improve cooperation and coordination between DHS components responsible for administering immigration benefits and enforcing immigration laws? Please describe any actions you would recommend to improve information sharing between DHS's components and other government agencies.

Should I be confirmed, I would begin by clearly communicating that improved cooperation and coordination between components responsible for immigration benefits and immigration enforcement starts at the leadership level of the Department and the component agencies. However, identifying what specifically needs to be fixed starts in the field. I would, as Secretary Kelly and Acting Secretary Duke did, seek the perspective of our frontline personnel and first line supervisors as to where they see problems or challenges in cooperation and coordination on a daily basis, as well as seek the

perspective of outside stakeholders such as our state and local partners and immigration applicants. An effective and efficient immigration system must be inclusive of both benefit and enforcement activities that operate seamlessly. Secure borders require for example an effective and efficient asylum benefit process and the sharing of reliable information on legal immigrant status. A strong interior enforcement effort will not work without a reliable employment eligibility verification system. If confirmed, I pledge to hold our Headquarters and component leadership accountable for improving coordination and cooperation within the Department.

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

Should I be confirmed, I will bring a strong working relationship with Secretary Tillerson and his team to jointly identify areas of weakness and implement further improvements such as interagency applicant vetting, addressing exit tracking and overstays.

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

The U.S. Visa Waiver Program (VWP) is a strong partnership with over 35 allies who reliably share intelligence and information with the United States in order to be eligible for the program. The program serves to both enhance our collective security while also facilitating low risk legitimate travel. In May of 2017, while I was Chief of Staff at the Department, then-Secretary Kelly directed DHS to review existing aspects of the Program and to provide options to enhance the security of the Program. Since then, I know DHS has worked—both internally and with the interagency—to evaluate a number of recommendations. If confirmed, I look forward to being fully briefed on the areas for improvement that have been identified and the actions we can implement within the Department and U.S. Government and those which require enhancing the cooperation with partner countries. International cooperation overall is essential along with the adoption of new standards such as ePassports to stay ahead of fraud and counterfeiting. If confirmed, I will continue to work to strengthen our existing security partnerships such as the VWP as well as advance other information sharing partnerships focused on identity management and criminal/terrorist history.

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

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

Mission 4—Safeguard and Secure Cyberspace

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

The 2014 QHSR goals in this mission area are: to strengthen the security and resilience of critical infrastructure; secure the federal civilian government information-technology enterprise; advance law enforcement, incident response, and reporting capabilities; and strengthen the ecosystem. I believe the Department's capability to achieve these goals are within reach but only with dedicated focus and resourcing. The Department's network protection activities are built on a solid foundation of policy, strategy, and authorities, but there is room for growth to ensure DHS continues to enhance the security and resilience of the Nation's critical infrastructure and Federal networks against cyber incidents.

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

I would offer that when discussing cyber threats, we have moved from an "if" to a "when?" to a state of "how often?" and "how long can we resist an attack?" followed by "when did you recognize the initial intrusion and are you able to identify and quantify the consequences?"

In a world of sophisticated, persistent and patient threat actors with multiple and varied motivations, cyber threats continuously evolve and range from simple to multifaceted. Cyberattacks are becoming more complex, targets more encompassing, and the impact of attacks is more damaging. And yet in many cases, we're not doing the basics to protect ourselves. In this environment, we must be vigilant in protecting our Federal networks, critical infrastructure and essential functions against Nation state actors, such as Russia, China, North Korea, and Iran, which seek to leverage cyberspace to steal our intellectual property, undermine trust in our Democratic systems, or potentially seek to control, disrupt, damage or deny our Nation's critical infrastructure functions. We must also protect our Nation against cybercriminals and transnational criminal organizations who aim to leverage cyber enabled activity to steal money or personal information, encrypt our data and information via ransomware, and/or utilize the dark web to sell illegal goods and services.

We also recognize that our systems and assets rely on complex software and hardware where cyber vulnerabilities are ubiquitous and often difficult to predict given the pace of technological innovation and interconnectivity. When we are lucky, well-intentioned security researchers discover and provide software vendors with the information needed to mitigate vulnerabilities. When we are unlucky, vulnerabilities are leveraged by threat actors to cause us harm.

Given the threat actors, the increasing asymmetry of the threat environment, the low barriers to entry, and the commoditization of malware, I view the internet of things, the availability and integrity of key information, and critical infrastructure essential functions to be at significant risk. I would also offer that we still do not fully understand the systemic risks introduced by the increasingly connected economy, in particular the systemic risks to the critical services upon which we rely. This is a potential blind spot I have written about and discussed widely with partners from all sectors. Finally, I believe a large gap remains between reality and the perception of cyber risk by any given entity-itself a risk that must be addressed.

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

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

In this current cyber environment, no one entity has all of the authorities, capability or capacity to protect every asset or stop every threat. Our approach must be rooted in risk management and partnership. We must identify the criticality of assets, identify and assess systemic risks, and prioritize the application of protective measures in a scalable, risk-informed way. We must protect our Federal government's networks so that our government can operate efficiently and secure our citizens' data. And we must ensure that our critical infrastructure is protected and resilient to attack so adversaries understand that they will not easily succeed.

Addressing our Nation's cybersecurity threats and vulnerabilities requires a whole of Government, and indeed whole of Nation, approach that is coordinated with our private sector, state, local, tribal and territorial governments, and international partners. We must collectively leverage our various authorities and capabilities to secure vital systems, assets and functions, improve resilience against cyber incidents, and quickly respond to and recover from incidents when they occur.

DHS's network protection activities, which include the development and sharing of best practices, technical assistance, deployment of innovative technologies, and improved information sharing, establish a baseline of cybersecurity for our Nation and underpin all of our other Federal cybersecurity efforts.

In the realm of information sharing, the passage of the Cybersecurity Act of 2015 established the Automated Indicator Sharing program, which allows network defenders to share cyber threat indicators at network speed and provides all of the Department's partners with a wealth of raw data that they can analyze and use. I understand that AIS currently has hundreds of organizations receiving this data from Federal partners. Many

of these are Information Sharing and Analysis Organizations (ISAOs) and Centers (ISACs), which in turn, share this information with the entities they represent. As the program moves forward and we continue to bring organizations into the program, I would offer that we need to strengthen the context and information accompanying the threat indicators so that our partners can more easily action them and incorporate them into operations.

DHS continues to work with private sector partners on a daily basis, through programs such as the Critical Infrastructure Sharing and Collaboration Program (CISCIP) and Automated Indicator Sharing (AIS) program. The Department works directly with critical infrastructure companies and ISAOs to provide information, technical assistance, assessments, and incident response. These partnerships allow the Department to understand and ultimately reduce cross-cutting and systemic cyber risk across our Nation.

It is vital that the Department continue to develop a scalable, agile, layered defense to ensure the protection of Federal networks. The Continuous Diagnostics and Mitigation (CDM) program offers Federal agencies automated capabilities to defend their networks. As I understand it, the Department continues to develop and implement the National Cybersecurity Protection System, or EINSTEIN, to protect Federal Civilian Executive Branch networks from known vulnerabilities and malicious software through a combination of detection, analytics, information sharing and prevention activities.

Finally, DHS, in partnership with other federal agencies, conducts much needed criminal investigations to disrupt and defeat cyber criminals. As part of the Department's larger efforts against transnational criminal organizations, should I be confirmed, I would look to strengthen the execution of this important mission.

Should I be confirmed, I will look forward to working with the Congress in addressing proposals for the reorganization and renaming of the National Protection and Programs Directorate to further strengthen the Department's cybersecurity capacity and ability to partner with outside entities.

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

We must focus on building resilience and reset our traditional expectations of risk management, and its approaches and assumptions. Government and private networks must be able to adapt, transform, respond and mitigate at speed - while under constant and persistent attack. The threat environment requires us to be able to accept failure, to tolerate it, to constantly innovate and learn to help an entity bounce forward- not just bounce back. At the same time, we must also get the basics right – taking a layered approach to a safe, secure, and resilient cyber ecosystem.

The President's recent Executive Order on cybersecurity directs the Department to continue to lead the Nation's cybersecurity efforts with both the Federal government and in coordination with the private sector. DHS must continue to lean forward, anticipate evolving threats, and continue to develop and/or offer scalable tools, programs and resources to support its partners and to mitigate vulnerabilities and consequences.

Should I be confirmed, understanding where we are and where we need to be will be an immediate focus. A few examples- I would look at our partnerships and engagements with industry - are they working?; what can we do better?; how can we expand and strengthen them? I would also look at how best to meet the needs of our partners in the private sector and state, local, tribal and territorial governments- are we providing the right tools?; the right resources?; providing the right information? On information sharing- are we sufficiently connecting dots?; are we leveraging the capabilities that exist throughout government?; On risks- are we constantly assessing?; are we looking across sectors?; are we identifying and assessing single points of failure, points of aggregation, and systemic risks? On the federal cyber workforce- How can we attract and retain talent?; are we sufficiently developing and cross-training our existing workforce? Should I be confirmed, I would like to assess how a model such as FEMA's Surge Capacity Force for disaster response may have value in the cyber incident response domain.

Mission 5—Strengthen National Preparedness and Resilience

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

I believe the Department still embraces and is working diligently to meet the 2014 QHSR's four goals: Enhancing National Preparedness, Mitigating Hazards and Vulnerabilities, Ensuring Effective Emergency Response, and Enabling Rapid Recovery. DHS has a number of programs and resources dedicated to each of these goals ranging from modeling resources, to direct engagement with private sector critical infrastructure owners, to public awareness campaigns, to grant programs for state and local partners. DHS remains committed to supporting partners at all levels of government and in the private sector nationwide to strengthen our ability to prepare for, mitigate, respond to and recover from a variety of threats together. I believe that preparedness and resiliency, more than any other DHS mission areas are a shared responsibility. DHS has done and continues to do much in this area. One of the challenges, if confirmed, that I would like to address head on as Secretary is - with so many programs at work in this area with so many partners- how do we better measure our successes and remaining gaps? Preparedness grants undoubtedly strengthen our nation's ability to prevent, protect against, mitigate, respond to, and recover from terrorist attacks, major disasters, and other emergencies in support of the national preparedness goal but spending money alone is not enough unless we can measure how it is making us better prepared and closing vulnerabilities.

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

Overall, the nation as a whole has a better level of preparedness for attacks, disasters and emergencies than in the past, but there is much room for continuous improvement. Of course, this assessment also must be tempered by lessons we have and will continue to learn from the unparalleled ongoing response and recovery efforts related to the disasters from this very active 2017 hurricane and wildfire season. In my mind, we should always take time to learn what went right and what could have gone better - both our successes and our failures. We must also continually assess our risks - risk assessments and preparedness evaluations should go hand in hand. Preparedness evaluations are much more actionable when they are conducted against specific risks. If confirmed, I will work closely with FEMA leadership, and our federal, state, local, tribal and territorial partners to improve our nation's preparedness. As a combined group, we have work to do in the area of balancing the prevention, mitigation and response/recovery equation for the best value to the public.

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

If confirmed, I will start with my belief that DHS and FEMA grants exist to support, and not supplant the responsibilities of state, local, territorial and tribal entities to identify and manage their own programs for preparedness and response. The first response is always at - and should be in my mind - at the state and local level. No one knows their communities better than those on the ground in the communities, living and working in the neighborhoods. It is my belief that the federal government is here to support, supplement and assist them both before, during and after a disaster. In extreme cases, the federal role may increase if the state, local, tribal and territorial capabilities are overwhelmed. With that framework in mind, as I mentioned in my response to Question #43 above with respect to FEMA grant programs, how do we better measure our successes and the remaining gaps? I have seen articles that DHS has spent over \$40 Billion since its inception on grant programs most of which are aimed at preparedness. I want to make sure we can measure that effectiveness and assure the taxpayers of the value we are providing in our grant programs by demonstrating how these funds are helping state, local, territorial and tribal governments be better prepared and communities less vulnerable. If confirmed, in addition to assessing effectiveness and efficiency, I also want to be able to assure taxpayers that we are working to ensure that opportunities for waste, fraud and abuse are eliminated. If confirmed, I will work with FEMA leadership in consultation with the DHS Inspector General, GAO, and Congressional oversight bodies to improve the grants programs administered by FEMA.

Management, Accountability, and Oversight

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

If confirmed, I will continue the efforts I started while serving as the Chief of Staff regarding streamlining human capital processes, improving the morale at all levels, ensuring clarity at all levels with respect to the DHS mission and priorities, and working with Congress to redirect or eliminate non-mission critical work. In particular, I look forward to working with the Congress in addressing proposals for the reorganization of the National Protection and Programs Directorate. I also will take seriously the findings of the Department Inspector General and the GAO and maintain a rigorous system to track management issues and the implementation of corrective actions.

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

If confirmed, I will routinely be briefed by and work closely with the Component leadership, the CFOs and the Under Secretary for Management on expenditures and program outcomes, with a keen focus on removing any waste or duplication. Accountability based on clear objectives, assessment and metrics is key. As I mentioned in my responses about grant programs, overall, I believe we can do a better job of measuring the effectiveness and value of our expenditures. I also will take seriously the findings of the Department Inspector General and the GAO and Congress on waste, fraud, and inefficiency within the Department and work to eliminate the same based on those recommendations.

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

If confirmed, I am committed to this goal and look forward to working with the Congress, the Office of Management and Budget, the GAO and the Department's IG on this very important task.

47. How would you assess DHS's internal controls over financial reporting and what would you do to make sure DHS addresses any weaknesses?

Accurate financial reporting and internal controls have improved significantly since the beginning of the Department but further improvements must be made on the remaining weaknesses. Financial reporting and internal controls require constant attention and focus. If confirmed, I will have the Under Secretary for Management and the Chief Financial Officer brief me regularly with updates on the progress to address any material weaknesses in the annual financial audits and our reporting and internal controls.

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

If confirmed, I look forward to working closely with the Chief Financial Officer and the Under Secretary for Management, in conjunction with support from OMB, to ensure we have accurate information to inform the budget process and to make recommendations to this Committee and Congress on the most viable path forward for financial systems improvements.

49. GAO and the Inspector General have identified significant challenges in DHS's approach to information technology management at DHS components, such as U.S. Citizenship and Immigration Services. How would you approach addressing these challenges?

I have always, and if confirmed will continue to take very seriously the recommendations from the GAO and the Inspector General. When I was at TSA I created and managed the offices that work with GAO and the IG and it was always my goal to partner with them to improve the agency. Their reports and findings provide a roadmap to improvement. The Department has struggled in the past with various information technology initiatives and the management of our IT systems. Like much of the Federal government, we struggle to recruit and retain highly skilled technologists in career positions when competing with the private sector for talent. We therefore sometimes have to rely on contractor support for key information technology systems. If confirmed, I look forward to working with the DHS management team and Congress to identify ways we can address this management, from creative specialized recruitment and retention initiatives to better management of contract IT support.

50. What is your view of the role of the DHS Office of Inspector General (OIG)? Please describe what you think the relationship between the Secretary and the OIG should be. If confirmed, what steps would you take as Secretary to establish a working relationship with the Inspector General?

If confirmed, I look forward to developing a close, proactive working relationship with the IG. From my days working closely with the IG at TSA, I view a cooperative relationship with the IG's Office as an early warning system. Often, the IG can alert management to areas that require attention well before a full investigation and report is released. I will encourage all of the senior staff of the Department to similarly embrace and respect this important role.

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

If confirmed, I will meet with the Inspector General routinely. I will be cognizant that the IG has a unique responsibility and reporting responsibility unlike any of the other senior managers that report to the Secretary. There will be times I am sure when the IG will bring unpleasant facts to my attention and to the attention of Congress, but as long as we are both motivated with a desire to constantly improve the Department and protect the American people, I will strive to ensure my entire management team recognizes that our respective roles are complimentary rather than adversarial.

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

Should I be confirmed, I will thoroughly review all recommendations made by the Office of Inspector General and take appropriate steps in light of my review. I cannot make any firm commitments in the abstract, before any specific recommendations are formulated and presented to me.

53. Protecting whistleblowers is of the utmost importance to this Committee:

- a. During your career, how have you addressed whistleblower complaints?

I have always followed the whistleblower protection laws, though to my knowledge I have never formally received a whistleblower complaint. If confirmed, I will lead by example, comply with all whistleblower, laws, rules and regulations and will be especially vigilant to the issue of management retaliation.

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

If confirmed, I will emphasize and continue the ongoing efforts by Acting Secretary Duke to engage all levels of employees at DHS with respect to suggestions for improvement. I believe it is vital to both mission success and to morale to foster an environment of trust and respect where voices have a safe place and way in which to be heard. Fostering an environment where employees can share constructive ways for improvement will be encouraged.

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

If confirmed, I will work to ensure that any whistleblower within DHS does not face retaliation, in accordance with all federal laws.

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

If confirmed, I will take all appropriate action, in accordance with all federal laws.

V. Relations with Congress

54. 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?

If confirmed, I would comply without reservation.

55. 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?

If confirmed, I would without reservation.

56. 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?

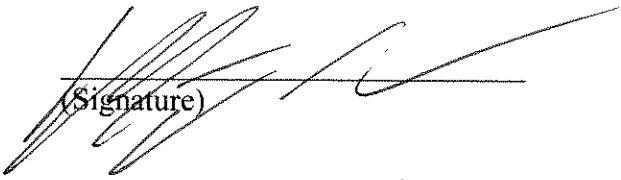
If confirmed, I would without reservation.

VI. Assistance

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

I have written, edited, reviewed and approved all of the responses in this document. In preparing responses to the questions posed to me in this document, I have relied on my own knowledge and professional experience, engaged in my own research, reviewed public statements of Administration officials and have received administrative assistance in finding various supporting documents and records from Executive Office of the President and DHS legislative affairs staff assisting with logistics support for my nomination.

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



(Signature)

This 2 day of November, 2017

**Minority
Supplemental Pre-Hearing Questionnaire
For the Nomination of Kirstjen Nielsen to be
Secretary, Department of Homeland Security**

I. Nomination and Conflicts of Interest

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

Since I joined the Trump Administration in January I have not been asked to sign any confidentiality or non-disclosure agreement.

2. Has the President or his staff asked you to make any pledge or promise if you are confirmed as Secretary?

No, other than to fulfill my duties with dedication, determination and resolve and never waiver in fulfilling my obligations to our citizens, laws and country.

3. During your tenure in this Administration, have you asked any federal employee or potential hire to pledge loyalty to the President, Administration or any other government official?

No.

II. Background of the Nominee

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

In general, I believe transparency to be a cornerstone of our democratic process. As such, I have often advocated for transparency over political concerns. For example, there was discussion at the time as to whether the White House Hurricane Katrina Lessons Learned Report should be made public. There were some arguing that perhaps the assessment might be more in depth if the report was not made public. My belief then and now is that it was important for State, local, tribal and territorial partners, private sector stakeholders and the American people to have the opportunity to understand what went wrong and what went right with the federal response.

I also believe in the importance of privacy and civil liberties and protecting Americans' personal information. While at the Transportation Security Administration, less than a year after 9-11, there were efforts underway to strengthen the way in which aviation passengers are prescreened. Given the threat we faced at the time and then fresh memories of the burning twin towers, there were arguments that the system we now know as Secure Flight should collect and utilize a vast array of personal information from the travelling public. In policy meetings and discussions with Congressional Committee staff, I urged we proceed with caution and use a risk based approach to determine both what information would yield the most effective verification of a traveler's identify and whether they were a threat, and the implications to a traveler's privacy. I advocated for TSA to utilize the minimum amount of data necessary to execute its aviation security mission.

Finally, post Hurricane Katrina, I believed strongly that it was in the best interests of the nation for the Federal Emergency Management Agency (FEMA) to remain within the Department of Homeland Security. It can be tempting politically after a major disaster to reorganize for the sake of appearing to 'do something'. FEMA, however, plays an integral role within DHS, and its sister agencies within DHS support and supplement FEMA in a way that would not be possible if the various components were not part of the same department.

5. If confirmed, what experiences and lessons learned since leaving DHS will you bring to the position of Secretary?

As White House Principal Deputy Chief of Staff, I have seen first-hand, at the highest level of the Executive Branch, the importance of a consistent, predictable, effective and efficient interagency policy process. It is also vital that authority, resourcing, operational information and institutional memory be provided from the Departments and Agencies to inform Presidential decision making. Policy cannot be made in a vacuum. It is similarly vital that the President be enabled to make informed decisions and staffing processes must enable varied voices to be heard and incorporated into policy position options. I also continue to see how robust and continual communication between the Executive and Legislative branches supports an effective legislative process.

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

My proven ability to build coalitions of the willing consisting of diverse stakeholders activated towards achieving a common goal or mutually desired outcome - despite otherwise unaligned interests. I would also offer that my ability to assess and articulate the implications and potential long-term consequences of policy and strategy decisions on resourcing, authorities, roles and responsibilities, and operations has been a key to my career successes. Finally, staying true to my core beliefs and values and providing my best advice and analysis regardless of the popularity of my position.

7. What do you consider your greatest failure as a leader? What lessons did you take away from that experience?

I am very passionate about the mission and at times have put that before all else.

8. Please list the following information for your positions at Haynes and Boone, LLP; the Transportation Security Administration; the George W. Bush White House; Mannatech, Inc.; Civitas Group, LLC; McNeill Technologies/Civitas Group, LLC; Sunesis Consulting, LLC; Obsidian, A Cadmus Company; the Department of Homeland Security beachhead or transition team; the Department of Homeland Security; and the Donald J. Trump White House:

- a. Please describe your role and responsibilities in the position.
 - **Haynes and Boone, LLP. I was an associate in the Corporate Practice Group and International Working Group. I negotiated and drafted documentation of acquisitions of both assets and stock of and by privately held and public companies, domestic and cross-border mergers, including mergers for cash and stock and forward and reverse triangular mergers and venture capital transactions including debt and equity financings. I represented emerging, privately held and public companies in general corporate and securities matters including corporate organizations**

- and enterprise formation, Securities and Exchange Commission compliance, corporate governance, capitalizations and the adoption of stakeholder agreements and stock option plans
- **Transportation Security Administration.** I was the Senior Legislative Policy Director within the Office of Security Regulation and Policy. In that role, I created and managed the Office of Legislative Policy and drafted transportation security related legislation, Congressional testimony, and responses to hearing questions and participated in Congressional briefings. I also created and managed the TSA Liaison Office, served as the TSA liaison to the DHS Inspector General and the Government Accountability Office and coordinated all TSA-related audit inquiries.
 - **George W. Bush White House.** Please see my complete answer to question #7 of the Majority Questionnaire that fully describes my role and duties.
 - **Mannatech, Inc.** I purchased real food supplements (glyconutrients) from Mannatech on a monthly basis.
 - **Civitas Group, LLC.** I was the President of Homeland and National Security Solutions and General Counsel. I practiced general corporate and government contracting law on behalf of the company. I advised senior government officials on the development and assessment of strategies, policies, plans, and tabletop exercises to protect against, prevent, respond to and recover from all hazard events. I also advised senior executives of private sector companies, non-profit organizations and non-governmental organizations on the development and assessment of strategies, policies, plans, and tabletop exercises to prepare for all hazard events, and assessed their entity's level of preparedness.
 - **McNeill Technologies/Civitas Group, LLC;** I was a subcontractor to McNeill Technologies on a contract with the Defense Department. I provided consulting services related to the development of national security exercise scenarios and in the execution of exercises.
 - **Sunesis Consulting, LLC.** As President and Founder of Sunesis Consulting, LLC, I advised senior government officials and senior private sector officials on the development, assessment and execution of preparedness strategies, policies, plans, tools and tabletop exercises to prevent, protect against, respond to, and recover from all hazard events with a focus on cybersecurity, critical infrastructure and emergency preparedness and response. I also assessed and analyzed various entities' preparedness for all hazard events and developed recommendations to address any gaps or inefficiencies.
 - **Obsidian, A Cadmus Company;** I was a subcontractor to Obsidian on a contract with DHS. I provided consulting services related to the development of national security exercise scenarios and in the execution of exercises.
 - **Presidential Transition Team (To be accurate I was not a member of the DHS beachhead team);** I volunteered (uncompensated) with Trump for America, Inc. to assist the DHS Secretary nominee with the confirmation process. I began as an official volunteer on November 29, 2016 and assisted the DHS nominee through his confirmation process.
 - **Department of Homeland Security.** I served as the Department's Chief of Staff. In that role, I oversaw 240,000 employees, directly managed 65 people but had resourcing and budget related decision-making authority and responsibility for the Office of the Secretary and Executive Management, made up of ten offices, 585 personnel and with a budget of \$137 million (FY 2017 enacted). I served as the principal advisor to the Secretary on all Department risk, policy and operational issues, helped to stand up the new Secretary's office and to transition employees, programs and processes to meet the needs of the Secretary and the Trump Administration and

worked with the National Security Council and federal partners on interagency policy coordination.

- **Donald J. Trump White House.** I currently serve as an Assistant to the President and the White House Principal Deputy Chief of Staff. I manage the Office of the Chief of Staff, oversee policy development and implementation, and serve as the principal advisor to the Chief of Staff and a senior advisor to the President.
- b. Please describe who you reported to and where your position fit in within the hierarchy of the organization. Please include individuals to whom you directly reported and relevant dates.
- **Haynes and Boone, LLP. 1999-2002.** I was an associate and reported to various senior partners.
 - **Transportation Security Administration. 2002-2004.** I reported to Joe Hawkins, the Director of the Office of Security Regulation and Policy, which was within the Office of Transportation Security Policy at TSA.
 - **George W. Bush White House. 2004-2007.** I reported to Fran Townsend, the Homeland Security Advisor. I was part of the Homeland Security Council staff which at the time was housed within the White House Office, within the Executive Office of the President.
 - **Mannatech, Inc. 1/1997-5/2005; 5/2007-2011.** I purchased real food supplements (glyconutrients) from Mannatech on a monthly basis.
 - **Civitas Group, LLC 2007-2012.** I reported to the CEO of Civitas. I was a partner and part of the senior leadership team. I ran the government contracting business and the private sector preparedness business lines.
 - **McNeill Technologies/Civitas Group, LLC. 5/2007-5/2010** I was a subcontractor.
 - **Sunesis Consulting, LLC 2012-2017.** I was the President.
 - **Obsidian, A Cadmus Company. 2016-2017** I was a subcontractor.
 - **Presidential Transition Team (11/29/16-1/20/17).** Volunteer. I reported to Eric Ueland as a member of the "sherpa" team assisting with Cabinet confirmations.
- c. Did someone recruit you for the position? If so, please describe the process.
- **Haynes and Boone, LLP.** I participated in the law firm recruiting process during law school. A representative from Haynes and Boone came to campus and interviewed me. I then flew to Texas for an interview.
 - **Transportation Security Administration.** I was asked to interview for a job at TSA and participated in three interviews.
 - **George W. Bush White House.** I was asked to interview for a job within the White House and participated in three interviews.
 - **Mannatech, Inc.** My mother suggested that the products offered by Mannatech may support my health.
 - **Civitas Group, LLC.** I was asked to interview and participated in multiple interviews.
 - **McNeill Technologies/Civitas Group, LLC.** N/A
 - **Sunesis Consulting, LLC.** I am the founder.
 - **Obsidian, A Cadmus Company.** N/A
 - **Presidential Transition Team.** I volunteered to help with the Administration transition.

- **Department of Homeland Security. General Kelly asked me to be the Chief of Staff of the Department.**
- **Donald J. Trump White House. General Kelly asked me to be the WH Principal Deputy Chief of Staff.**

d. In this role, what was the largest number of people that you directly managed at any one time?

- **Haynes and Boone, LLP: 1**
- **Transportation Security Administration: 3-5**
- **George W. Bush White House: 6**
- **Mannatech, Inc. N/A**
- **Civitas Group, LLC: 15**
- **McNeill Technologies/Civitas Group, LLC: N/A**
- **Sunesis Consulting, LLC: 12**
- **Obsidian, A Cadmus Company: N/A**
- **Presidential Transition Team: N/A**
- **Department of Homeland Security: See my complete answer to Question #6 of the Majority Questionnaire**
- **Donald J. Trump White House: See my complete answer to Question #6 of the Majority Questionnaire**

e. In this role, what was the largest number of people that directly reported to you at any one time?

- **Haynes and Boone, LLP: 1**
- **Transportation Security Administration: 3-5**
- **George W. Bush White House: 6**
- **Mannatech, Inc. N/A. See also my answer to Question #12 below.**
- **Civitas Group, LLC: 15**
- **McNeill Technologies/Civitas Group, LLC: N/A**
- **Sunesis Consulting, LLC: 12**
- **Obsidian, A Cadmus Company: N/A**
- **Presidential Transition Team: N/A**
- **Department of Homeland Security: See my complete answer to Question #6 of the Majority Questionnaire**
- **Donald J. Trump White House: See my complete answer to Question #6 of the Majority Questionnaire**

f. Please describe the circumstances of your departure from the organization.

- **Haynes and Boone, LLP. I moved back to DC in search of a way to help the federal government after the attacks of 9/11.**
- **Transportation Security Administration. I changed jobs and took a position at the White House.**
- **George W. Bush White House. I changed jobs and took a position in the private sector.**
- **Mannatech, Inc. I no longer needed the supplements. See also my answer to #12 below.**
- **Civitas Group, LLC. My business lines at Civitas were sold and I started a new company.**

- McNeill Technologies/Civitas Group, LLC. N/A
- Sunesis Consulting, LLC. I was appointed as the DHS Chief of Staff.
- Obsidian, A Cadmus Company. N/A
- Presidential Transition Team. I was appointed as the DHS Chief of Staff.
- Department of Homeland Security. I changed jobs to work at the White House.
- Donald J. Trump White House. N/A

Ethics

9. During your tenure at TSA, the George W. Bush White House, the Department of Homeland Security or the Donald J. Trump White House, were you required to sign an ethics agreement(s)?

I do not recall having to sign any ethics agreement at TSA other than standard federal employment forms. I was required to sign the standard ethics agreement required of commissioned officers when I became a commissioned officer at the Bush White House. I signed an ethics pledge at DHS when I joined the current Administration, and have provided a copy too the Committee of the signed pledge. I signed an acknowledgment form of the standards of ethical conduct when I moved to my present position at the White House and have provided the Committee a copy of that signed form. I was not required to sign a separate ethics agreement at DHS when I became a member of the Trump Administration nor at the White House when I moved to my current role. The Committee has a copy of my signed OGE ethics agreement for the current nomination.

- a. If so, did you sign any such ethics agreement(s)?

See above.

- b. If so, please provide a copy of your signed ethics agreement or a description of the applicable provisions related to outside employment and restrictions on former officers, employees, and elected officials of the executive branch.

I have not retained a copy of the ethics agreement I signed as a commissioned officer at the White House in the Bush Administration. I do recall I had no "particular matter" restrictions based on my position at the White House. I have provided copies of the signed Ethics Pledge, the Executive Office of the President (EOP) "Employee Acknowledgment of Standards of Conduct Requirements" form, and the signed OGE Ethics Agreement related to my nomination to the Committee.

Federal Contracting Experience

10. In your biographical questionnaire, you describe several positions in which you worked as a "federal contractor." During the course of your tenure as a federal contractor did you consult, advise, assist or support any client in their interactions with the White House, TSA or DHS? If so, please describe that work.

For my clients who were prime contractors and for whom I worked as a subcontractor, I provided services pursuant to the federal contract. In performance of some contracts, I interacted with

government officials. I also supported some clients' (potential prime contractors) business development efforts by helping them understand mission requirements and in one case supported the drafting of an unsolicited proposal.

- a. Prior to or following your departure from the Bush Administration, did you consult with any federal ethics officials regarding how to comply with federal conflict of interest laws and guidance in your work in the private sector? If so, what advice, if any, did you receive?

As is customary, I received an ethics out brief from WH Counsel prior to departing from government service. I do recall a determination that I did not work on any "particular matter" that might additionally restrict my ability to work on particular federal contracts after my government service.

- b. During your tenure in the private sector did you consult, assist or otherwise work on any federal contracts or solicitations on behalf of an employer or client? If so, please list each client or employer, the contract, the contract number, the contracting agency, the amount of the contract and describe your work on the contract including whether your client or employer fulfilled the contract in its entirety.

I supported the development of proposals in response to various solicitations in accordance with formal teaming agreements with potential prime contractors and other subcontractors. Any records pertaining to federal contracts with my former employer Civitas are no longer available to me as they were the property of the company, which has ceased operations. At Sunesis, as a subcontractor, I was not privy to the overall prime contract information, only to the portion of work that was subcontracted to Sunesis.

I will provide a chart to the Committee that includes information on the two prime contracts that Sunesis held with the federal government. Additionally, I have attempted to provide on it the most complete list of federal work subcontracted to Sunesis, the prime contractor in each case, and the overall contracting agency or program.

- c. Were there any matters during your tenure in the private sector that you were recused from working on as a result of your prior work in the White House or at TSA? If so, please describe.

As is customary, I received an ethics out brief from WH Counsel prior to departing from government service. I do recall a determination that I did not work on any "particular matter" that might additionally restrict my ability to work on particular federal contracts after my government service and did not need to recuse myself from any particular opportunity.

- d. Were there any matters during your tenure as a federal employee that you were recused from working on as a result of your prior work in the private sector? If so, please describe.

I was mindful of and have abided by the Ethics Pledge I signed when joining the Trump Administration, I have provided the Committee with a signed copy of that document. During my tenure as Chief of Staff at DHS, I was aware of the recusals set forth in the Ethics Pledge that I signed potentially impacting my interactions with my former employer and clients. I was also aware of the potential recusals that might arise relating to government matters involving certain

organizations with which I had recently been an active participant. Other than a small number of requests for meetings and speaking engagements, which were referred to other DHS senior leadership, there were no other matters from which I was recused as a result of my prior work in the private sector. There were no particular matters that I was required to recuse myself from while working at TSA or the Bush White House or the Trump White House that I recall.

- e. During the course of your work in the private sector did you interact with White House, TSA, or DHS personnel on client or employer matters outside of contracting? If so, please describe.

I do not recall interacting with government personnel on client or employer matters outside of contracting. I occasionally spoke on panels with government officials and participated in think tank and subject matter expert discussions where government officials were present and/or participated. My other interactions with government personnel tended to be at occasional social gatherings of former and current personnel such as the "DHS Generations" events and did not concern client or employer matters.

White House (43)

11. During your tenure at the Bush White House, the United States experienced one of the most devastating natural disasters in its history in Hurricane Katrina.

- a. Please describe your position at the White House before, during, and after Hurricane Katrina. Please include details explaining your title, your responsibilities, and who you reported to, as well as a description of your role in the White House response to Hurricane Katrina and the drafting of the report titled: "The Federal Response to Hurricane Katrina: Lessons Learned."

Please see my response to the Majority Questionnaire # 7. I contributed to the Lessons Learned as a close observer of the federal response and as the Senior Director responsible for related interagency policy issues.

- b. How would you assess the Bush Administration's response to Hurricane Katrina? How would you assess your own performance as Special Assistant to the President and Senior Director for the Homeland Security Council in the Executive Office of the President during Hurricane Katrina?

I agree with, co-authored and edited the White House Katrina Lessons Learned Report describing what went right and what went wrong with the federal response and recommending ways in which the federal government's response can be more effective. While on the Homeland Security Council staff I was not part of the operational or tactical chain of command for DHS and FEMA relief efforts. Within my authorities and responsibilities as a Senior Director, I was effective in adjudicating interagency policy disagreements and in coordinating the resolution of open policy issues. As Senior Director, I chaired a call of White House personnel each day to describe the facts as we knew them, answer any questions, and "direct traffic", to include requests for assistance and additional requests for information, to the appropriate Department and Agency for action. I also chaired various Policy Coordinating Committees to identify and determine Administration policy on a variety of issues raised – some for the first time, given the size and scope of the storm and the resulting damage. My goal was to support the DHS and other federal partners' operational efforts by convening and coordinating decisions regarding policy issues so

that the operators could focus on response and recovery operations. I also worked with Departments and Agencies to streamline information flow more generally so that our mutual situational awareness of what was happening was both accurate and timely.

Mannatech, Inc. (Mannatech)

12. According to your biographical questionnaire, you were an associate for Mannatech during your tenure at TSA and the White House. Did you request approval from your supervisors at TSA or the White House regarding your employment at Mannatech while serving in the government? If so, what was the response?

I purchased supplements from Mannatech on a monthly basis. I discussed my affiliation with Mannatech with TSA officials when I became an employee. No issue was raised. When I became a commissioned officer at the WH, I again reviewed with WH attorneys and, out of an abundance of caution, they asked if I would be willing to forego ordering supplements for the time during which I was a commissioned officer.

- a. During your tenure as a federal employee, did you sell Mannatech products to any other federal employees or recruit any other federal employees to become Mannatech associates? If so, please explain.

No

- b. During your tenure as a federal employee did you use any federal resources, including, but not limited to, official time, your government issued computer, your government issued phone or your government office to support your work as an associate for Mannatech?

No

- c. In 2008, Mannatech entered into an agreement to settle claims that the company allowed false claims to be made about the supplements. During your tenure at Mannatech, were you aware of allegations that the company allowed false or misleading claims to be made about its products? Were you aware of the settlement that resulted from this behavior? Why did you continue to work for the company until 2011?

I was not aware. I purchased supplements on a monthly basis from Mannatech until 2011 when I no longer needed them.

- d. According to your biographical questionnaire, you claimed a period of "unemployment" between June 1999 and August 1999 following your graduation from law school as well as between June 2002 and July 2002 following your tenure at Haynes and Boone, LLP. Both of your periods of "unemployment" overlap with a period when you worked as an associate at Mannatech, Inc. Please explain this discrepancy.

I purchased supplements from Mannatech on a monthly basis- I did not consider it 'employment' as I only used my associate membership to order products for personal use. Because I received a 1099 form from Mannatech pursuant to which I paid required taxes, out of an abundance of caution, I listed it on my biographic form to the Committee. Because I did not consider it to be

employment, I listed the time I was studying for my bar exam (in 1999) and the period during which I sought a federal job (in 2002) as periods of unemployment.

Civitas Group, LLC

13. Regarding your role as “President and General Counsel” for Civitas Group, please provide a copy of the K1 and partnership agreement for Civitas Group.

A copy of my 2014 Civitas K-1 has been provided to the Committee. Civitas Group has ceased operations and a copy of the operating agreement is not available to me.

Sunesis Consulting, LLC

14. Were you the owner of Sunesis Consulting, LLC company? If so, what was your ownership stake in the business and what was the ownership stake of any of your partners or investors?

I am, and have always been, the 100% owner of Sunesis.

15. Were any of the contracts that you worked on while with Sunesis awarded under a set aside? If so, please list which set aside.

Yes. Economically Disadvantaged Woman Owned Small Business

16. During your tenure at Sunesis, did you designate the company as a woman-owned or small disadvantaged business?

Sunesis was certified as an Economically Disadvantaged Woman Owned Small Business.

a. If so, please identify the period in which the company maintained this designation.

2012-2017

b. Please describe upon what basis Sunesis qualified as a woman-owned or small disadvantaged business under the applicable federal regulations.

Sunesis was certified as an Economically Disadvantaged Woman Owned Small Business under the appropriate regulations issued by the Small Business Administration.

c. Was Sunesis certified as a woman-owned or small disadvantaged business by the Small Business Administration or any other agency? If so, please provide documentation confirming this designation.

Sunesis was certified as an Economically Disadvantaged Woman Owned Small Business. I have provided the Committee with a copy of documentation confirming the designation.

DHS Beachhead Team

17. You were identified as a member of the “beachhead team” for the Trump Administration at DHS. Did you serve on the “beachhead team” for DHS? If so, when did your tenure on the beachhead team begin and end?

I did not serve on the Department of Homeland Security beachhead team. Beachhead teams were individuals identified by the Presidential Transition to enter on duty at Departments prior to the confirmation of the Agency Head. I entered on duty with the Secretary as the Department’s Chief of Staff.

a. As a member of the beachhead team, were you involved in the development or implementation of any proposed policy, legislative, or budget initiatives? If so, please list them and describe your role in the process.

I did not serve on the Department of Homeland Security beachhead team. I entered on duty with Secretary Kelly as the Department’s Chief of Staff.

b. You also worked directly for former DHS Secretary John Kelly and advised him during his confirmation process to serve as Secretary of DHS. When did you begin that role? What did this role entail? Were you a DHS employee at this time?

I volunteered (uncompensated) with Trump for America, Inc. to assist the DHS Secretary nominee with the confirmation process. I began as an official volunteer on November 29, 2016 and assisted the nominee through the confirmation process. I supported the nominee as an uncompensated volunteer through Trump for America, Inc. and was not a federal employee during the transition period.

c. Were you paid for your services on the beachhead team? What agency or entity paid you when you worked on the beachhead team or when you worked for former DHS Secretary Kelly?

I did not serve on a beachhead team. I entered on duty with Secretary Kelly as the Department’s Chief of Staff and was paid as a federal employee by the Department of Homeland Security.

Department of Homeland Security

18. In your role as Chief of Staff at the Department of Homeland Security:

a. Did you divest from any of your financial holdings prior to beginning your employment with DHS in order to address actual and potential conflicts of interest?

No divestiture was required.

b. What do you consider your greatest success and greatest failure in this role? What lessons did you take away from each experience?

I am proud of the team we assembled as part of the Trump Administration and the processes and procedures created to support General Kelly as Secretary. I am also proud of the relationship building activities and discussions with Mexico and Northern Triangle countries. There are

programs and initiatives that I had hoped to see reach fruition – should I be confirmed, I hope to continue them.

- c. In your capacity as DHS Chief of Staff, what inquiry or actions did you take with respect to the DOMino contract?

As best I can recall, I did not take any actions and do not recall making any inquiry with respect to the DOMino contract.

White House (45)

19. In your role as Principal Deputy Chief of Staff in the Executive Office of the President, what do you consider your greatest success and greatest failure in this role? What lessons have you taken away from each experience?

I conducted an assessment of the various policy processes in place and worked to streamline and align efforts and develop processes where needed so that Administration policy decisions are reached after a careful examination of related information and perspectives. See also my answer to question # 5.

20. Did you divest from any of your financial holdings prior to beginning your employment with White House in order to address actual and potential conflicts of interest?

No divestiture was required.

Positions Held Outside United States Government

21. Please describe your role and responsibilities in any positions hold outside of the United States government for the last ten years, including, but not limited to: (a) Res/CON, Greater New Orleans Inc; (b) Trump for America, Inc.; (c) World Economic Forum; (d) Cyber Institute, National Cybersecurity; (e) Center for Naval Analyses Safety and Security Advisory Board; (f) North Atlantic Treaty Organization (NATO); (g) World Economic Forum; and (h) George Washington University; among others.

Please see the detailed information I have provided to the Committee in my biographic questionnaire, which lists my affiliation with all of the above.

Accountability

22. During your career as a federal employee or as a member of the beachhead team, have you ever used a personal email account or device to conduct official government business?

Not to my knowledge.

- a. If so, please list in what government positions you have used a personal email account or device to conduct official government business, describe your general practice for doing so, and what specific steps you have taken to ensure that federal records created using personal devices and accounts were preserved.

In general, if I see that I have received an email on a personal account discussing official government business I forward the email to my work email address. If the official government communication is via text, I have taken a screen shot of the text and sent it to my work account.

- b. During your tenure as a federal employee or member of the beachhead team, have you used a smartphone app including, but not limited to, WhatsApp, Signal, Confide, and others that support encryption or the ability to automatically delete messages after they are read or sent, for work-related communications? If so, please indicate which application, when it was use, how often and with whom.

I have not used such apps to conduct official government business to my knowledge.

23. During your career, has your conduct as a federal employee ever been subject to an investigation, audit, or review by an Inspector General, Office of Special Counsel, Equal Employment Opportunity Commission, Department of Justice, or any other federal investigative entity? If so, please describe the review and its outcome.

I have never been the subject of such an investigation, audit or review to my knowledge.

24. During your career as a federal contractor, has your employer or a client been subject to suspension or debarment arising from a contract or solicitation that you worked on, been cited for failing to fully perform on a contract that you worked on, or received a less than satisfactory rating on any contract on which you consulted or performed?

No, not to my knowledge.

25. If confirmed, do you pledge to implement recommendations made by the Office of Inspector General, the Office of Government Ethics, the Office of Special Counsel and the Government Accountability Office?

Should I be confirmed, I commit to doing so. See, also my answer to Question #52 of the Majority Questionnaire above.

26. Please list any public social media accounts and their handles that you have used or maintained at any point during the past three years. This should include any public accounts bearing your name or an alias.

I have a public Linked In account in my name. I have an inactive Twitter account and have provided the handle to the Committee separately.

27. Have you ever received a formal performance review related to your management experience? If so, please list the position and describe the outcome of the review.

Not that I recall.

IV. Policy Questions

Management

28. What role do you believe the Secretary should have in reviewing or having input on executive actions or other administration policies that impact DHS?

I am a firm advocate of a robust policy process. I believe all Departments and Agencies with a potential role, responsibility or equity related to a policy issue should be included in the process to determine the Administration policy and have the opportunity to suggest revisions, additions and/or comments for consideration.

29. If confirmed, do you commit to ensuring that the DHS Privacy Office and the Office of Civil Rights and Civil Liberties are appropriately consulted on the review of DHS products such as guidance, protocols, and implementation memoranda?

I do commit to ensuring these offices are properly engaged. Please see also my response to Majority Question #24.

30. DHS is one of the largest governmental agencies, with the largest number of law enforcement personnel in the federal government and over 240,000 employees. Please describe in detail what management experiences qualify you to be Secretary of Homeland Security. Please include the date and duration of each experience, the number of individuals you supervised, and your role in coordinating their activities.

Please see my detailed responses to Majority question # 5 and #6 and Minority Question #8 above.

31. In many areas, the responsibilities of the Department intersect with those of other cabinet departments. For example, while the Secretary of Homeland Security and the Federal Emergency Management Agency (FEMA) are broadly responsible for coordinating emergency management and incident response activities, various federal departments, including the Department of Health and Human Services, Department of Agriculture, and Environmental Protection Agency have statutory requirements and lead roles based upon the unique circumstances of each incident. What experience do you have working across departments and components? Please provide unclassified examples of ways in which you were successful in coordinating a multi-agency approach to an issue.

Please see my detailed responses to Majority questions #5 & #7 above.

32. GAO and the DHS Office of Inspector General play important roles in assisting Congress in overseeing DHS operations and management. As Secretary, how will you work to ensure that GAO and the Inspector General have the access they need to carry out their evaluation, audit, and investigation functions?

If confirmed, I pledge to work closely with the GAO and the Office of Inspector General in their roles in assisting Congress in oversight of DHS operations and management. Please see my complete detailed responses to Majority questions #49-#52 above.

- a. Will you support additional resources for the DHS OIG to conduct oversight of disaster relief efforts in the wake of Hurricanes Harvey, Irma, and Maria?

If confirmed, I will give full consideration to any request by the IG for additional resources or reallocation of resources required for oversight of the Department's operations.

- b. Do you believe that when a Department's total budget authority increases, the budget for its Office of Inspector General should increase proportionally?

The Office of Inspector General should always be resourced to properly carry out the evaluation, audit and investigation functions it performs in oversight of the Department. If confirmed, I will give full consideration to any request by the IG for additional resources or reallocation of resources required for oversight of the Department's operations.

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

I believe that human capital management strategies should comprehensively address technology, resource and policy/processes needs to ensure the recruiting, managing, and developing of employees are optimized. Should I be confirmed, one of the greatest challenges and opportunities in the area of human capital management at DHS is to ensure that the fine men and women of DHS have clarity of mission, are empowered to perform their duties, have all the necessary tools to do their jobs and are both held accountable and acknowledged for their performance. I see these actions as essential to strong job satisfaction and high employee morale. Another principal challenge is improving our ability to recruit, hire and retain talented people. We need to adapt our hiring systems to meet a rapidly changing hiring environment and identify innovative ways to attract key skill sets- such as those needed for the cybersecurity mission. If confirmed, I look forward to working with the Under Secretary of Management to align human capital objectives across components, the Chief Human Capital Officer and Department leadership as well as OPM, OMB and Congress on creative solutions.

- a. What new initiatives would you take, if confirmed, to identify and address the root causes of low morale among DHS employees?

I was thrilled to learn that DHS employee GSI rose 6 percent in the most recent FEVS survey. During my service as the Department's Chief of Staff, we initiated a leadership employee listening tour by the DHS Deputy Secretary. This tour reinforced the need for Department leadership to clearly articulate objectives, hold people accountable and acknowledge success. If confirmed, I look forward to fully re-engaging in this initiative to identify what the Department has learned and to develop specific implementation steps the Department can take on issues identified.

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

I am honored to be the first former DHS employee nominated to lead the Department. My service at TSA, as the Department's Chief of Staff, and as the White House Principal Deputy Chief of Staff has provided me an extensive understanding of workplace challenges at a principal level and departmental and component levels. If confirmed, I will use these experience to identify, assess and address employee concerns and bring forward substantive solutions. I have found fostering an environment of respect and trust, providing ways in which voices can be heard and engaging with employees at various levels to be vital to identify and address workforce challenges.

34. DHS's CIO does not report to the Secretary of DHS. If confirmed as Secretary, will you elevate the role of the DHS CIO and ensure you have a direct line of communication with the Department CIO?

The Department's CIO is a Presidential appointment. I understand the President recently appointed an individual from the Defense Department as the DHS CIO with whom I look forward to meeting and working with, if confirmed. The CIO's job is extremely important at DHS at a time when we depend so much on technology for our mission and when our own networks and devices may be attacked. The DHS CIO, to be effective, must work closely with his or her counterparts at the components as well as with DHS's senior leadership team to include the Secretary. If confirmed, I would plan to have a direct line of communication with the CIO regardless of the formal reporting structure and would ensure that the CIO is also in close communication with the leadership at NPPD as they execute their mission to protection civilian federal networks. If confirmed, I plan to review the organizational chart as a whole in consultation with Congress and DHS leadership to ensure that it adequately enables and supports the missions, roles and responsibilities of DHS leadership and would certainly be open to considering any changes that may be necessary.

35. According to recent press reports, the White House hosted a reception for you following the President's announcement of his intention to nominate you to be DHS Secretary and the White House billed DHS for the cost. These reports also noted that some DHS officials expressed concern about being pulled from doing post-hurricane recovery work to attend this event.

There appears to have been some inaccurate press reporting on the funding of the announcement reception. As I understand it now, although a routine partial reimbursement request was sent in advance of the event via staff in White House management and administration to DHS and approved at DHS, DHS funds were not actually used to pay for the event. I am told it was paid for entirely out of the White House residence allowance for such events and there will not be any DHS reimbursement.

- a. Please list the names of any FEMA and DHS employees that attended the White House reception in your honor who have a role in the federal government's post-hurricane recovery efforts.

I did not have a role in organizing the event and did not see an attendee list. I understand that all of DHS senior leadership was invited per protocol, but that several who were most engaged on hurricane response efforts did not attend, including FEMA Administrator Long and Acting Secretary Duke who were in Puerto Rico at the time. There were two senior FEMA officials who attended the announcement event to my knowledge. Obviously, such attendance was voluntary and the leadership was invited as is traditional for a Cabinet announcement.

- b. Please list any other similar receptions that you've attended for President Trump's nominees for a presidentially appointed Senate confirmed position.

I have personally not attended any similar receptions since joining the White House at the end of July. Mine was the first cabinet level nomination to be announced during that time.

- c. As White House Deputy Chief of Staff or DHS Chief of Staff have you had a role in organizing any similar receptions that the White House has hosted for President Trump's nominees for a presidentially appointed Senate confirmed position? If so, please indicate which ones, and whether and how much the relevant agency was billed for the event.

I did not have a role in organizing this or any similar reception. As far as I understand, the Office of Presidential Personnel deferred to the White House Social Secretary's office to conform to protocol past practice because of the attendance of the President and First Lady.

36. While you served as Chief of Staff for then-Secretary of DHS John Kelly, please describe the Executive Order Task Force, its responsibilities, the number of DHS officials assigned to it, and your relationship with it. What were its accomplishments and how could it be improved?

The Executive Order Task Force was created to ensure that a dedicated group of personnel tracked the requirements of various Executive Orders which assigned roles or actions to DHS. The Task Force was created to work with and through the various DHS components to ensure effective and efficient Executive Order implementation. I do not recall the specific number of DHS officials assigned to it at any one time. I reviewed the Executive Order implementation status updates.

37. While working at the White House in this Administration, did you ever inform the President that a public statement that he made was inaccurate? Which one(s)? If not, why not?

In light of the confidentiality interests that attach to Executive Branch decision-making, I am unable to reveal the substance of conversations I had with the President or other presidential advisors during the course of my time at the White House. It is critically important, in my view, that the President is able to receive confidential advice without concern that the advice might later be divulged. I have always been honest and candid in my interactions with the President and will continue to do so as the Secretary of Homeland Security, if confirmed.

Federal Emergency Management

38. Do you believe that man-made climate change has contributed to the growth in the frequency, magnitude, and financial impact of natural disasters in recent years? If yes, please explain how FEMA can use this information to improve preparedness. If no, please explain why not.

I would not want to speculate on the science or causation of existing climate change, as I am not a scientific expert. But I know from experience that FEMA works very closely with interagency partners to include NOAA for weather disaster response and who pay close attention to weather patterns and trends. This relationship plays a critical role in allowing FEMA to enhance its preparedness for disaster response and relief. The modeling of storm paths and severity is just one example of how FEMA draws on its interagency relationships to improve its responsiveness.

39. In the span of four weeks, Hurricanes Harvey, Irma, and Maria brought unprecedented devastation to communities in Texas, Florida, Puerto Rico, the U.S. Virgin Islands, and surrounding areas. In early October, the deadliest series of wildfires in California history ravaged the state, causing more than \$1 billion in insured losses.

- a. Please describe your role in these recovery efforts in the current administration.

Prior to my nomination, as Principal Deputy White House Chief of Staff, my role during recovery efforts was to help focus White House staff in the appropriate policy councils on interagency

policy issues. I specifically sought to address unresolved or conflicting policy issues to enable federal departments and agencies to bring to bear resources to support state, territorial and local authorities as they took the necessary steps to begin the process of recovery. I also, on behalf of the Chief of Staff's Office, reviewed requests for Emergency and Major Disaster Declarations and related Administration recommendations.

- b. What is your evaluation of the initial interagency response to these four events?

The initial interagency response to these four events was positively influenced by lessons-learned from previous disaster relief and recovery efforts to include clear mission assignments and accountability for federal authorities, prepositioning commodities and rescue teams, robust federal interagency coordination, and reinforcement of the primacy of state, local, tribal and territorial governmental, and non-governmental authorities.

- c. What do you see as notable successes and failures by the Trump Administration and DHS regarding the initial response to these four disasters?

A distinguishing factor in this Administration's response was the strong partnership with and support for state, local, tribal and territorial authorities by federal government entities. The clear assignment of missions and flexible partnerships between and among levels of government enabled quick and thorough responses. The sheer magnitude of three hurricanes in a short period of time added to the complexity of response. If confirmed, I will review the gaps, overlaps, and vulnerabilities in the response to these disasters and any recommended corrective actions identified by the Administration and DHS as part of a formal lessons learned process. If confirmed, I will also look forward to working with the Committee and Congress to evaluate areas where DHS can continue to improve.

- d. In your view, was the timeliness of the federal government's response to Hurricane Maria adequate? Why or why not?

In my opinion, yes, the federal government's response to Hurricane Maria both before and after the hurricane hit was timely. Hurricane Maria presented some unique disaster relief and recovery challenges resulting from the magnitude of the storm, the logistical challenges presented by having to move all resources to an island by sea or air and then distributing commodities in the face of unprecedented destruction, and the severe devastation of the Commonwealth's aging power grid.

40. What do you believe the role of the federal government should be in long-term recovery efforts and what metrics should the government use to determine whether federal responsibilities have concluded for providing assistance after a natural or man-made disaster?

The role of the federal government in long-term recovery is established in both statute, through the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, and in doctrine, through the National Disaster Recovery Framework developed in pursuant to Presidential direction. Federal agencies participate in and support recovery planning, capacity building, and mitigation efforts through technical assistance, expertise, or other assistance as requested and needed. I would offer that it is

important for the Federal Government to encourage recovery actions that not only assist in immediate recovery needs but reduce future risk from hazards and increase resilience while remaining consistent with national laws and policies. With regard to metrics for determining when federal responsibilities to provide assistance have concluded, the duration and extent of federal support is determined in part by the scale and enduring impacts of the incident, on the ability of the community to sustain recovery efforts on its own, and in conjunction with requests from State, local, tribal and territorial governments.

41. To what degree do you believe the federal government should be financially responsible for restoring the power grid, repairing damaged water lines, and meeting other disaster-related needs in Puerto Rico?

As I understand it, under current law through FEMA's Public Assistance program, the federal government will reimburse the Commonwealth for expenses incurred in restoring the power grid, damaged water lines and other disaster-related needs in Puerto Rico to pre-hurricane conditions, meeting all applicable standards and codes. That reimbursement is generally subject to a federal/non-federal cost share.

42. Prior to the landfall of Hurricane Maria on Puerto Rico, were all buildings on the island inspected for safety? If so, by what entity?

In general, as local governments are responsible for setting and enforcing building codes, the question is probably best addressed to Commonwealth authorities. From a DHS perspective, FEMA does offer grants in the area of hazard mitigation to help address infrastructure safety concerns.

43. What steps should the federal government take, in your opinion, to ensure that infrastructure repairs made in disaster-affected communities are made to better withstand future disasters?

It is my understanding that the federal government is limited by existing authorities of the Stafford Act to repair infrastructure to a new standard of resilience. Funding is available to State and Commonwealth authorities to enhance resilience and fund hazard mitigation through such programs as the Hazard Mitigation Grant Program. If confirmed I look forward to working with State and Commonwealth authorities on the existing programs and with Congress on any additional necessary authorities.

44. What is your view of the "disaster deductible" concept, which would condition states' receipt of FEMA reimbursement on their ability to adopt specific mitigation and resiliency measures, such as updated building codes and stricter insurance requirements? If confirmed, will you support advancing the deductible concept through the federal rulemaking process?

If confirmed, I will work to better understand the details and policy and operational implications with this committee and other stakeholders before offering an opinion. In my experience, there are many factors that can contribute to state and local resilience and mitigation capability, and I would want to fully understand the implications of each before determining whether the proposal has merit.

45. Do you support repealing the Federal Flood Risk Management Standard? Why or why not?

I believe that federal infrastructure and investments should be protected from flood risk in a cost effective manner. The President repealed E.O. 13690 because of concerns from Congress and others regarding the overly burdensome regulatory process the E.O. had spurred. It continues to be important

for federal, state, local, and territorial governments as well as the private sector to make smart investments in resilience and to raise building codes and practices consistent with those interests. If confirmed I look forward to conferring with Congress and other stakeholders to ensure we effectively address flood risk.

46. The President's FY 2018 budget request, if enacted, would reduce funding for FEMA's Pre-Disaster Mitigation Grant Program by more than \$60 million and would completely eliminate the discretionary appropriation for FEMA's Flood Hazard Mapping and Risk Analysis (Risk MAP) program. What do you see as the federal government's role in funding pre-disaster mitigation activities and flood hazard mapping? Do you support reducing funding for these two programs? Why or why not?

The federal government should continue to support pre-disaster mitigation activities and flood hazard mapping, in concert with state, local and private sector partners. It is my understanding that difficult budget decisions were made based on an expectation that state and local authorities are today able to bear a greater cost burden given the considerable investment made in recent years in disaster preparedness, response and resilience efforts.

47. What is your position on the effectiveness of preparedness grant programs in preparing state and local first responders to prevent and respond to potential terrorist attacks?

Over time, preparedness grant programs have enhanced the capabilities of state and local first responders to prevent and respond to potential terrorist attacks. These capabilities have been shown to be effective during responses to events in Orlando and Las Vegas, as example. Please see additionally my complete responses to question #42 and #43 of the Majority Questionnaire.

48. What do you view as FEMA's role in providing emergency management education, training, and exercise programs to state and local first responders?

The federal government through DHS and FEMA provide emergency management education, training, and exercise programs to state and local first responders through grant programs as well as through direct technical assistance and training to state and local emergency management. I view this assistance as an important federal and DHS role in assisting first responders in their efforts to strengthen their capabilities to prevent, protect against, mitigate, respond to and recover from terrorist attacks, major disasters and other emergencies.

- a. Do you support the President's budget proposal related to the National Domestic Preparedness Consortium and to reduce funding for the Emergency Management Institute and Continuing Training Grants in FY 2018? Why or why not?

Yes. I believe the federal government should continue to support first responder training and exercises, in concert with state, local, and private sector partners. I also contend that decisions on reducing or reallocating grant funding in these areas require difficult budget choices balancing available federal resources with expectations that state and local authorities are today able to shoulder more of the responsibility given the considerable federal investment made in recent years in preparedness, response, and resilience capabilities.

49. On January 25, 2017, President Trump issued Executive Order 13767, "Border Security and Immigration Enforcement Improvements." The executive order instructs the Secretary of Homeland Security to take immediate steps to plan, design, and construct a physical wall along the southern border in order to "to obtain complete operational control, as determined by the Secretary, of the southern border." What does the term "complete operational control" mean to you, and, if confirmed, what additional steps would you recommend that Customs and Border Protection (CBP) take in order to obtain complete operational control of the southern border?

Complete operational control entails being able to detect, apprehend or deter any illegal border crossing or attempted crossing. While it is impossible to stop every illegal crossing and all illegal activity across the border, it is the mission of the Department to achieve and maintain a secure border. I understand that DHS is currently working on a number of strategic plans on border security to outline recommended actions, to include implementation of new technologies, personnel deployments and training to make significant strides in securing the border. If confirmed, I look forward to reviewing those plans and taking the appropriate steps.

50. Do you believe it is possible to end all unlawful entries into our country? Why or why not?

It is not possible to end all illegal crossings and illicit cross-border activity. That does not change the Department's core mission to secure the border and the imperative to take appropriate actions to achieve that end. If confirmed, I look forward to working with the hardworking men and women across DHS who share in that mission.

- a. If you believe it is possible, what manpower, infrastructure, and technology capabilities would be required to achieve such an outcome?

If confirmed, I look forward to reviewing the draft strategic plans and discussing with DHS leadership to understand operational perspectives and needs, and to better understand what can realistically be achieved, how quickly, and with what mix of resources in the view of our experts and then working with the Administration and Congress to close any gaps.

- b. Is there a point, in your view, where the costs of building additional infrastructure along the southern border outweigh in the benefits? If so, what is that point?

It is clear that additional infrastructure would strengthen the security of our border. I understand that CBP is undertaking a full assessment of every mile of the southern border to outline what additional infrastructure would be useful. This information will be provided to Congress in a number of required reports. I believe that additional infrastructure needs- in addition to other resources needed- should be identified by our operators who day in and day out work to protect unlawful entries. As part of that assessment, I understand the Border Patrol identified and prioritized the border wall requested in the fiscal year 2018 President's budget request. Should I be confirmed, reviewing their assessment and prioritization of investments will be one of my top priorities.

51. According to self-reported statistics, U.S. Border Patrol apprehended 408,870 illegal entrants along the Southwest border in FY 2016. That figure represents a 75% drop from FY 2000, when approximately 1.6

million illegal entrants were apprehended along that border. A September 2017 report by the Office of Immigration Statistics estimates successful illegal border entries fell from 1.8 million in 2000 to 170,000 in 2016 – a 91% decline. The report found that “the southwest land border is more difficult to illegally cross today than ever before.” Do you agree with the Office of Immigration Statistics’ assessment? Is the southwest border more difficult to illegally cross today than ever before?

I am not familiar with the OIS report but I generally agree that investments in infrastructure, personnel and technology over that time period have made it more difficult to illegally cross our southern land border. I also believe that the Administration’s focus on enforcing our immigration laws has deterred would-be illegal crossings and that deterrence, combined with the efforts of the men and women of DHS, has reduced the threats and vulnerabilities that we face at our borders. Despite that, our southern border is not fully secure as indicated by an uptick in recent border unauthorized border crossings and much more can and will be done.

52. According to the Drug Enforcement Agency’s 2016 National Drug Threat Assessment, the most common method Mexican transnational criminal organizations employ to illegally transport illicit drugs into the United States involves smuggling drugs in concealed compartments within passenger vehicles or commingling them with legitimate goods on tractor trailers and then driving them through land U.S. ports of entry. Would the physical wall that President Trump has ordered stem the flow of these illicit drugs that pass through land ports of entry? Why or why not?

Transnational drug cartels employ a number of means to smuggle drugs across our borders from hidden compartments to tunnels to ultralight and unmanned aircraft to small boats. I believe that a component of decreasing illegal activity is to continue to make it more difficult and more expensive for the criminals and perpetrators to conduct their illicit activity. A physical wall is not the sole investment necessary for border security, but it is a critical component to stemming the flow of illegal drugs into our nation. If confirmed, I commit to working with Congress and the interagency to further reduce the flow of illicit drugs into our homeland.

53. Do you believe that our nation’s ports of entry have adequate resources and manpower to prevent the illegal flow of drugs, contraband, and individuals posing security threats into this country?

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

54. If confirmed, how do you plan to identify areas along the southwest border where additional infrastructure is required?

I understand that CBP is undertaking a full assessment of every mile of the southern border to outline what additional infrastructure would be useful. This information will be provided to Congress in a number of required reports. I believe that additional infrastructure needs- in addition to other resources needed- should be identified by our operators who day in and day out work to protect

unlawful entries. As part of that assessment, Border Patrol identified and prioritized the border wall requested in the fiscal year 2018 President's budget request. Should I be confirmed, reviewing their assessment and prioritization of investments will be one of my top priorities.

- a. How will solicit and consider input from the U.S. Border Patrol and individual Border Patrol sector chiefs be used to inform these decisions?

As I understand it, the Border Patrol sector chiefs along with their field personnel, are conducting the assessment referenced above. It is critical that those on the frontlines provide that input and if confirmed, I am committed to continually getting the perspective of and input from our frontline field supervisors and personnel to understand what tools they need to do their jobs.

- b. If confirmed, will you commit to providing all Committee Members with any and all requests from Border Patrol sector chiefs for additional infrastructure and technology along the southwest border that DHS has collected since January 25, 2017?

If confirmed, I will work with all Committee Members and Congress to provide any DHS legislative recommendations on resources necessary to secure our borders whether they originate with the sector chiefs or otherwise. Any such recommendations will be informed by collaboration within the executive branch and with all relevant stakeholders.

- c. If confirmed, will you adhere to the Border Patrol's Requirements Management Process and conduct a rigorous cost-benefit analysis, including a gap analysis, analysis of alternatives, and lifecycle cost estimate, before beginning construction on the physical wall that President Trump has ordered? Why or why not?

If confirmed, I look forward to being briefed immediately by the DHS border security team on the plans for managing and securing our borders. I believe that strategy has been informed by the Requirements Management Process referenced here but, if confirmed, I will seek to more thoroughly understand the linkage and the processes used to inform the strategy and wall construction.

55. If confirmed, will you support the use of eminent domain to seize private citizens' property to build the physical wall that President Trump has ordered?

The use of eminent domain is a last resort and, appropriately, requires significant actions by the government to execute to ensure protection of citizens' property rights. If confirmed, I will follow the law and judiciously utilize authorities under the law to secure our nation's borders.

- a. In your opinion, should private landowners be compensated for any devaluation of their land that would lie south of the wall as a result of border wall construction?

I believe there are legal processes in place to compensate landowners for a partial taking such as described above and if I am confirmed I will learn more about that process. I also understand in the past the Department worked hard with landowners to provide access to their property in cases where direct access was lessened or eliminated by infrastructure.

56. Please describe your views on the President's January Executive Order removing all priorities for ICE immigration enforcement. Should federal law enforcement dollars be prioritized toward the removal of criminals over families and nonviolent undocumented immigrants?

If confirmed, I will emphasize our duty to enforce the laws with which we are charged. I would also continue the prioritized use of ICE investigative techniques, resources, and legal authorities to identify, locate, investigate, arrest, and remove criminal aliens from the U.S. For example, this will include those accused of human rights violations, human traffickers, international criminal fugitives, gang members, illegal drug offenders and traffickers, and those fugitives ordered deported by federal immigration judges.

57. Would you be in favor of a path to citizenship for the more than 700,000 current Deferred Action for Childhood Arrivals (DACA) recipients as a part of that legislative fix? Why or why not?

Congress has clear constitutional policymaking authority to change immigration law in order to develop a permanent solution for those individuals that were Deferred Action for Childhood Arrivals recipients. If confirmed, I will stand ready to work with Congress to provide any technical assistance needed towards a permanent, legal solution and towards enacting measures that enhance border security, interior enforcement, and our immigration system generally.

58. If there is no legislative fix to address the DACA program before it is phased out, do you commit that you will oppose DHS using information DACA recipients have provided to the government for enforcement actions against them if you are confirmed?

If confirmed, I will ensure that DHS continues to follow the law, including federal court decisions. As I understand it, since the beginning of the DACA program, information obtained from someone with deferred action has not been provided proactively except in specific circumstances such as when the individual poses a risk to national security or public safety. Should I be confirmed, I will quickly and more thoroughly assess this issue. I will also stand ready to work with Congress to provide technical assistance necessary to formulate a permanent legal solution for DACA recipient.

a. If so, how will you ensure this opposition is communicated and reinforced throughout the agency?

If confirmed, I will ensure DHS follows the law with regard to DACA information.

59. As recently as 2010 there were over 16,000 non-citizen immigrants serving in the United States military, making up 1.4% of the enlisted force. Do you support the enlistment of non-citizens into the United States military?

I believe this may more appropriately be a question addressed to the Department of Defense. If DoD sees the continued benefit to recruit non-citizens who are here legally in order to meet manpower and mission needs that cannot be met by recruiting U.S. citizens alone, then if confirmed I would fully support the determination by the Department of Defense and work with Secretary Mattis to ensure DHS fully supports the DOD mission.

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

I do. I believe the standard is that they must complete their service obligations and serve honorably to enjoy expedited benefits.

National Security

60. The nation faces a wide range of threats, but DHS has finite resources to address them.

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

Under my leadership, the Department would prioritize actions in a risk-based, intelligence-driven manner. DHS cannot promise 100 percent security in all threat vectors at all times- we cannot protect everything, everywhere, all of the time and we cannot do it alone. We can focus our resources on risk (threat, vulnerability and consequence) and results and consider what tools, resources, authorities, capabilities, capacity, knowledge and expertise we can bring to bear throughout the ecosystem- from all levels of government, the private sector, and international partners. In short, DHS will focus on doing what we do best and partnering for the rest. And we will work to stay a step ahead of our enemies through incisive strategic forecasting.

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

First, I will be focused on integrating intelligence and operations. We must constantly evaluate what we are doing against the threat information, as well as what our people are seeing—and anticipating—on the front lines. If confirmed, I will actively push this mindset to shape a more agile Department that is operator and requirements driven. We should be unafraid to admit when we have discovered new vulnerabilities and confident enough to determine when a risk has been sufficiently mitigated. Second, I will commit to ensuring we have the right experts in the right positions at the right time. We need experienced leaders who understand the risk-based mentality I described in my previous answer and who are prepared to execute. I will rely on them, and our professional men and women in the field, to make sound judgements in responding to threat streams and incidents.

61. DHS plays a central role in the multi-Department effort to share terrorism-related information both within the federal government as well as state, local, tribal, private sector, and even international partners. A recent report by the House Homeland Security Committee found that while DHS has made important progress, the Department's intelligence enterprise remains scattered and all too often uncoordinated across and sometimes within its various components.

- a. What plans do you have to improve coordination and coherence across DHS's various intelligence offices and programs?

As noted, I will focus on integrating intelligence and operations. To date, I believe such efforts have been uneven across DHS. If confirmed, I will make it a top priority to ensure the Office of Intelligence and Analysis is equipped not only to drive headquarters actions and threat mitigation but that it is appropriately collaborating with—and providing support to and receiving requirements from—DHS operating components. The Department’s intelligence enterprise has come a long way since its creation. The next step in its evolution is a new level of integration. I commit to working with Under Secretary Glawe to ensure intelligence integration across the Department. I will also seek to optimize the Department’s intelligence footprint to ensure we have the right resources and personnel where we need them.

- b. How do you envision DHS working with its partners in the federal intelligence community to ensure that terrorist-related information is both appropriately shared and protected from unwarranted disclosure?

It was clear during my most recent tour of duty at DHS that our coordination with other members of the Intelligence Community (IC) has never been better. DHS partnerships across the IC are deep, enduring, and most importantly, effective. I helped advance those efforts during my previous service, and I will prioritize ever-closer partnerships to ensure we are leveraging all appropriate information to connect dots, detect threats and keep them from undermining U.S. homeland security. That said, the post-9/11 shift from a “need-to-know” to a “need-to-share” mentality came with attendant risks. Chief among them is a higher risk of unauthorized disclosure. If confirmed, I will assess our information security practices, insider threat programs, and counterintelligence activities to make sure our defensive programs are keeping pace with our adversaries and the digital age. At the same time, we must address instances of over classification to ensure that stakeholders have information they need.

62. In 2015, DHS stepped up its efforts to counter violent extremism (CVE) within the United States through its Office of Community Partnership. The office was intended to support innovative locally based programs to counter violent extremism and to build relationships and promote trust with local communities. GAO recently reported that, of the 85 violent extremist incidents that resulted in death since September 12, 2001, radical Islamist violent extremists were responsible for only 23 of the incidents, accounting for 27%. The remaining incidents involved, white supremacists, anti-government, or other violent extremists.

- a. To what extent would you support the department changing its approach to CVE and refocusing its efforts to include challenges by white supremacists, anti-government, or other violent extremists?

DHS is focused on combating all forms of terrorism and violent extremism. And the Department aggressively pursues prevention activities to keep Americans from being radicalized and recruited to violence. If confirmed, I will continue this approach to mitigate both international and domestic terrorism and violent extremism in a risk-based, intelligence-driven manner.

- b. Recipients of CVE grants have ranged from community-based organizations to law enforcement agencies. What do you see as the role of law enforcement in CVE efforts and how will the department’s approach reflect that?

Both community organizations and law enforcement play a critical role in helping to detect and disrupt potential terrorist activity. DHS is currently undertaking an ongoing review of terrorism

and violent extremism prevention related activities, which is focused in part on how to better support our frontline defenders. If confirmed, I look forward to assessing the recommendations of this review and determining whether to make any additional adjustments to DHS activities in this space. In general though, DHS and our interagency partners rely heavily on our frontline defenders to detect and disrupt suspicious activity, and the security of our homeland depends on close relationships between law enforcement and the communities in which they serve.

- c. What additional steps or resources, if any, are needed to bring greater cohesion and clarity to DHS's work in this realm?

If confirmed, I will make sure DHS elevates and enhances its terrorism prevention efforts to ensure they are commensurate with the serious threat facing our country. As noted, the Department is currently reviewing its terrorism prevention and CVE-related activities, which I anticipate will result in resource and programmatic recommendations. I will consider these recommendations to ensure the Department optimizes its efforts to keep Americans from being radicalized and recruited by terrorists.

63. The CVE Grant Program was created to assist states, local governments, and nonprofit institutions in enhancing the resilience of communities targeted by violent extremists, providing alternatives to individuals who have started down the road to extremism, and creating or amplifying alternative messages to violent extremist recruitment and radicalization. Do you support the CVE Grant Program? Why or why not?

Congress created the CVE Grant Program to serve, in part, as a test bed to identify promising approaches to combat terrorist radicalization and recruitment in our homeland. If confirmed, I will ensure that DHS performs a preliminary assessment on the results of the grants at the appropriate time to determine which approaches have been effective, which have not, what we can learn from pilot efforts, and whether to make additional terrorism-prevention resource decisions based on the data.

- a. If confirmed, what steps will you take to prevent vulnerable populations from falling prey to recruitment propaganda from domestic and international terrorist organizations?

If confirmed, I would be forward leaning in driving DHS terrorism prevention activities and programs, including through proactive intelligence sharing, state and local outreach, and enhanced engagement with at-risk communities targeted by terrorists. Specifically, I would ensure DHS continues to look at ways to improve education and community awareness, to actively counter terrorist recruitment—including through counter-narratives and the amplification of credible voices, and to put in place better early warning mechanisms to more quickly detect and disrupt suspects that have radicalized to violence.

64. DHS' Science and Technology Directorate has managed and funded laboratories that support the work of the homeland security enterprise. The FY 2018 budget request defunded three labs run by S&T - the National Biodefense Analysis and Countermeasures Center (NBACC), the Chemical Security Analysis Center (CSAC) and the National Urban Security Technology Laboratory (NUSTL). In your view, what steps are needed to ensure that the country is better prepared for naturally occurring or manmade biological threats?

America faces a real and evolving threat from naturally occurring and manmade biological threats. In particular, we are witnessing alarming trend lines in terms of life-sciences advancements that could be exploited by nation-state adversaries and non-state actors. As I understand it, the Administration is currently developing a new, National Biodefense Strategy, and I expect DHS to play a significant role in its development and execution. A number of other federal agencies have capabilities, expertise, and responsibilities in preparing for, detecting, and responding to biological threats, and I am hopeful that we can better integrate those efforts with a whole-of-government strategy. If confirmed, I will seek updates on DHS efforts as part of the strategy development and provide strategic direction to ensure this remains a top Department priority. In general, I also plan to continue driving crucial DHS efforts to streamline and elevate the Department's programs to counter weapons of mass destruction.

65. Over the past number of years, we have seen many instances both at home and abroad where extremists target locations that are "soft targets" such as venues with little security or where large numbers of people gather. If confirmed, what will you do to help secure and protect soft targets and non-sterile areas such as transportation hubs, concert venues, malls, etc.?

As we are reminded again with the recent tragic events in New York City and Las Vegas, our open society creates vulnerabilities that are cruelly exploited by those who seek to do us harm. Groups such as ISIS and al Qaeda are actively promoting "do it yourself" terrorist tactics against public spaces and large venues using easy-to-access materials and makeshift weapons. This creates challenges for the national security community and our first responders. But there are a number of important steps we can take and I would pursue should I be confirmed. First, we must be proactive in sharing information with our partners about emerging threats, attack methods, warning signs, and mitigation measures. This also includes greater public awareness, like our "See Something, Say Something" campaigns and suspicious activity reporting. Second, DHS must continue to emphasize education and training for states and localities, first responders, the private sector, and the general public, including through active shooter programs and exercises, and evacuation and shelter in place planning. Third, sharing threat intelligence is essential, and I will focus on making sure we get actionable tailored information about suspects, plots, and incidents to the right stakeholders in near-real-time where possible. Fourth, we should continue to support large venue owners and operators by advising them on near and long-term way to harden security and on how they can put in place agile protective measures. Fifth, I will ensure DHS personnel are deployed effectively to protect significant events, where appropriate. Finally, if confirmed I will work to make sure the extensive activities DHS performs in this space are better synchronized internally, that we improve our coordination in the interagency to avoid waste, overlap, and duplication while maximizing our security assistance programs, and strengthen our partnerships with critical infrastructure owners through the important work of NPPD.

Cybersecurity

66. Today there are more than 20 agencies across the federal government with roles and responsibilities associated with U.S. cyber capabilities. What role do you believe the Department should play in this ecosystem? Please describe your understanding of the Department's responsibilities for cybersecurity.

Please see my answers to questions #37, #39, and #40 in the Majority Questionnaire.

67. There is an effort underway in Congress to reorganize the National Protection and Programs Directorate (NPPD) at the Department to better align the organization with its mission to work with industry and help

protect critical infrastructure. What is your vision for cybersecurity and NPPD at the Department? Should NPPD be an operational agency with a name that more adequately reflects its cybersecurity mission? Do you intend to use Section 872 authority to restructure NPPD?

If confirmed, I commit to consulting Congress to ensure NPPD is appropriately structured to execute its critical mission.

- a. What is your vision for NPPD at the Department? Should NPPD be an operational agency with a name that more adequately reflects its cybersecurity mission?

I am a firm believer that organization directly affects the ability of an entity to perform its mission effectively and efficiently. Should I be confirmed, I will work with NPPD leadership to assess needs, overlaps, gaps, and areas for improvement and determine how to optimize and strengthen the organization. In general, I do believe that the DHS role in cyber and critical infrastructure security and resilience is an operational role. I also believe that the current NPPD name is not sufficiently or accurately descriptive to enable stakeholders- federal, international, state, local, tribal and territorial governments and the private sector- to understand its purpose or mission. This limits the ability of DHS to conduct effective outreach and engagement- a key component of building partnerships. Please also see my answer to related questions below and in the Majority questionnaire.

68. How will you address the challenge of recruiting and retaining the necessary personnel with critical cyber security expertise?

It is my understanding that DHS has partnered with a variety of entities to include nonprofits, all levels of educational institutions and school boards across the country to encourage the teaching of cybersecurity concepts. DHS has also partnered with the nonprofit National Integrated Cyber Education Research Center (NICERC) to provide cybersecurity curricula and teacher professional development. I have also applauded DHS efforts in sponsoring the CyberCorps Scholarship for Service which provides scholarships towards cybersecurity degree programs in return for service in Federal, State, local, or tribal governments upon graduation. Should I be confirmed, I would look to strengthen and expand DHS' efforts in collaboration with other federal partners and the Administration's overall STEM efforts to recruit and retain cybersecurity personnel. I would also look to identify opportunities across the existing talented DHS workforce and provide training opportunities to enhance cybersecurity expertise. I believe a clearly articulated mission and adequate tools and resources supports strong recruiting, and the ability to grow in one's job and have access to continual training and education supports retention. Recognizing the importance of this issue as a cornerstone of DHS cybersecurity efforts, should I be confirmed I would assess current efforts and work with Department leadership to strengthen related campaigns and programs. Finally, if confirmed, I look forward to working with Congress and OPM to ensure we are fully utilizing the unique hiring authorities granted to the Department for cyber security efforts.

69. Please describe your views on the appropriate role of private sector entities in working with DHS to improve our nation's cybersecurity.

To name a few: Private sector entities simultaneously support their own, their sector's and our national cyber security and resilience when they share threat indicators, actual and potential vulnerabilities and

an understanding of possible consequences upon a successful cyberattack with DHS and other federal partners. As discussed throughout, cybersecurity is a team sport - we must partner and work together to prevent when possible and to respond to, recover from, and mitigate the persistent attacks. In addition to sharing information, private sector partners can provide key operational context to help DHS and other federal partners understand how cyberattacks may manifest, what assets, systems and information are critical and whether any redundancies are built into systems. In today's threat environment, your risk is my risk-in raising the security and resilience bar for its own entities, the private sector helps raise the bar for the Nation as a whole. Finally, the private sector plays a crucial role in helping DHS and federal partners understand supply chain risks and to close gaps and address areas of concern.

70. Do you agree with the U.S. Intelligence Community's assessment that the Russian government interfered in the 2016 U.S. Presidential election?

I have no reason to disagree with earlier assessments of the Intelligence Community.

a. If so, does the President's dismissal of those facts concern you?

The President has publically stated that he agreed that Russia was behind the email hacks.

b. Do you think the DHS designation of election infrastructure as critical infrastructure should stand?

The Election Infrastructure Subsector was established in January of this year. As I understand it, the Election Infrastructure Subsector Government Coordinating Council (GCC) has been established to further the partnership between federal, state and local partners and to develop and strengthen information sharing protocols and processes, including providing Security Clearances to Chief Election Officials. DHS, and NPPD specifically as the sector-specific agency, continues to provide guidance and assistance upon request to state and local election officials. I believe the designation of election infrastructure as critical infrastructure serves to underscore and formalize the support, services, and data provided by DHS to its election related partners.

Transportation Security

71. Under the President's FY 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 believe it is important that the Department have some specially trained personnel who are deployable anywhere for enhanced deterrence or response to threats against critical mass transportation modes. The Visible Intermodal Prevention and Response (VIPR) teams of TSA serve that role. If confirmed, I look forward to regularly reviewing with the TSA Administrator the resource balance between TSA personnel dedicated daily to a certain location and deployable teams to ensure we are maximizing value.

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

A core component of TSA's mission from its earliest days, when I proudly served there, is providing effective screening against threats to aviation, and they have done that and continue to do so on a daily basis in hundreds of airports, many of which seldom see a VIPR team. The primary security and law enforcement response at airports everywhere around and outside TSA checkpoints is local municipal or transit authority police. So I do not believe that changes in VIPR team deployments "impede TSA's ability" to respond to aviation threats. For other modes of transportation, I think it is about finding the right balance between what TSA can do directly by deploying specialized personnel and what we should do by offering support, training, and technical assistance to the local or transit authority or port authority law enforcement agency that has primary responsibility and jurisdiction. I know in part due to evolving threats to aviation the budget also prioritized investments to meet that threat including by continuing to increase TSA's canine teams. If confirmed, I will work with the resources and means provided by Congress to advance the very best security capabilities possible in the protection of our transportation systems.

72. Under the President's 2018 budget proposal, there was a proposal to completely eliminate the Law Enforcement Officer Reimbursement program which helps to offset costs primarily for small and medium sized airports for federally mandated security services in airports.

- a. What do you see as the role between DHS and its partnership with state and local law enforcement officials?

State and local law enforcement are on the frontlines in securing the homeland and their support across our mission areas is indispensable. DHS in turn has programs that provide significant resources and capabilities to state and local law enforcement partners through grants, training, exercises, and operational support.

- b. Are you concerned that the proposed cuts to programs such as this one would hinder DHS's ability to effectively collaborate with state and local entities?

No, overall I believe DHS still has numerous other ways to offer assistance to, and collaborate with, state and local entities including other grant programs.

73. Within TSA operations, aviation security gets a lot of funding and attention, while surface security—including passenger rail and mass transit—receives about 3 percent of TSA's budget. Yet the nation's surface transportation system is inherently vulnerable to attack, given its very design. If confirmed, do you plan to shift the level of attention and resources between aviation and surface transportation security?

As I noted in response to Question # 71(b) above, TSA's core mission is still aviation security where we have clear primary responsibility. For other modes of transportation, I think it is about finding the right balance between what TSA can do directly by deploying specialized personnel and what we should do by offering support, training, and technical assistance to the local or transit authority or port authority law enforcement agency that has primary responsibility and jurisdiction.

74. A September 2017 GAO Report found that TSA needs to do a better job of systematically measuring the cost and effectiveness of passenger aviation security countermeasures. What is your assessment of TSA's ability to conduct cost/benefit analyses related to passenger aviation security countermeasures?

I am not at this time familiar with that particular report, but if confirmed will review the GAO report and recommendations and discuss with TSA leadership in order to gain an informed assessment.

Acquisitions

75. In examining the Department's management of its major acquisitions, GAO has found that DHS has made noteworthy efforts to improve performance of its acquisition programs. However, these programs continue to face challenges with cost overruns and schedule slippage. What can the DHS Secretary do to ensure that major acquisitions meet performance goals while remaining on schedule and within projected costs?

a. If confirmed, how will you hold program offices accountable for sound acquisition practices?

Generally, should I be confirmed, as I said in earlier responses, it would be my job to serve as an example of professionalism, hard work, and dedication to the mission. Employee morale surveys have repeatedly shown that the people of DHS are inspired by and motivated by the mission. It is important for all who serve in mission support roles - such as acquisitions - to understand how their jobs further that compelling mission.

It is also important to set priorities and utilize end-user and risk based requirements so that the major acquisition programs address what the operators truly need. Where requirements are set appropriately and leadership holds regular updates holding staff accountable, issues can be addressed earlier and programs can remain on track. Such updates should also be provided to potential contractors and vendors. The development and assessment of performance metrics could help identify areas for needed improvement. Finally, I would look to ensure acquisition practices at DHS include robust and periodic training to include program management and market research. If confirmed, I look forward to working with Acting Secretary Duke and Under Secretary Grady to leverage their expertise in federal acquisition.

76. What experience do you have in acquisition policy and management that would guide you in the role of Secretary? Please distinguish between private sector and public sector experience.

I believe that I bring a unique mix to the role in that, if confirmed, I believe I would be the first Secretary to have both served in the Department utilizing contractor support and to have been a small business contractor and subcontractor to the Department from the private sector. I am aware of the frustration frequently voiced by operators and mission owners within the Department that the acquisition process is often too cumbersome to meet their needs and does not move at the speed of evolving threats. From my time in the private sector, I am aware of how opaque and bureaucratic it can be for businesses, especially small businesses, to find information about the Department's needs and respond to opportunities. Large-scale acquisition cancellations and lengthy periods between proposal submission and award can result in large unanticipated costs to private vendors. Also, too often small businesses who may have valuable expertise, innovative technology or needed services to share with the Department give up on trying to figure it out before DHS can ever learn about them. Should I be confirmed, I will work with the Under Secretary of Management and acquisition personnel throughout the Department to refine current processes so that they are more transparent, agile enough to address

both changing threats and the pace of technology, end-user requirements driven, based on market research, and are based on a clear milestone based acquisition strategy that is communicated early and frequently to potential contractors.

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

As a taxpayer and federal employee, I believe it is a core responsibility of every Department and Agency to consistently assess how to derive the best value and use the appropriate balance of employees and outside contractors to best perform and support roles. If confirmed I would work with the Deputy Secretary, the Undersecretary for Management, the Department's acquisition and procurement and budget experts to review what data DHS currently obtains to assess value, conduct market research to understand the scope and availability of private sector tools and solutions, and to determine how we can do more to enhance our efforts to best achieve a balanced workforce of government employees with contract personnel.

Secret Service

78. Recently, the U.S. Secret Service (USSS) has suffered a number of scandals and security breaches, most notably when an intruder was able to jump the fence and enter the White House unimpeded. While USSS has undertaken a series of reforms, there is still clearly a great deal of work ahead before it can regain the same level of trust and esteem it used to enjoy. What, in your opinion, are the main problems and challenges at the Secret Service. What should be done to address those problems and challenges? How long will it take to repair the damage from recent years?

My own personal experience with the U.S. Secret Service, at the Department and now at the White House, inspires a great deal of trust, confidence and esteem. These men and women are some of the finest, most professional, dedicated law enforcement agents, officers and public servants I have ever had the honor to serve with. It troubles me that those fine men and women suffer when any incident involving the Secret Service, no matter how minor, is now sensationalized and can be taken out of context. In terms of challenges, the Service needs time and resources to train, dedicated career paths and retention strategies and incentives. They also should be equipped and drive adoption of the best available technology. Should I be confirmed, I will also work with Congress to ensure that the Service can get paid for the work they do. I would also continually seek out information from the front-line agents and officers of the Service to ensure they remain an elite organization with a strong culture of excellence.

Whistleblower Protections

79. If confirmed, how will you ensure that whistleblower complaints are properly investigated and what specific steps will you take to ensure that DHS employees feel free to report waste, fraud, and abuse to senior Department leadership, including you, the Inspector General and to Congress without fear of reprisal?

I have myself always been, throughout my government career, a person who "speaks truth to power" even when the truth is uncomfortable. If confirmed, I will encourage the same candor from

subordinates, and expect that managers will foster an environment of trust and respect and will listen to any employee concerns and take actions to address them. Overall, we must foster a culture at the Department that encourages the same “see something, say something” attitude of vigilance we promote to the public and safeguard those who do come forward in compliance with whistleblower laws and regulations. If confirmed, I will continue to follow these laws and in my position will be especially vigilant to the issue of management retaliation, and will partner with the IG to ensure that all complaints are properly investigated.

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

If confirmed, I will do my utmost to ensure that any whistleblower does not face retaliation, in accordance with all federal laws. I am not briefed on the complete facts in the cases referenced above, but I would take seriously any such finding and demand accountability and consequences for supervisors who engage in retaliation.

81. The Inspector General has recently substantiated whistleblower retaliation cases at the Secret Service and Customs and Border Protection. What will you do to ensure that these, and other whistleblowers, receive the remedies they are entitled to?

If confirmed, I will do my utmost to ensure that any whistleblower does not face retaliation and receives the remedies to which they may be entitled, in accordance with all federal laws. I am not briefed on the complete facts in the cases referred to above, but I would take seriously any such findings, work to address them with Director Alles and Acting Commissioner McAleenan and ensure there is accountability and consequences for supervisors who engage in retaliation.

Congressional Relations

82. On what basis, if any, do you believe the Department may be entitled to withhold information or documents from Congress? Please explain.

As I have noted elsewhere in my responses throughout this questionnaire, I am a believer in and advocate for transparency and in partnering with Congress. It is important both to the work of the Department and for Congressional oversight for Congress to have information about the Department’s activities. If confirmed, I will work to ensure that Congress has the information it needs to conduct its legislative and oversight functions related to the Department of Homeland Security. I will endeavor to accommodate all reasonable requests of Congress for information and materials from the Department.

83. Under what circumstances, if any, do you believe an official or employee of the Department may decline to testify before a congressional committee? Please explain.

One very important way to convey information about what the Department is doing, to the Congress, the media and the general public is through testimony before Congress by Department officials. If confirmed, I would expect that all reasonable requests from Congress for departmental officials’ testimony should be honored, while respecting the necessity of those officials to foremost execute the

Department's missions. I do also support efforts in Congress to consolidate Congressional oversight jurisdiction over homeland security. The current number of oversight Committees itself makes it difficult for DHS officials to be fully responsive to Congress while executing their mission.

84. 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?

If confirmed, in accordance with the relevant opinions of the Office of Legal Counsel of the Department of Justice, I agree to reply to any reasonable request for information from the Ranking Member of any duly constituted committee of the Congress.

85. If confirmed, do you agree without reservation to reply to any reasonable request for information from members of Congress? If directed by the administration to systematically ignore oversight requests from minority members of Congress, will you comply?

If confirmed, in accordance with the relevant opinions of the Office of Legal Counsel of the Department of Justice, I agree to reply to any reasonable request for information from Members of Congress.

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

If confirmed, I do.

87. 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?

If confirmed, I do.

88. Will the President invoke executive privilege as to any specific issues you may be asked either at your confirmation hearing or, if confirmed, later hearings?

At this time, I have not been informed of any specific issue for which the President has invoked executive privilege relating to me. I am not, however, in a position to definitively decide, predict, announce or speculate whether the President might invoke such a privilege for particular unknown topics which may or may not come up at a potential future hearing. Please additionally refer to my response to Question #37 of the Minority Questionnaire.

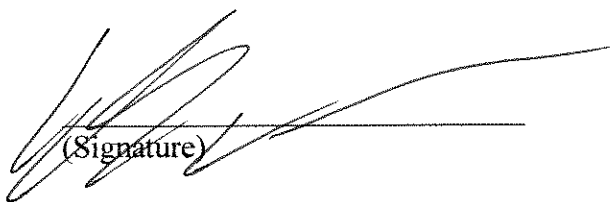
89. If confirmed, will you direct your staff to fully and promptly respond to Freedom of Information Act requests submitted by the American people?

I am, as I stated previously, a believer in transparency in government. The Freedom of Information Act provides tremendous transparency and benefits our democracy. If confirmed, I will work to ensure that DHS FOIA officials are using their available resources to fully and efficiently respond under the law's requirements to provide appropriate information to the American people.

90. If confirmed, will you ensure that political appointees are not inappropriately involved in the review and release of Freedom of Information Act requests?

If confirmed, I will ensure that political appointees are not inappropriately involved in the review of Freedom of Information Act requests.

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


(Signature)

This 2 day of November, 2017