

Election Integrity Recommendations

The following five recommendations are based on staff-level engagement between the front office, OGC, PLCY, NPPD, USCIS and ICE.

(b)(5)



Page 06

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 07

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(b)(5)

of the Freedom of Information and Privacy Act

Page 08

Withheld pursuant to exemption

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of the Freedom of Information and Privacy Act

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

Good afternoon BIT/IMM,

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

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

Best regards,

(b)(6)

Social Science Analyst
Office of Strategy, Policy, and Plans | Executive Secretariat
U.S. Department of Homeland Security

(b)(6)

Sender:	Plcy Exec Sec <(b)(6)> (b)(6)
Recipient:	"Immigration Policy (b)(6) (b)(6) "Plcy Exec Sec (b)(6) (b)(6) "Petyo, Briana (b)(6) (b)(6)
Sent Date:	2018/01/24 15:50:04
Delivered Date:	2018/01/24 15:50:05

From:	(b)(6)
To:	"Rosenblum, Marc (b)(6) (b)(6)"
Subject:	FW: Due COB 1/25: Incoming S1 Senate Oversight QFR Set #3 of 6
Date:	2018/01/25 07:26:37
Importance:	High
Priority:	Urgent
Type:	Note

I have no clue which report they are referring to, do you? It is not the AIR.

From: Gilmer, Chadwick **On Behalf Of** Plcy Exec Sec
Sent: Wednesday, January 24, 2018 4:51 PM
To: PLCY-SCO Tasking <(b)(6)> Rosenblum, Marc
(b)(6) Immigration Policy
(b)(6)
Cc: Sobel, Ted (b)(6); Lester-Saura, Victoria
(b)(6); Plcy Exec Sec <(b)(6)>
Subject: Due COB 1/25: Incoming S1 Senate Oversight QFR Set #3 of 6
Importance: High

OIS, IMM, and SCO:

ESEC will soon task several QFR sets for Components to begin drafting responses. At present, ESEC has tentatively assigned 6 QFRs from set 3 of 6 to PLCY for drafting. (There are 2 others that may fall into PLCY's purview.)

Please advise by COB on Thursday, January 25, if you accept drafting responsibility or if another DHS Component or PLCY team should lead. We have some wiggle room with the suspense but I'd prefer to kick back to ESEC soonest if we will not draft to allow other Components time to react. Note that drafts will be tasked in a separate message once the final drafting responsibility has been made.

Recommended assignment follows:

- Q2: OIS
- Q3: OIS
- Q4: OIS
- Q6: IMM
- Q7: IMM – should we take lead from NPPD?
- Q8: IMM – should we take lead from NPPD?
- Q26: OIS – similar to Q3 and Q4
- Q27: SCO

Thank you,
Chad

Chad Gilmer

Deputy Director, Executive Secretariat
Office of Strategy, Policy, and Plans
U.S. Department of Homeland Security

(b)(6)

From: (b)(6)

Sent: Wednesday, January 24, 2018 4:02 PM

To: (b)(6)

(b)(6)

<(b)(6)> Gilmer,

Chadwick <(b)(6)>

(b)(6)

Cc: QFR Group (b)(6); #USCIS OLA Clearance (b)(6)

Plcy Exec Sec <(b)(6)> CBP Reports-QFRs <(b)(6)>

NPPDExecSec-Congressional <(b)(6)>; ICEQFR-EXECSEC <(b)(6)>

(b)(6) FEMAExecSec <(b)(6)> HQS-DG-Ist-CG-823-CA <(b)(6)>

(b)(6); OPE_Tasking (b)(6); OGC Exec Sec

(b)(6)

Subject: Incoming S1 Senate Oversight QFR Set #3 of 6

Importance: High

Good Afternoon Ladies and Gentlemen:

In an effort to reduce the number of reassignments in IQ, please review the attached word doc. and along with the chart below to see the proposed assignment of the third of six sets of Questions for the Record for the January 16th, 2018 hearing in front of the Senate Committee on the Judiciary on *Oversight of the United States Department of Homeland Security* in which Secretary Kirstjen Nielsen testified. **These QFR's have not yet been entered into and assigned in IQ**, however please let us know if you will accept the assignment or suggest who should receive the assignment by **10:00 am on Monday January 29th, 2018**. Draft responses will be due at **10:00 am on Monday February 5th, 2018**.

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

QFR#	Topic	Proposed Assignment	Member
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1	Phasing out TPS	USCIS	Senator Orrin Hatch (R-UT)
2	DACA	PLCY	Senator Patrick Leahy (D-VT)
3	DHS Analysis	PLCY	
4	Development of Joint Report	PLCY	
5	402 Foreign Born Individuals	CBP	
6	State and Local Officials Charges	PLCY	
7	Illegal Votes	NPPD	
8	Election Fraud Committee Work	NPPD	
9	Geographic Mapping	CBP	
10	Eminent Domain	CBP	
11	NIST Update	NPPD	
12	Presidential Advisory Commission on Election Integrity	NPPD	
13	Sensitive Locations Policy	ICE	Senator Amy Klobuchar (D-MN)
14	Ports in Minnesota	CBP	
15	Steel Dumping	CBP	
16	DED for Liberians	USCIS	
17	FEMA Flexibility	FEMA	Senator Christopher Coons (D-DE)
18	FEMA Changes	FEMA	
19	Infrastructure Resiliency	NPPD	
20	Chemical Safety	NPPD	
21	Autonomous Vehicles	NPPD	
22	Delaware River ATONs	USCG	
23	Delaware River Project	USCG	
24	Aerostats Along the Southern Border	CBP	
25	Domestic Hate Groups	OPE	
26	DHS/DOJ Report	PLCY	
27	Initial Travel Ban	PLCY	
28	Temporary Restraining Order	CBP	
29	DHS Guidance on Regents v. DHS	OGC	
30	Russian Interference	NPPD	
31	Pregnant Women	ICE	
32	TPS Termination	USCIS	

(b)(6)

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

(b)(6)

“ESEC: Excellent Service Endless Commitment”

Sender:	(b)(6)
Recipient:	"Rosenblum, Marc (b)(6) (b)(6)
Sent Date:	2018/01/25 07:26:36
Delivered Date:	2018/01/25 07:26:37

From:	(b)(6)
To:	(b)(6)
CC:	(b)(6)
Subject:	FW: Statement by the Press Secretary on the Presidential Advisory Commission on Election Integrity
Date:	2018/01/03 20:34:29
Type:	Note

Official - Transitory
UNCLASSIFIED

From: White House Press Office [mailto:(b)(6)]
Sent: Wednesday, January 03, 2018 5:46 PM
To: Elbow, Susan M (Mexico City)
Subject: Statement by the Press Secretary on the Presidential Advisory Commission on Election Integrity

THE WHITE HOUSE

Office of the Press Secretary

FOR IMMEDIATE RELEASE

January 3, 2018

Statement by the Press Secretary on the Presidential Advisory Commission on Election Integrity
"Despite substantial evidence of voter fraud, many states have refused to provide the Presidential Advisory Commission on Election Integrity with basic information relevant to its inquiry. Rather than engage in endless legal battles at taxpayer expense, today I signed an executive order to dissolve the Commission, and have asked the Department of Homeland Security to review these issues and determine next courses of action."

###

Unsubscribe<(b)(6)

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Sender:	(b)(6)
Recipient:	
Sent Date:	2018/01/03 20:34:13
Delivered Date:	2018/01/03 20:34:29

From:	(b)(6)
To:	(b)(6)
Subject:	RE: What You Should Know About The DHS Job Flexibility Rule
Date:	2016/11/21 16:34:51
Priority:	Normal
Type:	Note

OMG

(b)(6) | DHS | Immigration Policy | (b)(6)
(b)(6)

From: (b)(6)
Sent: Monday, November 21, 2016 4:04:49 PM
To: (b)(6) Immigration Policy
Subject: RE: What You Should Know About The DHS Job Flexibility Rule

Update re: item #2: <http://cjonline.com/news/2016-11-21/kobach-took-plan-department-homeland-security-trump-meeting>

From: (b)(6)
Sent: Monday, November 21, 2016 8:32 AM
To: Immigration Policy <(b)(6)>
Subject: FW: What You Should Know About The DHS Job Flexibility Rule

See item #2

(b)(6) | DHS | Office of Policy | Border, Immigration & Trade |
(b)(6)

From: Immigration Law360 [(b)(6)]
Sent: Monday, November 21, 2016 5:18 AM
To: (b)(6)
Subject: What You Should Know About The DHS Job Flexibility Rule



IMMIGRATION

Law360
Immigration



TOP NEWS

Analysis

[What You Should Know About The DHS Job Flexibility Rule](#)

A new rule on job flexibility for foreign workers clocks in at a whopping 336 pages, containing helpful items including a two-month grace period between jobs and ways for immigrants to keep their spot in the green card line. Here, experts offer an overview of the provisions in the final rule immigration attorneys should know about.

[Immigration Foe Kobach Not On Transition Team: Trump Flack](#)

Kansas Secretary of State Kris Kobach is not on President-elect Donald Trump's transition team despite telling a Kansas-based television station last week that he was one of the incoming president's top immigration advisers, a Trump transition spokesman said Friday.

[Trump Taps Jeff Sessions To Be Attorney General](#)

President-elect Donald Trump announced on Friday that he has chosen Sen. Jefferson Sessions, R-Ala., to become the next U.S. attorney general.

ENFORCEMENT

[Man Convicted In \\$160M Visa Fraud Hopes To Avoid Jail](#)

Attorneys for a Chicago man who pled guilty to defrauding a group of Chinese investors out of nearly \$160 million asked an Illinois federal judge not to sentence him to prison, portraying him as an ambitious but inexperienced young man taken advantage of by advisers.

POLICY & REGULATION

[US Senate Passes Northern Border Security Review Bill](#)

The U.S. Senate on Wednesday passed a bill that would require the U.S. Department of Homeland Security to conduct a threat assessment of the border between the U.S. and Canada.

LITIGATION

[Executive Action Suit Pause Sought Until Trump Inauguration](#)

A case in Texas challenging President Barack Obama's executive actions on immigration should be halted until after President-elect Donald Trump is inaugurated, 26 states and the federal government said on Thursday.

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[Detainments A 'Vital' Part Of Immigration Law, Justices Told](#)

The federal government has doubled down on its efforts to overturn a Ninth Circuit ruling that certain immigrants are entitled to automatic bond hearings following six months of detention, saying immigrant detention is vital and controlling law proves the three-judge panel got it wrong.

EXPERT ANALYSIS

[Beyond Bean Counting: How Legal Can Add True Value](#)

For legal departments to stay in front of the crowd, cost-cutting alone is not enough. Neither is claims-driven revenue generation, nor running endless analytics of outside legal spend. This is short-term, passive, scarcity-based thinking that keeps legal departments from offering their corporate clients the greatest possible value — competitive advantage, says David Wallace of Herbert Smith Freehills LLP.

LEGAL INDUSTRY

[Dewey Judge Says Retrial May Be Another Marathon](#)

A New York state judge on Friday said the coming retrial of two former top executives of Dewey & LeBoeuf LLP accused of defrauding lenders and investors before the megafirm's collapse could wind up taking as much time as the nearly five-month first trial.

[Legal Tech Download: On-Demand Lawyers & Immigration AI](#)

The world of legal technology is quickly evolving as new products aimed at aiding lawyers are created and launched in rapid succession. Here, Law360 takes a look at nine of the biggest legal tech-related news developments over the past two weeks.

[GC Cheat Sheet: The Hottest Corporate News Of The Week](#)

The internet of things gets a long-awaited security guide, JPMorgan forks over \$130 million for running a nepotistic hiring program in violation of the Foreign Corrupt Practices Act and the U.S. Department of Homeland Security gives skilled immigrant workers some leeway. Those stories top the corporate legal news you may have missed last week.

[Calif. Attys Must Pay Bar Dues Held Up By Stalled Bill](#)

The California Supreme Court on Thursday ordered the state's lawyers to pay base dues to the State Bar of California given the annual bill that usually sets and approves financial support for the body has been subject to stalled political wrangling for months.

[In Case You Missed It: Hottest Firms and Stories On Law360](#)

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week.

[Rainmaker Q&A: Sullivan & Worcester's Aidan Browne](#)

[Perkins Coie](#)

[Pinsent Masons](#)

[Reed Smith](#)

[Seward & Kissel](#)

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COMPANIES

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In some industries, legal services are viewed principally as a cost burden and not in terms of added value. Overcoming these perceptions can be challenging, but it's possible to defeat such institutional biases by consistently performing above the expectations, says Aidan Browne, director of business development at Sullivan & Worcester LLP.

Rainmaker Q&A: Michael Best's Jorge Leon

I pride myself on my level of responsiveness and truly believe that letting clients know they are being heard is the most important and challenging part of being a rainmaker, especially when you're trying to maintain a healthy work-life balance and are unable to predict when a crisis will come up, says Jorge Leon, partner at Michael Best & Friedrich LLP.

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GOVERNMENT AGENCIES

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Sender:	(b)(6)
Recipient:	
Sent Date:	2016/11/21 16:34:50
Delivered Date:	2016/11/21 16:34:51

From:	Dougherty, Michael (b)(6)
To:	"Smith, Ian (b)(6)
Subject:	RE: Voter Integrity Memo
Date:	2018/01/23 07:02:53
Priority:	Normal
Type:	Note

Many thanks, Ian!

Michael T. Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security
(b)(6)

From: Smith, Ian
Sent: Monday, January 22, 2018 2:29 PM
To: Dougherty, Michael <(b)(6)>
Subject: Voter Integrity Memo

Sir, hope you're well,

In case we need to beef up our list of recommendations, here's one (enclosed below) regarding the federal form that might be worthy. Come back to me if you have any questions.

And while I'm at it, here's an interesting piece I just chanced on about how *sui generis* our voter-registration "honor-system" really is: <http://foreignpolicy.com/2012/11/06/foreign-election-officials-amazed-by-trust-based-u-s-voting-system-2/> ("For the head of Libya's national election commission, the method by which Americans vote is startling in that it depends so much on trust and the good faith of election officials and voters alike.")

Also, now that I think of it, regarding the idea of creating a National ID (which came up on Friday), (b)(5)

(b)(5)

(b)(5) See, <http://www.nytimes.com/1994/08/04/us/federal-panel-proposes-register-to-curb-hiring-of-illegal-aliens.html>. The late-Barbara Jordan was honored by the White House last week for her work on the Commission and her pro-enforcement, America-First, immigration advocacy in general. See, <https://www.numbersusa.com/news/pres-trump-honors-barbara-jordan-her-america-first-immigration-policy>

Federal Form

Eligible-voters may use a federal or state form to register to vote. The federal form includes general instructions as well as state-specific instructions on how to complete the form. 11 C.F.R. § 9428.3(a).

The NVRA provides that the federal form “shall include” a statement that “specifies each eligibility requirement (including citizenship);” “contains an attestation of eligibility;” “and requires the applicant’s signature under penalty of perjury.” 52 U.S.C. §§ 20504, 20505, 20508(b).

US Election Assistance Commission

States have the ability under the Seventeenth Amendment to set the “Qualification requisite for electors.” Regulations promulgated by the independent, bipartisan Election Assistance Commission mandate that “[t]he state-specific instructions shall contain . . . information regarding the state’s specific voter eligibility and registration requirements.” 11 C.F.R. § 9428.3(a). The EAC requires that state election officials report and update it on the State’s unique voter registration eligibility requirements for the purpose of including and updating any requirements set forth in the state-specific component of the Federal Form. Id. § 9428.6. State-specific changes to the federal form, *i.e.* proof-of-citizenship requirements, are initiated by states’ request, approved at EAC’s discretion, and are subject to judicial review. *Arizona v. Inter Tribal Council of Arizona, Inc.*, 133 S. Ct. 2247 (2013) at 2260. One state, Louisiana, has successfully sought such changes from the EAC in the past. *See*, <http://fairelectionsnetwork.com/wp-content/uploads/Doc.-1-Complaint.pdf> (Page 8, Footnote 3).

Arizona’s 2004 citizenship-proof election law allows residents to prove citizenship using 6 different types of documents, including a driver’s license number, a naturalization number, or a copy of a birth certificate or passport. In 2011, Kansas passed a similar law, which includes 13 different types of documents. When these states petitioned the EAC to request that their version of the federal form be amended to reflect the aforementioned laws, the Commission declined, stating that the states had alternatives to ensuring voter integrity within their respective states, including the utilization of DHS’s SAVE database. The Tenth Circuit Court of Appeals later affirmed this decision, specifically citing the Commission’s offered SAVE data alternative, among others. *Kobach v. U.S. Election Assistance Comm’n*, 772 F.3d 1183 (10th Cir. 2014).

At the Supreme Court cert petition stage (which was denied), *Kobach* plaintiffs described the situation thusly:

The result of the Tenth Circuit’s opinion is that in Arizona and Kansas two sets of electors now exist—one set that may vote in both state and federal elections and a second set that may vote in federal elections only. In Kansas, the number of electors that comprise the “federal only” list, that is, electors who used the Federal Form to register, but did not provide proof of citizenship as required by state law, is comprised of 363 individuals. In Arizona, that list currently stands at 1,982 individuals. Kobach Petition for Writ of Certiorari at 17.

DHS/EAC recommendations

(b)(5)

Ian M. Smith
Office of Policy
Department of Homeland Security

(b)(6)

Sender:	Dougherty, Michael (b)(6) (b)(6)
Recipient:	"Smith, Ian (b)(6) (b)(6)
Sent Date:	2018/01/23 07:02:51
Delivered Date:	2018/01/23 07:02:53

What is the explanation for the sharp decrease in adjudications and approvals of family-based petitions?

Has the Department issued new guidance or policies regarding the adjudication and approval of family-based petitions? If so, summarize those changes.

What new anti-fraud or screening measures has the Department adopted, which affect the adjudication or approval of family-based petitions?

10). Customs and Border Protection (CBP) recently provided new guidance about searching electronic devices at the border.

What measures is the Department taking to ensure that this incredible authority is not abused?

What training is CBP providing to its employees with respect to the implementation of this new guidance?

11). 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.

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?

Have any minors who received parole under the CAM parole program been removed from the country? If so, how many and to which countries?

12). 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.

Has the Department received any state voter data from the Commission, the White House, or any other federal agency?

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?

To date, has the Commission shared any data, information, or findings other than state voter data with the Department?

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?

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?

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?

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?

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?

13). 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)

Has Immigration and Customs Enforcement been tasked to continue the Commission's work?

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?

14). 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?

15). 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)

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?

16). 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?

17). Which findings of the Commission on Election Integrity, if any, relate to assessments of the security of our nation's election infrastructure?

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?

18). 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.”

How does the Administration measure “likelihood of successful assimilation and contribution to the United States”?

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?

From:	Dougherty, Michael (b)(6) (b)(6)
To:	"Smith, Ian (b)(6) (b)(6) "Culver, Jared (b)(6) (b)(6) "Dromgoole, Alexis (b)(6) (b)(6)
Subject:	RE: Voter Study Rough Draft
Date:	2018/01/15 21:14:57
Priority:	Normal
Type:	Note

When did this excellent memo come over?

Seems reasonable that S1 already read it, which is why we're here.

Talk tomorrow.

Michael T. Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security

(b)(6)

From: Smith, Ian
Sent: Sunday, January 14, 2018 6:55 PM
To: Dougherty, Michael <(b)(6)> Culver, Jared <(b)(6)>
Dromgoole, Alexis <(b)(6)>
Subject: RE: Voter Study Rough Draft

See enclosed and attached for my attempts at fielding your comments.

For my enclosed responses, I borrowed heavily from the attached memo we received (I'm guessing it was authored by NPPD).

Regarding ERIC and IVRC, only Alexis and Jared looked into those databases and I'm unsure how effective they've actually been.

Come back to me with any further questions you have.

Thanks,

--Ian

Ian M. Smith
Office of Policy

Department of Homeland Security

(b)(6)

From: Dougherty, Michael
Sent: Sunday, January 14, 2018 4:52 PM
To: Culver, Jared <(b)(6)> Smith, Ian (b)(6); Dromgoole, Alexis <(b)(6)>
Subject: RE: Voter Study Rough Draft

Thanks!

Michael T. Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security

(b)(6)

From: Culver, Jared
Sent: Sunday, January 14, 2018 9:10:40 PM
To: Dougherty, Michael; Smith, Ian; Dromgoole, Alexis
Subject: RE: Voter Study Rough Draft

Hello, sir. I don't think REAL ID affects voting or registration according to DHS.
<https://www.dhs.gov/real-id-public-faqs>

And here is Jeh Johnson declaring voting system to be CI.
<https://www.dhs.gov/news/2017/01/06/statement-secretary-johnson-designation-election-infrastructure-critical>

(b)(5)

Jared Culver
Office of Policy

(b)(6)

From: Dougherty, Michael
Sent: Sunday, January 14, 2018 3:48 PM
To: Smith, Ian (b)(6) Dromgoole, Alexis (b)(6); Culver, Jared <(b)(6)>
Subject: RE: Voter Study Rough Draft

Thanks!

Michael T. Dougherty

Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security

(b)(6)

From: Smith, Ian
Sent: Sunday, January 14, 2018 5:41:36 PM
To: Dougherty, Michael; Dromgoole, Alexis; Culver, Jared
Subject: RE: Voter Study Rough Draft

Thanks.

I'll give your enclosed questions a go and try to field the comments applicable to my inserts in the draft. Will revert later today.

--Ian

From: Dougherty, Michael
Sent: Sunday, January 14, 2018 11:34:24 AM
To: Dromgoole, Alexis; Culver, Jared; Smith, Ian
Subject: RE: Voter Study Rough Draft

This is a really good start.

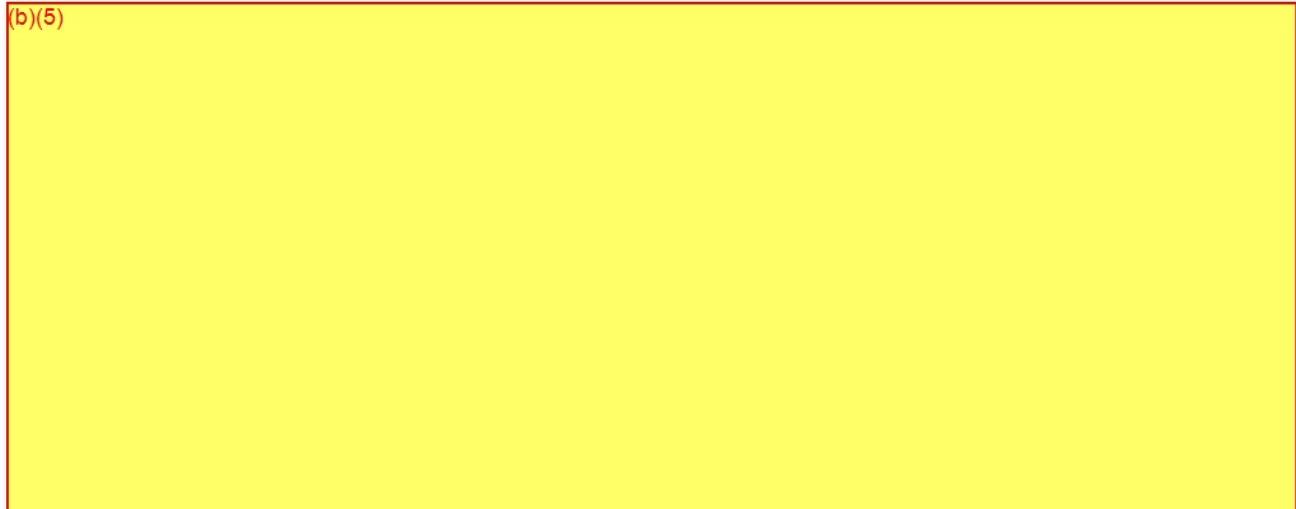
I made some preliminary comments in the attached version.

If you wish to further chop on it, suggest you change the digit in parens on the file name.

AGAIN DO NOT CONTACT ANYONE EXTERNALLY.

Some questions/observations that occurred to me:

(b)(5)



Page 30

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 31

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

(b)(5)

Michael T. Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security

(b)(6)

From: Dromgoole, Alexis

Sent: Friday, January 12, 2018 5:13 PM

To: Dougherty, Michael <(b)(6)> Culver, Jared <(b)(6)>
Smith, Ian <(b)(6)>

Subject: RE: Voter Study Rough Draft

Importance: High

Sir,

Attached find our rough draft document, attached here as State Survey Findings and Rec JC AMD ISedits, including the study results, legal considerations and recommendations with tracked changes from myself, Jared and Ian. The additional documents were used to generate this document and include our individual findings on our states as well as the information on Voter Integrity Measures in the legal sphere.

Please let us know should you require additional information and I will set a time for us all to review what you work on over the weekend on Tuesday.

Best,

Alexis Dromgoole
Confidential Assistant
Office of Policy

(b)(6)

From: Dougherty, Michael

Sent: Friday, January 12, 2018 5:03 PM

To: Culver, Jared <(b)(6)> Smith, Ian <(b)(6)>; Dromgoole, Alexis <(b)(6)>

Subject: If you all can please send me what you've got on voter study, would appreciate it...

If you need more time I intend to start work on it Sunday.

Have a good weekend!

Michael T. Dougherty
A/S for Border, Immigration and Trade Policy
Office of Policy
Department of Homeland Security

(b)(6)

Sender:	Dougherty, Michael <(b)(6)> (b)(6)
Recipient:	"Smith, Ian <(b)(6)> (b)(6) "Culver, Jared <(b)(6)> (b)(6) "Dromgoole, Alexis <(b)(6)> (b)(6)
Sent Date:	2018/01/15 21:14:55
Delivered Date:	2018/01/15 21:14:57

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?

23). 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?

From:	Cissna, Tiffany <(b)(6)> (b)(6)
To:	"Doocey, Sean E. EOP/WHO" <(b)(6)>
Subject:	RE: Designated/Appointed on 7/11/17
Date:	2017/07/12 08:24:34
Priority:	Normal
Type:	Note

Thanks!

From: Doocey, Sean E. EOP/WHO
Sent: Wednesday, July 12, 2017 8:20:03 AM
To: Cissna, Tiffany
Subject: Fwd: Designated/Appointed on 7/11/17

Sent from my iPhone

Begin forwarded message:

From: "Bullock, Katja EOP/WHO" <(b)(6)>
Date: July 12, 2017 at 8:13:35 AM EDT
To: "Doocey, Sean E. EOP/WHO" <(b)(6)>
"Roscoe, John M. EOP/WHO" <(b)(6)>, "Feinberg,
Rebecca P. EOP/WHO" <(b)(6)>, "Bock,
Carrie E. EOP/WHO" <(b)(6)>, "Paoletta, Mark R.
EOP/OVP" <(b)(6)>
Cc: "DeStefano, John J. EOP/WHO" <(b)(6)>
Subject: FW: Designated/Appointed on 7/11/17

Please notify your respective agencies of the below listed appointments/designations

From: McCathran, William W. EOP/WHO
[mailto:(b)(6)]
Sent: Tuesday, July 11, 2017 4:17 PM
To: Bullock, Katja EOP/WHO <(b)(6)> Bucci, Kristine A.
EOP/WHO <(b)(6)>
Cc: DL-WHO-Exec Clerk <(b)(6)>
Subject: Designated/Appointed on 7/11/17

Designated on 7/11/17 :

Thomas R. Hardy designated Acting Director of the Trade and Development Agency.

Appointed on 7/11/17:

Matthew Devost, of Virginia, to be Administrator of the Office of Electronic Government, Office of Management and Budget, vice Anthony E. Scott.

Neomi Rao, of the District of Columbia, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, vice Howard A. Shelanski.

Donald P. Loren, of Virginia, to be an Assistant Secretary of Veterans Affairs (Operations, Security, and Preparedness), vice Kevin T. Hanretta.

James McDonnell, of Virginia, to be Director for Domestic Nuclear Detection, Department of Homeland Security, vice L. Wayne Brasure, resigned.

J. Christian Adams, of Virginia, to be a Member of the Presidential Advisory Commission on Election Integrity. (New Position)

Alan Lamar King, of Alabama, to be a Member of the Presidential Advisory Commission on Election Integrity. (New Position)

Hans A. von Spakovsky, of Virginia, to be a Member of the Presidential Advisory Commission on Election Integrity. (New Position)

Kevin R. Hanrahan, of Texas, to be a Member of the President's Commission on White House Fellowships, vice Helene D. Gayle

John H. Hammergren, of New Hampshire, to be a Member of the President's Commission on White House Fellowships, vice Pierre M. Omidyar.

Richard F. Hohlt, of Virginia, to be a Member of the President's Commission on White House Fellowships, vice Cynthia L. Hale.

Kenneth R. Nahigian, of Virginia, to be a Member of the President's Commission on White House Fellowships, vice Alice T. Germond.

William McCathran
Assistant Executive Clerk
The White House Office

(b)(6)

Sender:	Cissna, Tiffany (b)(6)
Recipient:	"Doocey, Sean E. EOP/WHO <(b)(6)>
Sent Date:	2017/07/12 08:24:34

DHS Executive Order Implementation

Key Background Information

The Secretary of Homeland Security (DHS), had delegated authority to the Deputy Secretary to establish an Executive Order (EO) Implementation Task Force to implement the President's objectives for protecting our borders and safeguarding the nation from terrorism and the direct and cumulative effects of illegal immigration. The Task Force is led by an SES Political Appointee and a core staff of senior Career Civil Servants with deep DHS experience.

Currently, the EO Task Force is tracking one Presidential Memorandum and 12 of the 36 EOs President Trump has issued since January 20, 2017 (listed in order of most recent):

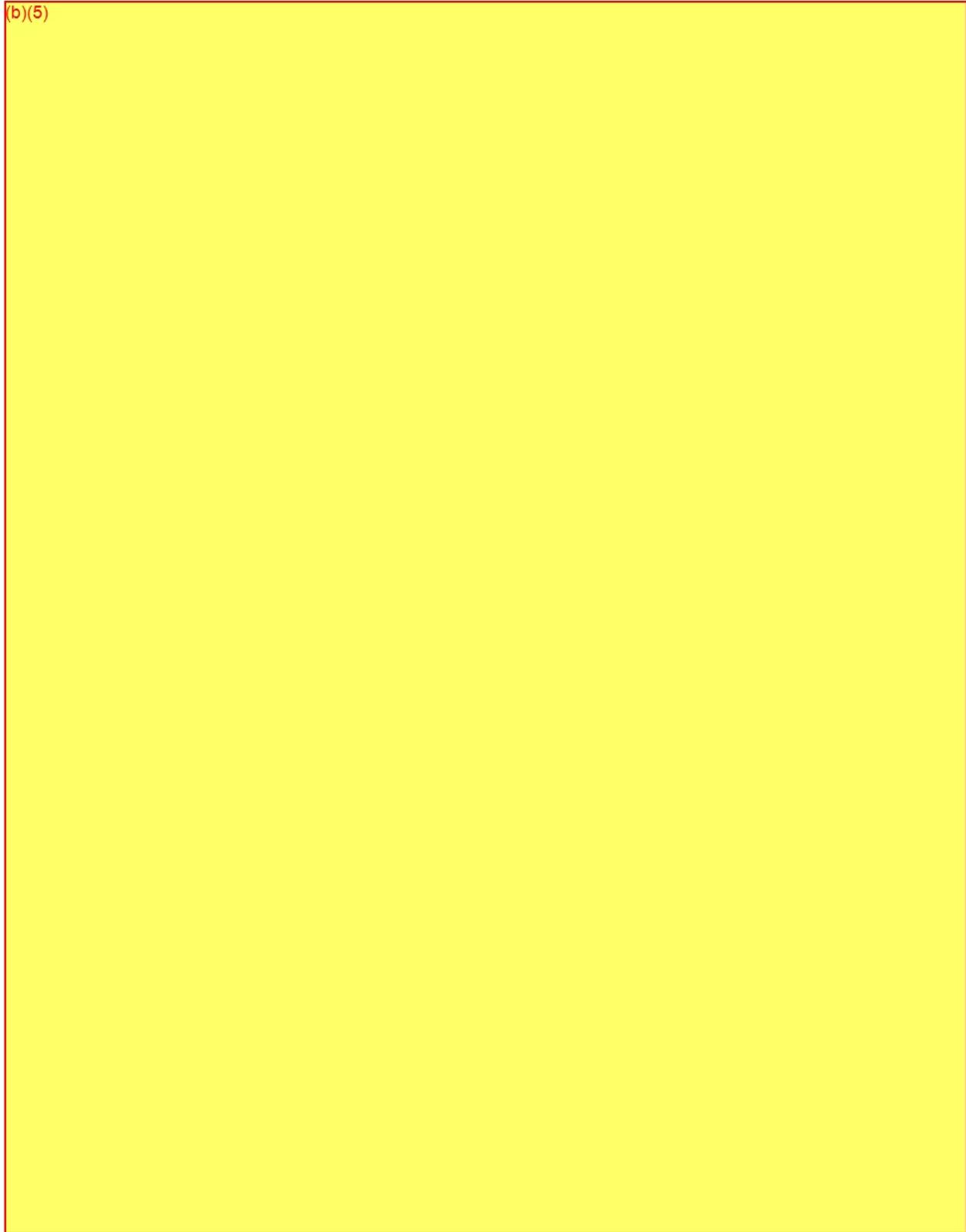
- EO 13800: Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure (Signed:05/11/2017)
- EO 13788: Buy American and Hire American (Signed:04/18/2017)
- EO 13785: Establishing Enhanced Collection and Enforcement of Antidumping and Countervailing Duties and Violations of Trade and Customs Laws (Signed:03/31/2017)
- EO 13784: Establishing the President's Commission on Combating Drug Addiction and the Opioid Crisis (Signed: 03/29/2017)
- EO 13783: Promoting Energy Independence and Economic Growth (Signed:03/28/2017)
- EO 13781: Comprehensive Plan for Reorganizing the Executive Branch (Signed:03/13/2017)
- EO 13780: Protecting the Nation From Foreign Terrorist Entry Into the United States (Signed:03/06/2017 and supersedes EO 13769)
- Presidential Memorandum entitled *Implementing Immediate Heightened Screening and Vetting of Applications for Visas and Other Immigration Benefits, Ensuring Enforcement of All Laws for Entry into the United States, and Increasing Transparency among Departments and Agencies of the Federal Government and for the American People* (Signed:03/06/2017)
- EO 13777: Enforcing the Regulatory Reform Agenda (Signed:02/24/2017)
- EO 13773: Enforcing Federal Law With Respect to Transnational Criminal Organizations and Preventing International Trafficking (Signed:02/09/2017)
- EO 13769 (superseded by 13780): Protecting the Nation From Foreign Terrorist Entry Into the United States (Signed:01/27/2017)
- EO 13768: Enhancing Public Safety in the Interior of the United States (Signed:01/25/2017)
- EO 13767: Border Security and Immigration Enforcement Improvements (Signed:01/25/2017)

The EO Task Force is also monitoring the following four EOs:

- EO 13799: Presidential Executive Order on the Establishment of Presidential Advisory Commission on Election Integrity (Signed:05/11/2017)
- EO 13786: Omnibus Report on Significant Trade Deficits (Signed 03/31/2017)
- EO 13774: Preventing Violence Against Federal, State, Tribal, and Local Law Enforcement Officers (Signed:02/09/2017)
- EO 13771: Reducing Regulation and Controlling Regulatory Costs (Signed:01/30/2017)

Key Messages

(b)(5)



Accomplishments

- To date, DHS has completed 153 of 419 milestones from 14 separate Executive Orders.

Timelines/Milestones/Deliverables

- DHS is the lead or serves a major role in developing over 40 reports to be provided to the White House or the public.
 - We have already developed a number of draft reports that will soon be delivered to the White House, including:
 - 45-day Report for EO 13783: Promoting Energy Independence and Economic Growth (Sec. 2)
 - 60-day Progress Report for EO 13780: Implementing Uniform Screening and Vetting Standards for All Immigration Programs (Sec. 5)
 - 90-day Progress Report for EO 13767: Border Security and Immigration Enforcement Improvements (Sec. 15)
 - 90-day Progress Report for EO 13768: Enhancing Public Safety in the Interior of the United States (Sec. 15)
 - 90-day Report for EO 13777: Enforcing the Regulatory Reform Agenda (Sec. 3)
 - 100-day Progress Report for EO 13780: Implementing Uniform Screening and Vetting Standards for All Immigration Programs (Sec. 5)

FAQ/Additional Information

Legislators on both sides of the aisle and in both Chambers have requested copies of EO-mandated reports. The White House is aware of these requests and has restated its commitment to transparency.

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."

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?

8). 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?

9) Has the Department of Homeland Security (DHS) – or, to your knowledge, any other component of the Trump administration – done any geographic mapping for a proposed new border wall?

How many acres of land does DHS project will be on the far side of the new proposed border wall?

10). What are DHS's plans regarding the use of eminent domain with respect to land needed for the construction of a proposed new border wall?

11). You agreed during your testimony that the NIST Cybersecurity Framework needs to be updated to address the threats of today. What guidance, if any, has the Department of Homeland Security given—or what guidance does it intend to give—NIST with respect to necessary updates? Is there any legislation that you believe is required, or would be helpful, to support or to supplement the NIST framework?

12). When the President disbanded the Presidential Advisory Commission on Election Integrity ("the Commission"), the White House announced that the Commission's "preliminary findings" would be sent to DHS to "determine the next courses of action." Has DHS received those preliminary findings, and if so, what are they? What are DHS's plans to "determine the next courses of action"?

What was DHS's role in coordinating data collection and/or analysis with the Commission during its existence, and what will DHS's role be in the future on issues of voter fraud or election integrity?

13). On October 17, 2017, and again on November 13, 2017, my colleagues and I sent letters to DHS about apparent violations of their sensitive locations policy. Those letters remain unanswered. When can we expect responses to those inquiries?

14). Last year, Customs and Border Protection (CBP) announced that it would reduce the hours of operation at the Ports of Lancaster and Roseau in Minnesota, causing concerns in my state. Following that announcement, I urged CBP to initiate a pilot program using virtual interview technology to minimize the impact on people who rely on these ports being open. CBP has since

Congress of the United States
Washington, DC 20515

January 23, 2018

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

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

Dear Secretary Nielsen:

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

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

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

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

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

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

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

⁵ *Id.*

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

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

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

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

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

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

⁸ Dustin Volz & Julia Harte, "DHS Election Unit Has No Plans for Probing Voter Fraud: Sources," *Reuters* (Jan 5, 2018), available at <https://www.reuters.com/article/us-usa-election-dhs/dhs-election-unit-has-no-plans-for-probing-voter-fraud-sources-idUSKBN1EU1YF?feedType=RSS&feedName=politicsNews> (citing a DHS official who said that the Department would continue "to work in support of state governments who are responsible for administering elections, with efforts focused on securing elections against those who seek to undermine the election system or its integrity.").

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

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

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

Sincerely,



BENNIE G. THOMPSON
Ranking Member
Committee on Homeland Security



ROBERT A. BRADY
Ranking Member
Committee on House Administration

⁹ *Id.*