

Question#:	29
Topic:	TSA VIPR Funding
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Thomas R. Carper
Committee:	HOMELAND SECURITY (SENATE)

Question: 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.

(b)(5)



Question#:	30
Topic:	ICE Private Prisons
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Thomas R. Carper
Committee:	HOMELAND SECURITY (SENATE)

Question: 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?

(b)(5)



From:	Friedmann, Pamela (b)(6)
To:	"Plcy Exec Sec (b)(6) (b)(6)
CC:	"LesterSaura, Victoria (b)(6) (b)(6) "Sobel, Ted (b)(6) (b)(6) "Biggs, Selden (b)(6) (b)(6) "Scarlin, James (b)(6) (b)(6) "Maier, Mark (b)(6) (b)(6)
Subject:	RE: Due 10AM 7/31: [QFR Comment/Clearance] 6/6/17 HSGAC Hearing "DHS FY 2018 Budget Request - Set 1 of 2 (WF 1145721)
Date:	2017/07/27 17:11:53
Priority:	Normal
Type:	Note

(b)(6)

SCO reviewed (b)(5) as per attached.
Thank you.
SCO team

From: (b)(6) **On Behalf Of** Plcy Exec Sec
Sent: Thursday, July 27, 2017 12:56 PM
To: PLCY-SPAR Tasking <(b)(6)>; PLCY-BIT Tasking <(b)(6)>; PLCY-TPSP Tasking <PLCY-(b)(6)>; PLCY-CIRTASKING <PLCY-(b)(6)>
Cc: Immigration Policy <(b)(6)>; Law Enforcement Policy <(b)(6)>; Plcy Exec Sec <(b)(6)> Americas <(b)(6)>
Subject: Due 10AM 7/31: [QFR Comment/Clearance] 6/6/17 HSGAC Hearing "DHS FY 2018 Budget Request - Set 1 of 2 (WF 1145721)

NOTE: ESEC sent set 2 of 2 earlier today.

All:

Please provide consolidated comments/clearance of the attached QFR set by 10am on Monday, July 31. To the extent possible, I've attempted to identify areas of purview to facilitate your review. However, we welcome your input on any responses you deem necessary. Thank you.

(b)(5)

(b)(5)



Hearing Date: June 6, 2017

Hearing Title: "The Department of Homeland Security Fiscal Year 2018 Budget Request"

DHS Witnesses: John Kelly – DHS Secretary

QFR Breakdown by Sen. /Rep.:

16 questions from Sen. McCaskill (D–MO)

6 questions from Sen. McCain (R–AZ)

4 questions from Sen. Portman (R–OH)

4 questions from Sen. Carper (D–DE)

(b)(6)

*Office of Policy, Executive Secretariat
U.S. Department of Homeland Security*

(b)(6)

JWICS: (b)(6)

Sender:	Friedmann, Pamela (b)(6) (b)(6)
Recipient:	"Picy Exec Sec (b)(6) (b)(6) "Lester-Saura, Victoria (b)(6) (b)(6) "Sobel, Ted (b)(6) (b)(6) "Biggs, Selden (b)(6) (b)(6) "Scallan, James (b)(6) (b)(6) "Maier, Mark (b)(6) (b)(6)
Sent Date:	2017/07/27 17:11:53

Question#:	1
Topic:	CBP's Congressional Justification
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: 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?

(b)(5)



Question#:	1
Topic:	CBP's Congressional Justification
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: 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?

(b)(5)



DRAFT

Question#:	2
Topic:	Unacquired Land
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: 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?

(b)(5)

Question: Have the affected property owners been contacted and, if so, how?

(b)(5)

DRAFT

Question#:	3
Topic:	Northern Border
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: 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?

(b)(5)



Question#:	4
Topic:	Executive Order Reports
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: 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?

(b)(5)

Question#:	5
Topic:	CBP's Progress
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: 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;

(b)(5)



Question#:	5
Topic:	CBP's Progress
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

(b)(5)

Question: 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

(b)(5)

Question#:	5
Topic:	CBP's Progress
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

(b)(5)

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

(b)(5)

Question#:	6
Topic:	ICE Progress
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: 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;

(b)(5)

Question: 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;

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

(b)(5)

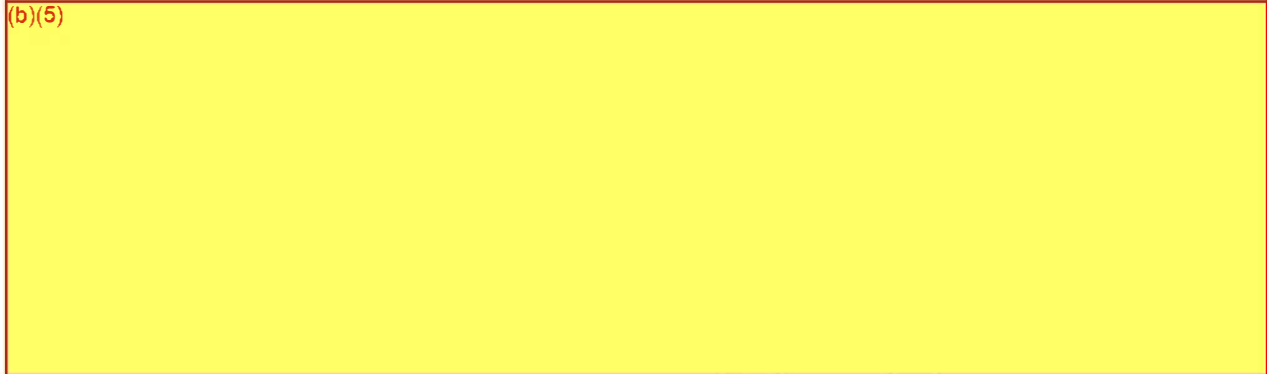
Question#:	6
Topic:	ICE Progress
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

(b)(5)



Question#:	6
Topic:	ICE Progress
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

(b)(5)



Question#:	7
Topic:	USCIS Progress
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: 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);

(b)(5)



Question#:	7
Topic:	USCIS Progress
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: 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.

(b)(5)



DRAFT

Question#:	8
Topic:	OIG Funding
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: 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?

(b)(5)

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

(b)(5)

Question#:	9
Topic:	Counterterrorism Grants
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: 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.

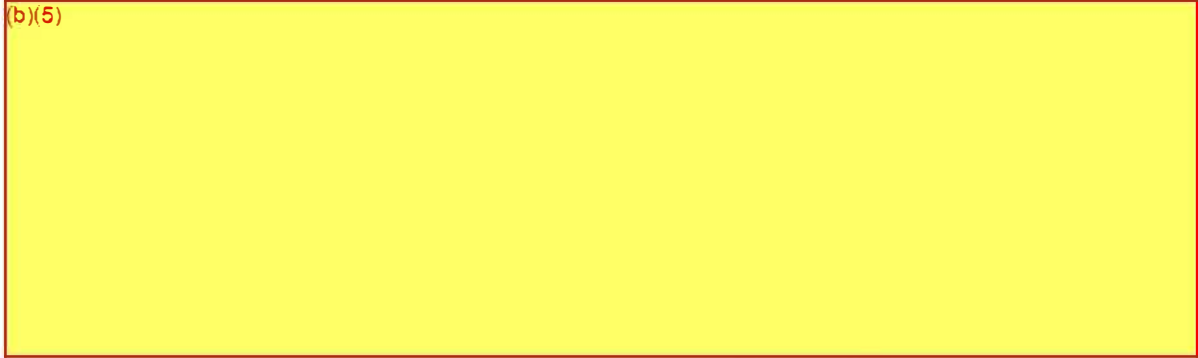
Given the number and magnitude of threats facing our country, do you support the President's request to reduce funding for these counterterrorism programs in FY 2018? Why or why not?

(b)(5)



Question#:	9
Topic:	Counterterrorism Grants
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

(b)(5)



DRAFT

Question#:	10
Topic:	FEMA Grants
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: 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.

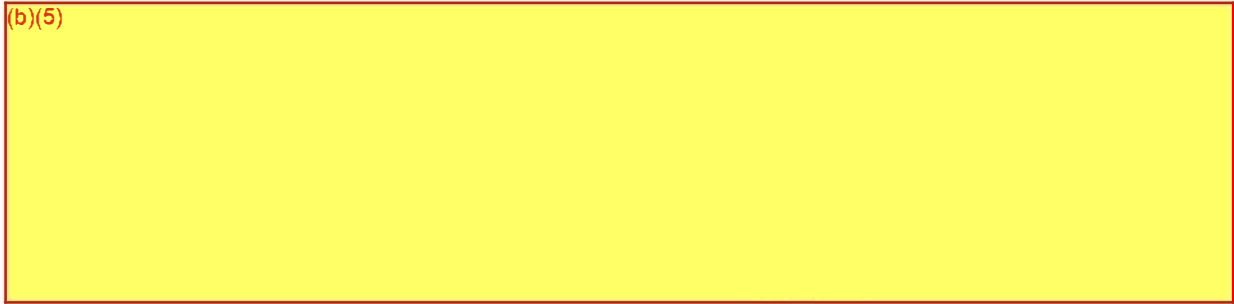
Do you support the President's request to reduce funding for the PDM grant program and Risk MAP in FY 2018? Why or why not?

(b)(5)



Question#:	10
Topic:	FEMA Grants
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

(b)(5)



DRAFT

Question#:	11
Topic:	Federal Air Marshals
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

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

(b)(5)



DRAFT

Question#:	12
Topic:	Missouri REAL ID Legislation
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: 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?

(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.

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?

(b)(5)



Question#:	14
Topic:	H-2B Visa Cap
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: 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?

(b)(5)



Question#:	15
Topic:	Land Ports of Entry Report
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: 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)

●wnership 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

●ngoing 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.

(b)(5)

Question#:	15
Topic:	Land Ports of Entry Report
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

(b)(5)



Question#:	15
Topic:	Land Ports of Entry Report
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

(b)(5)



Question#:	15
Topic:	Land Ports of Entry Report
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

(b)(5)



Question#:	16
Topic:	Electronic Device Search Software
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: 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.

(b)(5)



DRAFT

Question#:	17
Topic:	Physical Wall Investment
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable John McCain
Committee:	HOMELAND SECURITY (SENATE)

Question: 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?

(b)(5)



Question: How will \$1.59 billion investment in a physical wall advance this definition?

(b)(5)



DRAFT

Question#:	18
Topic:	Surveillance Technology
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable John McCain
Committee:	HOMELAND SECURITY (SENATE)

Question: \$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?

(b)(5)



DRAFT

Question#:	19
Topic:	Border Patrol Agents
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable John McCain
Committee:	HOMELAND SECURITY (SENATE)

Question: 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?

(b)(5)

Question: 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?

(b)(5)

Question#:	19
Topic:	Border Patrol Agents
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable John McCain
Committee:	HOMELAND SECURITY (SENATE)

(b)(5)

DRAFT

Question#:	20
Topic:	Unaccompanied Minors
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable John McCain
Committee:	HOMELAND SECURITY (SENATE)

Question: 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?

(b)(5)



Question#:	20
Topic:	Unaccompanied Minors
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable John McCain
Committee:	HOMELAND SECURITY (SENATE)

(b)(5)



DRAFT

Question#:	21
Topic:	Cyber Activities
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable John McCain
Committee:	HOMELAND SECURITY (SENATE)

Question: 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?

(b)(5)



Question#:	22
Topic:	NCCIC
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable John McCain
Committee:	HOMELAND SECURITY (SENATE)

Question: 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?

(b)(5)



Question#:	23
Topic:	National Biodefense Analysis and Countermeasures Center
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: 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)?

(b)(5)



Question#:	24
Topic:	NBACC Closure Plan
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: 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?

(b)(5)



DRAFT

Question#:	25
Topic:	Polar Icebreaker Program
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: 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?

(b)(5)

Question: 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?

(b)(5)

Question#:	26
Topic:	Urban Area Security Initiative Allocations
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: 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?

(b)(5)



Question#:	27
Topic:	St Elizabeths
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Thomas R. Carper
Committee:	HOMELAND SECURITY (SENATE)

Question: 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?

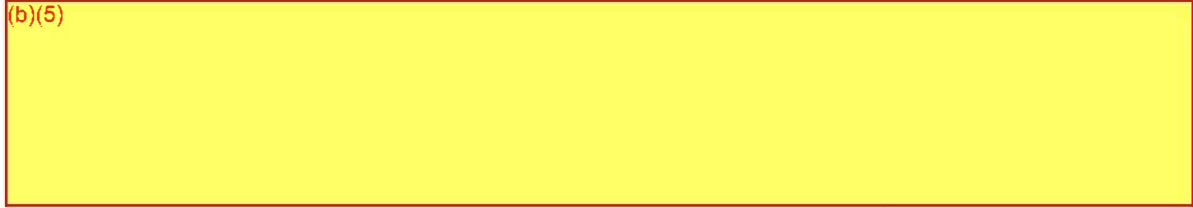
(b)(5)

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

(b)(5)

Question#:	27
Topic:	St Elizabeths
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Thomas R. Carper
Committee:	HOMELAND SECURITY (SENATE)

(b)(5)



DRAFT

Question#:	28
Topic:	Cybersecurity Hiring
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Thomas R. Carper
Committee:	HOMELAND SECURITY (SENATE)

Question: 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.

(b)(5)



Question#:	28
Topic:	Cybersecurity Hiring
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Thomas R. Carper
Committee:	HOMELAND SECURITY (SENATE)

(b)(5)

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

(b)(5)

Question#:	29
Topic:	TSA VIPR Funding
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Thomas R. Carper
Committee:	HOMELAND SECURITY (SENATE)

Question: 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.

(b)(5)



Question#:	30
Topic:	ICE Private Prisons
Hearing:	The Department of Homeland Security Fiscal Year 2018 Budget Request
Primary:	The Honorable Thomas R. Carper
Committee:	HOMELAND SECURITY (SENATE)

Question: 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?

(b)(5)



From:	(b)(6)
To:	"Sutherland, Daniel (b)(6) (b)(6) "Kaufman, Steven (b)(6) (b)(6) "Taran, Gabriele (b)(6) (b)(6) "Mangan, Chris (b)(6) (b)(6)
Subject:	FW: BREAKING NEWS: Trump disbands voter fraud commission
Date:	2018/01/04 07:18:11
Priority:	Normal
Type:	Note

(b)(5)

From: (b)(6)
Sent: Thursday, January 04, 2018 6:04:40 AM
To: (b)(6)
Subject: FW: BREAKING NEWS: Trump disbands voter fraud commission

EO attached.

From: (b)(6)
Sent: Wednesday, January 03, 2018 7:57:55 PM
To: Krebs, Christopher; Manfra, Jeanette; Kolasky, Robert; Mishler, Jeremy; NPPD OCOS; (b)(6)
(b)(6)
Cc: (b)(6) Sutherland, Daniel; Early, Emily; (b)(6)
Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

Our emails crossed earlier. (b)(5)

(b)(5)

From: Krebs, Christopher

Sent: Wednesday, January 3, 2018 7:55 PM

To: (b)(6); Manfra, Jeanette

(b)(6); Kolasky, Robert (b)(6); Mishler,

Jeremy (b)(6); NPPD OCOS (b)(6)

(b)(6)

Cc: (b)(6); Sutherland, Daniel

(b)(6); Early, Emily (b)(6)

Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

Adding a few folks and reattaching the EO. Need an assessment pronto NLT 10pm

From: (b)(6)

Sent: Wednesday, January 3, 2018 7:52 PM

To: Krebs, Christopher (b)(6); Manfra, Jeanette

(b)(6); Kolasky, Robert (b)(6); Mishler,

Jeremy (b)(6); NPPD OCOS (b)(6); (b)(6)

(b)(6)

Cc: (b)(6)

Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

(b)(6) who I inadvertently left off earlier.

From: (b)(6)

Sent: Wednesday, January 3, 2018 7:45 PM

To: Krebs, Christopher (b)(6); Manfra, Jeanette

(b)(6); Kolasky, Robert (b)(6); Mishler,

Jeremy (b)(6); NPPD OCOS (b)(6)

(b)(6)

Cc: (b)(6)

Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

Unless we have any more clarity, here's a rough draft of a very brief holding statement. I welcome feedback. (b)(5)

(b)(5)

(b)(5)

From: (b)(6)
Sent: Wednesday, January 3, 2018 7:19 PM
To: Krebs, Christopher (b)(6); Manfra, Jeanette (b)(6); Kolasky, Robert (b)(6); Mishler, Jeremy (b)(6); NPPD OCOS (b)(6)
(b)(6)
Cc: (b)(6)
Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

(b)(6) is also trying to run it to ground. (b)(5)
(b)(5)

(b)(6)

From: Krebs, Christopher
Sent: Wednesday, January 03, 2018 7:08:57 PM
To: (b)(6); Manfra, Jeanette; Kolasky, Robert; Mishler, Jeremy; NPPD OCOS; (b)(6)
(b)(6)
Cc: (b)(6)
Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

(b)(5)

(b)(6) Pls work with main OPA ((b)(6)) on a holding statement. (b)(5)
(b)(5)

From: (b)(6)
Sent: Wednesday, January 03, 2018 7:05:14 PM
To: Krebs, Christopher; Manfra, Jeanette; Kolasky, Robert; Mishler, Jeremy; NPPD OCOS; (b)(6)
(b)(6)
Cc: (b)(6)
Subject: FW: BREAKING NEWS: Trump disbands voter fraud commission

Flagging (b)(5)

From: POLITICO
Sent: Wednesday, January 03, 2018 6:54:18 PM
To: (b)(6)
Subject: BREAKING NEWS: Trump disbands voter fraud commission

President Donald Trump is dissolving a controversial commission that was charged with investigating his unsubstantiated claims of voter fraud during the 2016 election, the White House said Wednesday.

Trump asked the Department of Homeland Security to look into the issue instead.

"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," a White House statement said. "Rather than engage in endless legal battles at taxpayer expense, today I signed an executive order to dissolve the Commission."

Read more: <https://www.politico.com/story/2018/01/03/trump-disbands-voter-fraud-commission-322621>

To change your alert settings, please go to <https://secure.politico.com/settings>



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Sender:	(b)(6)
Recipient:	"Sutherland, Daniel (b)(6) (b)(6) "Kaufman, Steven (b)(6) (b)(6) "Taran, Gabriel (b)(6) (b)(6) "Mangan, Chris (b)(6)

	(b)(6)	
Sent Date:	2018/01/04 07:18:10	
Delivered Date:	2018/01/04 07:18:11	

From:	(b)(6)
To:	"Taran, Gabriel (b)(6) (b)(6) "Sutherland, Daniel (b)(6) (b)(6) "Kaufman, Steven (b)(6) (b)(6) "Mangan, Chris (b)(6) (b)(6)
CC:	"Harrington, Tamsin (b)(6) (b)(6)
Subject:	RE: BREAKING NEWS: Trump disbands voter fraud commission
Date:	2018/01/04 12:37:21
Priority:	Normal
Type:	Note

(b)(5)

(b)(6) | (b)(6) | DHS Office of the General Counsel
desk: (b)(6) | mobile: (b)(6) | (b)(6) | SIPR:
(b)(6) | JWICS: (b)(6)

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From: Taran, Gabriel

Sent: Thursday, January 4, 2018 10:01 AM

To: (b)(6) | Sutherland, Daniel

(b)(6) | Kaufman, Steven <(b)(6)> | Mangan, Chris

Cc: Harrington, Tamsin <(b)(6)>

Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

(b)(5)

Gabriel Taran | Assistant General Counsel for Cybersecurity | DHS Office of the General Counsel

desk: (b)(6) | mobile: (b)(6) | (b)(6)

From: (b)(6)

Sent: Thursday, January 4, 2018 9:59 AM

To: Sutherland, Daniel <(b)(6)> | Taran, Gabriel

(b)(6) | Kaufman, Steven <(b)(6)> | Mangan, Chris

Cc: Harrington, Tamsin <(b)(6)>

Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

Dan,

(b)(5)

(b)(5); (b)(6)

(b)(6) | (b)(6) | DHS Office of the General Counsel
desk: (b)(6) | mobile: (b)(6) | (b)(6) | SIPR:
(b)(6) | JWICS: (b)(6)

Warning Attorney/Client Privilege*** Attorney Work Product***

~~This email and any attachments to it might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the DHS Office of the General Counsel before disclosing any information contained in this email.~~

From: Sutherland, Daniel

Sent: Thursday, January 4, 2018 9:02 AM

To: (b)(6); Taran, Gabriel (b)(6)

Kaufman, Steven (b)(6); Mangan, Chris (b)(6)

Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

(b)(5); (b)(6)

From: (b)(6)

Sent: Thursday, January 04, 2018 8:45:58 AM

To: Sutherland, Daniel; Taran, Gabriel; Kaufman, Steven; Mangan, Chris

Subject: FW: BREAKING NEWS: Trump disbands voter fraud commission

(b)(5)

From: Krebs, Christopher

Sent: Thursday, January 04, 2018 8:36:57 AM

To: Kolasky, Robert; (b)(6)

(b)(6) Manfra, Jeanette; Mishler, Jeremy; NPPD OCOS; (b)(6)

Cc: (b)(6) Sutherland, Daniel; Early, Emily; (b)(6)

Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

(b)(5); (b)(6)

Thx

From: Kolasky, Robert

Sent: Thursday, January 04, 2018 8:33:06 AM

To: Krebs, Christopher; (b)(6)

(b)(6) (b)(6) Manfra, Jeanette; Mishler, Jeremy; NPPD OCOS; (b)(6)

(b)(6)

Cc: (b)(6) Sutherland, Daniel; Early, Emily; (b)(6)

Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

(b)(5)

Bob

From: Krebs, Christopher

Sent: Thursday, January 4, 2018 12:05 AM

To: (b)(6)

(b)(6)

(b)(6); Manfra, Jeanette

<(b)(6)>; Kolasky, Robert <(b)(6)> Mishler, Jeremy

<(b)(6) NPPD OCOS (b)(6) (b)(6)

(b)(6)

Cc: (b)(6); Sutherland, Daniel

(b)(6); Early, Emily (b)(6)

Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

(b)(5); (b)(6)

(b)(5)

From: (b)(6)

Sent: Wednesday, January 3, 2018 11:41 PM

To: Krebs, Christopher <(b)(6)>

(b)(6)

<(b)(6)>; Manfra, Jeanette <(b)(6)>; Kolasky, Robert

<(b)(6)>; Mishler, Jeremy <(b)(6)>; NPPD OCOS

<(b)(6)>

Cc: (b)(6); Sutherland, Daniel

(b)(6); Early, Emily <(b)(6)>

Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

Let's plan to talk at 10:30 tomorrow morning. As of now, Chris is planning to be at Glebe, so anyone in the neighborhood is encouraged to join in person. We'll also set up a bridge.

Please let me know if this is unworkable for anyone. Thanks.

(b)(6)

(b)(6)

(b)(6)

National Protection and Programs Directorate
U.S. Department of Homeland Security

(b)(6)

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From: Krebs, Christopher

Sent: Wednesday, January 03, 2018 11:16:17 PM

To: (b)(6) Manfra, Jeanette; Kolasky, Robert; Mishler, Jeremy; NPPD OCOS; (b)(6)

Cc: (b)(6) Sutherland, Daniel; Early, Emily; (b)(6)
Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

Here's the NY Times write up. (b)(5)

(b)(5)

Thx

From: (b)(6)

Sent: Wednesday, January 3, 2018 9:54 PM

To: (b)(6) Krebs, Christopher (b)(6)

(b)(6)
(b)(6); Manfra, Jeanette (b)(6); Kolasky, Robert (b)(6); Mishler, Jeremy (b)(6) NPPD OCOS

(b)(6)
(b)(6); Sutherland, Daniel

(b)(6); Early, Emily (b)(6)

Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

RTQ only. DHS OPA received inquiries from NYT and Washington Examiner and provided the statement.

From: (b)(6)

Sent: Wednesday, January 03, 2018 9:39:33 PM

To: Krebs, Christopher; (b)(6) Manfra, Jeanette; Kolasky, Robert; Mishler, Jeremy; NPPD OCOS; (b)(6)

Cc: (b)(6) Sutherland, Daniel; Early, Emily; (b)(6)
Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

(b)(5)

(b)(5)

From: Krebs, Christopher

Sent: Wednesday, January 03, 2018 8:50:20 PM

To: (b)(6) Manfra, Jeanette; Kolasky, Robert; Mishler, Jeremy; NPPD OCOS; (b)(6)

Cc: (b)(6) Sutherland, Daniel; Early, Emily; (b)(6)
Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

Thanks, (b)(6) (b)(5)

(b)(5)

From: (b)(6)

Sent: Wednesday, January 3, 2018 8:48 PM

To: (b)(6)

Krebs, Christopher (b)(6)

<(b)(6)> Manfra, Jeanette <(b)(6)>; Kolasky, Robert
<(b)(6)>; Mishler, Jeremy <(b)(6)>; NPPD OCOS

(b)(6)

Cc: (b)(6) Sutherland, Daniel

(b)(6) Early, Emily <(b)(6)>

Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

(b)(5)

Many thanks,

(b)(6)

(b)(6)

*Stakeholder Engagement and Cyber Infrastructure Resilience Division
Office of Cybersecurity and Communications, NPPD*

(b)(6)

From: (b)(6)
Sent: Wednesday, January 3, 2018 8:38 PM
To: (b)(6); Krebs, Christopher <(b)(6)>
(b)(6) Manfra, Jeanette <(b)(6)>;
Kolasky, Robert <(b)(6)>; Mishler, Jeremy <(b)(6)>; NPPD
OCOS <(b)(6)> <(b)(6)>
(b)(6)
Cc: (b)(6) Sutherland, Daniel
(b)(6); Early, Emily <(b)(6)>
Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

(b)(5)

From: (b)(6)
Sent: Wednesday, January 3, 2018 8:36 PM
To: Krebs, Christopher <(b)(6)>
(b)(6) Manfra,
Jeanette <(b)(6)> Kolasky, Robert <(b)(6)>; Mishler,
Jeremy <(b)(6)>; NPPD OCOS <(b)(6)>
<(b)(6)>
<(b)(6)>
Cc: (b)(6) Sutherland, Daniel
(b)(6); Early, Emily <(b)(6)>
Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

(b)(5)

From: Krebs, Christopher
Sent: Wednesday, January 03, 2018 8:26:06 PM
To: (b)(6) Manfra, Jeanette; Kolasky, Robert; Mishler, Jeremy; NPPD
OCOS <(b)(6)>
Cc: (b)(6) Sutherland, Daniel; Early, Emily
Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

(b)(5)

Any issues?

From: (b)(6)
Sent: Wednesday, January 03, 2018 8:20:28 PM
To: (b)(6); Krebs, Christopher; Manfra, Jeanette; Kolasky, Robert; Mishler, Jeremy; NPPD OCOS; (b)(6)
Cc: (b)(6); Sutherland, Daniel; Early, Emily
Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

(b)(5)

From: (b)(6)
Sent: Wednesday, January 3, 2018 7:58 PM
To: Krebs, Christopher <(b)(6)>; Manfra, Jeanette <(b)(6)>; Kolasky, Robert <(b)(6)>; Mishler, Jeremy <(b)(6)>; NPPD OCOS <(b)(6)>
<(b)(6)>
<(b)(6)>
Cc: (b)(6); Sutherland, Daniel <(b)(6)>; Early, Emily <(b)(6)>
Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

Our emails crossed earlier. (b)(5)

(b)(5)

From: Krebs, Christopher
Sent: Wednesday, January 3, 2018 7:55 PM

To: (b)(6) Manfra, Jeanette
(b)(6) Kolasky, Robert <(b)(6)> Mishler, Jeremy
<(b)(6)>; NPPD OCOS <(b)(6)>
(b)(6)
(b)(6)
Cc: (b)(6); Sutherland, Daniel
(b)(6) Early, Emily <(b)(6)>
Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

Adding a few folks and reattaching the EO. Need an assessment pronto NLT 10pm

From: (b)(6)
Sent: Wednesday, January 3, 2018 7:52 PM
To: Krebs, Christopher <(b)(6)>; Manfra, Jeanette
<(b)(6)>; Kolasky, Robert <(b)(6)>; Mishler, Jeremy
(b)(6); NPPD OCOS <(b)(6)>
(b)(6)
Cc: (b)(6)
Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

(b)(6), who I inadvertently left off earlier.

From: (b)(6)
Sent: Wednesday, January 3, 2018 7:45 PM
To: Krebs, Christopher <(b)(6)> Manfra, Jeanette
(b)(6); Kolasky, Robert <(b)(6)>; Mishler, Jeremy
<(b)(6)>; NPPD OCOS <(b)(6)>
(b)(6)
Cc: (b)(6)
Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

Unless we have any more clarity, here's a rough draft of a very brief holding statement. I welcome feedback. (b)(5)

(b)(5)

(b)(5)

From: (b)(6)

Sent: Wednesday, January 3, 2018 7:19 PM

To: Krebs, Christopher <(b)(6)>; Manfra, Jeanette

<(b)(6)>; Kolasky, Robert <(b)(6)>; Mishler, Jeremy

<(b)(6)>; NPPD OCOS <(b)(6)> <(b)(6)>

<(b)(6)>

Cc: (b)(6)

Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

(b)(6) is also trying to run it to ground. (b)(5)

(b)(5)

(b)(6)

From: Krebs, Christopher

Sent: Wednesday, January 03, 2018 7:08:57 PM

To: (b)(6); Manfra, Jeanette; Kolasky, Robert; Mishler, Jeremy; NPPD OCOS; (b)(6)

(b)(6)

Cc: (b)(5)

Subject: RE: BREAKING NEWS: Trump disbands voter fraud commission

(b)(5)

(b)(6) Pls work with main OPA (b)(6) on a holding statement. (b)(5)

(b)(5)

From: (b)(6)

Sent: Wednesday, January 03, 2018 7:05:14 PM

To: Krebs, Christopher; Manfra, Jeanette; Kolasky, Robert; Mishler, Jeremy; NPPD OCOS; (b)(6)

(b)(6)

Cc: (b)(6)

Subject: FW: BREAKING NEWS: Trump disbands voter fraud commission

Flagging (b)(5)

From: POLITICO
Sent: Wednesday, January 03, 2018 6:54:18 PM
To: (b)(6)
Subject: BREAKING NEWS: Trump disbands voter fraud commission

President Donald Trump is dissolving a controversial commission that was charged with investigating his unsubstantiated claims of voter fraud during the 2016 election, the White House said Wednesday.

Trump asked the Department of Homeland Security to look into the issue instead.

"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," a White House statement said. "Rather than engage in endless legal battles at taxpayer expense, today I signed an executive order to dissolve the Commission."

Read more: <https://www.politico.com/story/2018/01/03/trump-disbands-voter-fraud-commission-322621>

To change your alert settings, please go to <https://secure.politico.com/settings>

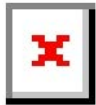


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Sender:	(b)(6)
Recipient:	"Taran, Gabriel (b)(6)
	(b)(6)
	"Sutherland, Daniel (b)(6)
	(b)(6)
	"Kaufman, Steven (b)(6)
	(b)(6)
	"Mangan, Chris (b)(6)
	(b)(6)
"Harrington, Tamsin (b)(6)	
(b)(6)	

Sent Date:	2018/01/04 12:37:20
Delivered Date:	2018/01/04 12:37:21

From:	(b)(6)
To:	"Taran, Gabriel (b)(6) (b)(6) "Sutherland, Daniel (b)(6) (b)(6) "Kaufman, Steven (b)(6) (b)(6) "Mangan, Chris (b)(6) (b)(6)
CC:	"Harrington, Tamsin (b)(6) (b)(6)
Subject:	Election Infrastructure designation memo
Date:	2018/01/04 12:43:27
Priority:	Normal
Type:	Note

(b)(5)

(b)(5)

(b)(6) (b)(6) | DHS Office of the General Counsel
 desk: (b)(6) | mobile: (b)(6) | (b)(6) | SIPR:
 (b)(6) | JWICS: (b)(6)

From:	Corbin, Susan (b)(6) (b)(6)
To:	(b)(6)
Subject:	FW: Response Requested: (b)(5) (b)(5)
Date:	2018/01/05 15:51:14
Priority:	Normal
Type:	Note

This is simply to show you an example of how emails matter ...and litigation is involved in so much of what we do.
Please don't forward.

Susan Corbin
Senior Advisor
DHS Countering Weapons of Mass Destruction Office
(b)(6)

From: OGC LCD Litigation
Sent: Friday, January 5, 2018 3:31 PM
To: OGC LCD Litigation <(b)(6)>; Palmer, David
<(b)(6)> Wolf, Chad <(b)(6)>; Hamilton, Gene
>; Hoffman, Jonathan <(b)(6)>; Lapan, David
<(b)(6)> Cassidy, Ben <(b)(6)>; Corbin, Susan
Cc: (b)(6)
OGC LCD Litigation <(b)(6)>
Subject: RE: Response Requested: (b)(5)
Records

Good Afternoon,

(b)(5)

Thank you,

(b)(6)

(b)(6)

Attorney-Advisor (Privacy)
Legal Counsel Division,
Office of the General Counsel
U.S. Department of Homeland Security

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

E-mail: (b)(6)

From: OGC LCD Litigation

Sent: Tuesday, August 8, 2017 3:38 PM

To: Palmer, David <(b)(6)>; Wolf, Chad <(b)(6)>; Hamilton, Gene
(b)(6) <(b)(6)>; Hoffman, Jonathan <(b)(6)>; Lapan, David
Cassidy, Ben <(b)(6)>; Corbin, Susan

Cc: (b)(6)

OGC LCD Litigation <(b)(6)>

Subject: Response Requested: (b)(5)

Good afternoon,

(b)(5)

Thank you,

(b)(6)

(b)(6)

Attorney-Advisor (Privacy)
Legal Counsel Division,
Office of the General Counsel
U.S. Department of Homeland Security

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

E-mail: (b)(6)

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Sender:	Corbin, Susan (b)(6) (b)(6)
Recipient:	(b)(6)
Sent Date:	2018/01/05 15:51:13
Delivered Date:	2018/01/05 15:51:14

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:	Houlton, Tyler (b)(6) (b)(6)
To:	"Hoffman, Jonathan <(b)(6)> (b)(6)
CC:	"Wolf, Chad (b)(6) (b)(6) Wales, Brandon (b)(6) (b)(6) "Neumann, Elizabeth (b)(6) (b)(6)
Subject:	RE: Is this accurate?
Date:	2018/01/04 13:24:30
Priority:	Normal
Type:	Note

On it. Thanks

From: Hoffman, Jonathan
Sent: Thursday, January 04, 2018 1:18:50 PM
To: Houlton, Tyler
Cc: Wolf, Chad; Wales, Brandon; Neumann, Elizabeth
Subject: RE: Is this accurate?

Tyler - please send.

From: (b)(6)
Sent: Thursday, January 04, 2018 1:07:33 PM
To: Hoffman, Jonathan
Cc: (b)(6); Houlton, Tyler; (b)(6)
Subject: Re: Is this accurate?

Good

Sent from my iPhone

On Jan 4, 2018, at 1:02 PM, Hoffman, Jonathan <(b)(6)> wrote:

(b)(5)

From: (b)(6)
Sent: Thursday, January 04, 2018 1:00:08 PM
To: (b)(6)
Cc: Hoffman, Jonathan; (b)(6) Houlton, Tyler; (b)(6)
(b)(6)
Subject: Re: Is this accurate?

Talked to (b)(6); (b)(5)
(b)(5)

Thanks guys and apologies for the back and forth.

Sent from my iPhone

On Jan 4, 2018, at 12:17 PM, (b)(6)
(b)(6) wrote:

If (b)(6) signs off, we're good.

From: Hoffman, Jonathan (b)(6)
Sent: Thursday, January 4, 2018 12:16 PM
To: (b)(6)
Cc: (b)(6) Houlton, Tyler
(b)(6)
Subject: RE: Is this accurate?

(b)(6)

From: (b)(6)
(b)(6)
Sent: Thursday, January 4, 2018 12:16 PM
To: Hoffman, Jonathan <(b)(6)>
Cc: St (b)(6)
<(b)(6)>; Houlton, Tyler
<(b)(6)>
<
<
Subject: RE: Is this accurate?

(b)(5)

From: Hoffman, Jonathan [(b)(6)]
Sent: Thursday, January 4, 2018 12:07 PM
To: (b)(6)
Cc: (b)(6); Houlton, Tyler
(b)(6)
Subject: RE: Is this accurate?

Can we go with this? (b)(5)
(b)(5)

From: (b)(6)
(b)(6)
Sent: Thursday, January 4, 2018 10:10 AM
To: Hoffman, Jonathan <(b)(6)>
Cc: (b)(6)
(b)(6); Houlton, Tyler
(b)(6)
Subject: Re: Is this accurate?

Jonathan - I can give you more background by phone if helpful.
(b)(5) (b)(6)
(b)(6)

Sent from my iPhone

On Jan 4, 2018, at 9:56 AM, Hoffman, Jonathan
(b)(6) wrote:

(b)(5)

From: (b)(6)
Sent: Thursday, January 04, 2018 9:07:19 AM
To: Hoffman, Jonathan
Cc: (b)(6); Houlton, Tyler; (b)(6)
(b)(6)
Subject: Re: Is this accurate?

(b)(5)

(b)(5)

Sent from my iPhone

On Jan 4, 2018, at 8:38 AM, Hoffman, Jonathan

(b)(6) wrote:

+ Tyler and (b)(6)

This is what we have said in the past.

>>>>><https://www.google.com/amp/amp.washingtontimes.com/news/2017/jul/4/immigration-agency-balks-at-giving-records-to-vote><<<<<;;/<

From: (b)(6)
Sent: Thursday, January 04, 2018 8:04:53 AM
To: Hoffman, Jonathan
Cc: (b)(6)
(b)(6)
Subject: Re: Is this accurate?

(b)(6)

Sent from my iPhone

On Jan 4, 2018, at 7:47 AM, Hoffman, Jonathan

(b)(6) wrote:

(b)(5)

From: (b)(6)
Sent: Thursday, January 04, 2018 7:42:49 AM
To: Hoffman, Jonathan
Subject: Is this accurate?

NYT today: "As a first step, Mr. Kobach, who said he would remain as an informal adviser to homeland security, said the department would marshal its files on immigrants, legal and otherwise, so that they can be matched with lists of registered voters nationwide to detect foreign citizens who are illegally casting ballots in American elections. Both Mr. Trump and Mr. Kobach have insisted that voting by noncitizens is endemic — Mr. Trump falsely claimed that millions of illegal voters cost him a popular-vote victory in 2016 — but investigations, including ones by Mr. Kobach and the Justice Department under President George W. Bush, turned up scant evidence of fraud."

Sent from my iPhone

Sender:	Houlton, Tyler (b)(6) (b)(6)
Recipient:	"Hoffman, Jonathan (b)(6) (b)(6) "Wolf, Chad </O=DH (b)(6) "Wales, Brandon </O (b)(6) "Neumann, Elizabeth (b)(6)

Sent Date:	2018/01/04 13:24:29
Delivered Date:	2018/01/04 13:24:30

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of the Freedom of Information and Privacy Act

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of the Freedom of Information and Privacy Act

Page 0025

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

From:	Baroukh, Nader <(b)(6)> (b)(6)
To:	"Busch, Philip B <(b)(6)> (b)(6) "Symons, Craig M <(b)(6)> (b)(6)
CC:	"Maher, Joseph (b)(6) (b)(6) "Shah, Dimple <(b)(6)> (b)(6)
Subject:	RE: Voter Integrity - Sample SAVE MOU regarding voter rolls
Date:	2018/01/09 13:05:25
Priority:	Normal
Type:	Note

Thanks!

Nader Baroukh
Associate General Counsel, Immigration
Department of Homeland Security, Office of the General Counsel
Office: (b)(6)
Cell: (b)(6)
email: (b)(6)

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From: Busch, Philip B
Sent: Tuesday, January 9, 2018 1:01 PM
To: Baroukh, Nader <(b)(6)> ; Symons, Craig M <(b)(6)>
Cc: Maher, Joseph <(b)(6)> ; Shah, Dimple <(b)(6)>
Subject: RE: Voter Integrity - Sample SAVE MOU regarding voter rolls

Nader, attached is the requested information. SAVE sent two exemplars with this description:

Attached are the two most recent ones. VA does roll maintenance and GA does point of registration, so they represent the two types.

Thanks, Phil

Philip B. Busch

Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

(b)(6)

(b)(6)

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From: Baroukh, Nader
Sent: Tuesday, January 09, 2018 11:49 AM
To: Symons, Craig M; Busch, Philip B
Cc: Maher, Joseph; Shah, Dimple
Subject: Voter Integrity - Sample SAVE MOU regarding voter rolls

Craig and Phil,

For prep. for the meeting with S1, can you email a sample of an MOU we have with a locality.

Thanks,

Nader Baroukh
Associate General Counsel, Immigration
Department of Homeland Security, Office of the General Counsel
Office: (b)(6)
Cell: (b)(6)
email: (b)(6)

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Sender:	Baroukh, Nader <(b)(6)> (b)(6)
Recipient:	"Busch, Philip B <(b)(6)> (b)(6) "Symons, Craig M <(b)(6)> (b)(6) "Maher, Joseph </

	(b)(6) "Shah, Dimple" <(b)(6)> (b)(6)
Sent Date:	2018/01/09 13:05:25

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(b)(5)

of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

From:	(b)(6)
To:	"Houlton, Tyler <(b)(6)> (b)(6)
Subject:	Re: Statement request
Date:	2018/01/05 15:06:02
Type:	Note

Im fine being off the record for this, but I don't think it does. What you describe in that statement isn't different from the efforts already being undertaken by DHS related to cybersecurity. Given that details aren't even clear within DHS, where is Mr. Kobach getting information? Is he making it up?

Sent from my iPhone, apologies for brevity (and typos).

On Jan 5, 2018, at 3:02 PM, Houlton, Tyler <(b)(6)> wrote:

Off the record, this was announced two days ago and I'm not able to get into the details. It's brand new. I think the background statement from DHS official answers your question.

From: (b)(6)
Sent: Friday, January 05, 2018 3:00:20 PM
To: Houlton, Tyler
Subject: Re: Statement request

So you will not comment on whether ICE is using the voter rolls?

Sent from my iPhone, apologies for brevity (and typos).

● On Jan 5, 2018, at 2:59 PM, Houlton, Tyler <(b)(6)> wrote:

From my original statement that you can attribute to me. "Mr. Kobach is not advising the Department on this matter."

Thanks

From: (b)(6)
Sent: Friday, January 05, 2018 2:41:28 PM
To: Houlton, Tyler
Subject: Re: Statement request

Mr. Kobach has repeatedly used the word “investigation” and has implied that he is in communication with DHS about this. If he’s wrong, i think it’s important that he reported in an attributable fashion. Is there anyone I can speak to in more depth about this?

Do you have a comment on whether he is correct that ICE will use the voter rolls to compare them against their list of non citizens?

Sent from my iPhone, apologies for brevity (and typos).

On Jan 5, 2018, at 2:18 PM, Houlton, Tyler

<(b)(6)> wrote:

You cannot say that attributed to DHS as stated below. It is for context only and not for attribution. I would note that his E● does not use the word investigation in it instead.

From: (b)(6)
Sent: Friday, January 05, 2018 2:10:53 PM
To: Houlton, Tyler
Subject: Re: Statement request

Tyler-

Checking in on this q about Kobach’s claims DHS is specifically running the voter rolls against the list you maintain of non-citizens. He’s repeatedly claimed this. I think it’s important DHS weigh in on the truth of that.

Also, I want to say in the piece that DHS did not interpret the president’s request as a request to conduct an investigation. Who can I attribute that to?

--
(b)(6)
Reporter, ProPublica
Cell/Signal: (b)(6)
Office: (b)(6)

(b)(6)

On 1/5/18, 12:36 PM, (b)(6)

(b)(6) wrote:

But at this time you cannot confirm mr. Kobach's repeated claims you'll run the voter rolls against the list DHS maintains of non citizens?

Sent from my iPhone, apologies for brevity (and typos).

> On Jan 5, 2018, at 12:34 PM, Houlton, Tyler

(b)(6) wrote:

>

> Attributable to me:

>

> "At the President's direction, the Department continues 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. Mr. Kobach is not advising the Department on this matter."

>

> On background not attributable to DHS and to give you context:

>

> The president asked the Department of Homeland Security to review the mission of the Executive Order and determine next courses of action. An investigation was not implied.

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> On background from a senior DHS official:

>

> We are looking at the issue and how we can assist state and local jurisdictions and the Department of Justice.

>

> Tyler Houlton

> Press Secretary (Acting)

> Department of Homeland Security

(b)(6)

>

>

> -----Original Message-----

> From: (b)(6)

(b)(6)

> Sent: Friday, January 5, 2018 12:32 PM

> To: Media Inquiry (b)(6)

> Subject: Re: Statement request

>

> Checking in on these questions.

>

> Sent from my iPhone, apologies for brevity (and typos).

>

>> On Jan 4, 2018, at 5:30 PM, (b)(6)

(b)(6) wrote:

>>

>> Hello-

>>

>> I'm a reporter with ProPublica.

>>

>> I recently saw your statement indicating that Sec Kobach would not to be advising department of homeland security on the new tasks it has been assigned related to election integrity. I have a couple of clarifying questions:

>>

>> 1. Will the efforts that you undertake according to the president's statement on the dissolution of the commission be separate and distinct from your work regarding cyber security and the critical infrastructure designation?

>>

>> 2. Will you be using the voter rolls that were collected by the commission, and will you disclose the use of those rolls given your requirements under the privacy act?

>>

>> 3. Mr. Kobach has implied several times in the last 24 hours that you will be using the builder will nice to compare them against the list of noncitizens that your department maintains. Is this true?

>>

>> 4. Will Mr. Kobach be advising the commission at all, even informally?

>>

>> Thank you. My deadline is tomorrow at 10am.

>>

>> Sent from my iPhone, apologies for brevity (and typos).

>

Sender:	(b)(6)	(b)(6)
Recipient:	"Houlton, Tyler (b)(6)	(b)(6)
Sent Date:	2018/01/05 15:05:49	
Delivered Date:	2018/01/05 15:06:02	

From:	(b)(6)
To:	"Houlton, Tyler" <(b)(6)> (b)(6)
Subject:	Re: Urgent Statement Request (breaking news)
Date:	2018/01/06 10:50:34
Type:	Note

Checking in.

(b)(6)

Reporter, ProPublica

Cell/Signal: (b)(6)

(b)(6)

From: (b)(6)
Date: Friday, January 5, 2018 at 8:22 PM
To: "Houlton, Tyler" (b)(6)
Subject: Urgent Statement Request (breaking news)

Tyler-

In a letter just recently sent to Commissioner Matthew Dunlap's attorneys by the DOJ, DOJ lawyers confirm that the commission will not transfer voter files. Specifically, they write: "I am authorized to report that the state voter data collected by the Commission is not being transferred or utilized."

Can you confirm that DHS does not currently have the voter rolls?

(b)(6)

Reporter, ProPublica

Cell/Signal: (b)(6)

Office: (b)(6)

(b)(6)

From: "Houlton, Tyler" (b)(6)
Date: Friday, January 5, 2018 at 2:59 PM
To: (b)(6)
Subject: RE: Statement request

From my original statement that you can attribute to me. "Mr. Kobach is not advising the Department on this matter."

Thanks

From:	Houlton, Tyler (b)(6)
To:	(b)(6)
Subject:	RE: Is this accurate?
Date:	2018/01/04 13:47:42
Priority:	Normal
Type:	Note

No worries. Happens all the time. Thanks for clearing

Tyler Q. Houlton
Press Secretary (Acting)
Department of Homeland Security

(b)(6)

From: (b)(6)
Sent: Thursday, January 4, 2018 12:53 PM
To: Houlton, Tyler <(b)(6)>
Subject: Re: Is this accurate?

Hey! He's reviewing now - will sign off in next 5. (b)(5)
(b)(5)

Sent from my iPhone

On Jan 4, 2018, at 12:49 PM, Houlton, Tyler <(b)(6)> wrote:

Hey there,

Hope your holiday went well. (b)(5)
(b)(5) Thanks

From: (b)(6)
Sent: Thursday, January 04, 2018 12:17:42 PM
To: Hoffman, Jonathan; (b)(6)
Cc: (b)(6) Houlton, Tyler; (b)(6)
Subject: RE: Is this accurate?

If (b)(6) signs off, we're good.

From: Hoffman, Jonathan [mailto:(b)(6)]
Sent: Thursday, January 4, 2018 12:16 PM
To: (b)(6)

From:	Houlton, Tyler (b)(6)
To:	"Krebs, Christopher (b)(6) "vvaies, Brandon (b)(6)
CC:	"Hoffman, Jonathan (b)(6)
Subject:	FW: Is this accurate?
Date:	2018/01/04 12:47:45
Priority:	Normal
Type:	Note

This is likely what we are going with. See below

From: (b)(6)
Sent: Thursday, January 04, 2018 12:17:42 PM
To: Hoffman, Jonathan; (b)(6)
Cc: (b)(6) Houlton, Tyler; (b)(6)
Subject: RE: Is this accurate?

If (b)(6) signs off, we're good.

From: Hoffman, Jonathan [mailto:(b)(6)]
Sent: Thursday, January 4, 2018 12:16 PM
To: (b)(6)
Cc: (b)(6)
 <(b)(6)> Houlton, Tyler <(b)(6)>
 (b)(6)
Subject: RE: Is this accurate?

(b)(6)?

From: (b)(6)
Sent: Thursday, January 4, 2018 12:16 PM
To: Hoffman, Jonathan (b)(6)
Cc: (b)(6)
 Houlton, Tyler <(b)(6)>
 (b)(6)
Subject: RE: Is this accurate?

(b)(5)

From:	Houlton, Tyler (b)(6)
To:	"Waldman, Katie (b)(6)
Subject:	FW: Statement request
Date:	2018/01/05 14:18:48
Priority:	Normal
Type:	Note

All in here

From: (b)(6)
Sent: Friday, January 05, 2018 2:10:53 PM
To: Houlton, Tyler
Subject: Re: Statement request

Tyler-

Checking in on this q about Kobach's claims DHS is specifically running the voter rolls against the list you maintain of non-citizens. He's repeatedly claimed this. I think it's important DHS weigh in on the truth of that.

Also, I want to say in the piece that DHS did not interpret the president's request as a request to conduct an investigation. Who can I attribute that to?

--

(b)(6)

Reporter, ProPublica

Cell/Signal: (b)(6)

Office: (b)(6)

(b)(6)

On 1/5/18, 12:36 PM, (b)(6) (b)(6) wrote:

But at this time you cannot confirm mr. Kobach's repeated claims you'll run the voter rolls against the list DHS maintains of non citizens?

Sent from my iPhone, apologies for brevity (and typos).

>On Jan 5, 2018, at 12:34 PM, Houlton, Tyler <(b)(6)> wrote:

>

>Attributable to me:

>

>"At the President's direction, the Department continues 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. Mr. Kobach is not advising the Department on this matter."

>

>On background not attributable to DHS and to give you context:

>

>The president asked the Department of Homeland Security to review the mission of the Executive Order and determine next courses of action. An investigation was not implied.

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>On background from a senior DHS official:

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>We are looking at the issue and how we can assist state and local jurisdictions and the Department of Justice.

>

>Tyler Houlton

>Press Secretary (Acting)

>Department of Homeland Security

>(b)(6)

>

>

>-----Original Message-----

>From: (b)(6)

>Sent: Friday, January 5, 2018 12:32 PM

>To: Media Inquiry <(b)(6)>

>Subject: Re: Statement request

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>>Thank you. My deadline is tomorrow at 10am.

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>>Sent from my iPhone, apologies for brevity (and typos).

>

Sender:	Houlton, Tyler (b)(6) (b)(6)
Recipient:	"Waldman, Katie (b)(6) (b)(6)
Sent Date:	2018/01/05 14:18:47
Delivered Date:	2018/01/05 14:18:48

From:	Sultan, Jennifer (b)(6) (b)(6)
To:	"Shuchart, Scott (b)(6) (b)(6)
Subject:	RE: Election fraud commission
Date:	2018/01/07 18:37:19
Priority:	Normal
Type:	Note

I read the very general piece on this in today's Post. (b)(6)

(b)(6)

(b)(6)

(b)(6) have the election fraud initiative on my list, which is what this is about right? (b)(6)

From: Shuchart, Scott

Sent: Thursday, January 04, 2018 11:06:42 AM

To: Sultan, Jennifer

Subject: RE: Election fraud commission

I wonder—(b)(5) could reach out personally to David Palmer to flag that we need to be looped in.

From: Sultan, Jennifer

Sent: Thursday, January 4, 2018 8:23 AM

To: Shuchart, Scott <(b)(6)>

Subject: RE: Election fraud commission

Sure. What does an assignment look like—OPLA?

From: Shuchart, Scott

Sent: Thursday, January 04, 2018 8:17:27 AM

To: Sultan, Jennifer

Subject: Election fraud commission

(b)(5)

Sender:	Sultan, Jennifer (b)(6) (b)(6)
Recipient:	"Shuchart, Scott" (b)(6) (b)(6)
Sent Date:	2018/01/07 18:37:19

From:	White House: Office of the Vice President <v[REDACTED]>
To:	"Media Inquiry [REDACTED]" [REDACTED]
Subject:	Readout of the Vice President's Call with the Presidential Advisory Commission on Election Integrity
Date:	2017/06/28 16:22:32
Type:	Note

THE WHITE HOUSE

Office of the Vice President

FOR IMMEDIATE RELEASE

June 28, 2017

**READOUT OF THE VICE PRESIDENT'S CALL WITH THE PRESIDENTIAL ADVISORY COMMISSION
ON ELECTION INTEGRITY**

This morning, Vice President Mike Pence held an organizational call with members of the Presidential Advisory Commission on Election Integrity. The Vice President reiterated President Trump's charge to the commission with producing a set of recommendations to increase the American people's confidence in the integrity of our election systems.

"The integrity of the vote is a foundation of our democracy; this bipartisan commission will review ways to strengthen that integrity in order to protect and preserve the principle of one person, one vote," the Vice President told commission members today.

The commission set July 19 as its first meeting, which will take place in Washington, D.C.

Vice Chair of the Commission and Kansas Secretary of State Kris Kobach told members a letter will be sent today to the 50 states and District of Columbia on behalf of the Commission requesting publicly-available data from state voter rolls and feedback on how to improve election integrity.

###

[Unsubscribe](#)

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

Sender:	White House: Office of the Vice President <(b)(6)>
Recipient:	"Media Inquiry <(b)(6)> (b)(6)
Sent Date:	2017/06/28 16:22:22
Delivered Date:	2017/06/28 16:22:32

From:	Elzea, Jennifer (b)(6)
To:	(b)(6)
CC:	"Media Inquiry" (b)(6) (b)(6)
Subject:	RE: Comment Request - On Deadline
Date:	2018/01/05 13:52:26
Priority:	Normal
Type:	Note

(b)(6)

Connecting you here with our colleagues at DHS who are handling queries on this topic.

Regards,
Jenn

Jennifer D. Elzea
Press Secretary
Office of Public Affairs
U.S. Immigration and Customs Enforcement

Mobile: (b)(6)

Desk: (b)(6)

(b)(6)

From: (b)(6) (b)(6)
Sent: Friday, January 05, 2018 1:51 PM
To: ICEMedia
Subject: Comment Request - On Deadline

Hello-

I'm working on a piece about Kris Kobach's repeated claims over the last 48 hours that ICE will be using taking up the work of the Presidential Advisory Commission on Election Integrity. He has claimed to multiple news organizations that 1) He is advising the work of DHS in this matter and that 2) ICE, specifically, will be using the voter rolls obtained by the commission to run them against the list of non-citizens that the department maintains.

Can you shed any light on the truthfulness of this? Will ICE be using the rolls obtained by the commission to look for non-citizens on the rolls?

My deadline is 4pm eastern.

Thanks,

--
(b)(6)

Reporter, ProPublica

Cell/Signal: (b)(6)

(b)(6)

(b)(6)

Sender:	Elzea, Jennifer <(b)(6)> (b)(6)
Recipient:	(b)(6) "Media Inquiry" <(b)(6)> (b)(6)
Sent Date:	2018/01/05 13:52:22
Delivered Date:	2018/01/05 13:52:26

From:	Wales, Brandon <(b)(6)> (b)(6)
To:	(b)(6) (b)(6)
CC:	"Wolf, Chad </O=DHS/> (b)(6) "Neumann, Elizabeth </> (b)(6)
Subject:	FW: Election Integrity Recommendations
Date:	2018/01/09 09:19:51
Priority:	Normal
Type:	Note

(b)(6)

Can you print this for the S1. These are the materials for the Election Integrity Meeting this afternoon. I received clearance from OGC, and I want to give S1 an opportunity to look at it before the meeting if she has time.

Please let me know if you have any questions.

Best,

Brandon

Brandon D. Wales

Senior Counselor to the Secretary

Department of Homeland Security

(b)(6)

From: Wales, Brandon

Sent: Monday, January 08, 2018 8:00:02 PM

To: Wolf, Chad (b)(6)

Cc: Neumann, Elizabeth (b)(6); 'Hoffman, Jonathan (b)(6)

Subject: Election Integrity Recommendations

Chad,

Attached are the recommendations on the election integrity issue and two attachments on the USCIS SAVE Program. There are six recommendations that walk through the issue. Because I didn't get OGC's input until after 6, I did not have a chance to coordinate the final document with all of the offices, but the information is based on inputs I received from multiple players. I am going to send it around now and ask for comments tonight. I will get an updated version to you and the mil aides late tonight or early tomorrow.

Let me know if you have any thoughts.

Thanks!

Best,

Brandon

Brandon D. Wales

Senior Counselor to the Secretary

Department of Homeland Security

Office: (b)(6)

Mobile:

Sender:	Wales, Brandon <(b)(6)> (b)(6)
Recipient:	"Wolf, Chad (b)(6) (b)(6) (b)(6) "Neumann, Elizabeth (b)(6)
Sent Date:	2018/01/09 09:19:50
Delivered Date:	2018/01/09 09:19:51

Page 0055

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 0056

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 0057

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 0058

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act



Fact Sheet

Information for Voter Registration Agencies: Conducting Verifications Through SAVE

Background

Agencies registered with the U.S. Citizenship and Immigration Services (USCIS) SAVE Program are authorized to conduct verifications to maintain their state's voter registration rolls. This authorization is identified in each agency's memorandum of agreement (MOA). Although the large majority of SAVE registered agencies sign a standard MOA, the voter registration MOA (VRMOA) is tailored to address verifications for voter registration purposes. This Fact Sheet provides general guidance for interpreting the VRMOA requirements, but VRMOAs may vary slightly due to each state's laws or policies. Therefore, if you have any questions about interpreting this Fact Sheet, please contact SAVE.

SAVE's Operational Limitations for Verifying the Citizenship Status

SAVE has the following limitations and requirements:

- SAVE cannot verify U.S. born citizens under any circumstances.
- SAVE's ability to verify citizenship is limited to naturalized and derived citizens.¹ USCIS only has comprehensive records on naturalized and, provided that they have acquired Certificates of Citizenship and updated their records with USCIS, derived U.S. citizens.
- SAVE requires at minimum the benefit applicant's name, date of birth, and current immigration document number related to his or her claimed status.
- SAVE cannot verify an individual's naturalized or derived citizenship status based on a Social Security Number, driver's license number, U.S. passport number or other document number not issued by a component of the Department of Homeland Security or USCIS' predecessor, Immigration and Naturalization Service.

Verifying the Citizenship Status of Voters

To use SAVE to verify citizenship of naturalized and derived U.S. citizens registering or registered to vote, a user agency **must** provide SAVE with the numeric identifiers (i.e., alien registration number and/or certificate number) found on the individual's immigration-related documents (e.g., Certificate of Naturalization or Certificate of Citizenship). Refer to Section IV.B.1.a. of the standard VRMOA, which

¹ Derived citizens are persons born abroad who derive U.S. citizenship at birth from one or both U.S. parents who meet the requirements of U.S. law for transmission of citizenship to their children. These citizens may, but are not required to, apply to USCIS for a Certificate of Citizenship evidencing their U.S. citizenship. The term 'derived citizen' is also frequently used to refer to citizens who automatically acquired U.S. citizenship after birth but under the age of 18 under certain provisions of U.S. naturalization law. Additionally, although derived citizens may have U.S. passports issued by the U.S. Department of State demonstrating their U.S. citizenship, SAVE cannot verify them as citizens using the passport.

states that the user agency **must**:

(a) Provide to the SAVE Program the information the SAVE Program requires to respond to User Agency requests for verification of immigration or naturalized or derived citizenship status information, including (1) information from the registrant's immigration or DHS citizenship documentation, i.e., Alien Registration, Naturalization Certificate or Certificate of Citizenship number, for initial automated verification, (2) additional information obtained from the registrant's immigration or DHS citizenship documentation for automated additional verification, and (3) completed Forms G-845 and other documents and information required for manual additional verification, if necessary. *Institute additional verification for any registrant that does not verify as a naturalized or derived citizen on initial verification* (emphasis added). If SAVE is unable to verify the registrant as a naturalized or derived citizen after conducting the second step additional verification, *the User Agency will contact the registrant to obtain proof of citizenship in accordance with the provisions of this MOA* (emphasis added). For manual only verification, ensure that Forms G-845 and other documents and information required for manual verification are provided.

As indicated, the user agency **must conduct second step additional verification for any individual that does not verify as a U.S. citizen after initial verification**. To comply with the VRMOA, a user agency cannot terminate the SAVE verification process after initial verification when an individual does not verify as a U.S. citizen. This requirement to institute additional verification applies to situations where SAVE returns **any response other than U.S. citizen**, such as a response indicating the applicant is a lawful permanent resident.

If an individual **does not verify as a U.S. citizen after second step additional verification**, the user agency **must** contact the individual and request proof of citizenship, i.e., a copy of the Certificate of Naturalization or Certificate of Citizenship², unless the agency has a **copy of the necessary immigration document to submit for third step additional verification**. To comply with the VRMOA, the user agency **must** also follow other related provisions. Accordingly, the VRMOA states the following at Section IV.B.1.f.

(f) Ensure all Users perform any additional verification procedures the SAVE Program requires and/or the registrant requests after the User Agency initiates a request for verification.

This provision has two aspects: 1) **the user agency must perform additional verification required by SAVE**; 2) **the user agency must also conduct additional verification requested by the individual being verified**. It is not appropriate for a user agency to conduct verifications if it does not intend to complete the verification process. However, an individual may request that the user agency not conduct additional verification procedures. The following are examples of when a user agency may not need to conduct additional verification after contacting the individual being verified:

- When the individual returns an authorized attestation form stating that the individual is not a U.S. citizen.
- When the individual provides proof of citizenship accepted by the user agency without verification by SAVE, such as a U.S. passport.
- When the individual does not respond within applicable timeframes to the the user agency inquiry for attestation or proof of citizenship.

² It is always best to provide SAVE with the alien registration number and the Certificate of Naturalization or Certificate of Citizenship number whenever possible. It is also best to submit a copy of the appropriate Certificate for third step additional verification. However, SAVE may be able to verify citizenship based upon an alien registration number on any document issued by USCIS.

Section IV.B.1.i. states that the user agency **must**:

(l) Create standardized correspondence to request that a registrant provide a Naturalization Certificate or Certificate of Citizenship to complete SAVE verification and submit that correspondence to SAVE for approval prior to use with registrants.

Every user agency that enters into a VRMOA **must** prepare **standard notification correspondence and provide it for DHS approval**. This provision becomes significant:

- after a second step additional verification is conducted;
- the individual does not verify as a U.S. citizen; and,
- the user agency does not have a copy of the necessary immigration document.

Under those circumstances, the user agency **must** use this correspondence to contact the individual to request proof of citizenship.

Sections IV.B.1.m & n. may also apply at this stage of the verification process. These sections state that the user agency **must**:

(m) Provide all registrants who do not verify as a citizen under the terms of the MOA with adequate written notice that their citizenship could not be verified and the information necessary to contact DHS-USCIS (*see attachment 1: Fact Sheet, which is subject to revision and reposting on the SAVE Website and Online Resources* (emphasis added)) so that such individuals may obtain a copy of their Naturalization Certificate or Certificate of Citizenship or correct their records in a timely manner, if necessary;

(n) Provide all registrants who are not verified as citizens based solely or in part on the SAVE response with the opportunity to use the user agency's existing process to appeal the denial and to contact DHS-USCIS to correct their records prior to a final decision, if necessary.

According to Section IV.B.1.m, quoted above, the user agency **must** provide the individual with the Fact Sheet, "***Information for Registrants: Verification of Citizenship Status and How to Obtain Your Document or Correct Your Record with USCIS***", as part of the notification. As part of the VRMOA negotiation process and approval of the notification correspondence, USCIS evaluated the appeals process of each user agency. Accordingly, Section IV.B.1.n requires that the individual **must** also **have the opportunity to appeal the determination that he or she is not a citizen** using the user agency's existing process.

Finally, note that Section IV.B.d. incorporates other requirements that user agencies **must** follow to comply with the VRMOA. The section states that the user agency **must**:

(d) Ensure all Users performing verification procedures *comply with all requirements* contained in the SAVE Program Guide, web-based tutorial, and this MOA, and updates to these requirements (emphasis added).

SAVE periodically updates its processes and requirements. Accordingly, the user agency **must** understand and monitor these requirements (including this Fact Sheet), **and any updates** thereto, as they relate to voter registration verification requests.

Instructions for Conducting Voter Registration Verifications

If...	Use...	Then...
the individual does not verify as a U.S. citizen on initial verification.	<p>the electronic additional second step verification process to request additional verification:</p> <ul style="list-style-type: none"> • Identify in the “comment” field on the “Request Additional Verification” page that the request is to determine if the individual is a U.S. citizen; • Submit the case for additional verification. 	SAVE will provide a response based on the information available in USCIS records or will direct you to “resubmit with docs.”
the individual does not verify as a U.S. citizen on electronic additional second step verification.	<p>the electronic third step or paper only Form G-845³ verification process and submit a copy of the applicant’s immigration document showing U.S.citizenship:</p> <ul style="list-style-type: none"> • attach a copy of the applicant’s USCIS issued immigration document (e.g., Certificate of Naturalization or Certificate of Citizenship); • Submit the completed electronic third step request and/or the Form G-845. 	SAVE will provide a response based on the information available in USCIS records.

If you have any questions regarding this guidance or would like to request training please contact the SAVE Program at SAVE.help@uscis.dhs.gov.

³ If SAVE returns a second step response indicating that an individual has an immigration status other than U.S. citizen, e.g., lawful permanent resident, the user agency **must** use the paper Form G-845 to submit the USCIS issued document to SAVE for third step additional verification. Always identify in the “comment” field on the Form G-845 that the request is to determine if the individual is a U.S. citizen. Please follow all instructions for submitting a paper Form G-845.



The Use of SAVE for Voter Registration

Background

The Systematic Alien Verification for Entitlements (SAVE) program is an inter-governmental initiative using a web-based service to help federal, state and local agencies that issue public benefits determine the citizenship and immigration status of applicants. SAVE is not itself a database, but is only a system that accesses Department of Homeland Security (DHS) and other agency databases containing information regarding the status of nonimmigrants, immigrants, and certain naturalized and derived U.S. citizens.

SAVE originally existed as a pilot program, implemented over two years by the Immigration and Naturalization Service (INS) in voluntary cooperation with the states, and was then permanently authorized in Section 121(c) of the Immigration Reform and Control Act of 1986 (IRCA), Pub. L. No. 99-603. IRCA prohibited the granting of specified federal public benefits to certain non-U.S. citizens and imposed obligations upon benefit granting agencies to determine the citizenship and/or immigration status of applicants for these benefits.

IRCA also required that each benefit applicant declare in writing whether he or she is a citizen or national of the United States. If the applicant is not a citizen or national of the United States, the applicant must show that, he or she is in a satisfactory immigration status, as set forth by federal law, to receive that benefit. IRCA required the establishment of an automated system for verifying the immigration status of noncitizen applicants for certain federal benefits, originally including only the follow federal programs:

- Temporary Assistance to Needy Families (TANF) Program
- Medicaid Program
- Certain Territorial Assistance Programs
- Food Stamps
- Unemployment Compensation Program
- Title IV Educational Assistance Programs
- Certain Housing Assistance Programs

About a decade after SAVE was created, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Pub. L. No. 104-193, provided additional restrictions for certain programs funded by federal, state, and local governments. PRWORA established stricter citizenship or immigration status eligibility requirements for many programs and rendered certain categories of non-U.S. citizen ineligible for many benefits. Near the same time, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104-208, as amended, expanded SAVE's purview by requiring DHS to respond to inquiries by federal, state, and local government agencies

seeking to verify or determine the citizenship or immigration status of any individual within the jurisdiction of the agency for any lawful purpose. See 8 U.S.C. § 1373(c). Accordingly, SAVE is now required, by statute, to respond to inquiries made by federal, state, or local government agencies seeking to verify or ascertain citizenship or immigration status of any individual within the jurisdiction of the agency “for any purpose authorized by law.” This is the legal authority SAVE relies upon when performing verification in association with state voter registration and state voter list maintenance. Federal law (the Help America Vote Act) also requires State election officials to maintain and update computerized voter registration lists to ensure voter eligibility while maintaining voter’s rights. 52 U.S.C. § 21083; see 52 U.S.C. § 20507.

With respect to the mechanics of using SAVE, the SAVE Program currently provides verification services to over one thousand agencies. Only federal, state, and local benefit-granting agencies may register for the SAVE Program. The agency must be authorized by law to engage in an activity or provide a benefit for which immigration status verification is required.

SAVE requires the agency to submit electronic copies of all applicable legal authorities authorizing the agency to:

- Issue the stated benefit or license or engage in other activity; and
- Verify immigration status before issuing the stated benefit or license or pursuant to engaging in the other activity.

The SAVE Program reviews the submitted legal authorities to ensure that the agency is authorized to participate in the program. If the agency meets the eligibility criteria to participate in the SAVE Program, the agency is required to enter into a Memorandum of Agreement (MOA) with DHS/USCIS outlining the purpose and the responsibilities for participation in the program.

SAVE charges user agencies a fee based on the number and type of transactions they perform. If an agency’s account does not make any transactions in a given month, then SAVE does not charge that account. However, if an agency’s account makes any transaction in a given month, SAVE automatically charges a minimum monthly service transaction fee of \$25.

- Initial Verification: \$0.50
- Retry Initial Verification: \$0.50
- Additional Verification: \$0.50
- Maximum Charges for electronic cases: \$1.50
- Paper-based Form G-845, Document Verification Request: \$2.00

The SAVE program monitors the accuracy of its responses by performing monthly quality assurance audits. SAVE meets its goal for 99 percent legal instrument examiner accuracy on a monthly basis. The SAVE program is also undergoing a modernization effort to decrease the percentage of cases requiring a manual review and is eliminating paper based requests in FY 2018.

The SAVE Verification Process and Voter Registration Agencies

Before gaining access to SAVE for voter registration, the state agency must provide USCIS with all applicable legal authorities and voter registration procedures that authorize the agency to engage in voter registration activities. These authorities are reviewed by the USCIS Office of the Chief Counsel and the DHS Office of the General Counsel (OGC) is also notified of the state’s request. The state’s

application to use SAVE for voter registration or voter list maintenance is not approved until the state demonstrates that they have adequate notification and appeal processes in place to ensure that any voter denied registration has adequate due process.

Once an agency is approved, SAVE's role in verifying voter registration eligibility is limited to verifying naturalized or derived citizenship. **SAVE cannot verify U.S. born citizens under any circumstances.** To use SAVE to verify naturalized or derived citizenship of individuals registering or registered to vote, a user agency **must** provide SAVE with the numeric identifiers (e.g., Alien or USCIS number, I-94 arrival/departure document number, certificate or naturalization number) found on an individual's immigration-related documents (e.g., a Certificate of Naturalization or a Certificate of Citizenship), first and last name, and date of birth. There are various other limitations related to the information necessary to conduct verifications:

- SAVE cannot conduct verifications based on Social Security numbers.
- Derived citizens often do not have a document of any type to show U.S. citizenship and in these cases no citizenship record will exist with DHS.
- Department of State adjudicated derived citizens may not have a record with USCIS and U.S. Passports cannot be verified in SAVE.¹

SAVE can take up to three possible verification steps in order to reach a final verification result. The first step is electronic and takes only three to five seconds. If SAVE cannot verify the individual as a U.S. Citizen, the requesting voter registration agency must perform any additional verification procedures the SAVE Program requires and/or the applicant requests. Accordingly, when the initial response is "Institute Additional Verification" or the individual requests additional verification because the status returned does not match their claimed citizenship status, second step additional verification is required. If the second step verification does not match their claimed citizenship status, the voter registration agency must submit a copy of the document (Naturalization Certificate or Certificate of Citizenship) for a third step verification. The additional verification steps must be performed in these situations because it allows USCIS staff to manually check data sources and provide a correct response. If the requesting agency has any concerns about a SAVE additional verification, it may call USCIS to discuss the verification. If an agency has alternative processes upon which to base its decision regarding the individual's citizenship status, additional verification is not required.

Voter Registration and Voting List Maintenance Current Enrollees and Issues

SAVE is currently used by a limited number of agencies for voter registration related verifications (either at point of registration or later for voter roll maintenance):

- a. Arizona Counties – 1) Maricopa 2) La Paz 3) Pima 4) Yuma 5) Yavapai. They do verification at the point of registration. SAVE is in negotiations with the State of Arizona to provide all 15 Arizona counties with access under a single uniform Memorandum of Agreement (MOA) with the state.
- b. Colorado – Secretary of State. Verifies voters already on the rolls.
- c. Florida – Secretary of State. Verifies voters already on the rolls.

¹ SAVE is only able to verify information that relates to information found in the databases accessed by the system. Accordingly, if an individual with derived citizenship status has not applied for a Certificate of Citizenship with USCIS, the agency may not have that individual's citizenship status in its databases, and SAVE will not be able to confirm that individual's derived citizenship status. However, many derived citizens have received U.S. passports from the Department of State (DOS). If the DOS has provided USCIS with a record of the passport citizenship adjudication and USCIS has updated the individual's alien file, SAVE would be able to find the citizenship record with the individual's Alien number.

- d. North Carolina – State Board of Elections. Verifies voters already on the rolls.
- e. Virginia – Board of Elections. Verifies voters already on the rolls.
- f. Georgia – Secretary of State. Verification at the point of registration.

These agencies represent only a small fraction of the 1,150 agencies registered to use SAVE and only 0.07 percent of SAVE's total query volume. Only four of the ten agencies used SAVE in FY 2017 for voter registration and list maintenance, and the state of North Carolina was responsible for 93 percent of the query volume.

As indicated by the above list of voter registration agencies using SAVE, they will either use SAVE at the point of registration or to verify the immigration status of individuals already on voter rolls registered against State Department of Motor Vehicle records. For voter registration, the agency is usually limited by federal and state legal requirements concerning the information and documentation that they can collect from the individual to show citizenship. For list maintenance, the agencies are limited by the information contained within the Department of Motor Vehicle records, and they will have no direct contact with the individual before running a SAVE verification. It is almost never the case that a voter registration agency initiating a verification will have all of the information and/or documents available to them to complete all three steps of a SAVE verification, if necessary. Accordingly, the requesting agency may need to take extra steps to request additional information and documentation from the individual in order to satisfactorily complete a SAVE verification.

**Written Questions for DHS Secretary Nielsen
Submitted by Senator Patrick Leahy
January 23, 2018**

DACA:

This administration's rhetoric about Dreamers has been marked by fear mongering. Attorney General Sessions said that the program was an example our "failure to enforce the laws," which has "put our nation at risk of . . . even terrorism." Yet DOJ has been unable to provide me with a single example of a DACA recipient involved in terrorist activity. Recently, in dismissing the bipartisan DACA deal carefully crafted by several Senators on this Committee, the President tweeted that he wants to "stop the massive inflow of drugs."

- 1. Can you provide any examples of DACA recipients involved in terrorist activity?**
- 2. Can you provide any statistical support for the claim that DACA recipients commit crimes at higher rates than American citizens?**
- 3. Estimates indicate that Dreamers pay as much as \$2 billion a year in taxes, and that deporting them could reduce our GDP by over \$400 billion in the next 10 years. In your view, are Dreamers a net benefit or cost to our society?**

TERRORISM STATISTICS IN JOINT DHS/DOJ REPORT:

The Department of Homeland Security and the Department of Justice recently issued a joint report purporting to show that since September 11, 2001, three out of four individuals convicted of international terrorism-related charges – 402 in total – were foreign-born. This conclusion was based on "an analysis conducted by DHS," according to the report. However, reports have since emerged indicating the DHS never in fact conducted any such analysis, and that DHS does not even track international terrorism data by citizenship or country of origin. These stories also suggest that Attorney General Sessions' office assembled the statistics and sought only the rubber stamp of DHS before publicly releasing them in the report.

- 1. Was there actually an "analysis conducted by DHS" leading to the conclusions in the joint report? Can you provide a copy of this underlying analysis, if it exists?**
- 2. If DHS did not conduct the underlying analysis supporting the report's central conclusion, who did? If DOJ conducted this analysis, were subject matter experts and analysts from DHS consulted for substantive input?**
- 3. What role did you personally play in the development of the joint report?**

- 4. Was anyone outside of DHS and DOJ involved with conducting the underlying analysis or crafting the joint report? If so, who? Were any officials at the White House involved?**

From my review of the report, it fails to justify the President's travel ban (E.O. 13780). When I asked you to answer how many of the 402 foreign-born individuals convicted of terrorism charges are from countries subject to the President's travel ban, you did not know the answer.

- 5. How many of the 402 foreign-born individuals convicted of international terrorism-related charges are citizens or nationals of countries subject to the President's travel ban? Can you provide a breakdown of the nationalities of all 402 individuals?**
- 6. It's also critical for us to know whether these individuals were self-radicalized after living in the U.S. for a long period or rather convicted of these charges shortly after they arrived here. Can you also provide information about the amount of time each of the 402 foreign-born individuals was present in the United States before they were convicted of international terrorism-related charges?**

SANCTUARY CITIES:

Earlier this month, the acting director of Immigration and Customs Enforcement told Fox News that state and local officials who pass so-called "sanctuary city" laws should be charged with a crime under 8 U.S.C. § 1324. When asked about these comments during your hearing, you said the Department of Homeland Security has requested the Department of Justice to review what avenues are available so that criminal charges can be brought against state and local officials who pass so-called "sanctuary city" laws.

Some state and local officials, including prominent police chiefs, believe that mandating cooperation between local law enforcement officers and federal immigration authorities actually harms public safety because they may promote mistrust in immigrant communities and make it less likely that victims and witnesses will come forward and cooperate with police investigations and prosecutions.

- 1. Yes or no, is it your Department's position that a local police chief who believes that mandating cooperation between his officers and federal immigration authorities actually harm public safety, and has a policy based on that belief, should be investigated for a potential federal crime?**
- 2. Was your Department's request to the Department of Justice reviewed by your Office of General Counsel?**
- 3. Are you aware of any cabinet official in any prior administration who requested that the Justice Department—our nation's chief prosecutorial arm—determine whether state and local officials can be criminally charged not for being in violation**

of a federal court order, but for pursuing in good faith state and local policies in accordance with their respective state and local laws?

VOTING RIGHTS

Earlier this month, after President Trump disbanded his sham election fraud commission, he transferred its mission to DHS. Vermont's Secretary of State is concerned that the work will now be done "behind closed doors and without the sunshine offered from open public scrutiny."

- 1. Do you personally believe President Trump's claim that millions of people illegally voted in the 2016 election? Are you aware of any facts at all that would substantiate this claim?**
- 2. My fear is that this exercise, while it may please the president, will distract from DHS's critical work protecting voting infrastructure against cyber-attacks. What steps is DHS taking on behalf of the election fraud committee?**

Questions for the Record for Kirstjen Nielsen, Secretary of Homeland Security
Submitted by Senator Richard Blumenthal
January 23, 2018

1. During your testimony you stated that 92% of individuals deported in the past year were either criminals or had final orders of removal.
 - **Please provide an exact percentage breakdown of deported individuals who had a criminal record and those who had final orders of removal.**
 - **Among those who had a final order of removal, how many had a criminal charge against them that was not directly related to their immigration status?**

2. I have written two letters to the Department of Homeland Security (DHS) asking to clarify DHS policies on sensitive locations and provide basic statistical data on compliance with existing DHS policy regarding sensitive locations. These letters were dated October 17, 2017 and November 13, 2017. I have not received a response to either letter.
 - **Will you commit to providing a response to my letters as soon as possible?**
 - **What specific training do ICE and CBP officers receive on the DHS sensitive locations policy?**

3. In Puerto Rico, the blackout caused by Hurricane Maria is the longest disruption of electricity in American history. We are well into 2018 and over a third of the island still does not have electricity. Without electricity, water filtration systems cannot provide drinking water, medical equipment such as dialysis machines cannot operate, and schools cannot teach and care for our children. During your testimony, you committed to providing an estimated date by which the Puerto Rican people can expect to have power restored.
 - **What is the estimated date for full power restoration on the island?**
 - **What is FEMA's timeline for fixing the electrical grid?**
 - **What is FEMA doing to ensure that Puerto Rico's electric grid is rebuilt in the most effective way and identify what is needed for hardened, resilient electricity supply on the island?**

4. Earlier this month, I wrote to FEMA Administrator Brock Long with deep concern upon learning that the agency had abruptly terminated 45 displaced families in Connecticut from the Transitional Shelter Assistance (TSA) program – despite the dangerously uninhabitable condition of their homes in Puerto Rico.
 - **Does FEMA's standard for habitability require inspected homes to include basic necessities, such as water, electricity, and a safe and secure roof? If it does not, what steps will you take to establish a standard of habitability that, at a minimum, requires running water, utilities and stable roof and walls?**

Further, just last week, dozens of Puerto Rico families living in Connecticut – who had already been assured by FEMA that they had temporary shelter in the state through February 14 – were abruptly told that this decision was made in error and that they had mere hours to find another home. These families were told that they were ineligible for Transitional Shelter Assistance, only to find out after further inspection – in response to backlash – several families were indeed eligible.

- **What steps is your office taking address these communications breakdowns at FEMA? Also, would you agree that displaced families and the State of Connecticut should not be on the hook financially for FEMA’s oversight error?**

It has also been expressed to my office by FEMA Congressional Relations staff that the agency does not have a “defined appeal process related to TSA eligibility.”

- **Can you please commit to creating a formal appeal process for people who have their TSA benefits terminated that provides benefits during the appeal process, clear proof of structural habitability of the home and a presumption that an extension will be granted should FEMA fail to prove structural habitability?**

Finally, I have called on FEMA to work with other federal agencies to provide affordable, longer-term housing solutions for displaced Puerto Rican families. For example, FEMA and HUD have utilized Interagency Agreements after other natural disasters to provide housing benefits, like Hurricane Katrina and Superstorm Sandy.

- **Can you please commit to establishing an Interagency Agreement (IAA) with U.S. Department of Housing and Urban Development to provide longer-term, more stable and appropriate housing for displaced families, such as the Disaster Housing Assistance Program?**

5. When Puerto Rico Governor Ricardo Rossello came before Congress last November, he requested \$94 billion to help Puerto Rico build back with secure infrastructure for its power grid, medical facilities, and schools. President Trump has proposed a \$44 billion aid package for the recovery efforts in Texas, Florida, and Puerto Rico—significantly less than what Puerto Rico requested.

- **Why did the administration propose significantly less funding for recovery efforts in Texas, Florida, and Puerto Rico?**
- **Do you believe that relief funds should be dedicated specifically to Puerto Rico—not just general funds to be carved up between all the areas of the country recovering from recent disasters?**

6. Since Maria hit Puerto Rico, we have seen conflicting reports regarding the severity of the situation on the island. As of one recent count, only half of those who have requested tarps for their homes have received one. Questions about FEMA have been raised, including whether it has withheld unfavorable data, provided insufficient staff to the island, promoted a highly inaccurate body count, and failed to supervise the distribution of food and water.

- **What is DHS doing to ensure that reports, facts, and figures regarding the situation on the island are accurate?**
- **Is DHS planning to complete a full assessment of the damage done to the island as a result of the storm?**
- **When can we expect a report to be available?**
- **Will you commit to make public full information and details about FEMA loss and damage assessment protocols, guidelines and regulations?**

7. On January 8, you announced that DHS would not renew TPS status for nearly 200,000 immigrants from El Salvador. You stated that the termination of TPS for El Salvador was based on “careful consideration of available information, including recommendations received as part of an inter-agency consultation process.”
 - **What information did DHS review to decide to terminate TPS for El Salvador and the other nations—and from what sources?**

8. Syria is still in the midst of an ongoing armed conflict in which over 500,000 people have been killed. TPS for those in the United States from Syria is set to expire on March 31, 2018.
 - **Will the administration renew TPS for Syrians?**

9. Deferred Enforcement Departures (DED) for Liberians is a program that was created by George W. Bush after their TPS expired. The past two administrations have regularly renewed DED for Liberians in this country. The program is set to expire on March 31 of this year.
 - **Will the administration renew this program?**
 - **Will the administration allow Nicaraguans, Haitians, and Salvadoran TPS recipients to apply for DED?**

10. The Senate’s FY18 Homeland Security Appropriations bill would eliminate critical funding for the National Urban Security Technology Laboratory (NUSTL). NUSTL’s unique expertise and services are built on decades of experience in radiation and nuclear response which cannot be easily transferred and replicated elsewhere.
 - **What is the Department’s position on the elimination of funding for NUSTL?**
 - **In the absence of critical programs like NUSTL, how will the Department of Homeland Security ensure first responders receive specialized training to address nuclear and radiological attacks?**
 - **What ramifications and challenges do you anticipate? What is the Department of Homeland Security’s contingency plan?**

11. President Trump issued an Executive Order on January 3, 2018, terminating the Presidential Advisory Commission on Election Integrity. On the same day President Trump terminated the Commission, Kris Kobach said he would serve as an “informal adviser” to DHS.
 - **What formal or informal arrangement does DHS have with Mr. Kobach?**
 - **Has DHS discussed any such role or relationship involving Mr. Kobach with Mr. Kobach himself or any other agency or department?**
 - **Will you confirm that Mr. Kobach will not serve as an advisor to the agency in any capacity related to voter fraud?**

**Oversight of the Department of Homeland Security
The Honorable Kirstjen Nielsen
Secretary of the Department of Homeland Security
Questions for the Record
Submitted January 23, 2018**

QUESTIONS FROM SENATOR FEINSTEIN

1. According to the Drug Enforcement Administration (DEA), the bulk of drugs smuggled over the southwest border are transported through Ports of Entry rather than between the ports. (2015 National Drug Threat Assessment, DEA, Oct. 2015)

Given this observation, would your agency prioritize the design and construction of a wall over the strengthening of our established Ports of Entry?

2. According to Customs and Border Protection, since 1990, 201 illicit cross border tunnels have been discovered in the United States. Seventy-five of these were located in California – nearly half included lights, ventilation, and rails to transport narcotics. Because Mexico does not permanently close them upon discovery as the U.S. does, many tunnels have been reused.

- a. **What, if any, steps has the Department taken to encourage the Mexican government to immediately and permanently close cross-border tunnels upon discovery?**

- b. **If the Department has not engaged with the Mexican government directly on this issue, will you commit to doing so?**

3. A May 2017 GAO Report titled “Border Security: Additional Actions Could Strengthen DHS Efforts to Address Subterranean, Aerial, and Maritime Smuggling,” found that between fiscal years 2011 and 2016, 67 cross-border tunnels were discovered. Additionally, 534 ultralight aircraft incursions and 309 drug smuggling incidents involving panga boats and recreational vessels along U.S. mainland borders were detected. The report further found that the agencies tasked with border security lack a comprehensive, collaborative approach. The report recommended that the Department of Homeland Security direct Customs and Border Protection-U.S. Immigration and Customs Enforcement tunnel committee to convene regularly and establish standard operating procedures to address cross-border tunnels and information sharing. It is my understanding that while Customs and Border Protection and Immigration and Customs Enforcement both agreed with this recommendation, the Department did not. Instead, the Department believes appropriate procedures are already in place.

Please explain the procedures that are in place and how these specifically address the concerns raised in the GAO report.

4. A February 2017 Government Accountability Office (GAO) report found that Customs and Border Protection (CBP) needs to improve its ability to measure how border fencing contributes to general border security operations. (“Southwest Border Security – Additional Actions Needed to Better Assess Fencing’s Contributions to Operations and Provide Guidance for Identifying Capability Gaps,” GAO, Feb. 2017)

What changes, if any, has the agency undertaken to address the recommendations in the GAO report?

5. The *San Diego Union-Tribune* reported that a processing backlog at ports of entry in San Diego has left some asylum-seekers stranded in Tijuana. (*Asylum seekers overwhelming U.S. processing in San Diego ports*, SAN DIEGO UNION-TRIBUNE, Dec. 26, 2017) In July, I wrote a letter to then-DHS Secretary John Kelly expressing strong concerns over reports that asylum seekers were being turned away when they arrived at the border. The recently reported backlog has renewed my concerns on this issue.
 - a. **To your knowledge, have immigration officials turned away any asylum seekers or left them stranded in Mexico as a result of the recent surge?**
 - b. **Does the agency track the number of asylum seekers it turns away?**
 - c. **What measures is the agency taking to address the recent processing backlog?**
 - d. **What is the agency doing to ensure that Customs and Border Protection officers are complying with the law in light of the processing backlog?**

6. A recent GAO report highlighted the serious costs that global warming will incur in the coming decades because of increased flooding and more severe storms. (“Information on Potential Economic Effects Could Help Guide Federal Efforts to Reduce Fiscal Exposure,” GAO, Sept. 2017) In spite of this, an executive order that required a new flood risk reduction standard for projects that receive federal funding was rolled back by President Trump in August, and members of his administration have questioned the scientific consensus on climate change. As we saw in Houston, doubting the reality of climate change has dire consequences for people who live in vulnerable communities.

What steps is the Department taking to help states and communities adapt to climate change?

7. The *Wall Street Journal* recently reported that only about 5,000 refugees were admitted into the United States during the first three months of fiscal year 2018. (*Refugee admissions to U.S. off to slow start in fiscal year 2018*, WALL STREET JOURNAL, Jan.

7, 2018) If this trend continues, the Trump Administration will fail to reach its goal of admitting 45,000 refugees, which is already a historic low.

- a. What explains the delay in processing refugees?**
 - b. What plans does the Department have to meet the refugee cap of 45,000 this fiscal year?**
 - c. Of the refugees admitted thus far in fiscal year 2018, what are the top six source countries, and how many refugees from each of these source countries have been admitted?**
 - d. How many circuit rides have been scheduled for fiscal year 2018 thus far and where will these circuit rides take place?**
8. A *Reuters* analysis and report of data provided by U.S. Citizenship and Immigration Services (USCIS) revealed that the approval of family-based petitions has dropped to its lowest level in more than a decade. (*Fewer family visas approved as Trump toughens vetting of immigrants: Reuters review*, REUTERS, Jan. 4, 2017) It further noted that there have been significant delays in the adjudication of I-130 applications.
 - a. What is the explanation for the sharp decrease in adjudications and approvals of family-based petitions?**
 - b. Has the Department issued new guidance or policies regarding the adjudication and approval of family-based petitions? If so, summarize those changes.**
 - c. What new anti-fraud or screening measures has the Department adopted, which affect the adjudication or approval of family-based petitions?**
9. Customs and Border Protection (CBP) recently provided new guidance about searching electronic devices at the border.
 - a. What measures is the Department taking to ensure that this incredible authority is not abused?**
 - b. What training is CBP providing to its employees with respect to the implementation of this new guidance?**
10. Last year, Acting Secretary of Homeland Security, Elaine Duke, announced the termination of the Central American Minors Program (CAM) parole program. The administration also announced that it would stop accepting new applications for the CAM

refugee program in November 2017.

- a. How many minors have lost their parole status as a result of the CAM program's termination? Out of those whose parole has expired, how many have re-applied for parole or any other immigration status?**
 - b. Have any minors who received parole under the CAM parole program been removed from the country? If so, how many and to which countries?**
11. On January 3, 2018, President Trump issued an executive order terminating the Presidential Advisory Commission on Election Integrity (Commission). In a statement that same day, the White House Press Secretary said that the President had “asked the Department of Homeland Security to review [the Commission’s] initial findings and determine next courses of action.” (January 3, 2018 Statement of the White House Press Secretary) Then on January 9, the Director of White House Information Technology, Charles Herndon, submitted a sworn declaration in *Dunlap v. Presidential Advisory Commission on Election Integrity*. That lawsuit was brought by Commission member and Maine Secretary of State Matthew Dunlap, who alleged that he was prevented from obtaining Commission documents and therefore from being able to discharge his duties as a Commission member.

In his declaration, Mr. Herndon states the following about sensitive voter roll data that the Commission had requested from all 50 states: “The state voter data has never been transferred to, or accessed or utilized by, the Department of Homeland Security (‘DHS’) or any other agency. The state voter data will not be transferred to, or accessed or utilized by, DHS or any other agency, except to the National Archives and Records Administration (‘NARA’), pursuant to federal law, if the records are not otherwise destroyed. Pending resolution of the outstanding litigation involving the Commission, and pending consultation with NARA, the White House intends to destroy all state voter data.” (Second Declaration of Charles C. Herndon, *Dunlap v. Presidential Advisory Commission on Election Integrity*, January 9, 2018)

The statements of the White House Press Secretary and the Director of White House Information Technology appear to be at odds.

- a. Has the Department received any state voter data from the Commission, the White House, or any other federal agency?**
 - b. If the Department has received any such data, what has the Department done with that data? What does the Department plan to do with that data?**

- c. To date, has the Commission shared any data, information, or findings other than state voter data with the Department?
 - d. If so, which office, agency, branch, or unit within the Department received that data or information or those findings? What has the Department done with the data, information, or findings? If the Department has not yet taken any steps, what does the Department plan to do with the data, information, or findings?
 - e. Whether or not the Department has received any data or information, has the Department been asked by the President, any member of the Commission, or any other Administration official to “determine next courses of action” in light of the Commission’s dissolution, as indicated by the White House Press Secretary?
 - f. Before the dissolution of the Commission, did anyone in the Department coordinate with or communicate with any Commission members or staff about the Commission’s efforts to collect sensitive voter roll data, or how the Commission intended to use data that it collected?
 - g. Has anyone in the Department communicated with any Commission members or staff about the Commission’s “initial findings” or the Department’s “next courses of action,” as referenced in the White House Press Secretary’s statement?
 - h. Does the Department have any information as to whether the White House intends to destroy the information collected by the Commission, rather than turn it over to the National Archives and Records Administration?
12. According to a *Reuters* article from January 5, 2018, Kris Kobach, vice chair of the Commission, stated that he expected Immigration and Customs Enforcement (ICE) — a branch of the Department — to continue the Commission’s work. (Dustin Volz, *DHS election unit has no plans for probing voter fraud: sources*, REUTERS, Jan. 5, 2018)
- a. Has Immigration and Customs Enforcement been tasked to continue the Commission’s work?
 - b. Does anything in ICE’s mission or jurisdiction relate to voting integrity or allegations of voter fraud? If not, what does ICE plan to do with the information provided to the Department?

13. Do you agree with the President’s claim that 3-5 million people voted illegally in the 2016 Presidential election? If so, does this represent the Department’s official view?
14. According to press reports from this past October, in late September 2017, the Department created an election security taskforce, with a mission to help protect voting infrastructure. (*DHS Forms Election Security Taskforce*, NEXTGOV, Oct. 3, 2017) Prior to the creation of this taskforce, the Department conducted election security operations through its infrastructure protection division. But a January 5, 2018 article suggests that the Department’s election security unit — which appears to be the same as the election security taskforce — “has no immediate plan to probe allegations of electoral fraud.” (Dustin Volz, *DHS election unit has no plans for probing voter fraud: sources*, REUTERS, Jan. 5, 2018)
- a. **Has the Department’s election security taskforce or its election security unit been tasked to continue the work of the Presidential Advisory Commission on Election Integrity? If so, how does the Commission’s work fit within the mission of the taskforce?**
 - b. **Does the Department plan to expand the taskforce’s focus beyond its current mission to safeguard critical election infrastructure? If so, what will be the focus of that expanded mission?**
 - c. **Which findings of the Commission on Election Integrity, if any, relate to assessments of the security of our nation’s election infrastructure?**
 - d. **What does the Department plan to do with information provided by the Commission that is unrelated to the Department’s mission of protecting state and local voting infrastructure?**
15. The Administration’s Report to Congress on “Proposed Refugee Admissions for Fiscal Year 2018” states that “PRM and DHS/USCIS will work closely with UNHCR to ensure that, in addition to referrals of refugees with compelling protection needs, referrals may also take into account certain criteria that enhance a refugee’s likelihood of successful assimilation and contribution to the United States.”
- a. **How does the Administration measure “likelihood of successful assimilation and contribution to the United States”?**
 - b. **Have DHS/USCIS provided new guidance to the Refugee Corps regarding refugees’ “likelihood of successful assimilation and contribution to the United States”? If so, what guidance has been provided?**

16. During the Senate Judiciary Committee's hearing on "Oversight of the United States Department of Homeland Security" on January 16, 2018, you testified on the topic of unaccompanied alien children (UAC). You stated that "90% of those released never show up to court."

- a. **What is the source for this statistic and what time period does it cover?**
- b. **Do you believe that access to legal representation increases the likelihood that a child will appear in immigration court?**

During the hearing, I asked whether you were considering a proposal that would separate children from their parents at the border, as reported in the press. It has also been reported that the Administration is already implementing such a policy. (*Trump Administration Considers Separating Families to Combat Illegal Immigration*, NEW YORK TIMES, Dec. 21, 2017)

- c. **Has the Department assessed the constitutionality of this proposal? If not, please explain why and if there a plan to do so.**
 - d. **Has the Department consulted with child welfare experts about the policy's potential impact on children?**
 - e. **Does the Department collect data or information on the number of children separated from their parents? If so, how many such instances has it recorded from FY 2017 to date?**
17. In July, Senator Kamala Harris and I wrote to your predecessor, Mr. John Kelly, regarding reports that the federal government planned to begin a surge initiative targeting the parents and relatives of unaccompanied children fleeing violence and hardship in Central America.
- a. **How many total individuals have been arrested as part of this surge initiative?**
 - b. **Did any of these individuals claim a credible fear of persecution? If so, how many?**
 - c. **Of the individuals who have been arrested, how many have been charged with human smuggling, human trafficking, or any other federal crimes?**

18. When I was on the Intelligence Committee, we passed a cybersecurity bill in 2015 that required voluntary sharing of cyber threat information, and for the Homeland Security portal to share information on cyber threats. Since passage of the bill, cyberattacks have

grown. F-Secure labs found that in 2017, there was an overall increase of 223% of cyberattacks since 2016. That is alarming.

- a. Can you please describe DHS' progress in both thwarting cyberattacks and making sure that cyber threat information is adequately shared?**
 - b. Are there additional legislative options that should be explored to strengthen the law we passed in 2015 to encourage more sharing of cyber threat information?**
19. In the 2015 cybersecurity bill, Congress established the Health Care Industry Cybersecurity (HCIC) Task Force to address the challenges the health care industry faces when securing and protecting itself against cybersecurity incidents. A report by that task force was issued in May 2017 describing some of the key healthcare cybersecurity issues.
 - a. What work has DHS done in response to that work to counter cyberattacks on the healthcare industry?**
 - b. One of the recommendations in the report indicates it is unclear which federal agency provides cybersecurity leadership and coordinates preparedness for the health care sector – can you please explain which federal agency is the lead so that the healthcare industry understands who they should turn to when they want to discuss cyber threats?**
20. During one year of the last Presidential election, the Anti-Defamation League found 2.6 million tweets that had anti-Semitic language, with nearly 20,000 tweets directed at 50,000 U.S. journalists. One Jewish reporter received threats over Twitter, including a photoshopped picture of her face on a corpse in a concentration camp. (*Massive Rise in Hate Speech Twitter during Presidential Election*, USA Today, Oct. 21, 2016.) The photo included a message saying, “Don’t mess with our boy Trump, or you will be first in line for the camp.” This type of cyberhate has targeted other minority communities as well, including Muslim and immigrant communities.
 - a. What is the Department doing to address this type of cyberhate?**
 - b. Do white nationalist groups also use online tools to grow their operations?**
 - c. What can Congress and policymakers do to address this?**

21. Earlier this year, a teenager in Israel was allegedly responsible for hundreds of bomb threats on Jewish Community Centers and other religious institutions, paralyzing communities. These types of attacks have been referred to as “swatting,” and appear to be growing in the hundreds according to the FBI. Recently, a man was shot and killed in Kansas due to a swatting incident. I am working on legislation to address this specific type of cyber harassment.

a. What can Congress and policymakers do to address this type of cyber harassment?

b. Will you support my effort to prohibit cases of cyber swatting?

22. Recently, British parliament’s Home Affairs Select Committee released a report finding that social media platforms, such as Facebook, Twitter, and YouTube, failed to remove extremist material posted by banned jihadist and neo-Nazi groups, even when that material was reported. The committee urged tech companies to pay for and publicize online content monitoring activities, and called on the British government to strengthen laws related to the publication of such material. I am working on legislation to require tech companies to report known terrorist activity on their platforms to law enforcement. The provision is modeled after an existing law which requires technology companies to notify authorities about cases of child pornography.

a. Would law enforcement benefit from knowing when technology companies see terrorist plotting and other illegal activity online?

b. In what ways do you think that tech companies can do more to curb this type of activity occurring on their platform?

c. Do you have any ideas on how to do this, while also protecting individual free speech and privacy rights?

23. As you know, there is a relentless and growing ISIL recruitment effort through social media platforms. Recruitment is repeatedly identified in nearly all of the 100+ criminal indictments brought by federal authorities during the past two years relating to ISIL. Anwar al-Awlaki is frequently named as one of the inspirational sources in many of these indictments. I understand that civil injunction authority exists for the Attorney General to obtain orders against those who provide material support to a foreign terrorist organization, as well as to shut down websites from distributing software for spying on people.

Do you believe that this type of civil injunction authority could help prevent terrorists and extremists from using tech platforms to commit crimes?

24. Since the election in 2016, there has been a tremendous amount of rhetoric from this Administration and over the internet by hate groups, fostering intense anti-Muslim

behavior and hate crimes. This deeply troubles me, and offends the core religious tolerance enshrined in our Constitution. I also believe that anti-Muslim rhetoric undercuts our national security. During our last DHS oversight hearing, then Secretary Jeh Johnson was fervent in saying that anti-Muslim rhetoric undermines our credibility among Muslim communities, thereby fracturing important law enforcement partners.

- a. **Do you agree with former Secretary Johnson's previous assessment regarding the use of rhetoric that alienates certain communities, thereby undermining national security?**
- b. **How do you think lawmakers and political leaders can help promote better outreach to marginalized communities?**

25. How many DACA recipients have lost their deferred action status and work authorization since the Trump Administration terminated the program on September 5, 2017?
26. Your announcement terminating TPS for El Salvador stated "only Congress can legislate a permanent solution addressing the lack of an enduring lawful immigration status of those currently protected by TPS."

Does the Trump administration support legislation that would provide a path to citizenship for TPS recipients?

27. In January 2018, the Department of Homeland Security released a report entitled "Executive Order 13780: Protecting the Nation from Foreign Terrorist Entry into the United States Initial Section 11 Report."
 - a. **Of the foreign-born individuals convicted of international terrorism-related charges detailed in the report, how many were from the list of countries subject to the travel suspension in Executive Order 13780?**
 - b. **How many of these convictions stemmed from acts that occurred outside the United States?**

1.22.18 Questions for the Record for Secretary Nielsen, following up on the January 16, 2018 hearing before the Senate Judiciary Committee.

Immigration Enforcement Priorities

In the questions for the record from a June 6, 2017 Homeland Security and Governmental Affairs Committee (HSGAC) hearing, I asked then-DHS Secretary John Kelly to provide me with “any further guidance or training materials that have been issued to carry out the new enforcement priorities provided in the February 20th memo [from Sec. Kelly on implementation of Executive Order 13768].” He responded, among other things, that, “ICE law enforcement officers are also notified of policy changes, including the Executive Orders issued by President Trump and implementation memoranda issued, via broadcast email messages from agency and department leadership. These broadcast messages include hyperlinks to the Executive Orders and implementation memoranda that are posted to either public websites or internal agency intranet sites.”

- 1. Will you provide me a copy of any guidance that has been given to ICE and CBP agents about the February 20th implementation memo, including any broadcast e-mails from agency or department leadership?**

Enforcement/Removal Data

In the past, ICE has provided data broken down by individuals’ most serious offenses, but this year’s Enforcement and Removal Operations (ERO) report lumps all criminal charges and convictions in a single table, combining serious crimes with traffic offenses.

- 2. Please provide the following data for Fiscal Year 2017:**
 - Apprehensions and removals by DHS broken down by:
 - Gender, age, country of origin, country of citizenship, and immigration status
 - Individuals whose most severe convictions was a non-immigration-related criminal offense broken down by:
 - Felony, misdemeanor punishable by more than 90 days imprisonment, and misdemeanor punishable imprisonment of 90 days or less. Please include whether the conviction occurred before or after the date that is 5 years before the date of apprehension.
 - Individuals whose most severe conviction was an immigration-related criminal offense broken down by:

- Illegal entry or reentry, misdemeanor punishable by more than 90 days imprisonment, and misdemeanor punishable imprisonment of 90 days or less. Please include whether the conviction occurred before or after the date that is 5 years before the date of apprehension.
- Individuals whose most severe conviction was an immigration-related civil offense, such as fraud or visa abuse.
- Individuals who had a preexisting removal order, broken down by whether the order was effectuated and whether the conviction occurred before or after the date that is 5 years before the date of apprehension.
- Individuals who were apprehended within 1,000 feet of a courthouse or a sensitive location.
- Individuals who were apprehended and have served in the United States Armed Forces.
- Individuals who and had deferred action status at the time of apprehension pursuant to the Deferred Action for Childhood Arrivals Program (“DACA”) announced on June 15, 2012 or who had DACA status at some point.
- Individuals who were removed in accordance with section 235 of the Immigration and Nationality Act (8 U.S.C. 1225), including the location of the apprehension and the legal basis of removal.
- Individuals who were removed through reinstatement of removal in accordance with section 241 of such Act (8 U.S.C. 1231), including location of apprehension and legal basis of removal.
- Individuals who were removed through administrative proceedings in accordance with section 238 of such Act (8 U.S.C. 1228). Please break this down by individuals for whom U.S. Immigration and Customs Enforcement sought and obtained orders of deportation, exclusion, or removal who claimed to have at least 1 child born in the United States and individuals removed during the reporting period who claimed to have at least 1 child born in the United States.
- Immigration Detention broken down by:
 - The number of single adults, broken down by gender.
 - The number of minors not held in family residential centers, broken down by age and gender.
 - The number of family units initially apprehended or encountered by U.S. Customs and Border Protection.

Table 3 in the ERO report focuses on the 38,000 non-criminals (*i.e.*, no criminal conviction) ICE ERO arrested in FY17.¹ According to that data, 7,384 arrestees not only

had no criminal conviction, but also had not been charged with an immigration offense, were not considered ICE fugitives, and were not reinstatement cases. These cases are marked “other” in the ERO report.

3. Please list the specific categories in which “other” is meant to encapsulate.

4. On what legal authority did ICE arrest them?

In the past, DHS has always reported on total arrests and removals, not just ERO arrests and removals. However, 4 months after the end of FY2017, DHS still has not told Congress or the public how many people, altogether, the Department arrested or deported last year.

5. Can you tell us today how many people, in total, DHS deported last year, including ICE repatriations and people CBP repatriated at the border?

6. Please provide a report on ICE-HSI total arrests and arrests of those without criminal conviction.

For several years, Congress has asked DHS to report on the entire enforcement lifecycle.

7. Of all individuals arrested in FY17, how many have already been deported, how many remain in proceedings, and how many have received relief from removal? Please provide a congressional briefing on these lifecycle outcomes, as well as a public-facing enforcement lifecycle report.

Unaccompanied Minors

At your nomination hearing, you committed to learning more about the human impact of deporting unaccompanied minors, as well as to providing my office with any policy memos that the Department planned to issue affecting the processing of unaccompanied minors.

8. What have you done to learn more about the human impact of deporting unaccompanied minors?

9. Have you met with any unaccompanied minors, organizations representing unaccompanied minors in immigration proceedings, or non-profits advocating for unaccompanied minors? If so, which ones? If not, when do you plan to meet with these stakeholders?

¹ <https://www.ice.gov/sites/default/files/documents/Report/2017/iceEndOfYearFY2017.pdf>

10. How many children applicants are in the Central American Minors refugee program? What is the timeline for hearing these children applicants' cases? Will DHS commit to providing refugee protection to these children until their cases have been resolved?

Separating Families

In my questions for the record after your November 8 confirmation hearing, I asked you to issue written guidance to make clear that mothers are not to be separated from their children at the border. You responded that should you be confirmed, you would “work with Acting Commissioner McAleenan and Acting Director Homan to understand the current practice and policy and if necessary work with them to issue additional guidance.”

11. Have you worked with Acting Commissioner McAleenan and Acting Director Homan to understand whether additional guidance is needed? If so, will you provide additional written guidance? If not, what is your timeline for reviewing the report with Acting Commissioner McAleenan and Acting Director Homan?

12. Is DHS currently drafting or considering a policy to separate families at the border?

13. During your confirmation process, you committed to reviewing “what procedures exist when U.S. CBP makes such a decision (*i.e.* regarding the opportunity for parents to be represented in challenging a separation).” Have you completed this review? What procedures currently exist?

Detention of Pregnant Immigrants

A recent report by the Women’s Refugee Commission found that 292 pregnant women were held in immigrant detention during the first four months of this year. ICE policy has been that pregnant women are not to be detained unless they are subject to mandatory detention or there are extraordinary circumstances. In response to my questions for the record after your November 8 confirmation hearing, you committed to reviewing ICE policy regarding detaining pregnant immigrants.

14. Have you completed this review? If so, do you believe current policy is being followed and appropriate training has been provided to ICE officers? If not, what is your timeline for reviewing this policy?

15. Could you please provide information on 1) the total number of pregnant women in ICE custody, 2) the average length of stay of pregnant women in ICE custody, and 3) the number of pregnant women who were held in ICE custody for more than 30 days? For each of the three data sets, please provide data for FY 2016, FY 2017, and FY 2018 to date, distinguishing between family detention and adult facilities, and distinguishing between under-72 hour and over-72 hour facilities.

I-130s

I-130 is the form that citizens or lawful permanent residents (LPRs) must fill out to petition for an immediate relative (parents/spouses/minor children) to immigrate to the United States. According to a Reuters review of USCIS data, the number of immigrants approved for family-based visas has dropped this year to the lowest level in more than a decade.²

16. Please provide a report detailing the reasons behind this slowdown from one year to the next.

Temporary Protected Status for El Salvador

There are approximately 195,000 Salvadorans with TPS in the United States, including nearly 50,000 in California. TPS was granted to El Salvador in 2001 by Bush administration Attorney General John Ashcroft. It has since been extended 12 times. When it was last extended, then-DHS Secretary Jeh Johnson cited home-country conditions as a reason for extending TPS for Salvadorans, including a housing deficit of approximately 630,000 houses, due in part to the destruction of the 2001 earthquakes, and lack of universal access to potable water, stemming from the damages done to the water and electrical systems in the aftermath of the earthquakes.

17. How have these two factors – lack of housing and lack of access to potable water – changed in the 18 months since TPS was last extended for El Salvador?

18. What was the process by which your Department chose to end TPS for Salvadorans? What was the White House involvement in this decision?

DACA Renewal

² <https://www.reuters.com/article/us-trump-effect-immigration/fewer-family-visas-approved-as-trump-toughens-vetting-of-immigrants-reuters-review-idUSKBN1ET151>

Previously, DHS directly notified DACA recipients of the need to renew their status as their DACA expiration date approached. It is my understanding that this practice was discontinued under this Administration.

19. Why was the decision made to stop providing direct notice to DACA recipients when their DACA expiration date approached?

DHS recently resumed accepting DACA renewal applications following a U.S. District Court ruling, without so much notice as issuing a press release. At the January 16th Judiciary Committee hearing, you committed to me that you would look into providing direct notice to all DACA recipients about their ability and right to renew.

20. Have you made a determination about providing direct notice? If so, what is it and how did you come to that decision? If not, what is your timeline for making a decision on providing direct notice?

Sensitive Locations

During the January 16, 2018 Judiciary Committee hearing, you committed to getting me the written clarification you provided frontline officers about DHS's sensitive locations policies in light of the Rosa Maria Hernandez case, where Border Patrol Officers arrested a 10-year-old with cerebral palsy post-surgery at a hospital.

21. Please provide the written clarification that you provided frontline officers about DHS's sensitive locations policies.

Civil Immigration Detention Standards

During your confirmation process, you promised me in QFRs that you would maintain or strengthen standards for immigration detention. On December 11, 2017, the DHS Office of the Inspector General released a report about their inspection of five detention facilities. The OIG found one facility satisfactory, but the other four had significant issues that "undermine the protection of detainees' rights, their human treatment, and the provision of a safe and healthy environment."

22. What is your timeline for addressing the findings of the OIG?

In DHS's FY18 Budget Justification document, your agency proposed weakening its detention standards so that they were consistent with the U.S. Marshals Service and

the Bureau of Prisons, both of which primarily perform criminal detention. Immigration detention is not criminal in nature, but civil. It is not meant to be punitive.

23. Given the IG's report, will you require all facilities to meet the most recent 2011 Performance Based National Detention Standards as revised in 2016?

Asylum Seekers

In response to my questions for the record following your November 8 confirmation hearing, you committed to reviewing the Human Rights First report that documented cases of asylum seekers being turned away at ports of entry, as well as complaints that CBP officers were coercing or pressuring applicants for admission to withdraw their applications.

24. Have you read this report?

25. Have you worked with CBP Acting Commissioner Kevin McAleenan to address the alleged conduct of border agents illegally rejecting asylum seekers? If so, what are you doing to address those critiques? If not, what is your timeline for reviewing the report with Acting Commissioner McAleenan?

26. What have you done to ensure that border enforcement operations, policies, or practices in no way dissuade or prevent genuine asylum-seekers from seeking protection in the United States?

Parole Programs

There have been reports that U.S. Citizenship and Immigration Services (USCIS) is reviewing parole programs. During your confirmation process, you committed, if confirmed, to sharing with me which parole programs are under review and the status of this review.

27. Which parole programs are under review or have been under review since the beginning of the administration, and what are the statuses of those reviews?

28. Is the Filipino World War II Veterans Parole Program under review? What is the status of that review?

In your responses to my questions for the record after your November 8 confirmation hearing, you committed to consulting with the Director of USCIS on what you will do

to ensure that processing pending applications in the FWVP is prioritized.

29. Have you consulted with Director Cissna about prioritizing the pending FWVP applications? If so, what is the result of that consultation? If not, what is your timeline for consulting with Director Cissna?

Election Cybersecurity

At your confirmation hearing before HSGAC on November 8, 2017, you emphasized the importance of paper ballots and post-election auditing as a backstop against election cybersecurity threats.

30. Does it remain your view that paper ballots and post-election audits are valuable cybersecurity defenses?

The Secure Elections Act (S. 2261) would establish a grant program within the National Protection and Programs Directorate for modernizing state election infrastructure.

31. Do you agree that NPPD has the institutional capability to administer that type of cybersecurity assistance program?

The Secure Elections Act also tasks DHS with coordinating federal information sharing and technical assistance related to state election infrastructure.

32. Do you agree that DHS has the institutional capability to meet that responsibility?

33. Do you support passage of the Secure Elections Act? If you do, will you make that support public? If you do not, why not? If you require additional review of the legislation, when do you anticipate completing that review?

34. How many election officials have applied for security clearances, how many have received clearances, what is the level of clearance, and what is the expected wait time between applying for and receiving a clearance?

During the 2016 election cycle, the Department waited nearly a year to share certain cybersecurity information with election officials. Assistant Secretary Jeanette Manfra

testified in June 2017 that the Department was developing a new policy to ensure that, going forward, election officials promptly receive relevant cybersecurity information.

35. Has that policy been adopted? If yes, please prove a copy. If not, why not, and what is the timeline for adoption?

36. At the same hearing, Assistant Secretary Manfra committed to providing detailed information about the election cybersecurity notifications that the Department has issued—who specifically was notified in each state, when the notification was issued, whether the person notified was a vendor or government employee, and what information was contained in the notification. That information still has not been provided to my office. Please provide it.

Election Integrity Commission

On January 3, 2018, President Trump disbanded the Election Integrity Commission. Afterward, Vice Chair and Kansas Secretary of State Kris Kobach claimed he would “be working closely with DHS and the White House” on this issue.

37. Does Mr. Kobach have any advisory role at DHS, other than the ordinary contact that DHS might have with a secretary of state? If he does not, will you promptly contact the White House and Mr. Kobach to clarify this misunderstanding?

Mr. Kobach has claimed that “the Department of Homeland Security will take over” his Commission’s investigation of purported voter fraud, and that “the ball is handed off” to the Department.

38. Is DHS in any way continuing the investigation carried out by the Election Integrity Commission?

Mr. Kobach has additionally suggested that he expects Immigration and Customs Enforcement to investigate voter fraud by comparing state voter information to ICE files.

39. What personal information will ICE proactively provide to a state or local agency for the purpose of identifying voter fraud?

40. What personal information will ICE provide to a state or local agency on request for the purpose of identifying voter fraud, what information must be included in the request, and what level of suspicion must be established before