

response is required. To the extent a response is deemed required, Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14.

15. Paragraph 15 sets forth characterizations of the subject of Plaintiffs' FOIA requests and/or allegations unrelated to Plaintiffs' legal claims under FOIA, to which no response is required. To the extent a response is deemed required, Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15.

16. Admit that the Commission held its first meeting on or about July 19, 2017. The remainder of Paragraph 16 sets forth characterizations of the subject of Plaintiffs' FOIA requests, an allegedly published article, and/or allegations unrelated to Plaintiffs' legal claims under FOIA, to which no response is required. To the extent a response to the remainder of Paragraph 16 is deemed required, Defendants admit only the existence of the article cited in footnote 9 in Paragraph 16; respectfully refer the Court to that article for a complete and accurate description of its contents; and deny knowledge or information sufficient to form a belief as to the truth of the allegations in the remainder of Paragraph 16.

17. Paragraph 17 sets forth characterizations of the subject of Plaintiffs' FOIA requests and/or allegations unrelated to Plaintiffs' legal claims under FOIA, to which no response is required. To the extent a response is deemed required, Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17.

18. Admit and aver that the Commission has announced that it will hold a meeting on September 12, 2017. Admit the existence of the article cited in footnote 10 in Paragraph 18, and respectfully refer the Court to that article for a complete and accurate description of its contents.

19. Paragraph 19 sets forth characterizations of the subject of Plaintiffs' FOIA requests, allegedly published articles, and/or allegations unrelated to Plaintiffs' legal claims under FOIA, to which no response is required. To the extent a response is deemed required,

Defendants admit only the existence of the two articles cited in footnotes 11-12 in Paragraph 19; respectfully refer the Court to those articles for complete and accurate descriptions of their contents; and deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19.

20. Paragraph 20 sets forth characterizations of the subject of Plaintiffs' FOIA requests, an allegedly published article, and/or allegations unrelated to Plaintiffs' legal claims under FOIA, to which no response is required. To the extent a response is deemed required, Defendants admit only the existence of the article cited in footnote 13 in Paragraph 20; respectfully refer the Court to that article for a complete and accurate description of its contents; and deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20.

21. The first sentence of Paragraph 21 sets forth characterizations of the subject of Plaintiffs' FOIA requests and/or allegations unrelated to Plaintiffs' legal claims under FOIA, to which no response is required. To the extent a response is deemed required, Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of Paragraph 21. The second sentence of Paragraph 21 sets forth characterizations of the subject of Plaintiffs' FOIA requests, an allegedly published article, and/or allegations unrelated to Plaintiffs' legal claims under FOIA, to which no response is required. To the extent a response is deemed required, Defendants admit only the existence of the article cited in footnote 14 in Paragraph 21 and respectfully refer the Court to that article for a complete and accurate description of its contents.

22. Paragraph 22 sets forth characterizations of the subject of Plaintiffs' FOIA requests and/or allegations unrelated to Plaintiffs' legal claims under FOIA, to which no

response is required. To the extent a response is deemed required, Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22.

23. Paragraph 23 sets forth characterizations of the subject of Plaintiffs' FOIA requests and/or allegations unrelated to Plaintiffs' legal claims under FOIA, to which no response is required. To the extent a response is deemed required, Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23.

24. Paragraph 24 sets forth characterizations of the subject of Plaintiffs' FOIA requests and/or allegations unrelated to Plaintiffs' legal claims under FOIA, to which no response is required. To the extent a response is deemed required, Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24.

25. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25.

B. Plaintiffs' FOIA Requests and Defendants' Responses

26. Deny the allegations in Paragraph 26 and aver that Plaintiffs submitted at least nine FOIA requests to Defendants.

i. DOJ Office of Information Policy and Office of Legal Counsel

27. Admit that on or about May 15, 2017, Plaintiffs sent FOIA requests to OIP and OLC, and respectfully refer the Court to those requests for complete and accurate descriptions of their contents.

28. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the first sentence of Paragraph 28, as DOJ's searches and analyses related to Plaintiffs' FOIA requests are ongoing. The remainder of Paragraph 28 sets forth characterizations of the subject of Plaintiffs' FOIA requests, allegedly published articles, and/or allegations unrelated to Plaintiffs' legal claims under FOIA, to which no response is required. To the extent a response

is deemed required, Defendants admit only the existence of the articles cited in footnotes 15-16 in Paragraph 28; respectfully refer the Court to those articles for complete and accurate descriptions of their contents; and deny knowledge or information sufficient to form a belief as to the truth of the allegations in the remainder of Paragraph 28.

29. Paragraph 29 consists of excerpts and/or characterizations of Plaintiffs' May 15, 2017, FOIA requests to OIP and OLC. Defendants admit the existence of these May 15, 2017, FOIA requests and respectfully refer the Court to those requests for complete and accurate descriptions of their contents.

30. Admit that Plaintiffs requested expedited processing in their May 15, 2017, FOIA requests to OIP and OLC, and respectfully refer the Court to those requests for complete and accurate descriptions of their contents.

31. Admit that Plaintiffs requested fee waivers in their May 15, 2017, FOIA requests to OIP and OLC, and respectfully refer the Court to those requests for complete and accurate descriptions of their contents.

32. Paragraph 32 consists of excerpts and/or characterizations of OIP's May 25, 2017, letter to Plaintiffs acknowledging receipt of Plaintiffs' May 15, 2017, FOIA request. Defendants admit the existence of this May 25, 2017, letter and respectfully refer the Court to that letter for a complete and accurate description of its contents.

33. Paragraph 33 consists of excerpts and/or characterizations of OLC's June 8, 2017, letter to Plaintiffs acknowledging receipt of Plaintiffs' May 15, 2017 FOIA request. Defendants admit the existence of this June 8, 2017, letter and respectfully refer the Court to that letter for a complete and accurate description of its contents.

34. Admit that on or about July 25, 2017, Plaintiffs sent FOIA requests to OIP, OLC, and DOJ's Civil Rights Division ("CRT"), and respectfully refer the Court to those requests for complete and accurate descriptions of their contents.

35. Paragraph 35 consists of excerpts and/or characterizations of Plaintiffs' July 25, 2017, FOIA requests to OIP, OLC, and CRT. Defendants admit the existence of these July 25, 2017, FOIA requests and respectfully refer the Court to those requests for complete and accurate descriptions of their contents.

36. Admit that Plaintiffs requested expedited processing in their July 25, 2017, FOIA requests to OIP, OLC, and CRT, and respectfully refer the Court to those requests for complete and accurate descriptions of their contents.

37. Admit that Plaintiffs requested fee waivers in their July 25, 2017, FOIA requests to OIP, OLC, and CRT, and respectfully refer the Court to those requests for complete and accurate descriptions of their contents.

38. Paragraph 38 consists of excerpts and/or characterizations of OIP's August 2, 2017, letter to Plaintiffs acknowledging receipt of Plaintiffs' July 25, 2017, FOIA request. Defendants admit the existence of this August 2, 2017, letter and respectfully refer the Court to that letter for a complete and accurate description of its contents.

39. Paragraph 39 sets forth legal conclusions, to which no response is required.

40. Paragraph 40 sets forth legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants deny the allegations in Paragraph 40 and aver that DOJ's efforts in response to Plaintiffs' FOIA requests are ongoing.

ii. DHS

41. Admit that on or about May 17, 2017, Plaintiffs sent a FOIA request to DHS, and respectfully refer the Court to that request for a complete and accurate description of its contents.

42. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the first sentence of Paragraph 42, as DHS's search and analyses related to Plaintiffs' FOIA requests are ongoing. The remainder of Paragraph 42 sets forth characterizations of the subject of Plaintiffs' FOIA requests, allegedly published articles, and/or allegations unrelated to Plaintiffs' legal claims under FOIA, to which no response is required. To the extent a response is deemed required, Defendants admit only the existence of the articles cited in footnotes 17-20 in Paragraph 42; respectfully refer the Court to those articles for complete and accurate descriptions of their contents; and deny knowledge or information sufficient to form a belief as to the truth of the allegations in the remainder of Paragraph 42.

43. Paragraph 43 consists of excerpts and/or characterizations of Plaintiffs' May 17, 2017, FOIA request to DHS. Defendants admit the existence of this May 17, 2017, FOIA request and respectfully refer the Court to that request for a complete and accurate description of its contents.

44. Admit that Plaintiffs requested expedited processing in their May 17, 2017, FOIA request to DHS, and respectfully refer the Court to that request for a complete and accurate description of its contents.

45. Admit that Plaintiffs requested fee waivers in their May 17, 2017, FOIA request to DHS, and respectfully refer the Court to that request for a complete and accurate description of its contents.

46. Paragraph 46 consists of excerpts and/or characterizations of DHS's May 19, 2017, letter to Plaintiffs acknowledging receipt of Plaintiffs' May 17, 2017, FOIA request. Defendants admit the existence of this May 19, 2017, letter and respectfully refer the Court to that letter for a complete and accurate description of its contents.

47. Admit that on or about July 25, 2017, Plaintiffs sent a second FOIA request to DHS, and respectfully refer the Court to that request for a complete and accurate description of its contents.

48. Paragraph 48 consists of excerpts and/or characterizations of Plaintiffs' July 25, 2017, FOIA request to DHS. Defendants admit the existence of this July 25, 2017, FOIA request and respectfully refer the Court to that request for a complete and accurate description of its contents.

49. Admit that Plaintiffs requested expedited processing in their July 25, 2017, FOIA request to DHS, and respectfully refer the Court to that request for a complete and accurate description of its contents.

50. Admit that Plaintiffs requested fee waivers in their July 25, 2017, FOIA request to DHS, and respectfully refer the Court to that request for a complete and accurate description of its contents.

51. Paragraph 51 consists of excerpts and/or characterizations of DHS's July 28, 2017, letter to Plaintiffs acknowledging receipt of Plaintiffs' July 25, 2017, FOIA request. Defendants admit the existence of this July 28, 2017, letter and respectfully refer the Court to that letter for a complete and accurate description of its contents.

52. Paragraph 52 consists of characterizations of DHS's August 7, 2017, letter to Plaintiffs acknowledging receipt of Plaintiffs' July 25, 2017, FOIA request. Defendants admit the existence of this August 7, 2017, letter and respectfully refer the Court to that letter for a complete and accurate description of its contents. Defendants aver that DHS mistakenly assigned an additional case reference number (ending in 1158) to Plaintiffs' July 25, 2017, FOIA request, and that DHS has since closed that additional case.

53. Paragraph 53 sets forth legal conclusions, to which no response is required.

54. Paragraph 53 sets forth legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants deny the allegations in Paragraph 53 and aver that DHS's efforts in response to Plaintiffs' FOIA requests are ongoing.

iii. GSA

55. Admit that on or about May 17, 2017, Plaintiffs sent a FOIA request to GSA, and respectfully refer the Court to that request for a complete and accurate description of its contents.

56. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the first sentence of Paragraph 56, as GSA's searches and analyses related to Plaintiffs' FOIA requests are ongoing. The remainder of Paragraph 56 sets forth characterizations of the subject of Plaintiffs' FOIA requests, the President's Executive Order establishing the Commission, and/or allegations unrelated to Plaintiffs' legal claims under FOIA, to which no response is required. To the extent a response is deemed required, Defendants admit the existence of the President's Executive Order establishing the Commission; respectfully refer the Court to that Order for a complete and accurate description of its contents; and deny knowledge or information sufficient to form a belief as to the truth of the allegations in the remainder of Paragraph 56.

57. Paragraph 57 consists of excerpts and/or characterizations of Plaintiffs' May 17, 2017, FOIA request to GSA. Defendants admit the existence of this May 17, 2017, FOIA request and respectfully refer the Court to that request for a complete and accurate description of its contents.

58. Admit that Plaintiffs requested expedited processing in their May 17, 2017, FOIA request to GSA, and respectfully refer the Court to that request for a complete and accurate description of its contents.

59. Admit that Plaintiffs requested fee waivers in their May 17, 2017, FOIA request to GSA, and respectfully refer the Court to that request for a complete and accurate description of its contents.

60. Deny the allegations in Paragraph 60 of the amended complaint, and aver that on or about July 18, 2017, GSA sent a letter to Plaintiffs acknowledging receipt of Plaintiff's May 17, 2017, FOIA request.

61. Deny the allegations in Paragraph 61 of the amended complaint, and aver that GSA's efforts in response to Plaintiffs' FOIA requests are ongoing.

62. Deny the allegations in Paragraph 62 of the amended complaint, and aver that GSA's efforts in response to Plaintiffs' FOIA requests are ongoing.

63. Deny the allegations in Paragraph 63 of the amended complaint, and aver that GSA's efforts in response to Plaintiffs' FOIA requests are ongoing.

64. Paragraph 64 sets forth legal conclusions, to which no response is required.

65. Paragraph 65 sets forth legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants deny the allegations in Paragraph 65 and aver that GSA's efforts in response to Plaintiffs' FOIA requests are ongoing.

66. Paragraph 66 consists of excerpts and/or characterizations of Plaintiffs' July 25, 2017, FOIA request to GSA. Defendants admit that, on or about July 25, 2017, Plaintiffs sent GSA a second FOIA request, and respectfully refer the Court to that request for a complete and accurate description of its contents.

67. Admit that Plaintiffs requested expedited processing in their July 25, 2017, FOIA request to GSA, and respectfully refer the Court to that request for a complete and accurate description of its contents.

68. Admit that Plaintiffs requested fee waivers in their July 25, 2017, FOIA request to GSA, and respectfully refer the Court to that request for a complete and accurate description of its contents.

69. The first sentence of Paragraph 69 consists of a characterization of GSA's July 27, 2017, letter to Plaintiffs acknowledging receipt of Plaintiffs' July 25, 2017 FOIA request. Defendants admit the existence of this July 27, 2017, letter and respectfully refer the Court to that letter for a complete and accurate description of its contents. Admit that GSA subsequently granted Plaintiffs' request for expedited processing and fee waivers.

70. Paragraph 70 sets forth legal conclusions, to which no response is required.

71. Paragraph 71 sets forth legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants deny the allegations in Paragraph 71 and aver that GSA's efforts in response to Plaintiffs' FOIA requests are ongoing.

iv. OMB

72. Admit that on or about May 17, 2017, Plaintiffs sent a FOIA request to OMB, and respectfully refer the Court to that request for a complete and accurate description of its contents.

73. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the first sentence of Paragraph 73, as OMB's search and analyses related to Plaintiffs' FOIA requests are ongoing. The remainder of Paragraph 73 sets forth legal conclusions, characterizations of the subject of Plaintiffs' FOIA requests and/or allegations unrelated to Plaintiffs' legal claims under FOIA, to which no response is required.

74. Paragraph 74 consists of excerpts and/or characterizations of Plaintiffs' May 17, 2017, FOIA request to OMB. Defendants admit the existence of this May 17, 2017, FOIA request and respectfully refer the Court to that request for a complete and accurate description of its contents.

75. Admit that Plaintiffs requested expedited processing in their May 17, 2017, FOIA request to OMB, and respectfully refer the Court to that request for a complete and accurate description of its contents.

76. Admit that Plaintiffs requested fee waivers in their May 17, 2017, FOIA request to OMB, and respectfully refer the Court to that request for a complete and accurate description of its contents.

77. Admit that on or about May 18, 2017, OMB sent an e-mail to Plaintiffs acknowledging receipt of Plaintiffs' May 17, 2017, FOIA request, and respectfully refer the Court to that e-mail for a complete and accurate description of its contents. Admit that OMB has not yet responded to Plaintiffs' requests for expedited processing or for a fee waiver.

78. Paragraph 78 consists of excerpts and/or characterizations of Plaintiffs' July 25, 2017, FOIA request to OMB. Defendants admit the existence of this July 25, 2017, FOIA request and respectfully refer the Court to that request for a complete and accurate description of its contents.

79. Admit that Plaintiffs requested expedited processing in their July 25, 2017, FOIA request to OMB, and respectfully refer the Court to that request for a complete and accurate description of its contents.

80. Admit that Plaintiffs requested fee waivers in their July 25, 2017, FOIA request to OMB, and respectfully refer the Court to that request for a complete and accurate description of its contents.

81. Admit that on or about July 27, 2017, OMB sent an e-mail to Plaintiffs acknowledging receipt of Plaintiffs' July 25, 2017, FOIA request, and respectfully refer the Court to that e-mail for a complete and accurate description of its contents. Admit that OMB has not yet responded to Plaintiffs' requests for expedited processing or for a fee waiver.

82. Paragraph 82 sets forth legal conclusions, to which no response is required.

83. Paragraph 83 sets forth legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants deny the allegations in Paragraph 83 and aver that OMB's efforts in response to Plaintiffs' FOIA requests are ongoing.

COUNT I

84. Defendants reallege and incorporate their answers to Paragraphs 1 through 83 as though fully set forth herein.

85. Paragraph 85 sets forth legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants deny the allegations set forth in Paragraph 85.

COUNT II

86. Defendants reallege and incorporate their answers to Paragraphs 1 through 85 as though fully set forth herein.

87. Paragraph 87 sets forth legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants deny the allegations set forth in Paragraph 87.

REQUESTED RELIEF

The remainder of the amended complaint sets forth Plaintiffs' requested relief, to which no response is required. To the extent a response is required, Defendants deny that Plaintiffs are entitled to the relief sought, or to any relief whatsoever from Defendants.

* * *

Except to the extent explicitly admitted or qualified above, Defendants deny each and every allegation of the complaint. Defendants further deny that Plaintiffs are entitled to any relief whatsoever.

DEFENSES

FIRST DEFENSE

Plaintiffs fail to state a claim upon which relief can be granted.

SECOND DEFENSE

Plaintiffs are not entitled to compel the production of records protected from disclosure by any applicable FOIA exemption or exclusion, *see* 5 U.S.C. § 552(b).

THIRD DEFENSE

Some or all of the requested records are not agency records subject to FOIA, *see* 5 U.S.C. § 552(a)(4)(B).

FOURTH DEFENSE

Defendants are exercising due diligence in processing Plaintiffs' FOIA requests and acting in good faith, with justification, and pursuant to authority, and exceptional circumstances exist that necessitate additional time for Defendants to process Plaintiffs' FOIA requests.

FIFTH DEFENSE

The Court lacks subject matter jurisdiction over Plaintiffs' requests for relief that exceed the relief authorized under FOIA, 5 U.S.C. § 552.

SIXTH DEFENSE

Plaintiffs' FOIA requests do not reasonably describe the records sought.

SEVENTH DEFENSE

Plaintiffs are not entitled to expedited processing under 5 U.S.C. § 552(a)(6)(E).

EIGHTH DEFENSE

Plaintiffs are not entitled to fee waivers under 5 U.S.C. § 552(a)(4)(A).

* * *

Defendants may have additional defenses which are presently unknown but ascertained through discovery. Defendants reserve the right to assert each and every affirmative or other defense that may be available, including any defenses available pursuant to Federal Rules of Civil Procedure 8 and 12.

WHEREFORE, Defendants respectfully request that the Court: (1) dismiss the amended complaint with prejudice; (2) enter judgment in favor of Defendants; and (3) grant such further relief as the Court deems just and proper, including costs and disbursements.

Date: New York, New York
October 11, 2017

JOON H. KIM
Acting United States Attorney for the
Southern District of New York
Attorney for the United States of America

By: /s/ Casey K. Lee
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1) In testimony on April 5, 2017 you assured me that you would “absolutely” provide the Committee with a copy of the requests made by Border Patrol sector chiefs regarding where additional infrastructure and technology should be deployed along the Southwest border as soon as you received the requests. A month later, in a May 5 letter, I again requested “full copies of the prioritized operational requirements for border barrier that the Border Patrol has identified.” According to U.S. Customs and Border Protection’s (CBP’s) Fiscal Year (FY) 2018 Congressional Justification, the very same document I requested and you assured me you would provide the Committee – the Southwest Border Capability Roadmap – was completed by U.S. Border Patrol in April 2017. According to CBP, the roadmap “identifies updated operational requirements needed to achieve operational control of the southern border” and was used to inform DHS’s decision to spend \$2.6 billion on 74 miles of border barrier along the Southwest border in addition to high-priority tactical infrastructure and border security technology improvements in FY 2018.

Is CBP’s Congressional Justification accurate? Was the Southwest Border Capability Roadmap completed in April 2017? If so, when will you provide the Committee with a copy of the Southwest Border Capability Roadmap?

2) As it relates to land at issue in the placement of new border wall identified in the FY 2018 budget, how many parcels of unacquired land have been identified? Have the affected property owners been contacted and, if so, how?

3) In March, an internal CBP memo regarding the hire of an additional 5,000 Border Patrol Agents referenced plans for staff distribution that were either “Threat & Need Based” or for the “Southwest Border Only.” While I understand that most new Border Patrol Agents begin their careers at the southern border for training purposes, I am concerned that this memo contemplates a scenario where no additional new or existing agents are deployed to the northern border.

Has CBP selected either the “Threat & Need Based” or “Southwest Border Only” staffing option? Given an additional 5,000 Border Patrol Agents as called for in Executive Order 13767, how many additional Agents will Border Patrol assign to the northern border?

4) On March 2, 2017, I requested all reports generated by Executive Orders 13767, “Border Security and Immigration Enforcement Improvements,” 13768, “Enhancing Public Safety in the Interior of the United States,” and 13769, “Protecting the Nation from Foreign Terrorist Entry into the United States” as soon as they are finalized. These reports include but are not limited to 90-day progress reports to the President regarding implementation of Executive Orders 13767 and 13768, both of which were due no later than April 25, 2017. To date, no reports required by the executive orders have been provided to the Committee. You stated in a letter dated June 9, 2017 that no reports have been generated under Executive Order 13769. You explained in your testimony that the ongoing litigation over Executive Order 13769 prevented the Department from completing these reports.

With regard to Executive Orders 13767 and 13768, you stated that “DHS will work with the Committee to exchange information in a timely and appropriate manner.”

Has DHS generated any reports, including but not limited to the 90-day progress reports that were required by Executive Orders 13767 and 13768? If so, for each report that has been generated in adherence with Executive Orders 13767 and 13768, please provide the date on which the reports were transmitted to the President.

Will you commit to providing the Committee with copies of all reports that have already been generated under Executive Orders 13767 and 13768, and will you commit to providing the Committee with copies of all future reports required by Executive Orders 13767 and 13768 when they are transmitted to the President?

5) On April 12, 2017, *The Washington Post* published an article citing a draft version of the 90-day progress report required under Executive Order 13767. The draft report described CBP’s, Immigration and Customs Enforcement’s (ICE’s), and U.S. Citizenship and Immigration Services’ (USCIS’s) progress in updating operational programs, deploying additional detention facilities, hiring 15,000 Border Patrol agents and immigration officers, entering into 287(g) agreements with state and local law enforcement agencies, and responding to requests for asylum.

Regarding CBP’s progress in implementing Executive Order 13767, I ask for:

A description of the initiatives CBP is implementing in order to expedite the hiring of additional personnel;

A description of CBP’s plans for hiring additional CBP officers at our nation’s ports of entry, given the statement in the draft progress report that “improving border security to prevent illegal immigration, drug and human trafficking, and acts of terror, also necessitates the hiring of additional CBP Officers”; and

The CBP-wide agency plan to expand the 287(g) program and enhance border security efforts with state and local law enforcement agencies.

6) On April 12, 2017, *The Washington Post* published an article citing a draft version of the 90-day progress report required under Executive Order 13767. The draft report described CBP’s, Immigration and Customs Enforcement’s (ICE’s), and U.S. Citizenship and Immigration Services’ (USCIS’s) progress in updating operational programs, deploying additional detention facilities, hiring 15,000 Border Patrol agents and immigration officers, entering into 287(g) agreements with state and local law enforcement agencies, and responding to requests for asylum.

Regarding ICE’s progress in implementing Executive Order 13767, I ask for:

The field guidance ICE issued to each of its operational programs on February 21, 2017;

A list of each detention facility where capacity has been added since January 25, 2017, the number of detention beds that have been added at each facility, and the name of each entity that operates each detention facility;

A list of the 27 potential locations capable of providing 21,000 additional bed spaces that ICE has identified;

7) On April 12, 2017, *The Washington Post* published an article citing a draft version of the 90-day progress report required under Executive Order 13767. The draft report described CBP's, Immigration and Customs Enforcement's (ICE's), and U.S. Citizenship and Immigration Services' (USCIS's) progress in updating operational programs, deploying additional detention facilities, hiring 15,000 Border Patrol agents and immigration officers, entering into 287(g) agreements with state and local law enforcement agencies, and responding to requests for asylum.

Regarding USCIS's progress in implementing Executive Order 13767, I ask for:

The revised – and unrevised – instructions on the proper application of the Trafficking Victims Protection Reauthorization Act (TVPRA);

The report on the “vulnerabilities in the asylum program and steps to be taken to mitigate/eliminate such vulnerabilities” that was referenced in the draft progress report.

8) The President's FY 2018 budget request would increase DHS's overall net discretionary budget authority by \$2.8 billion – or 6.8 percent – compared to annualized levels contained in the FY 2017 Continuing Resolution (CR) while significantly reducing staffing and spending at the Office of Inspector General (OIG). The President requested a reduction of \$3.2 million – or 2.3 percent – for the OIG compared to the FY 2017 CR. Compared to spending levels contained in the FY 2017 omnibus spending bill Congress approved in May, the President's request would reduce funding for the OIG by \$17 million – or 9.7 percent.

Do you support the President's request to reduce funding for the OIG in FY 2018? Why or why not?

Do you believe that when the overall budget authority at DHS increases, the budget for the OIG should grow proportionally?

9) The President's budget request would reduce funding by more than \$500 million for DHS programs intended to build state and local resilience to terrorist attacks. The proposed cuts include \$156.1 million to the Urban Area Security Initiative (UASI), \$117.6 million to the State Homeland Security Program (SHSP), \$70.7 million to the Emergency Management Performance

Grant (EMPG) program, \$52.2 million to the Port Security Grant Program (PSGP), \$52.2 million to the Transit Security Grant Program (TSGP), \$45 million to the Law Enforcement Officer Reimbursement Program, \$43 million for Visible Intermodal Prevention and Response (VIPR) teams, \$39 million for the Complex Coordinated Terrorist Attacks (CCTA) program, and \$10 million for the Countering Violent Extremism (CVE) grant program.

Given the number and magnitude of threats facing our country, do you support the President's request to reduce funding for these counterterrorism programs in FY 2018? Why or why not?

10) The President's FY 2018 budget request would reduce funding for the Federal Emergency Management Agency's (FEMA's) Pre-Disaster Mitigation (PDM) grant program by \$41.1 million. This is a program that supports various initiatives aimed at mitigating against natural disasters before they occur, such as retrofitting public buildings against hurricane-force winds or seismic damage, acquiring and relocating properties out of flood-prone areas, elevating structures that lie within a floodplain, flood-proofing public buildings, managing vegetation to mitigate against wildfires, and constructing or converting public spaces into safe rooms in tornado-prone areas. Discretionary funding for the National Flood Insurance Program's (NFIP's) Flood Hazard Mapping and Risk Analysis Program (Risk MAP) would also be reduced by \$189.6 million. Based on FEMA's map inventory, 98.8% of the U.S. population is covered by an existing flood map; however, many of the maps do not account for recent population growth and development and were produced using outdated technology.

Do you support the President's request to reduce funding for the PDM grant program and Risk MAP in FY 2018? Why or why not?

11) To which countries has the Federal Air Marshal Service provided training to develop or enhance their own Air Marshal program? Please list the countries that have participated in the last year and the countries that will participate through 2018 and describe the training.

12) On June 12, 2017, Governor Eric Greitens signed legislation aimed at bringing the state of Missouri into compliance with the REAL ID Act of 2005. As DHS Secretary, you have the authority, once an extension is requested, to grant extensions to non-compliant states that have taken legislative action to come into compliance with the provisions of the REAL ID Act.

Have you or other DHS officials reviewed the legislation that Governor Greitens signed into law on June 12, 2017?

Do you intend to grant an extension to the state of Missouri once a request is made?

13). Kansas Secretary of State Kris Kobach was quoted in *The Kansas City Star* on May 11, 2017 as saying that the Presidential Advisory Commission on Election Integrity, created by

Executive Order 13799, would have full-time staff from the Office of the Vice President and the Department of Homeland Security.

Are you aware of any plans to staff the Presidential Advisory Commission on Election Integrity with DHS employees? If so, what office within DHS will staff the Commission, how many DHS employees will staff the Commission, and what is DHS's anticipated annual budget for the Commission?

14) Under Section 543 of Division F of the FY 2017 omnibus spending legislation, you were given the authority, after consultation with the Secretary of Labor and upon determining that there are not American workers who are willing, qualified, and able to perform nonagricultural labor, to raise the annual cap on H-2B visas by an amount not exceeding the number of "returning workers" who were exempted from the H-2B cap in any previous fiscal year.

Have you determined whether you will raise the H-2B visa cap for the remainder of FY 2017? If so, how many additional H-2B visas will be available for the remainder of the fiscal year?

15) The U.S. Customs and Border Protections (CBP) complex mission to provide security, facilitate operations, and manage 328 ports of entry (POEs) throughout the country in partnership with the General Services Administration (GSA). In both 2010 and 2014, CBP provided the House Committee on Homeland Security, Subcommittee on Border and Maritime Security with a report, *National Land Border Ports of Entry Assessment*, which lists current POE infrastructure and explains their various needs.

Please provide an updated report if it is available. Please provide the below information if it is not provided in the updated report:

A list of all land POEs that includes:

Modes of access (truck or rail crossings) and current infrastructure (number of lanes or rail lines)
Annual commercial traffic volume by mode (truck and rail)
Average traffic crossing wait time (truck and rail)
Ownership structure (CBP, GSA, state or local government, private partnership)

A prioritized list of land POE commercial traffic infrastructure needs that includes:

Estimated costs for completion
Age of infrastructure since last refurbishment
Ongoing infrastructure projects

Land POE commercial traffic funding in the last 10 years, including:

Spending at CBP and GSA sites
Appropriations for CBP and GSA sites.

16) Please provide a list of all electronic device search software that the Department has purchased from 2007 through the present. State the contract number for each purchase, the date of the purchase, and the name of the developer and seller of the software.

For all electronic device search software that DHS has purchased from 2007 to the present, please provide a detailed explanation of the Department's intended purpose in using the software, as well as any policies and guidelines that govern the potential use of the software.

17) Secretary Kelly, do you agree that a wall to secure the southern border of the United States may consist of fences, drones, towers, personnel, and/or hardware and software technologies to prevent illegal immigration, drug and human trafficking and acts of terrorism? How will \$1.59 billion investment in a physical wall advance this definition?

18) \$197.2 million is proposed to provide southwest border technology, which is approximately 12% of \$1.59 billion budget for a physical wall. According to your assessment, is this sufficient to provide the technological surveillance necessary to achieve a virtual wall that will more effectively secure our border?

19) There are 18,000 Border Patrol agents. Last month, there were 12,000 apprehensions. That is less than 1 apprehension per agent over the entire month. With the number of apprehensions dropping, do we need an additional 5,000 Border Patrol agents rather than use those resources elsewhere to prevent the entry of manufactured narcotics? With an increase in CBP officers, has there been an increase in effectiveness in preventing manufactured heroin from crossing the border and ports of entry?

20) In fiscal year 2016, \$750 million was appropriated to address root causes to deter and prevent children and families in the Northern Triangle from illegally immigrating to the U.S. Although a budget was drafted, there is no public data as to the effectiveness of the program and how the fund was allocated. How will the \$7.94 billion budget request for immigration and customs enforcement address the issue of unaccompanied minors in the United States?

21) Our greatest collective frustration has been the lack of any direction from this administration or the lack on how we should be deterring our adversaries in cyberspace. With \$971.3 million being budgeted for cyber activities, how could an overly strict interpretation of sovereignty limit or impair the Department of Defense's ability to plan or employ offensive cyber capabilities?

22) Additional \$42.3 million is allocated to allow the National Cybersecurity and Communications Integration Center (NCCIC) to protect private sector entities through the Enhanced Cybersecurity Services program. What is the intersection between the civilian hub, National Cybersecurity and Communications Integration Center (NCCIC), Federal entities, and non-Federal entities, including the private sector?

23) The President's budget states that Science and Technology Directorate assesses that capabilities at the National Biodefense Analysis and Countermeasures Center (NBACC) can be replicated at other facilities. If NBACC is closed as proposed in the President's budget, which specific agencies or organizations will assume responsibility for supporting the threat characterization currently conducted by NBACC? Has DHS coordinated with these entities? Were similar determinations and plans made for the Chemical Security Analysis Center (CSAC)?

24) I understand NBACC has already received notification that the organization should begin developing a closure plan. Given the dependency of any such closing on Congressional action, what steps are you planning to take, if any, regarding the closure of NBACC following the completion of the closure plan and prior to the completion of the Congressional authorization and appropriations process for FY2018?

25) At the hearing you stated that the Coast Guard plans to buy six icebreakers, three heavy and three medium. Does the current acquisition plan of record for the Polar Icebreaker Program reflect this intention?

The Coast Guard Authorization Act of 2015 (Public Law 114-120), Section 207, POLAR ICEBREAKERS, states: "(a) INCREMENTAL FUNDING AUTHORIZED FOR POLAR ICEBREAKERS – In fiscal year 2016 and each fiscal year thereafter, the Commandant of the Coast Guard may enter into a contract or contracts for the acquisition of Polar Icebreakers and associated equipment using incremental funding." (§207(a)) This authorization provides the Coast Guard with the ability to enter into a contract or contracts to acquire as many new Polar Icebreakers as are required – as long as the Coast Guard uses the incremental funding acquisition process. I understand that the current Polar Icebreaker acquisition process now being executed by the Coast Guard does not take advantage of this authorization. What evaluation process occurred prior to the Coast Guard decision not to enter into a contract or contracts to acquire as many Polar Icebreakers as are required using the incremental acquisition process? Was a formal cost-evaluation completed to compare the existing Polar Icebreaker acquisition process and a block buy incremental acquisition process? If not, why not?

26) I understand that FEMA is conducting a review of the risk methodology used to determine Urban Area Security Initiative (UASI) allocations. What is the schedule for that review and what is the plan to incorporate Congressional and stakeholder input?

27) For the last several years, I have been a strong advocate for the Department of Homeland Security's Headquarters Consolidation at St Elizabeths. I firmly believe that finishing the DHS headquarters would improve our national security, increase morale and productivity at the Department, and save money for the taxpayers.

The President's budget proposes \$135 million for GSA's portion of DHS Consolidation at St Elizabeths but does not include DHS funding for new development at the site.

As you know, GSA is largely responsible for infrastructure investments at the site, while DHS is responsible for tenant renovations and improvements.

Can you please share your vision for Headquarters consolidation? Is the current funding request enough to keep the project on schedule?

Have other Administration infrastructure priorities for DHS, such as building a border wall, shifted resources away from DHS Headquarters consolidation at St. Es?

28) Cybersecurity breaches, such as the "WannaCry" ransomware attack last month, are becoming more common and increasingly rely not on expensive or sophisticated technology, but on a combination of common software bugs and user error.

It is important that the Department have the resources it needs—including qualified cybersecurity professionals—to help work with private sector partners and federal agencies to detect, mitigate, and respond to such attacks.

Please provide an update on the Department's progress in hiring and training qualified cybersecurity professionals.

What portion of the increased cybersecurity funding will go to building up DHS's cyber workforce?

29) Last year in the wake of the attacks on the airport in Brussels, the Senate voted 91 to 5 for an amendment to double the number of TSA Visible Intermodal Prevention and Response, or VIPR teams. These teams patrol our airports and public transit spaces in order to deter and respond to terrorist attacks. The provision, which I worked on with a number of my colleagues including Senator Heinrich, was ultimately signed into law.

Instead of funding the doubled teams, the President's FY2018 budget request cuts the number of VIPR teams to eight.

Please explain how this proposed cut is justified in light of increased attacks on soft targets.

30) Senator Harris and I sent a letter to DHS last month asking a number of questions about ICE's use of private, for-profit detention facilities.

As you know, an outside panel last year reviewed these facilities and found that these facilities are generally less safe than publicly run facilities, and made a number of recommendations for their improvement.

I believe we requested a reply to that letter by next week (June 12th). I have not a question for you but a request. Can you please commit to reviewing our letter carefully and providing a thorough response to our questions?

From:	(b)(6)
To:	(b)(6)
Subject:	SIGNIFICANT CORRESPONDENCE REPORT: 1.23.18
Date:	2018/01/23 15:29:18
Priority:	Normal
Type:	Note

Control Number	Date Received	To	From	Summary
1156533 18-0240	01.19.18	S1 Rex Tillerson	Matthew Chrastek Coordinator The American Relief Coalition for Syria	Writes regarding TP
1156569 18-0414	01.23.18	S1 Rex Tillerson	Adhikaar for Human Rights and Social Justice	Writes regarding TP
1156581 18-0259	01.12.18	S1 cc: Rep. Cummings	Rep. Gowdy (SC)	Writes regarding conflict former employee of the Oversight and Governmen now an attorney at the
1156585 18-0351	01.23.18	S1	Rep. Thompson (MS) Rep. Brady (PA)	Write regarding DHS r related to the defunct Commission on Electi

Regards,

(b)(6)

Administrative Officer
U.S. Department of Homeland Security
Office of the Executive Secretary

O: (b)(6)
C: (b)(6)

“ESEC: Excellent Service Endless Commitment”

Sender:	(b)(6)
Recipient:	(b)(6)

	(b)(6)	
Sent Date:	2018/01/23 15:29:17	
Delivered Date:	2018/01/23 15:29:18	

Significant Correspondence Report



1/23/2018

Control Number	Date Received	To	From	Summary	Conclude	Tasked	Signature Level	Priority Due Date	Interim Required
1156533 18-0240	01.19.18	SI Rep. Tillerson	Matthew Chertock Coordinator The American Relief Coalition for Syria	Writes regarding TPS for Syria.	Tracy	USCIS	Counselor Clearance / Component Head	02.07.18	No
1156569 18-0414	01.23.18	SI Rep. Tillerson	Advokat for Human Rights and Social Justice	Writes regarding TPS for Syria.	Tracy	USCIS	Counselor Clearance / Component Head	02.07.18	No
1156581 18-0259	01.21.18	SI of Rep. Cummings	Rep. Gowdy (SC)	Writes regarding conflict of interest by a former employee of the Committee on Oversight and Government Reform who is now an adviser at the Department.	Miles	OGC	Counselor Clearance/ Component Head	02.07.18	No
1156585 18-0351	01.23.18	SI	Rep. Lummis (MS) Rep. Brady (PA)	Write regarding DHS responsibilities related to the Secure Presidential Commission on Election Integrity.	Brandon	NPPD	Counselor Clearance / Component Head	02.07.18	No

Congress of the United States
Washington, DC 20515

January 23, 2018

The Honorable Kirstjen Nielsen
Secretary
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528

SCANNED/RECEIVED
BY ESEC/SEC
2018 JAN 23 AM 11:50

Dear Secretary Nielsen:

We write seeking clarification regarding the Department of Homeland Security's (the Department or DHS) responsibilities related to the defunct Presidential Commission on Election Integrity (the Commission).

On May 11, 2017, President Trump signed Executive Order 13799, *Establishment of Presidential Advisory Commission on Election Integrity*¹ to investigate allegations "improper voter registrations and improper voting, including fraudulent voter registrations and fraudulent voting," substantiated by nothing more than the President's active imagination and frustration that he did not receive the majority of the popular votes cast in the 2016 presidential election. The Commission was the subject of criticism from the start. Advocacy organizations ultimately took legal action on multiple occasions, alleging violations of several federal laws, including the Fifth Amendment to the U.S. Constitution, the Privacy Act, the Hatch Act, and of multiple state laws, among other things.²

On January 3, 2018, fewer than nine months after he established it, the President abruptly terminated the Commission.³ To the best of our knowledge, the Commission was unable to produce any evidence of improper voter registrations and improper voting, including fraudulent voter registrations and fraudulent voting. Indeed, we understand that, contrary to the Administration's initial statements, the Commission did not develop any "preliminary findings" that would be transferred to DHS.⁴ Moreover, all of the voter data it collected will, rightfully, be destroyed.⁵

¹ Exec. Order No. 13799, 82 Fed. Reg. 22389 (May. 16, 2017), available at <https://www.gpo.gov/fdsys/pkg/FR-2017-05-16/pdf/2017-10003.pdf>.

² See Legal Actions Taken Against Trump's "Voter Fraud" Commission, "Brennan Center for Justice (Dec. 26, 2017), <https://www.brennancenter.org/legal-actions-taken-against-trump%E2%80%99s-%E2%80%9Cfraud%E2%80%9D-commission> (last accessed Jan. 10, 2018).

³ Exec. Order No. 13820, 83 Fed. Reg. 969 (Jan. 3, 2018), available at <https://www.gpo.gov/fdsys/pkg/FR-2018-01-08/pdf/2018-00240.pdf>.

⁴ Josh Gerstein, "White House Plans to Destroy Trump Election Fraud Commission's Voter Data," *Politico* (Jan. 9, 2017), available at <https://www.politico.com/blogs/under-the-radar/2018/01/09/trump-election-fraud-commission-voter-data-332745>.

⁵ *Id.*

In the meantime, to its credit, the Department of Homeland Security has continued its work to carry out its responsibilities related to the designation of election infrastructure as a critical infrastructure subsector. Then-Secretary Jeh Johnson made the designation on January 6, 2017, following the Intelligence Community's assessment that "Russian efforts to influence the 2016 US presidential election represent the most recent expression of Moscow's longstanding desire to undermine the US-led liberal democratic order, but these activities demonstrated a significant escalation in directness, level of activity, and scope of effort compared to previous operations."⁶ Over the course of the past year, nothing has occurred to suggest that Russia has any less interest in undermining confidence in our democratic processes. Accordingly, helping states secure their election infrastructure against credible foreign threats should remain one of the Department's top priorities.

When he terminated the Commission, the President directed DHS to examine "its initial findings and determine next courses of action."⁷ It is unclear how the Department will carry out this charge given that the Commission never produced any findings. Moreover, we are concerned that directing DHS essentially to take over where the Commission left off could distract the Department from its pressing obligation to protect US election systems from foreign interference and may undermine the burgeoning relationships DHS is building with state election officials.

Public statements from the Department have been somewhat reassuring that DHS will not divert resources from its ongoing election security work, but they are not conclusive.⁸ Accordingly, pursuant to Rule X(3)(g) and Rule XI of the Rules of the House of Representatives, we respectfully request you provide a written response to the following information, and whatever supplementary information you deem responsive, by January 26, 2018:

- According to the President, the Department will take over the work of the Commission. We understand that all voter data collected will be destroyed and that the Commission never made any findings. If that is the case, what will the Department be taking over? Please identify any documents, files, electronic records, or information that the Department has received or anticipates receiving from the Commission.
- What new activities, if any, will the Department undertake pursuant to the President's decision to terminate the Commission and transfer its responsibilities to DHS? What

⁶ Office of the Director of National Intelligence, *Assessing Russian Activities and Intentions in Recent U.S. Elections*, ICA 2017-01D (Jan. 6, 2017), https://www.dni.gov/files/documents/ICA_2017_01.pdf.

⁷ Press Release, The White House, Statement by the Press Secretary on the Presidential Advisory Commission on Election Integrity (Jan. 3, 2018), available at <https://www.whitehouse.gov/briefings-statements/statement-press-secretary-presidential-advisory-commission-election-integrity/>.

⁸ Dustin Volz & Julia Harte, "DHS Election Unit Has No Plans for Probing Voter Fraud: Sources," *Reuters* (Jan 5, 2018), available at <https://www.reuters.com/article/us-usa-election-dhs/dhs-election-unit-has-no-plans-for-probing-voter-fraud-sources-idUSKBN1EUIYF?feedType=RSS&feedName=politicsNews> (citing a DHS official who said that the Department would continue "to work in support of state governments who are responsible for administering elections, with efforts focused on securing elections against those who seek to undermine the election system or its integrity.").

information will inform DHS' actions? Will these new activities, if any, require the Department to divert resources from existing activities?

- Some state election officials have expressed concern that charging DHS with investigating voter fraud allegations may undermine the cooperative relationships between the Department and the states that are necessary to keep elections secure.⁹ What are you doing to preserve those important relationships?

Thank you for your attention to this matter. If you have any questions or require additional information, please contact Alison Northrop, Chief Director for Oversight, at (b)(6)

Sincerely,



BENNIE G. THOMPSON
Ranking Member
Committee on Homeland Security



ROBERT A. BRADY
Ranking Member
Committee on House Administration

⁹ *Id.*

Question#:	13
Topic:	Voter Integrity Commission
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: Kansas Secretary of State Kris Kobach was quoted in The Kansas City Star on May 11, 2017 as saying that the Presidential Advisory Commission on Election Integrity, created by Executive Order 13799, would have full-time staff from the Office of the Vice President and the Department of Homeland Security.

Are you aware of any plans to staff the Presidential Advisory Commission on Election Integrity with DHS employees? If so, what office within DHS will staff the Commission, how many DHS employees will staff the Commission, and what is DHS's anticipated annual budget for the Commission?

Response:

(b)(5)

(b)(5)

From:	(b)(6)
To:	"Hamilton, Gene (b)(6) (b)(6) "Krebs, Christopher <(b)(6)> (b)(6) "Cissna, Tiffany (b)(6) (b)(6)
CC:	(b)(6)
Subject:	Auth QFR - S1 Senate Budget McCaskill (30) #1145721 Set #1 of 2 - Ready for Front Office Review
Date:	2017/08/08 12:34:24
Importance:	High
Priority:	Urgent
Type:	Note

Good Afternoon,

Attached for Front Office review are draft responses to the first of two sets of Questions For the Record (QFRs) from the June 6th, 2017 hearing before the Senate Committee on Homeland Security and Governmental Affairs titled *The Department of Homeland Security Fiscal Year 2018 Budget Request* in which DHS Secretary John Kelly testified. This set of QFRs has been reviewed by DHS offices and Components, including OGC, and is ready for Front Office review. **Responses need only be current as of the hearing date of June 6th, 2017** since the QFRs are included as part of the hearing record.

QFR Number	Component/Topic	Counselor(s)
1	CBP – CBP’s Congressional Justification	Gene Hamilton
2	CBP – Unacquired Land	Gene Hamilton
3	CBP – Northern Border	Gene Hamilton
4	PLCY – Executive Order Reports	Tiffany Cissna
5	CBP – CBP Progress	Gene Hamilton, Tiffany Cissna

6	ICE – ICE Progress	Gene Hamilton, Tiffany Cissna
7	USCIS – USCIS Progress	Gene Hamilton, Tiffany Cissna
8	MGMT – OIG Funding	(b)(6) Tiffany Cissna
9	FEMA – Counterterrorism Grants	Chris Krebs
10	FEMA – FEMA Grants	Chris Krebs
11	TSA – Federal Air Marshalls	(b)(6)
12	PLCY – Missouri REAL ID Legislation	
13	MGMT – Voter Integrity Commission	Tiffany Cissna
14	USCIS – H-2B Visa Cap	Gene Hamilton
15	CBP – Land Ports of Entry Report	Gene Hamilton
16	MGMT – Electronic Device Search Software	Tiffany Cissna
17	CBP – Physical Wall Investment	Gene Hamilton
18	CBP – Surveillance Technology	Gene Hamilton
19	CBP – Border Patrol Agents	Gene Hamilton, (b)(6)
20	ICE – Unaccompanied Minors	Gene Hamilton
21	NPPD – Cyber Activities	Chris Krebs
22	NPPD – NCCIC	Chris Krebs
23	S&T – National Biodefense Analysis and Countermeasures Center	Chris Krebs
24	S&T – NBACC Closure	Chris Krebs
25	USCG – Polar Icebreaker Programs	Gene Hamilton, Chris Krebs, and (b)(6)
26	FEMA – Urban Area Security Initiative Allocations	Chris Krebs
27	MGMT – St. Elizabeths	Tiffany Cissna
28	NPPD – Cybersecurity Hearing	Chris Krebs
29	TSA – TSA VIPR Funding	(b)(6)
30	ICE – ICE Private Prisons	Gene Hamilton and (b)(6) (b)(6)

Respectfully, your comments or clearance is requested as soon as possible and no later than **1:00 pm on Thursday August 10th, 2017**. This QFR set still must complete Chief of Staff Review and OMB clearance process prior to submission to the Hill.

(b)(6)

*Executive Secretariat
Office of the Secretary
Department of Homeland Security*

(b)(6)

phone
cell

(202) 612-1975 fax

“ESEC: Excellent Service Endless Commitment”

Sender:	(b)(6)
Recipient	"Hamilton, Gene (b)(6)
	(b)(6)
	"Krebs, Christopher (b)(6)
	(b)(6)
	"Cissna, Tiffany (b)(6)
	(b)(6)
Sent Date:	2017/08/08 12:34:23
Delivered Date:	2017/08/08 12:34:24

Questions for the Record
Set 1 of 2 – Main IQ WF 1145721
Hearing: The Department of Homeland Security Fiscal Year 2018 Budget Request
Witness: Secretary John Kelly
Panel: Committee on Homeland Security and Governmental Affairs
Due to MGMTExecSec: 12noon Thursday June 29, 2017
MGMT Consolidated QFRs

1. (Question 8 of QFR set from Senator Clair McCaskill) – OCFO – Sub IQ WF 1145733
The President’s FY 2018 budget request would increase DHS’s overall net discretionary budget authority by \$2.8 billion – or 6.8 percent – compared to annualized levels contained in the FY 2017 Continuing Resolution (CR) while significantly reducing staffing and spending at the Office of Inspector General (OIG). The President requested a reduction of \$3.2 million – or 2.3 percent – for the ●IG compared to the FY 2017 CR. Compared to spending levels contained in the FY 2017 omnibus spending bill Congress approved in May, the President’s request would reduce funding for the OIG by \$17 million – or 9.7 percent.

Do you support the President’s request to reduce funding for the OIG in FY 2018? Why or why not?

Response: (b)(5) [Redacted]
(b)(5) [Redacted]

Do you believe that when the overall budget authority at DHS increases, the budget for the OIG should grow proportionally?

Response: (b)(5) [Redacted]
(b)(5) [Redacted]

2. (Question 13 of QFR set from Senator Claire McCaskill) – OCHCO - Sub IQ WF 1145738

Kansas Secretary of State Kris Kobach was quoted in *The Kansas City Star* on May 11, 2017 as saying that the Presidential Advisory Commission on Election Integrity, created by Executive Order 13799, would have full-time staff from the Office of the Vice President and the Department of Homeland Security.

Are you aware of any plans to staff the Presidential Advisory Commission on Election Integrity with DHS employees? If so, what office within DHS will staff the Commission, how many DHS employees will staff the Commission, and what is DHS’s anticipated annual budget for the Commission?

Response: (b)(5) [Redacted]
(b)(5) [Redacted]

Questions for the Record
Set 1 of 2 – Main IQ WF 1145721
Hearing: The Department of Homeland Security Fiscal Year 2018 Budget Request
Witness: Secretary John Kelly
Panel: Committee on Homeland Security and Governmental Affairs
Due to MGMTExecSec: 12noon Thursday June 29, 2017
MGMT Consolidated QFRs

3. (Question 16 of QFR set from Senator Claire McCaskill) – OCIO– Sub IQ WF 1145741
Please provide a list of all electronic device search software that the Department has purchased from 2007 through the present. State the contract number for each purchase, the date of the purchase, and the name of the developer and seller of the software.

For all electronic device search software that DHS has purchased from 2007 to the present, please provide a detailed explanation of the Department's intended purpose in using the software, as well as any policies and guidelines that govern the potential use of the software.

Response: (b)(5)

(b)(5)

4. (Question 27 of the QFR set from Senator Thomas Carper) – OCRSO – Sub IQ WF 1145752

For the last several years, I have been a strong advocate for the Department of Homeland Security's Headquarters Consolidation at St Elizabeths. I firmly believe that finishing the DHS headquarters would improve our national security, increase morale and productivity at the Department, and save money for the taxpayers.

The President's budget proposes \$135 million for GSA's portion of DHS Consolidation at St Elizabeths but does not include DHS funding for new development at the site.

As you know, GSA is largely responsible for infrastructure investments at the site, while DHS is responsible for tenant renovations and improvements.

Can you please share your vision for Headquarters consolidation? Is the current funding request enough to keep the project on schedule?

Response: (b)(5)

(b)(5)

Questions for the Record
Set 1 of 2 – Main IQ WF 1145721
Hearing: The Department of Homeland Security Fiscal Year 2018 Budget Request
Witness: Secretary John Kelly
Panel: Committee on Homeland Security and Governmental Affairs
Due to MGMTExecSec: 12noon Thursday June 29, 2017
MGMT Consolidated OERs

(b)(5)

Have other Administration infrastructure priorities for DHS, such as building a border wall, shifted resources away from DHS Headquarters consolidation at St. Es?

Response: (b)(5)

(b)(5)

Question#:	13
Topic:	Voter Integrity Commission
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: Kansas Secretary of State Kris Kobach was quoted in The Kansas City Star on May 11, 2017 as saying that the Presidential Advisory Commission on Election Integrity, created by Executive Order 13799, would have full-time staff from the Office of the Vice President and the Department of Homeland Security.

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Response: (b)(5)

(b)(6)

(b)(5)

DRAFT

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Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
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Response: (b)(5)

(b)(5)

(b)(5)

DRAFT

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Response: (b)(5)

(b)(5)

DRAFT

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Response: (b)(5)

(b)(5)

DRAFT

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Response: (b)(5)

(b)(5)

DRAFT

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Response: (b)(5)

(b)(5)

DRAFT

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Response: (b)(5)

(b)(5)

DRAFT

From:	(b)(6)
To:	(b)(6)
CC:	(b)(6)
Subject:	RE: Auth QFR - S1 Senate Budget McCaskill (30) #1145721 Set #1 of 2 - Ready for Front Office Review
Date:	2017/08/16 13:05:38
Priority:	Normal
Type:	Note

Small edits and one question: (b)(5)

(b)(5)

From: (b)(6)

Sent: Wednesday, August 16, 2017 10:17 AM

To: (b)(6)

Cc: QFR Group (b)(6)

(b)(6)

Subject: RE: Auth QFR - S1 Senate Budget McCaskill (30) #1145721 Set #1 of 2 - Ready for Front Office Review

Good Morning (b)(6)

Could we please get an update on the status of these S1 QFRs? Thanks!

(b)(6)

Legislative Affairs Specialist
 Executive Secretariat
 Office of the Secretary
 Department of Homeland Security

(b)(6) phone
 (b)(6) cell
 (202) 612-1975 fax

“ESEC: Excellent Service Endless Commitment”

From: (b)(6)

Sent: Tuesday, August 15, 2017 10:23 AM

To: (b)(6)

Cc: QFR Group (b)(6)
Subject: RE: Auth QFR - S1 Senate Budget McCaskill (30) #1145721 Set #1 of 2 - Ready for Front Office Review

Good Morning (b)(6)

Could we please get an update on the status of these S1 QFR's please? Thanks!

(b)(6)

Legislative Affairs Specialist
Executive Secretariat
Office of the Secretary
Department of Homeland Security
(b)(6) phone
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“ESEC: Excellent Service Endless Commitment”

From: (b)(6)
Sent: Monday, August 14, 2017 10:31 AM
To: Cissna, Tiffany (b)(6)
Cc: QFR Group (b)(6)
Subject: RE: Auth QFR - S1 Senate Budget McCaskill (30) #1145721 Set #1 of 2 - Ready for Front Office Review

(b)(6) cleared for Gene on Thursday in the attached email.

(b)(6)

Legislative Affairs Specialist
Executive Secretariat
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“ESEC: Excellent Service Endless Commitment”

From: Cissna, Tiffany
Sent: Monday, August 14, 2017 9:54 AM
To: (b)(6)
(b)(6)
Cc: QFR Group (b)(6)

Subject: RE: Auth QFR - S1 Senate Budget McCaskill (30) #1145721 Set #1 of 2 - Ready for Front Office Review

Fine from me. 2 questions/comments.

(b)(5)

From: (b)(6)
Sent: Monday, August 14, 2017 9:14 AM
To: (b)(6); Cissna, Tiffany (b)(6)
Cc: QFR Group (b)(6)
Subject: RE: Auth QFR - S1 Senate Budget McCaskill (30) #1145721 Set #1 of 2 - Ready for Front Office Review

Good Morning (b)(6) and Tiffany;

We just wanted to check on the status of these 51 QFR's please. Thanks!

(b)(6)
Legislative Affairs Specialist
Executive Secretariat
Office of the Secretary
Department of Homeland Security
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“ESEC: Excellent Service Endless Commitment”

From: (b)(6)
Sent: Tuesday, August 8, 2017 12:34 PM
To: Hamilton, Gene (b)(6);rebs, Christopher
(b)(6); Cissna, Tiffany
<Tiffany.Cissna@hq.dhs.gov>; Taylor, Miles <Miles.Taylor@hq.dhs.gov>
Cc: Front Office Review CC (b)(6); QFR Group (b)(6)
(b)(6)
Subject: Auth QFR - S1 Senate Budget McCaskill (30) #1145721 Set #1 of 2 - Ready for Front Office Review
Importance: High

Good Afternoon,

Attached for Front Office review are draft responses to the first of two sets of Questions For the Record (QFRs) from the June 6th, 2017 hearing before the Senate Committee on Homeland

Security and Governmental Affairs titled *The Department of Homeland Security Fiscal Year 2018 Budget Request* in which DHS Secretary John Kelly testified. This set of QFRs has been reviewed by DHS offices and Components, including OGC, and is ready for Front Office review.

Responses need only be current as of the hearing date of June 6th, 2017 since the QFRs are included as part of the hearing record.

QFR Number	Component/Topic	Counselor(s)
1	CBP – CBP’s Congressional Justification	Gene Hamilton
2	CBP – Unacquired Land	Gene Hamilton
3	CBP – Northern Border	Gene Hamilton
4	PLCY – Executive Order Reports	Tiffany Cissna
5	CBP – CBP Progress	Gene Hamilton, Tiffany Cissna
6	ICE – ICE Progress	Gene Hamilton, Tiffany Cissna
7	USCIS – USCIS Progress	Gene Hamilton, Tiffany Cissna
8	MGMT – OIG Funding	(b)(6), Tiffany Cissna
9	FEMA – Counterterrorism Grants	Chris Krebs
10	FEMA – FEMA Grants	Chris Krebs
11	TSA – Federal Air Marshalls	(b)(6)
12	PLCY – Missouri REAL ID Legislation	
13	MGMT – Voter Integrity Commission	Tiffany Cissna
14	USCIS – H-2B Visa Cap	Gene Hamilton
15	CBP – Land Ports of Entry Report	Gene Hamilton
16	MGMT – Electronic Device Search Software	Tiffany Cissna
17	CBP – Physical Wall Investment	Gene Hamilton
18	CBP – Surveillance Technology	Gene Hamilton
19	CBP – Border Patrol Agents	Gene Hamilton, (b)(6)
20	ICE – Unaccompanied Minors	Gene Hamilton
21	NPPD – Cyber Activities	Chris Krebs
22	NPPD – NCCIC	Chris Krebs
23	S&T – National Biodefense Analysis and Countermeasures Center	Chris Krebs
24	S&T – NBACC Closure	Chris Krebs
25	USCG – Polar Icebreaker Programs	Gene Hamilton, Chris Krebs, and (b)(6)
26	FEMA – Urban Area Security Initiative Allocations	(b)(6)
27	MGMT – St. Elizabeths	Tiffany Cissna
28	NPPD – Cybersecurity Hearing	Chris Krebs

29	TSA – TSA VIPR Funding	(b)(6)
30	ICE – ICE Private Prisons	Gene Hamilton and (b)(6)

Respectfully, your comments or clearance is requested as soon as possible and no later than **1:00 pm on Thursday August 10th, 2017**. This QFR set still must complete Chief of Staff Review and OMB clearance process prior to submission to the Hill.

(b)(6)

*Executive Secretariat
Office of the Secretary
Department of Homeland Security*

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“ESEC: Excellent Service Endless Commitment”

Sender:	Krebs, Christopher <(b)(6)>
Recipient:	(b)(6)
Sent Date:	2017/08/16 13:05:38

Question#:	13
Topic:	Voter Integrity Commission
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: Kansas Secretary of State Kris Kobach was quoted in The Kansas City Star on May 11, 2017 as saying that the Presidential Advisory Commission on Election Integrity, created by Executive Order 13799, would have full-time staff from the Office of the Vice President and the Department of Homeland Security.

Are you aware of any plans to staff the Presidential Advisory Commission on Election Integrity with DHS employees? If so, what office within DHS will staff the Commission, how many DHS employees will staff the Commission, and what is DHS's anticipated annual budget for the Commission?

Response: (b)(5)

(b)(5)

DRAFT

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Topic:	Voter Integrity Commission
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

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Response: (b)(5)

(b)(5)

DRAFT

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Committee:	HOMELAND SECURITY (SENATE)

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Response: (b)(5)

(b)(5)

(b)(5)

DRAFT

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Response: (b)(5)

(b)(5)

DRAFT

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Response: (b)(5)

(b)(5)

DRAFT

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Response: (b)(5)

(b)(5)

DRAFT

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Topic:	Voter Integrity Commission
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Response: (b)(5)

(b)(5)

(b)(5)

DRAFT

From:	(b)(6)
To:	(b)(6)
CC:	(b)(6)
Subject:	FW: Incoming S1 Senate Budget QFR Set #1 of 2
Date:	2017/06/22 17:17:58
Importance:	High
Priority:	Urgent
Type:	Note

Hi (b)(6)

We accept responsibility for our assignments on QFRs 6 and 30.

We will let you know if we accept QFR 20 ASAP. Thanks!

(b)(6)

Writer-Editor

Office of the Executive Secretariat

U.S. Immigration and Customs Enforcement

500 12th Street SW, Washington DC 20024

(b)(6)

From: (b)(6)

Sent: Thursday, June 22, 2017 11:27 AM

To: (b)(6)

(b)(6)

Cc: QFR Group; CBP Reports-QFRs; ICEQFR-EXECSEC; (b)(6)

(b)(6) USCIS Exec Sec; MGMTExecSec; Pcly Exec Sec; FEMAExecSec;
TSAExecSec; NPPDExecSec; S&T Exec Sec; HQS-DG-1st-CG-823-CA

Subject: Incoming S1 Senate Budget QFR Set #1 of 2

Importance: High

Good Morning Ladies and Gentlemen:

In an effort to reduce the number of reassignments in IQ, please review the attached word doc. and review the chart below to see the proposed assignment of the first of two sets Questions for the Record for the June 6th,

2017 hearing in front of the Senate Committee on Homeland Security and Governmental Affairs on

The Department of Homeland Security Fiscal Year 2018 Budget Request in which Secretary John Kelly testified.

These QFR's have not yet been entered into and assigned into IQ, however please let us know if you will accept the assignment or suggest who should receive the assignment by

12:00 pm on Monday June 26th, 2017. Draft responses will be due at

12:00 pm on Monday July 3rd, 2017.

QFR#	Topic	Proposed Assignment	Member
1	CBP's Congressional Justification	CBP	Senator Claire McCaskill (D-MO)
2	Unacquired Land	CBP	
3	Northern Border	CBP	
4	Executive Order Reports	CBP	
5	CBP Progress	CBP	

6	ICE Progress	ICE	
7	USCIS Progress	USCIS	
8	OIG Funding	MGMT	
9	Counterterrorism Grants	PLCY	
10	FEMA Grants	FEMA	
11	Federal Air Marshalls	TSA	
12	Missouri REAL ID Legislation	PLCY	
13	Voter Integrity Commission	MGMT	
14	H2-B Visa Cap	USCIS	
15	Land Ports of Entry Report	CBP	
16	Electronic Device Search Software	MGMT	
17	Physical Wall Investment	CBP	Senator John McCain (R-AZ)
18	Surveillance Technology	CBP	
19	Border Patrol Agents	CBP	
20	Unaccompanied Minors	ICE	
21	Cyber Activities	NPPD	

22	NCCIC	NPPD	
23	National Biodefense Analysis and Countermeasures Center	S&T	Senator Rob Portman (R-OH)
24	NBACC Closure Plan	S&T	
25	Polar Icebreaker Program	USCG	
26	Urban Area Security Initiative Allocations	FEMA	
27	St. Elizabeths	MGMT	
28	Cybersecurity Hiring	NPPD	Senator Thomas Carper (D-DE)
29	TSA VIPR Funding	TSA	
30	ICE Private Prisons	ICE	

Once entered into and assigned in IQ, all assignments will be final.

(b)(6)

Executive Secretariat

Office of the Secretary

Department of Homeland Security

(b) phone

(202) 612-1975 fax

Sender:	(b)(6)
Recipient:	(b)(6)
Sent Date:	2017/06/22 17:17:56
Delivered Date:	2017/06/22 17:17:58

1) In testimony on April 5, 2017 you assured me that you would “absolutely” provide the Committee with a copy of the requests made by Border Patrol sector chiefs regarding where additional infrastructure and technology should be deployed along the Southwest border as soon as you received the requests. A month later, in a May 5 letter, I again requested “full copies of the prioritized operational requirements for border barrier that the Border Patrol has identified.” According to U.S. Customs and Border Protection’s (CBP’s) Fiscal Year (FY) 2018 Congressional Justification, the very same document I requested and you assured me you would provide the Committee – the Southwest Border Capability Roadmap – was completed by U.S. Border Patrol in April 2017. According to CBP, the roadmap “identifies updated operational requirements needed to achieve operational control of the southern border” and was used to inform DHS’s decision to spend \$2.6 billion on 74 miles of border barrier along the Southwest border in addition to high-priority tactical infrastructure and border security technology improvements in FY 2018.

Is CBP’s Congressional Justification accurate? Was the Southwest Border Capability Roadmap completed in April 2017? If so, when will you provide the Committee with a copy of the Southwest Border Capability Roadmap?

2) As it relates to land at issue in the placement of new border wall identified in the FY 2018 budget, how many parcels of unacquired land have been identified? Have the affected property owners been contacted and, if so, how?

3) In March, an internal CBP memo regarding the hire of an additional 5,000 Border Patrol Agents referenced plans for staff distribution that were either “Threat & Need Based” or for the “Southwest Border Only.” While I understand that most new Border Patrol Agents begin their careers at the southern border for training purposes, I am concerned that this memo contemplates a scenario where no additional new or existing agents are deployed to the northern border.

Has CBP selected either the “Threat & Need Based” or “Southwest Border Only” staffing option? Given an additional 5,000 Border Patrol Agents as called for in Executive Order 13767, how many additional Agents will Border Patrol assign to the northern border?

4) On March 2, 2017, I requested all reports generated by Executive Orders 13767, “Border Security and Immigration Enforcement Improvements,” 13768, “Enhancing Public Safety in the Interior of the United States,” and 13769, “Protecting the Nation from Foreign Terrorist Entry into the United States” as soon as they are finalized. These reports include but are not limited to 90-day progress reports to the President regarding implementation of Executive Orders 13767 and 13768, both of which were due no later than April 25, 2017. To date, no reports required by the executive orders have been provided to the Committee. You stated in a letter dated June 9, 2017 that no reports have been generated under Executive Order 13769. You explained in your testimony that the ongoing litigation over Executive Order 13769 prevented the Department from completing these reports.

With regard to Executive Orders 13767 and 13768, you stated that “DHS will work with the Committee to exchange information in a timely and appropriate manner.”

Has DHS generated any reports, including but not limited to the 90-day progress reports that were required by Executive Orders 13767 and 13768? If so, for each report that has been generated in adherence with Executive Orders 13767 and 13768, please provide the date on which the reports were transmitted to the President.

Will you commit to providing the Committee with copies of all reports that have already been generated under Executive Orders 13767 and 13768, and will you commit to providing the Committee with copies of all future reports required by Executive Orders 13767 and 13768 when they are transmitted to the President?

5) On April 12, 2017, *The Washington Post* published an article citing a draft version of the 90-day progress report required under Executive Order 13767. The draft report described CBP’s, Immigration and Customs Enforcement’s (ICE’s), and U.S. Citizenship and Immigration Services’ (USCIS’s) progress in updating operational programs, deploying additional detention facilities, hiring 15,000 Border Patrol agents and immigration officers, entering into 287(g) agreements with state and local law enforcement agencies, and responding to requests for asylum.

Regarding CBP’s progress in implementing Executive Order 13767, I ask for:

A description of the initiatives CBP is implementing in order to expedite the hiring of additional personnel;

A description of CBP’s plans for hiring additional CBP officers at our nation’s ports of entry, given the statement in the draft progress report that “improving border security to prevent illegal immigration, drug and human trafficking, and acts of terror, also necessitates the hiring of additional CBP Officers”; and

The CBP-wide agency plan to expand the 287(g) program and enhance border security efforts with state and local law enforcement agencies.

6) On April 12, 2017, *The Washington Post* published an article citing a draft version of the 90-day progress report required under Executive Order 13767. The draft report described CBP’s, Immigration and Customs Enforcement’s (ICE’s), and U.S. Citizenship and Immigration Services’ (USCIS’s) progress in updating operational programs, deploying additional detention facilities, hiring 15,000 Border Patrol agents and immigration officers, entering into 287(g) agreements with state and local law enforcement agencies, and responding to requests for asylum.

Regarding ICE’s progress in implementing Executive Order 13767, I ask for:

The field guidance ICE issued to each of its operational programs on February 21, 2017;

A list of each detention facility where capacity has been added since January 25, 2017, the number of detention beds that have been added at each facility, and the name of each entity that operates each detention facility;

A list of the 27 potential locations capable of providing 21,000 additional bed spaces that ICE has identified;

7) On April 12, 2017, *The Washington Post* published an article citing a draft version of the 90-day progress report required under Executive Order 13767. The draft report described CBP's, Immigration and Customs Enforcement's (ICE's), and U.S. Citizenship and Immigration Services' (USCIS's) progress in updating operational programs, deploying additional detention facilities, hiring 15,000 Border Patrol agents and immigration officers, entering into 287(g) agreements with state and local law enforcement agencies, and responding to requests for asylum.

Regarding USCIS's progress in implementing Executive Order 13767, I ask for:

The revised – and unrevised – instructions on the proper application of the Trafficking Victims Protection Reauthorization Act (TVPRA);

The report on the “vulnerabilities in the asylum program and steps to be taken to mitigate/eliminate such vulnerabilities” that was referenced in the draft progress report.

8) The President's FY 2018 budget request would increase DHS's overall net discretionary budget authority by \$2.8 billion – or 6.8 percent – compared to annualized levels contained in the FY 2017 Continuing Resolution (CR) while significantly reducing staffing and spending at the Office of Inspector General (OIG). The President requested a reduction of \$3.2 million – or 2.3 percent – for the OIG compared to the FY 2017 CR. Compared to spending levels contained in the FY 2017 omnibus spending bill Congress approved in May, the President's request would reduce funding for the OIG by \$17 million – or 9.7 percent.

Do you support the President's request to reduce funding for the OIG in FY 2018? Why or why not?

Do you believe that when the overall budget authority at DHS increases, the budget for the OIG should grow proportionally?

9) The President's budget request would reduce funding by more than \$500 million for DHS programs intended to build state and local resilience to terrorist attacks. The proposed cuts include \$156.1 million to the Urban Area Security Initiative (UASI), \$117.6 million to the State Homeland Security Program (SHSP), \$70.7 million to the Emergency Management Performance

Grant (EMPG) program, \$52.2 million to the Port Security Grant Program (PSGP), \$52.2 million to the Transit Security Grant Program (TSGP), \$45 million to the Law Enforcement Officer Reimbursement Program, \$43 million for Visible Intermodal Prevention and Response (VIPR) teams, \$39 million for the Complex Coordinated Terrorist Attacks (CCTA) program, and \$10 million for the Countering Violent Extremism (CVE) grant program.

Given the number and magnitude of threats facing our country, do you support the President's request to reduce funding for these counterterrorism programs in FY 2018? Why or why not?

10) The President's FY 2018 budget request would reduce funding for the Federal Emergency Management Agency's (FEMA's) Pre-Disaster Mitigation (PDM) grant program by \$41.1 million. This is a program that supports various initiatives aimed at mitigating against natural disasters before they occur, such as retrofitting public buildings against hurricane-force winds or seismic damage, acquiring and relocating properties out of flood-prone areas, elevating structures that lie within a floodplain, flood-proofing public buildings, managing vegetation to mitigate against wildfires, and constructing or converting public spaces into safe rooms in tornado-prone areas. Discretionary funding for the National Flood Insurance Program's (NFIP's) Flood Hazard Mapping and Risk Analysis Program (Risk MAP) would also be reduced by \$189.6 million. Based on FEMA's map inventory, 98.8% of the U.S. population is covered by an existing flood map; however, many of the maps do not account for recent population growth and development and were produced using outdated technology.

Do you support the President's request to reduce funding for the PDM grant program and Risk MAP in FY 2018? Why or why not?

11) To which countries has the Federal Air Marshal Service provided training to develop or enhance their own Air Marshal program? Please list the countries that have participated in the last year and the countries that will participate through 2018 and describe the training.

12) On June 12, 2017, Governor Eric Greitens signed legislation aimed at bringing the state of Missouri into compliance with the REAL ID Act of 2005. As DHS Secretary, you have the authority, once an extension is requested, to grant extensions to non-compliant states that have taken legislative action to come into compliance with the provisions of the REAL ID Act.

Have you or other DHS officials reviewed the legislation that Governor Greitens signed into law on June 12, 2017?

Do you intend to grant an extension to the state of Missouri once a request is made?

13). Kansas Secretary of State Kris Kobach was quoted in *The Kansas City Star* on May 11, 2017 as saying that the Presidential Advisory Commission on Election Integrity, created by

Executive Order 13799, would have full-time staff from the Office of the Vice President and the Department of Homeland Security.

Are you aware of any plans to staff the Presidential Advisory Commission on Election Integrity with DHS employees? If so, what office within DHS will staff the Commission, how many DHS employees will staff the Commission, and what is DHS's anticipated annual budget for the Commission?

14) Under Section 543 of Division F of the FY 2017 omnibus spending legislation, you were given the authority, after consultation with the Secretary of Labor and upon determining that there are not American workers who are willing, qualified, and able to perform nonagricultural labor, to raise the annual cap on H-2B visas by an amount not exceeding the number of "returning workers" who were exempted from the H-2B cap in any previous fiscal year.

Have you determined whether you will raise the H-2B visa cap for the remainder of FY 2017? If so, how many additional H-2B visas will be available for the remainder of the fiscal year?

15) The U.S. Customs and Border Protections (CBP) complex mission to provide security, facilitate operations, and manage 328 ports of entry (POEs) throughout the country in partnership with the General Services Administration (GSA). In both 2010 and 2014, CBP provided the House Committee on Homeland Security, Subcommittee on Border and Maritime Security with a report, *National Land Border Ports of Entry Assessment*, which lists current POE infrastructure and explains their various needs.

Please provide an updated report if it is available. Please provide the below information if it is not provided in the updated report:

A list of all land POEs that includes:

Modes of access (truck or rail crossings) and current infrastructure (number of lanes or rail lines)
Annual commercial traffic volume by mode (truck and rail)
Average traffic crossing wait time (truck and rail)
Ownership structure (CBP, GSA, state or local government, private partnership)

A prioritized list of land POE commercial traffic infrastructure needs that includes:

Estimated costs for completion
Age of infrastructure since last refurbishment
Ongoing infrastructure projects

Land POE commercial traffic funding in the last 10 years, including:

Spending at CBP and GSA sites
Appropriations for CBP and GSA sites.

16) Please provide a list of all electronic device search software that the Department has purchased from 2007 through the present. State the contract number for each purchase, the date of the purchase, and the name of the developer and seller of the software.

For all electronic device search software that DHS has purchased from 2007 to the present, please provide a detailed explanation of the Department's intended purpose in using the software, as well as any policies and guidelines that govern the potential use of the software.

17) Secretary Kelly, do you agree that a wall to secure the southern border of the United States may consist of fences, drones, towers, personnel, and/or hardware and software technologies to prevent illegal immigration, drug and human trafficking and acts of terrorism? How will \$1.59 billion investment in a physical wall advance this definition?

18) \$197.2 million is proposed to provide southwest border technology, which is approximately 12% of \$1.59 billion budget for a physical wall. According to your assessment, is this sufficient to provide the technological surveillance necessary to achieve a virtual wall that will more effectively secure our border?

19) There are 18,000 Border Patrol agents. Last month, there were 12,000 apprehensions. That is less than 1 apprehension per agent over the entire month. With the number of apprehensions dropping, do we need an additional 5,000 Border Patrol agents rather than use those resources elsewhere to prevent the entry of manufactured narcotics? With an increase in CBP officers, has there been an increase in effectiveness in preventing manufactured heroin from crossing the border and ports of entry?

20) In fiscal year 2016, \$750 million was appropriated to address root causes to deter and prevent children and families in the Northern Triangle from illegally immigrating to the U.S. Although a budget was drafted, there is no public data as to the effectiveness of the program and how the fund was allocated. How will the \$7.94 billion budget request for immigration and customs enforcement address the issue of unaccompanied minors in the United States?

21) Our greatest collective frustration has been the lack of any direction from this administration or the lack on how we should be deterring our adversaries in cyberspace. With \$971.3 million being budgeted for cyber activities, how could an overly strict interpretation of sovereignty limit or impair the Department of Defense's ability to plan or employ offensive cyber capabilities?

22) Additional \$42.3 million is allocated to allow the National Cybersecurity and Communications Integration Center (NCCIC) to protect private sector entities through the Enhanced Cybersecurity Services program. What is the intersection between the civilian hub, National Cybersecurity and Communications Integration Center (NCCIC), Federal entities, and non-Federal entities, including the private sector?

23) The President's budget states that Science and Technology Directorate assesses that capabilities at the National Bio-defense Analysis and Countermeasures Center (NBACC) can be replicated at other facilities. If NBACC is closed as proposed in the President's budget, which specific agencies or organizations will assume responsibility for supporting the threat characterization currently conducted by NBACC? Has DHS coordinated with these entities? Were similar determinations and plans made for the Chemical Security Analysis Center (CSAC)?

24) I understand NBACC has already received notification that the organization should begin developing a closure plan. Given the dependency of any such closing on Congressional action, what steps are you planning to take, if any, regarding the closure of NBACC following the completion of the closure plan and prior to the completion of the Congressional authorization and appropriations process for FY2018?

25) At the hearing you stated that the Coast Guard plans to buy six icebreakers, three heavy and three medium. Does the current acquisition plan of record for the Polar Icebreaker Program reflect this intention?

The Coast Guard Authorization Act of 2015 (Public Law 114-120), Section 207, POLAR ICEBREAKERS, states: "(a) INCREMENTAL FUNDING AUTHORIZED FOR POLAR ICEBREAKERS – In fiscal year 2016 and each fiscal year thereafter, the Commandant of the Coast Guard may enter into a contract or contracts for the acquisition of Polar Icebreakers and associated equipment using incremental funding." (§207(a)) This authorization provides the Coast Guard with the ability to enter into a contract or contracts to acquire as many new Polar Icebreakers as are required – as long as the Coast Guard uses the incremental funding acquisition process. I understand that the current Polar Icebreaker acquisition process now being executed by the Coast Guard does not take advantage of this authorization. What evaluation process occurred prior to the Coast Guard decision not to enter into a contract or contracts to acquire as many Polar Icebreakers as are required using the incremental acquisition process? Was a formal cost-evaluation completed to compare the existing Polar Icebreaker acquisition process and a block buy incremental acquisition process? If not, why not?

26) I understand that FEMA is conducting a review of the risk methodology used to determine Urban Area Security Initiative (UASI) allocations. What is the schedule for that review and what is the plan to incorporate Congressional and stakeholder input?

27) For the last several years, I have been a strong advocate for the Department of Homeland Security's Headquarters Consolidation at St Elizabeths. I firmly believe that finishing the DHS headquarters would improve our national security, increase morale and productivity at the Department, and save money for the taxpayers.

The President's budget proposes \$135 million for GSA's portion of DHS Consolidation at St Elizabeths but does not include DHS funding for new development at the site.

As you know, GSA is largely responsible for infrastructure investments at the site, while DHS is responsible for tenant renovations and improvements.

Can you please share your vision for Headquarters consolidation? Is the current funding request enough to keep the project on schedule?

Have other Administration infrastructure priorities for DHS, such as building a border wall, shifted resources away from DHS Headquarters consolidation at St. Es?

28) Cybersecurity breaches, such as the "WannaCry" ransomware attack last month, are becoming more common and increasingly rely not on expensive or sophisticated technology, but on a combination of common software bugs and user error.

It is important that the Department have the resources it needs—including qualified cybersecurity professionals—to help work with private sector partners and federal agencies to detect, mitigate, and respond to such attacks.

Please provide an update on the Department's progress in hiring and training qualified cybersecurity professionals.

What portion of the increased cybersecurity funding will go to building up DHS's cyber workforce?

29) Last year in the wake of the attacks on the airport in Brussels, the Senate voted 91 to 5 for an amendment to double the number of TSA Visible Intermodal Prevention and Response, or VIPR teams. These teams patrol our airports and public transit spaces in order to deter and respond to terrorist attacks. The provision, which I worked on with a number of my colleagues including Senator Heinrich, was ultimately signed into law.

Instead of funding the doubled teams, the President's FY2018 budget request cuts the number of VIPR teams to eight.

Please explain how this proposed cut is justified in light of increased attacks on soft targets.

30) Senator Harris and I sent a letter to DHS last month asking a number of questions about ICE's use of private, for-profit detention facilities.

As you know, an outside panel last year reviewed these facilities and found that these facilities are generally less safe than publicly run facilities, and made a number of recommendations for their improvement.

I believe we requested a reply to that letter by next week (June 12th). I have not a question for you but a request. Can you please commit to reviewing our letter carefully and providing a thorough response to our questions?

Question#:	13
Topic:	Voter Integrity Commission
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: Kansas Secretary of State Kris Kobach was quoted in The Kansas City Star on May 11, 2017 as saying that the Presidential Advisory Commission on Election Integrity, created by Executive Order 13799, would have full-time staff from the Office of the Vice President and the Department of Homeland Security.

Are you aware of any plans to staff the Presidential Advisory Commission on Election Integrity with DHS employees? If so, what office within DHS will staff the Commission, how many DHS employees will staff the Commission, and what is DHS's anticipated annual budget for the Commission?

Response: (b)(5)

(b)(5)

(b)(5)

DRAFT

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Response: (b)(5)

(b)(5)

(b)(5)

DRAFT

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Response: (b)(5)

(b)(5)

(b)(5)

DRAFT

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Response: (b)(5)

(b)(5)

(b)(5)

DRAFT

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Response: (b)(5)

(b)(5)

(b)(5)

DRAFT

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Topic:	Voter Integrity Commission
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

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Response: (b)(5)

(b)(5)

(b)(5)

DRAFT

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Topic:	Voter Integrity Commission
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Response:

(b)(5)

(b)(5)

DRAFT

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Response (b)(5)
(b)(5)

DRAFT

From:	(b)(6)
To:	"Krebs, Christopher (b)(6) (b)(6) "Cissna, Tiffany (b)(6) (b)(6)
CC:	(b)(6)
Subject:	RE: Auth QFR - S1 Senate Budget McCaskill (30) #1145721 Set #1 of 2 - Ready for Front Office Review
Date:	2017/08/14 09:14:20
Priority:	Normal
Type:	Note

Good Morning Chris and Tiffany;

We just wanted to check on the status of these S1 QFR's please. Thanks!

(b)(6)

Legislative Affairs Specialist
Executive Secretariat
● Office of the Secretary
Department of Homeland Security

(b)(6)

phone
cell

(202) 612-1975 fax

“ESEC: Excellent Service Endless Commitment”

From: (b)(6)
Sent: Tuesday, August 8, 2017 12:34 PM
To: Hamilton, Gene (b)(6); Krebs, Christopher
(b)(6); Cissna, Tiffany (b)(6)
Cc: Front Office Review CC (b)(6); QFR Group
(b)(6)
Subject: Auth QFR - S1 Senate Budget McCaskill (30) #1145721 Set #1 of 2 - Ready for Front Office Review
Importance: High

Good Afternoon,

Attached for Front Office review are draft responses to the first of two sets of Questions For the Record (QFRs) from the June 6th, 2017 hearing before the Senate Committee on Homeland Security and Governmental Affairs titled *The Department of Homeland Security Fiscal Year 2018 Budget Request* in which DHS Secretary John Kelly testified. This set of QFRs has been reviewed by DHS offices and Components, including OGC, and is ready for Front Office review. **Responses need only be current as of the hearing date of June 6th, 2017** since the QFRs are included as part of the hearing record.

QFR Number	Component/Topic	Counselor(s)
1	CBP – CBP’s Congressional Justification	Gene Hamilton
2	CBP – Unacquired Land	Gene Hamilton
3	CBP – Northern Border	Gene Hamilton
4	PLCY – Executive Order Reports	Tiffany Cissna
5	CBP – CBP Progress	Gene Hamilton, Tiffany Cissna
6	ICE – ICE Progress	Gene Hamilton, Tiffany Cissna
7	USCIS – USCIS Progress	Gene Hamilton, Tiffany Cissna
8	MGMT – OIG Funding	(b)(6) Tiffany Cissna
9	FEMA – Counterterrorism Grants	Chris Krebs
10	FEMA – FEMA Grants	Chris Krebs
11	TSA – Federal Air Marshalls	(b)(6)
12	PLCY – Missouri REAL ID Legislation	(b)(6)
13	MGMT – Voter Integrity Commission	Tiffany Cissna
14	USCIS – H-2B Visa Cap	Gene Hamilton
15	CBP – Land Ports of Entry Report	Gene Hamilton
16	MGMT – Electronic Device Search Software	Tiffany Cissna
17	CBP – Physical Wall Investment	Gene Hamilton
18	CBP – Surveillance Technology	Gene Hamilton
19	CBP – Border Patrol Agents	Gene Hamilton, (b)(6)
20	ICE – Unaccompanied Minors	Gene Hamilton
21	NPPD – Cyber Activities	Chris Krebs
22	NPPD – NCCIC	Chris Krebs
23	S&T – National Biodefense Analysis and Countermeasures Center	Chris Krebs
24	S&T – NBACC Closure	Chris Krebs
25	USCG – Polar Icebreaker Programs	Gene Hamilton, Chris Krebs, and (b)(6)

26	FEMA – Urban Area Security Initiative Allocations	Chris Krebs
27	MGMT – St. Elizabeths	Tiffany Cissna
28	NPPD – Cybersecurity Hearing	Chris Krebs
29	TSA – TSA VIPR Funding	(b)(6)
30	ICE – ICE Private Prisons	Gene Hamilton and (b)(6) (b)(6)

Respectfully, your comments or clearance is requested as soon as possible and no later than **1:00 pm on Thursday August 10th, 2017**. This QFR set still must complete Chief of Staff Review and OMB clearance process prior to submission to the Hill.

(b)(6)
Executive Secretariat
Office of the Secretary
Department of Homeland Security
 (b)(6) phone
 (b)(6) cell
 (202) 612-1975 fax

“ESEC: Excellent Service Endless Commitment”

Sender:	(b)(6)
Recipient:	"Krebs, Christopher (b)(6) (b)(6) "Cissna, Tiffany (b)(6) (b)(6)
Sent Date:	2017/08/14 09:14:20

Question#:	13
Topic:	Voter Integrity Commission
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

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Response: (b)(5)

(b)(5)

DRAFT

From:	(b)(6)
To:	(b)(6)
CC:	"Hamilton, Gene (b)(6) (b)(6)
Subject:	RE: Auth QFR - S1 Senate Budget McCaskill (30) #1145721 Set #1 of 2 - Ready for Front Office Review
Date:	2017/08/10 12:58:01
Priority:	Normal
Type:	Note

With edits on behalf of Gene.

From: (b)(6)
Sent: Tuesday, August 8, 2017 12:34 PM
To: Hamilton, Gene (b)(6) Krebs, Christopher
(b)(6) Cissna,
Tiffany (b)(6)
Cc: Front Office Review CC (b)(6) QFR Group
(b)(6)
Subject: Auth QFR - S1 Senate Budget McCaskill (30) #1145721 Set #1 of 2 - Ready for Front Office Review
Importance: High

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Attached for Front Office review are draft responses to the first of two sets of Questions For the Record (QFRs) from the June 6th, 2017 hearing before the Senate Committee on Homeland Security and Governmental Affairs titled *The Department of Homeland Security Fiscal Year 2018 Budget Request* in which DHS Secretary John Kelly testified. This set of QFRs has been reviewed by DHS offices and Components, including GC, and is ready for Front Office review. **Responses need only be current as of the hearing date of June 6th, 2017** since the QFRs are included as part of the hearing record.

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25	USCG – Polar Icebreaker Programs	Gene Hamilton, Chris Krebs, and (b)(6)
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Respectfully, your comments or clearance is requested as soon as possible and no later than **1:00 pm on Thursday August 10th, 2017**. This QFR set still must complete Chief of Staff Review and OMB clearance process prior to submission to the Hill.

(b)(6)

*Executive Secretariat
Office of the Secretary
Department of Homeland Security*

(b)(6) phone
(b)(6) cell
(202) 612-1975 fax

“ESEC: Excellent Service Endless Commitment”

Sender:	(b)(6)
Recipient:	"Hamilton, Gene" (b)(6) (b)(6)
Sent Date:	2017/08/10 12:58:01

Question#:	13
Topic:	Voter Integrity Commission
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

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Response: (b)(5)

(b)(5)

(b)(5)

DRAFT

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Topic:	Voter Integrity Commission
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

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Response:

(b)(5)

(b)(5)

DRAFT

From:	(b)(6)
To:	(b)(6)
CC:	(b)(6)
Subject:	Incoming S1 Senate Budget QFR Set # 1 of 2
Date:	2017/06/22 11:27:02
Importance:	High
Priority:	Urgent
Type:	Note

Good Morning Ladies and Gentlemen:

In an effort to reduce the number of reassignments in IQ, please review the attached word doc. and review the chart below to see the proposed assignment of the first of two sets Questions for the Record for the June 6th, 2017 hearing in front of the Senate Committee on Homeland Security and Governmental Affairs on *The Department of Homeland Security Fiscal Year 2018 Budget Request* in which Secretary John Kelly testified. **These QFR's have not yet been entered into and assigned into IQ**, however please let us know if you will accept the assignment or suggest who should receive the assignment by **12:00 pm on Monday June 26th, 2017**. Draft responses will be due at **12:00 pm on Monday July 3rd, 2017**.

QFR#	Topic	Proposed Assignment	Member
1	CBP's Congressional Justification	CBP	Senator Claire McCaskill (D-MO)
2	Unacquired Land	CBP	
3	Northern Border	CBP	
4	Executive Order Reports	CBP	
5	CBP Progress	CBP	
6	ICE Progress	ICE	
7	USCIS Progress	USCIS	
8	IG Funding	MGMT	
9	Counterterrorism Grants	PLCY	
10	FEMA Grants	FEMA	
11	Federal Air Marshalls	TSA	
12	Missouri REAL ID Legislation	PLCY	
13	Voter Integrity Commission	MGMT	
14	H2-B Visa Cap	USCIS	
15	Land Ports of Entry Report	CBP	
16	Electronic Device Search Software	MGMT	
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18	Surveillance Technology	CBP	
19	Border Patrol Agents	CBP	
20	Unaccompanied Minors	ICE	
21	Cyber Activities	NPPD	
22	NCCIC	NPPD	Senator Rob Portman (R-OH)
23	National Biodefense Analysis and Countermeasures Center	S&T	
24	NBACC Closure Plan	S&T	
25	Polar Icebreaker Program	USCG	
26	Urban Area Security Initiative Allocations	FEMA	Senator Thomas Carper (D-DE)
27	St. Elizabeths	MGMT	
28	Cybersecurity Hiring	NPPD	

29	TSA VIPR Funding	TSA	
30	ICE Private Prisons	ICE	

Once entered into and assigned in IQ, all assignments will be final.

(b)(6)

*Executive Secretariat
Office of the Secretary
Department of Homeland Security*

(b)(6) phone
(202) 612-1975 fax

Sender:	(b)(6)	
Recipient:	(b)(6)	

	(b)(6)
Sent Date:	2017/06/22 11:27:01
Delivered Date:	2017/06/22 11:27:02

From:	(b)(6)
To:	
CC:	
Subject:	SIGNIFICANT CORRESPONDENCE REPORT: 1.23.18
Date:	2018/01/23 15:27:45
Priority:	Normal
Type:	Note

Attached for your review is today's significant correspondence report. Based on our review and standard business practices, ESEC recommends tasking these letters to the below Components, with recommended signature level and priority. We ask that counselors provide any substantive guidance on letter assignment(in bullet format), response messaging, and letter priority. OLA should provide input on priority and signature levels if incorrect. We are asking for this input by **10 am tomorrow morning. If no response the letter will be tasked as reflected here.**

Control Number	Date Received	To	From	Summary
1156533 18-0240	01.19.18	S1 Rex Tillerson	Matthew Chrastek Coordinator The American Relief Coalition for Syria	Writes regarding TP
1156569 18-0414	01.23.18	S1 Rex Tillerson	Adhikaar for Human Rights and Social Justice	Writes regarding TP
1156581 18-0259	01.12.18	S1 cc: Rep. Cummings	Rep. Gowdy (SC)	Writes regarding conflict former employee of the ●versight and Governmen

				now an attorney at the
1156585 18-0351	01.23.18	SI	Rep. Thompson (MS) Rep. Brady (PA)	Write regarding DHS r related to the defunct Commission on Electi

Please submit any guidance to ESEC-External, Vince Micone, Scott Krause, Donald Swain, and Juliana Blackwell; all are copied on this e-mail.

Definitions of Priority:

Urgent: 5 Business Days to Final; Draft due 3 Business Days
 High: 10 Business Days to Final; Draft 7 Business Days
 Normal: 15 Business Days to Final; Draft 11 Business Days

Is Interim Necessary (YES/NO)? 1 Business Day.

Regards,

(b)(6)

Administrative Officer
 U.S. Department of Homeland Security
 Office of the Executive Secretary

O: (b)(6)
 C: (b)(6)

“ESEC: Excellent Service Endless Commitment”

Sender:	(b)(6)	
Recipient:		

	(b)(6)
Sent Date:	2018/01/23 15:27:44
Delivered Date:	2018/01/23 15:27:45

From:	(b)(6)
To:	(b)(6)
CC:	(b)(6)
Subject:	RE: SIGNIFICANT CORRESPONDENCE REPORT: 1.23.18
Date:	2018/01/23 15:30:19
Priority:	Normal
Type:	Note

Adding (b)(6) for awareness since he is not on the Front Office Review CC collective yet. Thanks

From: (b)(6)
Sent: Tuesday, January 23, 2018 3:28 PM
To: Front Office Review CC (b)(6)
Cc: (b)(6)
(b)(6)

Subject: SIGNIFICANT CORRESPONDENCE REPORT: 1.23.18

Attached for your review is today's significant correspondence report. Based on our review and standard business practices, ESEC recommends tasking these letters to the below Components, with recommended signature level and priority. We ask that counselors provide any substantive guidance on letter assignment (in bullet format), response messaging, and letter priority. OLA should provide input on priority and signature levels if incorrect. We are asking for this input by **10 am tomorrow morning**. **If no response the letter will be tasked as reflected here.**

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1156585 18-0351	01.23.18	S1	Rep. Thompson (MS) Rep. Brady (PA)	Write regarding DHS r related to the defunct Commission on Electi

Please submit any guidance to ESEC-External (b)(6)

(b)(6) all are copied on this e-mail.

Definitions of Priority:

Urgent: 5 Business Days to Final; Draft due 3 Business Days
 High: 10 Business Days to Final; Draft 7 Business Days
 Normal: 15 Business Days to Final; Draft 11 Business Days

Is Interim Necessary (YES/NO)? 1 Business Day.

Regards,

(b)(6)

Administrative Officer
 U.S. Department of Homeland Security
 Office of the Executive Secretary

(b)(6)

C

“ESEC: Excellent Service Endless Commitment”

Sender:	(b)(6)
Recipient:	

(b)(6)

Sent Date: 2018/01/23 15:30:18

Delivered Date: 2018/01/23 15:30:19

From:	White House Press Office <whitehouse-noreply@messages.whitehouse.gov>
To:	"Media Inquiry (b)(6)" (b)(6)
Subject:	Executive Order on the Termination of Presidential Advisory Commission on Election Integrity
Date:	2018/01/03 19:16:34
Type:	Note

THE WHITE HOUSE

Office of the Press Secretary

FOR IMMEDIATE RELEASE

January 3, 2018

EXECUTIVE ORDER

- - - - -

TERMINATION OF PRESIDENTIAL

ADVISORY COMMISSION ON ELECTION INTEGRITY

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Executive Order 13799 of May 11, 2017 (Establishment of Presidential Advisory Commission on Election Integrity), is hereby revoked, and the Presidential Advisory Commission on Election Integrity is accordingly terminated.

Sec.

2. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party (other than by the United States) against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,

January 3, 2018.

###

[Unsubscribe](#)

The White House · 1600 Pennsylvania Avenue, NW · Washington DC 20500 · 202-456-1111

Sender:	White House Press Office <whitehousenoreply@messages.whitehouse.gov>
Recipient:	"Media Inquiry (b)(6)" (b)(6)
Sent Date:	2018/01/03 19:16:23
Delivered Date:	2018/01/03 19:16:34

Question#:	13
Topic:	Voter Integrity Commission
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: Kansas Secretary of State Kris Kobach was quoted in The Kansas City Star on May 11, 2017 as saying that the Presidential Advisory Commission on Election Integrity, created by Executive Order 13799, would have full-time staff from the Office of the Vice President and the Department of Homeland Security.

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Response: (b)(5)

(b)(5)

DRAFT

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Response: Non Responsive Record

Non Responsive Record

DRAFT

Congress of the United States
Washington, DC 20515

January 23, 2018

The Honorable Kirstjen Nielsen
Secretary
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528

SCANNED/RECEIVED
BY ESEC/SEC
2018 JAN 23 AM 11:50

Dear Secretary Nielsen:

We write seeking clarification regarding the Department of Homeland Security's (the Department or DHS) responsibilities related to the defunct Presidential Commission on Election Integrity (the Commission).

On May 11, 2017, President Trump signed Executive Order 13799, *Establishment of Presidential Advisory Commission on Election Integrity*¹ to investigate allegations "improper voter registrations and improper voting, including fraudulent voter registrations and fraudulent voting," substantiated by nothing more than the President's active imagination and frustration that he did not receive the majority of the popular votes cast in the 2016 presidential election. The Commission was the subject of criticism from the start. Advocacy organizations ultimately took legal action on multiple occasions, alleging violations of several federal laws, including the Fifth Amendment to the U.S. Constitution, the Privacy Act, the Hatch Act, and of multiple state laws, among other things.²

On January 3, 2018, fewer than nine months after he established it, the President abruptly terminated the Commission.³ To the best of our knowledge, the Commission was unable to produce any evidence of improper voter registrations and improper voting, including fraudulent voter registrations and fraudulent voting. Indeed, we understand that, contrary to the Administration's initial statements, the Commission did not develop any "preliminary findings" that would be transferred to DHS.⁴ Moreover, all of the voter data it collected will, rightfully, be destroyed.⁵

¹ Exec. Order No. 13799, 82 Fed. Reg. 22389 (May. 16, 2017), available at <https://www.gpo.gov/fdsys/pkg/FR-2017-05-16/pdf/2017-10003.pdf>.

² See Legal Actions Taken Against Trump's "Voter Fraud" Commission, "Brennan Center for Justice (Dec. 26, 2017), <https://www.brennancenter.org/legal-actions-taken-against-trump%E2%80%99s-%E2%80%9Cfraud%E2%80%9D-commission> (last accessed Jan. 10, 2018).

³ Exec. Order No. 13820, 83 Fed. Reg. 969 (Jan. 3, 2018), available at <https://www.gpo.gov/fdsys/pkg/FR-2018-01-08/pdf/2018-00240.pdf>.

⁴ Josh Gerstein, "White House Plans to Destroy Trump Election Fraud Commission's Voter Data," *Politico* (Jan. 9, 2017), available at <https://www.politico.com/blogs/under-the-radar/2018/01/09/trump-election-fraud-commission-voter-data-332745>.

⁵ *Id.*

In the meantime, to its credit, the Department of Homeland Security has continued its work to carry out its responsibilities related to the designation of election infrastructure as a critical infrastructure subsector. Then-Secretary Jeh Johnson made the designation on January 6, 2017, following the Intelligence Community's assessment that "Russian efforts to influence the 2016 US presidential election represent the most recent expression of Moscow's longstanding desire to undermine the US-led liberal democratic order, but these activities demonstrated a significant escalation in directness, level of activity, and scope of effort compared to previous operations."⁶ Over the course of the past year, nothing has occurred to suggest that Russia has any less interest in undermining confidence in our democratic processes. Accordingly, helping states secure their election infrastructure against credible foreign threats should remain one of the Department's top priorities.

When he terminated the Commission, the President directed DHS to examine "its initial findings and determine next courses of action."⁷ It is unclear how the Department will carry out this charge given that the Commission never produced any findings. Moreover, we are concerned that directing DHS essentially to take over where the Commission left off could distract the Department from its pressing obligation to protect US election systems from foreign interference and may undermine the burgeoning relationships DHS is building with state election officials.

Public statements from the Department have been somewhat reassuring that DHS will not divert resources from its ongoing election security work, but they are not conclusive.⁸ Accordingly, pursuant to Rule X(3)(g) and Rule XI of the Rules of the House of Representatives, we respectfully request you provide a written response to the following information, and whatever supplementary information you deem responsive, by January 26, 2018:

- According to the President, the Department will take over the work of the Commission. We understand that all voter data collected will be destroyed and that the Commission never made any findings. If that is the case, what will the Department be taking over? Please identify any documents, files, electronic records, or information that the Department has received or anticipates receiving from the Commission.
- What new activities, if any, will the Department undertake pursuant to the President's decision to terminate the Commission and transfer its responsibilities to DHS? What

⁶ Office of the Director of National Intelligence, *Assessing Russian Activities and Intentions in Recent U.S. Elections*, ICA 2017-01D (Jan. 6, 2017), https://www.dni.gov/files/documents/ICA_2017_01.pdf.

⁷ Press Release, The White House, Statement by the Press Secretary on the Presidential Advisory Commission on Election Integrity (Jan. 3, 2018), available at <https://www.whitehouse.gov/briefings-statements/statement-press-secretary-presidential-advisory-commission-election-integrity/>.

⁸ Dustin Volz & Julia Harte, "DHS Election Unit Has No Plans for Probing Voter Fraud: Sources," *Reuters* (Jan 5, 2018), available at <https://www.reuters.com/article/us-usa-election-dhs/dhs-election-unit-has-no-plans-for-probing-voter-fraud-sources-idUSKBN1EUIYF?feedType=RSS&feedName=politicsNews> (citing a DHS official who said that the Department would continue "to work in support of state governments who are responsible for administering elections, with efforts focused on securing elections against those who seek to undermine the election system or its integrity.").

information will inform DHS' actions? Will these new activities, if any, require the Department to divert resources from existing activities?

- Some state election officials have expressed concern that charging DHS with investigating voter fraud allegations may undermine the cooperative relationships between the Department and the states that are necessary to keep elections secure.⁹ What are you doing to preserve those important relationships?

Thank you for your attention to this matter. If you have any questions or require additional information, please contact Alison Northrop, Chief Director for Oversight, at (202) 226-2616.

Sincerely,



BENNIE G. THOMPSON
Ranking Member
Committee on Homeland Security



ROBERT A. BRADY
Ranking Member
Committee on House Administration

⁹ *Id.*




ESEC External Actions Addressed to the Secretary and Deputy Secretary

- Due date greater than 3 days away
- Due date is within 1-3 days
- Today or Past Due




●	Tasked Congressional Correspondence for S1/S2 Signature	12/21/17	34	With Component	12/21/17	NPPD	1/8/18	Rep. Smith (TX)	Writes regarding the Department's November 27, 2017 opposition letter to H.R. 1224, the NIST Cybersecurity Framework, Assessment, and Auditing Act of 2017. Further, Rep. Smith requests a letter of acknowledgement and withdrawal of the Department's opposition to the bill.	-- (b)(6)	1155376 / 17-8176
●	Tasked Congressional Correspondence for S1/S2 Signature	1/4/18	20	With Component	1/4/18	NPPD	1/19/18	Sen. McCaskill (MO)	Writes regarding interaction between DHS and the Presidential Advisory Commission on Election Integrity	(b)(6)	155773 / 8-0068
●	Tasked Congressional Correspondence for S1/S2 Signature	12/12/17	43	With Component	12/11/17	OGC	12/27/17	Rep. Gowdy (SC)	Writes requesting information on how and when guidance documents are issued by DHS	(b)(6)	1154907 / 17-8135
●	Tasked Congressional Correspondence for S1/S2 Signature	12/7/17	48	Packaged for S1	1/10/18	OLA	12/20/17	Rep. Thompson (MS)	Writes with a series of questions regarding S1's thoughts on statements made by POTUS.	--	1154748 / 17-8021

Open Congressional Correspondence Addressed to the Secretary and Deputy Secretary




URGENT

-  Days in progress is within 1-3 business days
-  Days in progress is within 4 business days
-  Days in progress is more than 5 business days

HIGH

-  Days in progress is within 1-7 business days
-  Days in progress is within 8-9 business days
-  Days in progress is more than 10 business days

ROUTINE

-  Days in progress is within 1-10 business days
-  Days in progress is within 11-14 business days
-  Days in progress is more than 15 business days

Priority Level	#	Stop Light Status	Date Received	Days in Progress	Document Location	Location As of	Component	Final Due Date	Member	Total Signatories	Issue	Front Office	Interim	Tracking # (IQ)/ES
High	49		12/19/17	26	With Component	12/19/17	NPPD	1/4/18	Rep. Smith (TX)	1	Requests status updates on the Departments implementation and compliance with Binding Operational Directive 17-01-removal of Kaspersky software from federal networks. Also requests that designated DHS employee be ready to brief Committee members ASAP.	(b)(6)	Yes	1155242 / 17-8225
	50		12/21/17	24	With Component	12/21/17	NPPD	1/8/18	Rep. Smith (TX)	1	Writes regarding the Department's November 27, 2017 opposition letter to H.R. 1224, the NIST Cybersecurity Framework, Assessment, and Auditing Act of 2017. Further, Rep. Smith requests a letter of acknowledgement and withdrawal of the Department's opposition to the bill.	(b)(6)	No	1155376 / 17-8176
	51		1/4/18	14	With Component	1/4/18	NPPD	1/19/18	Sen. McCaskill (MO)	1	Writes regarding interaction between DHS and the Presidential Advisory Commission on Election Integrity	(b)(6)	No	1155773 / 18-0068

QUESTIONS
FOR THE
RECORD

Question#:	13
Topic:	Voter Integrity Commission
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: Kansas Secretary of State Kris Kobach was quoted in The Kansas City Star on May 11, 2017 as saying that the Presidential Advisory Commission on Election Integrity, created by Executive Order 13799, would have full-time staff from the Office of the Vice President and the Department of Homeland Security.

Are you aware of any plans to staff the Presidential Advisory Commission on Election Integrity with DHS employees? If so, what office within DHS will staff the Commission, how many DHS employees will staff the Commission, and what is DHS's anticipated annual budget for the Commission?

Response: The Department of Homeland Security notes that Section 7 of the Executive Order states that GSA will provide support to the Commission, including staff necessary to carry out its mission.

From:	Micone, Vincent (b)(6)
To:	(b)(6)
Subject:	FW: SIGNIFICANT CORRESPONDENCE REPORT: 1.23.18
Date:	2018/01/23 15:31:10
Priority:	Normal
Type:	Note

FYSA

Thanks,
Vince

Vince Micone
Acting Chief of Staff, Office of Legislative Affairs
Senior Counselor for Management, Management Directorate
U.S. Department of Homeland Security
OLA (b)(6)
MGM (b)(6)

From: (b)(6)
Sent: Tuesday, January 23, 2018 3:29 PM
To: (b)(6)
Subject: SIGNIFICANT CORRESPONDENCE REPORT: 1.23.18

Control Number	Date Received	To	From	Summary
1156533 18-0240	01.19.18	SI Rex Tillerson	Matthew Chrastek Coordinator The American Relief Coalition for Syria	Writes regarding TP
1156569 18-0414	01.23.18	SI Rex Tillerson	Adhikaar for Human Rights and Social Justice	Writes regarding TP
1156581 18-0259	01.12.18	SI cc: Rep. Cummings	Rep. Gowdy (SC)	Writes regarding conflict former employee of the Oversight and Governmen

				now an attorney at the
1156585 18-0351	01.23.18	SI	Rep. Thompson (MS) Rep. Brady (PA)	Write regarding DHS r related to the defunct Commission on Electi

Regards,

(b)(6)

Administrative Officer

U.S. Department of Homeland Security

Office of the Executive Secretary

O: (b)(6)

C: (b)(6)

“ESEC: Excellent Service Endless Commitment”

Sender:	Micone, Vincent (b)(6)
Recipient:	(b)(6)
Sent Date:	2018/01/23 15:31:09
Delivered Date:	2018/01/23 15:31:10

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of the Freedom of Information and Privacy Act

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of the Freedom of Information and Privacy Act

From:	Sultan, Jennifer (b)(6)
To:	"Quinn, Cameron (b)(6)
CC:	"Venture, Veronica (b)(6)
Subject:	RE: DHS Election Integrity Task Force and E.O. Disbanding Presidential Advisory Commission on Election Integrity
Date:	2018/01/08 11:57:46
Priority:	Normal
Type:	Note

Thank you.

From: Quinn, Cameron
Sent: Monday, January 8, 2018 11:56 AM
To: Sultan, Jennifer (b)(6)
Cc: Venture, Veronica (b)(6)
Subject: RE: DHS Election Integrity Task Force and E.O. Disbanding Presidential Advisory Commission on Election Integrity

Jen – in process. Will loop you in as this starts really moving.

From: Sultan, Jennifer
Sent: Monday, January 8, 2018 11:55 AM
To: Quinn, Cameron (b)(6)
Cc: Venture, Veronica (b)(6)
Subject: DHS Election Integrity Task Force and E.O. Disbanding Presidential Advisory Commission on Election Integrity

Cameron,

As you know, I flagged for you below the existence of a DHS Election Integrity Task Force given your background and potential civil rights and civil liberties issues that could arise in this context, suggesting that CRCL should at least be involved enough to understand whether the scope will include CRCL equities. To be clear, that effort appears to be an NPPD-led effort to guard against cyber and other threats to interfere with the integrity of the voting process.

Since I sent you the below email, you have no doubt been aware of reports that on January 3, the President issued an [executive order](#) disbanding the Presidential Advisory Commission on Election Integrity (created by E.O. 13799, chaired by VP Pence and Kansas Secretary of State Kobach); in public statements regarding the termination of the Commission, the Administration indicated that its work is being referred to DHS for follow-up. An effort to verify citizenship or confirm non-citizenship on voter rolls collected by the former Advisory Commission suggests an even stronger link to CRCL's equities. Therefore, I am flagging this for you presumably BEFORE this effort is underway to try to ensure that CRCL is appropriately included from the outset. I believe CRCL would be instrumental in assisting in the development of processes to ensure appropriate safeguards surrounding sharing data (SIIP) and to

ensuring development of a process whereby any data or other errors can be challenged by impacted individuals (who could be disenfranchised based on erroneous determinations). It is possible that at some later point, CRCL may also receive civil rights complaints alleging DHS interfered with a U.S. citizen's right to vote based on whatever process it ends up using to check for voter fraud.

I discussed this with Ronnie and she suggested emailing you.

Jen

From: Sultan, Jennifer
Sent: Thursday, December 14, 2017 5:02 PM
To: Quinn, Cameron (b)(6)
Cc: Venture, Veronica (b)(6); (b)(6); Shuchart, Scott (b)(6)
Subject: DHS Election Integrity Task Force

Cameron,

I am flagging this for your attention given your background in election law and my discussion with Scott about the potential interest here for CRCL. NPPD recently stood up an Election Integrity Task Force. Apparently, Bob Kolasky, the Acting Deputy Under Secretary for NPPD (who is concurrently serving as the Acting Assistant Secretary for the Office of Infrastructure Protection within NPPD) is leading this effort. (b)(6) spoke with an NPPD contact who reports that the organizational structure, goals, and agenda are still in development and the first meeting was held earlier this month. While we have very limited information at this point, (b)(6) has offered to find out more if we would like her to do so.

Potential interest for CRCL: We can imagine DHS election security efforts developing in ways that would benefit from CRCL (and likely PRIV) input and expertise.

- Topics of interest could include:
 - o Access controls for state voter files (a substantial PII security issue as well as, potentially, a Fourth Amendment one if accessible to law enforcement); also addressing potential public concerns about privacy and security of state voter data
 - Accessibility and nondiscrimination in any voter database security steps recommended or facilitated by the Department
 - o Section 508 compliance of any federal tools for this purpose
 - o Ensuring any DHS role with auditing voter files (e.g. to detect possible tampering) is compliant with the array of federal voter protections in place and administered by DOJ, Election Assistance Commission, etc.

If you would like, we would be happy to try to find out more information to better determine whether CRCL might have equities and to offer CRCL support if so. We could also provide you with the appropriate higher level contacts if you would prefer to reach out to someone at your level.

Jen

Sender: Sultan, Jennifer (b)(6)

	(b)(6)
Recipient:	"Quinn, Cameron (b)(6) (b)(6) "Venture, Veronica (b)(6) (b)(6)
Sent Date:	2018/01/08 11:57:46

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of the Freedom of Information and Privacy Act

From:	(b)(6)
To:	"Hamilton, Gene (b)(6) (b)(6)
CC:	(b)(6)
Subject:	RE: Auth QFR - S1 Senate Budget McCaskill (30) #1145721 Set #1 of 2 - Ready for Front Office Review
Date:	2017/08/10 11:45:50
Priority:	Normal
Type:	Note

I reviewed and made a few edits.

From: Piperni, Vincent
Sent: Tuesday, August 8, 2017 12:34 PM
To: Hamilton, Gene (b)(6) Krebs, Christopher
(b)(6) Cissna,
Tiffany (b)(6) (b)(6) (b)(6)
Cc: Front Office Review CC: (b)(6) QFR Group
(b)(6)
Subject: Auth QFR - S1 Senate Budget McCaskill (30) #1145721 Set #1 of 2 - Ready for Front Office Review
Importance: High

Good Afternoon,

Attached for Front Office review are draft responses to the first of two sets of Questions For the Record (QFRs) from the June 6th, 2017 hearing before the Senate Committee on Homeland Security and Governmental Affairs titled *The Department of Homeland Security Fiscal Year 2018 Budget Request* in which DHS Secretary John Kelly testified. This set of QFRs has been reviewed by DHS offices and Components, including OGC, and is ready for Front Office review. **Responses need only be current as of the hearing date of June 6th, 2017** since the QFRs are included as part of the hearing record.

QFR Number	Component/Topic	Counselor(s)
1	CBP – CBP’s Congressional Justification	Gene Hamilton
2	CBP – Unacquired Land	Gene Hamilton
3	CBP – Northern Border	Gene Hamilton
4	PLCY – Executive Order Reports	Tiffany Cissna

5	CBP – CBP Progress	Gene Hamilton, Tiffany Cissna
6	ICE – ICE Progress	Gene Hamilton, Tiffany Cissna
7	USCIS – USCIS Progress	Gene Hamilton, Tiffany Cissna
8	MGMT – ●IG Funding	(b)(6) Tiffany Cissna
9	FEMA – Counterterrorism Grants	Chris Krebs
10	FEMA – FEMA Grants	Chris Krebs
11	TSA – Federal Air Marshalls	(b)(6)
12	PLCY – Missouri REAL ID Legislation	(b)(6)
13	MGMT – Voter Integrity Commission	Tiffany Cissna
14	USCIS – H-2B Visa Cap	Gene Hamilton
15	CBP – Land Ports of Entry Report	Gene Hamilton
16	MGMT – Electronic Device Search Software	Tiffany Cissna
17	CBP – Physical Wall Investment	Gene Hamilton
18	CBP – Surveillance Technology	Gene Hamilton
19	CBP – Border Patrol Agents	Gene Hamilton, (b)(6)
20	ICE – Unaccompanied Minors	Gene Hamilton
21	NPPD – Cyber Activities	Chris Krebs
22	NPPD – NCCIC	Chris Krebs
23	S&T – National Biodefense Analysis and Countermeasures Center	Chris Krebs
24	S&T – NBACC Closure	Chris Krebs
25	USCG – Polar Icebreaker Programs	Gene Hamilton, Chris Krebs, and (b)(6)
26	FEMA – Urban Area Security Initiative Allocations	Chris Krebs
27	MGMT – St. Elizabeths	Tiffany Cissna
28	NPPD – Cybersecurity Hearing	Chris Krebs
29	TSA – TSA VIPR Funding	(b)(6)
30	ICE – ICE Private Prisons	Gene Hamilton and (b)(6) (b)(6)

Respectfully, your comments or clearance is requested as soon as possible and no later than **1:00 pm on Thursday August 10th, 2017**. This QFR set still must complete Chief of Staff Review and OMB clearance process prior to submission to the Hill.

Vincent M. Piperni
Executive Secretariat

*Office of the Secretary
Department of Homeland Security*

(b)(6) phone
(b)(6) cell
(202) 612-1975 fax

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Sender:	(b)(6)
Recipient:	"Hamilton, Gene (b)(6) (b)(6)
Sent Date:	2017/08/10 11:45:49
Delivered Date:	2017/08/10 11:45:50

From:	Maier, Joseph (b)(6)
To:	"Shah, Dimple" (b)(6) "Chang, Hayley" (b)(6)
CC:	"Palmer, David" (b)(6)
Subject:	FW: EO
Date:	2018/01/04 09:43:41
Priority:	Normal
Type:	Note

D/H,

Let's try to connect sometime later today on this. There are both cyber aspects and immigration-related aspects, and we'll have some prompt work to do to assess relevant authorities.

From: Wales, Brandon
Sent: Thursday, January 4, 2018 8:52 AM
To: Maier, Joseph (b)(6) Chang, Hayley
(b)(6)
Subject: FW: E●

Joe/Hayley,

Yesterday the President rescinded the attached E● from May on the Election Integrity Commission. Here is the press statement that the White House released: Despite substantial evidence of voter fraud, many states have refused to provide the Presidential Advisory Commission on Election Integrity with basic information relevant to its inquiry. Rather than engage in endless legal battles at taxpayer expense, today President Donald J. Trump signed an executive order to dissolve the Commission, and he has asked the Department of Homeland Security to review its initial findings and determine next courses of action.

(b)(5)

Best,
Brandon

Brandon D. Wales
Senior Counselor to the Secretary
Department of Homeland Security

Office: (b)(6)
Mobile: (b)(6)

From: Wolf, Chad
Sent: Wednesday, January 3, 2018 7:17 PM
To: Wales, Brandon (b)(6)
Subject: FW: EO

Chad F. Wolf
(Acting) Chief of Staff
Department of Homeland Security

From: Fuentes, Zach D. EOP/WHO (b)(6)
Sent: Wednesday, January 3, 2018 7:10 PM
To: Wolf, Chad (b)(6); Hoffman, Jonathan
(b)(6)
Cc: (b)(6)
Subject: EO

Please find requested EO attached.

Thanks,
Z

Sender:	Maher, Joseph (b)(6) (b)(6)
Recipient:	"Shah, Dimple" (b)(6) (b)(6) "Chang, Hayley" (b)(6) (b)(6) "Palmer, David" (b)(6) (b)(6)
Sent Date:	2018/01/04 09:43:40
Delivered Date:	2018/01/04 09:43:41

Presidential Documents

Title 3—

Executive Order 13799 of May 11, 2017

The President

Establishment of Presidential Advisory Commission on Election Integrity

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote fair and honest Federal elections, it is hereby ordered as follows:

Section 1. *Establishment.* The Presidential Advisory Commission on Election Integrity (Commission) is hereby established.

Sec. 2. *Membership.* The Vice President shall chair the Commission, which shall be composed of not more than 15 additional members. The President shall appoint the additional members, who shall include individuals with knowledge and experience in elections, election management, election fraud detection, and voter integrity efforts, and any other individuals with knowledge or experience that the President determines to be of value to the Commission. The Vice President may select a Vice Chair of the Commission from among the members appointed by the President.

Sec. 3. *Mission.* The Commission shall, consistent with applicable law, study the registration and voting processes used in Federal elections. The Commission shall be solely advisory and shall submit a report to the President that identifies the following:

(a) those laws, rules, policies, activities, strategies, and practices that enhance the American people's confidence in the integrity of the voting processes used in Federal elections;

(b) those laws, rules, policies, activities, strategies, and practices that undermine the American people's confidence in the integrity of the voting processes used in Federal elections; and

(c) those vulnerabilities in voting systems and practices used for Federal elections that could lead to improper voter registrations and improper voting, including fraudulent voter registrations and fraudulent voting.

Sec. 4. *Definitions.* For purposes of this order:

(a) The term "improper voter registration" means any situation where an individual who does not possess the legal right to vote in a jurisdiction is included as an eligible voter on that jurisdiction's voter list, regardless of the state of mind or intent of such individual.

(b) The term "improper voting" means the act of an individual casting a non-provisional ballot in a jurisdiction in which that individual is ineligible to vote, or the act of an individual casting a ballot in multiple jurisdictions, regardless of the state of mind or intent of that individual.

(c) The term "fraudulent voter registration" means any situation where an individual knowingly and intentionally takes steps to add ineligible individuals to voter lists.

(d) The term "fraudulent voting" means the act of casting a non-provisional ballot or multiple ballots with knowledge that casting the ballot or ballots is illegal.

Sec. 5. *Administration.* The Commission shall hold public meetings and engage with Federal, State, and local officials, and election law experts, as necessary, to carry out its mission. The Commission shall be informed by, and shall strive to avoid duplicating, the efforts of existing government entities. The Commission shall have staff to provide support for its functions.

Sec. 6. Termination. The Commission shall terminate 30 days after it submits its report to the President.

Sec. 7. General Provisions. (a) To the extent permitted by law, and subject to the availability of appropriations, the General Services Administration shall provide the Commission with such administrative services, funds, facilities, staff, equipment, and other support services as may be necessary to carry out its mission on a reimbursable basis.

(b) Relevant executive departments and agencies shall endeavor to cooperate with the Commission.

(c) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (the "Act"), may apply to the Commission, any functions of the President under that Act, except for those in section 6 of the Act, shall be performed by the Administrator of General Services.

(d) Members of the Commission shall serve without any additional compensation for their work on the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, to the extent permitted by law for persons serving intermittently in the Government service (5 U.S.C. 5701–5707).

(e) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(f) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(g) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
May 11, 2017.

From:	(b)(6) <[redacted]@iapp.org>
To:	"Cantor, Jonathan"(b)(6) <[redacted]>
Subject:	Privacy Act scope question
Date:	2017/06/30 10:51:50
Type:	Note

Good morning, Jonathan.

Sam Pfeifle just told me to reach out to you about a question we have been discussing this morning... we would love your input if you are able to provide any guidance

Specifically, we are wondering whether the President's Advisory Commission on Election Integrity (established by Executive Order 13799, May 11, 2017) could be subject to the Privacy Act if it were to create a database of voter information gathered from various states.

It appears that the Advisory Commission recently

[reached out to state election authorities](#) requesting any "publicly available voter roll data," including the following information ("if publicly available" under state law):

"full first and last names of all registrants, middle names or initials if available, addresses, dates of birth, political party (if recorded in your state), last four digits of social security number if available, voter history (election voted in) from 2006 onward, active/inactive status, cancelled status, information regarding any felony convictions, information regarding voter registration in another state, information regarding military status, and overseas citizen information."

I know the Executive Office of the President is an agency under the Privacy Act, so unless an advisory commission is apart from the Executive Office or exempt

from the requirements, I fail to see how it would not be required to publish a SORN when collecting this sort of information. I also don't recall there being an exception to the requirements if an agency only collects publicly available information, but I am still new to the Privacy Act, so I could have missed something.

Thanks in advance for any help you can give us.

All my best,

(b)(6)

IAPP | International Association of Privacy Professionals

75 Rochester Ave., Suite 4 | Portsmouth, NH 03801 USA

(b)(6)

(b)(6) iapp.org

Sender:	(b)(6)@iapp.org>
Recipient:	"Cantor, Jonathan" <(b)(6)>
Sent Date:	2017/06/30 10:51:46
Delivered Date:	2017/06/30 10:51:50

From:	Kossack, Andrew J. EOP/OVP (b)(6)
To:	"Paoletta, Mark R. EOP/OVP (b)(6) "Nielsen, Kirstien (b)(6)
CC:	"Krebs, Christopher (b)(6) "Morgan, Matthew E. EOP/OVP (b)(6) "Pitcock, Josh M. EOP/OVP (b)(6)
Subject:	RE: Election Integrity Commission
Date:	2017/07/06 09:54:18
Type:	Note

Hi Kirstjen,

(b)(5)

<https://www.whitehouse.gov/the-press-office/2017/05/11/presidential-executive-order-establishment-presidential-advisory>.

I hope these materials are helpful. If you have any questions or need anything else, just let me know.

Thanks,

Andrew

Andrew J. Kossack

Associate Counsel

Office of the Vice President

Cell: (b)(6)

Email:

(b)(6)

From: Paoletta, Mark R. EOP/OVP

Sent: Thursday, July 6, 2017 9:31 AM

To: Nielsen, Kirstjen (b)(6)

Cc: Kossack, Andrew J. EOP/OVP (b)(6) Krebs, Christopher

(b)(6) Morgan, Matthew E. EOP/OVP

(b)(6) Pitcock, Josh M. EOP/OVP

Subject: Re: Election Integrity Commission

Kirstjen,

(b)(5)

Can we have a conference call today with our team and you and/or Chris? We spoke with Chris a couple of weeks ago and wanted to follow up on our discussion.

Thanks.

(b)(6)

Counsel to the Vice President

(b)(6) work)
cell)

Sent from my iPhone

On Jul 4, 2017, at 7:55 AM, Pitcock, Josh M. E●P/●VP

(b)(6) wrote:

Thanks, Kirstjen.

Yes, let me connect you with Mark Paoletta on this.

Happy 4th!

Sent from my iPhone

On Jul 3, 2017, at 5:13 PM, Nielsen, Kirstjen (b)(6) wrote:

Hi Josh,

How are you?

(b)(5)

Thanks in advance – the Department is standing by to help the Vice President in his efforts!

Hope you have a fabulous 4th of July!

Best,

Kirstjen

Sender:	Kossack, Andrew J. EOP/OVP (b)(6)
Recipient:	"Paoletta, Mark R. EOP/OVP <(b)(6)> "Nielsen, Kirstjen (b)(6) (b)(6) "Krebs, Christopher (b)(6) (b)(6) "Morgan, Matthew E. EOP/OVP <(b)(6)> "Pitcock, Josh M. EOP/OVP <(b)(6)>
Sent Date:	2017/07/06 09:54:04
Delivered Date:	2017/07/06 09:54:18

CHARTER

PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY

1. **Committee's Official Designation.** Presidential Advisory Commission on Election Integrity ("Commission").
2. **Authority.** The Commission is established in accordance with Executive Order 13799 of May 11, 2017, "Establishment of a Presidential Advisory Commission on Election Integrity," ("Order") and the provisions of the Federal Advisory Committee Act ("FACA"), as amended (5 U.S.C. App.).
3. **Objectives and Scope of Activities.** The Commission will, consistent with applicable law and the Order, study the registration and voting processes used in Federal elections. The Commission shall be solely advisory and shall submit a report to the President of the United States ("President") that identifies the following:
 - a. those laws, rules, policies, activities, strategies, and practices that enhance the American people's confidence in the integrity of the voting processes used in Federal elections;
 - b. those laws, rules, policies, activities, strategies, and practices that undermine the American people's confidence in the integrity of voting processes used in Federal elections; and
 - c. those vulnerabilities in voting systems and practices used for Federal elections that could lead to improper voter registrations and improper voting, including fraudulent voter registrations and fraudulent voting.
4. **Description of Duties.** The Commission will function solely as an advisory body.
5. **Agency or Official to Whom the Committee Reports.** The Commission shall provide its advice and recommendations to the President.
6. **Agency Responsible for Providing Support.** The General Services Administration ("GSA") shall provide the Commission with such administrative services, funds, facilities, staff, equipment, and other support services as may be necessary to carry out its mission, to the extent permitted by law and on a reimbursable basis. However, the President's designee will be responsible for fulfilling the requirements of subsection 6(b) of the FACA.
7. **Estimated Annual Operating Costs and Staff Years.** The estimated annual costs to operate the Commission are approximately \$250,000 in FY2017 and approximately \$250,000 in FY2018, as needed, including approximately three full-time equivalent employees (FTEs) over the duration of the Commission.
8. **Designated Federal Officer.** Pursuant to 41 CFR § 102-3.105 and in consultation with the chair of the Commission, the GSA Administrator shall appoint a full-time or part-time federal employee as the Commission's Designated Federal Officer ("DFO"). The DFO will approve or

call all Commission meetings, prepare or approve all meeting agendas, attend all Commission meetings and any subcommittee meetings, and adjourn any meeting when the DFO determines adjournment to be in the public interest. In the DFO's discretion, the DFO may utilize other Federal employees as support staff to assist the DFO in fulfilling these responsibilities.

9. **Estimated Number and Frequency of Meetings.** Meetings shall occur as frequently as needed, called, and approved by the DFO. It is estimated the Commission will meet five times at a frequency of approximately 30-60 days between meetings, subject to members' schedules and other considerations.

10. **Duration and Termination.** The Commission shall terminate no more than two (2) years from the date of the Executive Order establishing the Commission, unless extended by the President, or thirty (30) days after it presents its final report to the President, whichever occurs first.

11. **Membership and Designation.**

(a) The Vice President shall chair the Commission, which shall be composed of not more than fifteen (15) additional members.

(b) Members shall be appointed by the President of the United States and shall include individuals with knowledge and experience in elections, election management, election fraud detection, and voter integrity efforts, and any other individuals with knowledge or experience determined by the President to be of value to the Commission. Members of the Commission may include both regular Government Employees and Special Government Employees.

(c) The Vice President may select a Vice Chair from among those members appointed by the President, who may perform the duties of the chair if so directed by the Vice President. The Vice President may also select an executive director and any additional staff he determines necessary to support the Commission.

(d) Members of the Commission will serve without additional compensation. Travel expenses will be allowed, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701-5707), consistent with the availability of funds.

12. **Subcommittees.** The Chair of the Commission, in consultation with the DFO, is authorized to create subcommittees as necessary to support the Commission's work. Subcommittees may not incur costs or expenses without prior written approval of the Chair or the Chair's designee and the DFO. Subcommittees must report directly to the Commission, and must not provide advice or work products directly to the President, or any other official or agency.

13. **Recordkeeping.** The records of the Commission and any subcommittees shall be maintained pursuant to the Presidential Records Act of 1978 and FACA.

14. **Filing Date.** The filing date of this charter is June 23, 2017.

From:	Nielsen, Kirstjen (b)(6)
Sent Via:	Mallon, Emily </d (b)(6)
To:	(b)(6)
Subject:	FW: Election Integrity Commission
Date:	2017/07/06 10:17:59
Priority:	Normal
Type:	Note

From: Kossack, Andrew J. EOP/OVP (b)(6)
Sent: Thursday, July 6, 2017 9:54 AM
To: Paoletta, Mark R. EOP/OVP (b)(6); Nielsen, Kirstjen (b)(6)
Cc: Krebs, Christopher (b)(6); Morgan, Matthew E. EOP/OVP (b)(6); Pitcock, Josh M. EOP/OVP (b)(6)
Subject: RE: Election Integrity Commission

Hi Kirstjen,

(b)(5)
(b)(5) <https://www.whitehouse.gov/the-press-office/2017/05/11/presidential-executive-order-establishment-presidential-advisory>.

I hope these materials are helpful. If you have any questions or need anything else, just let me know.

Thanks,
Andrew

Andrew J. Kossack
Associate Counsel
Office of the Vice President

Cell: (b)(6)
Ema (b)(6)

From: Paoletta, Mark R. EOP/OVP
Sent: Thursday, July 6, 2017 9:31 AM
To: Nielsen, Kirstjen (b)(6)
Cc: Kossack, Andrew J. EOP/OVP (b)(6); Krebs, Christopher (b)(6); Morgan, Matthew E. EOP/OVP

(b)(6)

Pitcock, Josh M. EOP/OVP

Subject: Re: Election Integrity Commission

Kirstjen,

(b)(5)

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Thanks.

Mark

Mark Paoletta

Counsel to the Vice President

(b)(6)

(work)

(cell)

Sent from my iPhone

On Jul 4, 2017, at 7:55 AM, Pitcock, Josh M. EOP/OVP

(b)(6)

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Sent from my iPhone

On Jul 3, 2017, at 5:13 PM, Nielsen, Kirstjen

(b)(6)

wrote:

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How are you?

(b)(5)

(b)(5)

Thanks in advance – the Department is standing by to help the Vice President in his efforts!

Hope you have a fabulous 4th of July!

Best,
Kirstjen

Sender:	Nielsen, Kirstjen (b)(6) (b)(6) Emily (b)(6) (b)(6)	Mallon,
Recipient:	"Temp, Kirstjen (b)(6) (b)(6)	
Sent Date:	2017/07/06 10:17:58	
Delivered Date:	2017/07/06 10:17:59	

From:	Houlton, Tyler (b)(6) (b)(6)
To:	"Hoffman, Jonathan (b)(6) (b)(6) "Manfra, Jeanette < (b)(6) "Krebs, Christopher (b)(6) "Wales, Brandon (b)(6) (b)(6) "Claffey, Lauren (b)(6)
Subject:	FW: Executive Order on the Termination of Presidential Advisory Commission on Election Integrity
Date:	2018/01/03 19:25:15
Priority:	Normal
Type:	Note

ICYMI

From: White House Press Office

Sent: Wednesday, January 03, 2018 7:16:23 PM

To: Media Inquiry

Subject: Executive Order on the Termination of Presidential Advisory Commission on Election Integrity

THE WHITE HOUSE

Office of the Press Secretary

FOR IMMEDIATE RELEASE

January 3, 2018

EXECUTIVE ORDER

- - - - -

TERMINATION OF PRESIDENTIAL

ADVISORY COMMISSION ON ELECTION INTEGRITY

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Executive Order 13799 of May 11, 2017 (Establishment of Presidential Advisory Commission on Election Integrity), is hereby revoked, and the Presidential Advisory Commission on Election Integrity is accordingly terminated.

Sec.

2. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party (other than by the United States) against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,

January 3, 2018.

###

[Unsubscribe](#)

The White House · 1600 Pennsylvania Avenue, NW · Washington DC 20500 · 202-456-1111

Sender:	Houlton, Tyler (b)(6) (b)(6)
Recipient:	"Hoffman, Jonathan (b)(6) (b)(6) "Manfra, Jeanette </ (b)(6) "Krebs, Christopher </ (b)(6) "Wales, Brandon (b)(6) (b)(6) "Claffey, Lauren (b)(6)
Sent Date:	2018/01/03 19:25:13
Delivered Date:	2018/01/03 19:25:15

From:	Plcy Exec Sec (b)(6) (b)(6)
To:	"Immigration Policy (b)(6) (b)(6)
Cc:	"Plcy Exec Sec (b)(6) (b)(6) (b)(6) PLCY-BIT Tasking (b)(6) "Petyo, Briana (b)(6) (b)(6)
Subject:	[Due 1/26 at 4 p.m.] [PLCY draft] WF #1156585 - Rep. Bennie Thompson (D-MS) writes re: DHS responsibilities related to the defunct Presidential Commission on Election Integrity
Date:	2018/01/24 15:50:05
Priority:	Normal
Type:	Note

Good afternoon BIT/IMM,

Per PLCY FO guidance, you are the lead for this tasking. Please prepare a response for A/S Nealon's signature, as well as a COS cover memo, and submit to PLCY Exec Sec **by 4 p.m. on Friday, January 26.**

For awareness, PLCY Exec Sec will circulate the draft to MGMT, NPPD, OGC, and OLA for clearance once received.

Best regards,

Grant Blanton

Social Science Analyst

Office of Strategy, Policy, and Plans | Executive Secretariat

U.S. Department of Homeland Security

Desk: (b)(6)

Mobil: (b)(6)

UNCLAS (b)(6)

HSDN: (b)(6)

JWICS: (b)(6)

Sender:	Plcy Exec Sec (b)(6) (b)(6)
Recipient:	"Immigration Policy (b)(6) (b)(6) "Plcy Exec Sec (b)(6) (b)(6) (b)(6) (b)(6) PLCY-BIT Tasking (b)(6) "Petyo, Briana (b)(6) (b)(6)

Sent Date:	2018/01/24 15:50:04
Delivered Date:	2018/01/24 15:50:05

Congress of the United States
Washington, DC 20515

January 23, 2018

The Honorable Kirstjen Nielsen
Secretary
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528

SCANNED/RECEIVED
BY ESEC/SEC
2018 JAN 23 AM 11:50

Dear Secretary Nielsen:

We write seeking clarification regarding the Department of Homeland Security's (the Department or DHS) responsibilities related to the defunct Presidential Commission on Election Integrity (the Commission).

On May 11, 2017, President Trump signed Executive Order 13799, *Establishment of Presidential Advisory Commission on Election Integrity*¹ to investigate allegations "improper voter registrations and improper voting, including fraudulent voter registrations and fraudulent voting," substantiated by nothing more than the President's active imagination and frustration that he did not receive the majority of the popular votes cast in the 2016 presidential election. The Commission was the subject of criticism from the start. Advocacy organizations ultimately took legal action on multiple occasions, alleging violations of several federal laws, including the Fifth Amendment to the U.S. Constitution, the Privacy Act, the Hatch Act, and of multiple state laws, among other things.²

On January 3, 2018, fewer than nine months after he established it, the President abruptly terminated the Commission.³ To the best of our knowledge, the Commission was unable to produce any evidence of improper voter registrations and improper voting, including fraudulent voter registrations and fraudulent voting. Indeed, we understand that, contrary to the Administration's initial statements, the Commission did not develop any "preliminary findings" that would be transferred to DHS.⁴ Moreover, all of the voter data it collected will, rightfully, be destroyed.⁵

¹ Exec. Order No. 13799, 82 Fed. Reg. 22389 (May. 16, 2017), available at <https://www.gpo.gov/fdsys/pkg/FR-2017-05-16/pdf/2017-10003.pdf>.

² See Legal Actions Taken Against Trump's "Voter Fraud" Commission, "Brennan Center for Justice (Dec. 26, 2017), <https://www.brennancenter.org/legal-actions-taken-against-trump%E2%80%99s-%E2%80%9Cfraud%E2%80%9D-commission> (last accessed Jan. 10, 2018).

³ Exec. Order No. 13820, 83 Fed. Reg. 969 (Jan. 3, 2018), available at <https://www.gpo.gov/fdsys/pkg/FR-2018-01-08/pdf/2018-00240.pdf>.

⁴ Josh Gerstein, "White House Plans to Destroy Trump Election Fraud Commission's Voter Data," *Politico* (Jan. 9, 2017), available at <https://www.politico.com/blogs/under-the-radar/2018/01/09/trump-election-fraud-commission-voter-data-332745>.

⁵ *Id.*