

Hamilton, Gene (OAG)

From: Hamilton, Gene (OAG)
Sent: Friday, July 6, 2018 8:03 AM
To: McHenry, James (EOIR)
Subject: Re: USCIS Updates Notice to Appear Policy Guidance to Support DHS Enforcement Priorities

Very odd that it wasn't analyzed more. One wonders if the parties (including us) didn't file a 28(j) or something.

Gene P. Hamilton
Counselor to the Attorney General
U.S. Department of Justice

On Jul 6, 2018, at 6:46 AM, McHenry, James (EOIR) [REDACTED] (b) (6) > wrote:

I did, along with the DACA guidance.

We also got a favorable published 3rd Circuit decision on PSGs in DV cases:

<http://www2.ca3.uscourts.gov/opinarch/172031p.pdf>

It doesn't address A-B- per se, except to note it in footnotes, but it favorably analyzes the decisions that were the foundation of A-B-, namely M-E-V-G- and W-G-R-.

From: Hamilton, Gene (OAG)
Sent: Thursday, July 05, 2018 7:38 PM
To: McHenry, James (EOIR) [REDACTED] (b) (6)
Subject: Fwd: USCIS Updates Notice to Appear Policy Guidance to Support DHS Enforcement Priorities

I am sure you saw this by now

Gene P. Hamilton
Counselor to the Attorney General
U.S. Department of Justice

Begin forwarded message:

From: U.S. Citizenship and Immigration Services <uscis@public.govdelivery.com>
Date: July 5, 2018 at 6:16:01 PM EDT
To: <(b)(6) - Gene Hamilton Email Address>
Subject: USCIS Updates Notice to Appear Policy Guidance to Support DHS Enforcement Priorities
Reply-To: <uscis@public.govdelivery.com>

WASHINGTON — U.S. Citizenship and Immigration Services [issued updated guidance \(PDF, 139 KB\)](#) today that aligns its policy for issuing Form I-862, Notice to Appear, with the immigration enforcement priorities of the Department of Homeland Security.

A Notice to Appear ([NTA](#)) is a document given to an alien that instructs them to appear before an immigration judge on a certain date. The issuance of an NTA commences removal proceedings against the alien. Under the new guidance, USCIS officers will now issue an NTA for a wider range of cases where the individual is

removable and there is evidence of fraud, criminal activity, or where an applicant is denied an immigration benefit and is unlawfully present in the United States.

“For too long, USCIS officers uncovering instances of fraudulent or criminal activity have been limited in their ability to help ensure U.S. immigration laws are faithfully executed. This updated policy equips USCIS officers with clear guidance they need and deserve to support the enforcement priorities established by the president, keep our communities safe, and protect the integrity of our immigration system from those seeking to exploit it,” said USCIS Director L. Francis Cissna.

Deferred Action for Childhood Arrivals (DACA) recipients and requestors are exempted from this updated guidance when: (1) processing an initial or renewal DACA request or DACA-related benefit request; or (2) processing a DACA recipient for possible termination of DACA. As explained in the concurrently issued DACA-specific guidance, USCIS will continue to apply the [2011 NTA guidance \(PDF, 77 KB\)](#) to these cases. USCIS will also continue to follow the existing DACA information-sharing policy regarding any information provided by a DACA requestor in a DACA request or DACA-related benefit request.

USCIS, along with U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP), has legal authority under current immigration laws to issue NTAs. This Policy Memorandum updates the guidelines USCIS officers use to determine when to refer a case to ICE or to issue an NTA. The revised policy generally requires USCIS to issue an NTA in the following categories of cases in which the individual is removable:

- Cases where fraud or misrepresentation is substantiated, and/or where an applicant abused any program related to the receipt of public benefits. USCIS will issue an NTA even if the case is denied for reasons other than fraud.
- Criminal cases where an applicant is convicted of or charged with a criminal offense, or has committed acts that are chargeable as a criminal offense, even if the criminal conduct was not the basis for the denial or the ground of removability. USCIS may refer cases involving serious criminal activity to ICE before adjudication of an immigration benefit request pending before USCIS without issuing an NTA.
- Cases in which USCIS denies a Form N-400, Application for Naturalization, on good moral character grounds because of a criminal offense.
- Cases in which, upon the denial of an application or petition, an applicant is unlawfully present in the United States.

The revised policy does not change the USCIS policy for issuing an NTA in the following categories:

- Cases involving national security concerns;
- Cases where issuing an NTA is required by statute or regulation;
- Temporary Protected Status (TPS) cases, except where, after applying TPS regulatory provisions, a TPS denial or withdrawal results in an individual having no other lawful immigration status;
- DACA recipients and requestors when: (1) processing an initial or renewal DACA request or DACA-related benefit request; or (2) processing a DACA recipient for possible termination of DACA.

[Under separate policy guidance \(PDF, 77 KB\)](#) issued concurrently, USCIS officers will continue to apply PM 602-0050, [Revised Guidance for the Referral of Cases and Issuance of Notices to Appear \(PDF, 77 KB\)](#) (NTAs) in Cases Involving Inadmissible and Removable Aliens, dated November 7, 2011, to the issuance of NTAs and Referrals to ICE for DACA recipients and requestors.

[Interim and final policy memos](#) are official USCIS policy documents and are effective the date the memos are issued.

For more information on USCIS and our programs, please visit uscis.gov or follow us on Twitter ([@uscis](https://twitter.com/uscis)), YouTube ([/uscis](https://www.youtube.com/uscis)), Facebook ([/uscis](https://www.facebook.com/uscis)), and Instagram ([@uscis](https://www.instagram.com/uscis)).

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U.S. Citizenship and Immigration Services sending to b(6) - Gene Hamilton Email Address 20 Massachusetts Ave NW, Washington DC 20529 1-800-375-6283

Question#: 1

Topic: Nominations and Political Appointments

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Question: What date do you expect the Senate will receive the Trump Administration's nominee for the Deputy Secretary of the Department of Homeland Security (DHS)? Please describe the consequences of this position remaining unfilled for months.

What date do you expect the Senate will receive the Trump Administration's nominee for the Federal Emergency Management Agency (FEMA) Deputy Director? Please describe the consequences of this position remaining unfilled for months.

What date do you expect the Senate will receive the Trump Administration's nominee for Immigration and Customs Enforcement (ICE) Director? Please describe the consequences of this position remaining unfilled for months.

Please describe your efforts to encourage the White House to fill politically appointed positions in DHS.

Response: [REDACTED] (b) (5)

Question#: 2

Topic: Accenture Contract

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Question: I sent a letter on January 3, 2018 requesting the contract file for a \$300 million contract with Accenture Services, LLC. Under the contract the federal government will spend \$40,000 to hire one officer. I asked again about this contract file during our DHS reauthorization roundtable in February. DHS has provided some information from the file, but DHS has still not provided the cost to hire analysis or cost audit that was done to justify the recruiting contract.

Please provide the cost to hire analysis, and the date the audit was performed and completed.

Response: (b) (5)

Question: Were any other cost to hire or cost analyses performed in preparation for this contract? If so, please provided these analyses as well as their dates of performance and completion.

Response: (b) (5)

Question: Does DHS's Fiscal Year (FY) 2019 Proposed Budget account for Customs and Border Protection's (CBP) obligations under the contract?

Response: (b) (5)

Question: Is DHS planning or considering any other new contracts for the hire of law enforcement personnel? If so, please provide a description of the contract and requirement.

Question#: 2

Topic: Accenture Contract

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Response: [REDACTED] (b) (5)

[REDACTED] (b) (5)

SENATE

Question#: 3

Topic: DHS Hiring and Recruiting

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Question: How much does DHS annually spend on hiring and recruiting activities? Please provide a detailed breakdown by DHS component, including the amount spent on contractors?

Response:

(b) (5)

(b) (5)

Question#: 3

Topic: DHS Hiring and Recruiting

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

(b) (5)



Question#: 4

Topic: UACs Referred

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Question: Please provide the number children referred to the Department of Health and Human Services (HHS) since January 1, 2018. How many of these minors were accompanied by a parent, guardian, or family member when they were apprehended?

Response: [REDACTED] (b) (5)

Question: How many were unaccompanied?

Response: [REDACTED] (b) (5)

Question: You have said that immigrants crossing between ports of entry are committing a crime and will be referred to prosecution. This “zero tolerance” policy has the effect, as you noted, of separating criminally-charged immigrant adults from any accompanying children. However, once any given criminal proceeding and jail sentence is over, there is no requirement to maintain separation between a parent and his or her children.

How many children has DHS separated from accompanying parents since January 1, 2018?

Response: [REDACTED] (b) (5)

Question: What is the average length that these children have remained separated from their parents?

Response: [REDACTED] (b) (5)

Question: How many children remain separated from their parents even after the parents’ criminal proceeding is over and any jail sentence has been served?

Question#: 4

Topic: UACs Referred

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Response: [REDACTED] (b) (5)

Question: How does DHS's process of separating a child from a parent charged with criminal violation of immigration laws differ, if at all, from a state process of separating a child from a parent charged with criminal violation of state laws?

Response: [REDACTED] (b) (5)

Question: Does DHS currently have a Memorandum of Agreement (MOA) or Memorandum of Understanding (MOU) with the Department of Defense (DOD) for the care or detention of UACs on military bases or other DOD facilities? If so, please provide the agreement.

Response: [REDACTED] (b) (5)

Question: If not, does DHS plan to enter into such an agreement?

Question#: 4

Topic: UACs Referred

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Response: [REDACTED] (b) (5)

SENATE

Question#: 6

Topic: H-2B Visas

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Question: In your testimony, you asked Congress to work with the Department to adjust the annual cap on H-2B visas. You said this adjustment would give small businesses the “stability and predictability” they need to operate effectively. The annual H-2B cap is currently set at 66,000 visas. Based on your analysis of this issue, what do you think the annual H-2B visa cap should be, and do you support an exemption to this cap for workers who have participated in the program previously?

Response: [REDACTED] (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] (b) (5)

Question#: 6

Topic: H-2B Visas

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

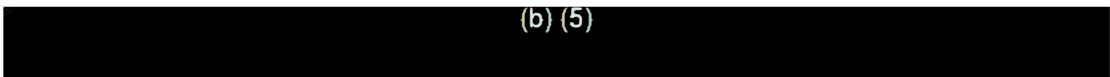
Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

(b) (5)



(b) (5)



Question#: 7

Topic: National Security Letters

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Question: A national security letter (NSL) is similar to an administrative subpoena. NSLs require the production of certain types of information from third-party custodians including telephone companies, internet service providers, consumer credit reporting agencies, banks, and other financial institutions.

Have any DHS components issued NSLs or other administrative demands for information in the past 5 years? If so, which components?

How many NSLs or other administrative demands for information were issued each year for the past five years?

How many of those sought information about an American citizen?

Response: [REDACTED] (b) (5)

Question#: 8

Topic: Russian Interference Assessment

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Question: On May 22, 2017, a CNN reporter asked you, "Do you have any reason to doubt the January 2017 intelligence community assessment that said it was Vladimir Putin who tried to meddle in this election to help President Trump win?"

You responded, "I do not believe that I've seen that conclusion. ... That the specific intent was to help President Trump win? I'm not aware of that."

DHS spokesman Tyler Houlton released the following statement explaining your response, "The intelligence assessment language is nuanced for a reason. The secretary agrees with that assessment. But the question asked by the reporter did not reflect the specific language in the assessment itself, so the secretary correctly stated she had not seen the conclusion as characterized by the reporter."

However, the intelligence assessment is quite direct in this assertion. The declassified January 6, 2017 report from the Office of the Director of National Intelligence says in no uncertain terms:

We assess Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the US presidential election. Russia's goals were to undermine public faith in the US democratic process, denigrate Secretary Clinton, and harm her electability and potential presidency. We further assess Putin and the Russian Government developed a clear preference for President-elect Trump. We have high confidence in these judgments.

We also assess Putin and the Russian Government aspired to help President-elect Trump's election chances when possible by discrediting Secretary Clinton and publicly contrasting her unfavorably to him. All three agencies agree with this judgment. CIA and FBI have high confidence in this judgment; NSA has moderate confidence.

In your pre-hearing questionnaire for your nomination to be Secretary of the Department of Homeland Security, you were asked whether you agreed with this Intelligence Community assessment. In response, you stated, "I have no reason to disagree with earlier assessments of the Intelligence Community." Had you seen the above assessment from the Intelligence Community when you answered that question?

Have you now read the assessment of the Intelligence Community, or at least the above excerpt?

Question#: 8

Topic: Russian Interference Assessment

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Do you agree with the Intelligence Community assessment that Russia interfered in the 2016 presidential election to help President Trump win?

Response: (b) (5)

[Redacted]

[Redacted]

[Redacted]



Question#: 9

Topic: FEMA Report

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Rob Portman

Committee: HOMELAND SECURITY (SENATE)

Question: S. 2971, The National Urban Search and Rescue Response System Act of 2016 (Public Law No: 114-326) required a report to Congress by June 2017 from the FEMA Administrator on the development of a plan including implementation steps and timeframes, to finance, maintain, and replace System equipment for use by Urban Search and Rescue Task Force Teams. What is the status of this report?

Response: [REDACTED] (b) (5)

Question#: 10

Topic: Coast Guard Budget

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Rob Portman

Committee: HOMELAND SECURITY (SENATE)

Question: Coast Guard provided documents about its multi-mission,. In its 5yr Capital Investment Plan for the Medium Range Recovery (MRR) helicopter, MH-60T, the FY19 Base Budget amount is \$0, but \$41M total FY20-22. In the President's Budget, the FY19 amount is \$25M, but only \$25M total FY19-27.

What is the Coast Guard's strategy for the MH-60T sustainment program, now that FY18 funds for the analyze/select phase of the Service Life Extension Project have been received?

Response: (b) (5)

Question: What total investment does the Coast Guard forecast over the next five years for this program?

Response: (b) (5)

Question: When will the Coast Guard provide an updated Capital Investment Plan to reflect the latest President's Budget?

Response: (b) (5)

Question: How does the Coast Guard plan to leverage new U.S. technologies for this and other aircraft service life extension programs?

Response: (b) (5)

Question#: 11

Topic: CBP Retention

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

Question: Over the years, I have heard a lot of discussion in various hearing and briefings about the need to improve hiring at DHS. The Administration's FY19 budget request continues that trend - there is a request for 2,750 more Border Patrol and ICE Agents, as well as funding increases for CBP recruitment and applicant processing. The Homeland Security and Governmental Affairs Committee has also previously discussed CBP's recent \$297-million contract with Accenture to provide a surge hiring capability. On that front, I hope the Secretary knows that this committee will be paying close attention to that contract and its outcome. I also worry that focus on this contract and how it could improve hiring takes away needed emphasis on improving DHS and CBP retention. I worry there has not been enough of a focus on the retention side of the personnel equation. I think you will agree that attrition is a critical challenge for DHS, and especially CBP.

Has CBP determined the root cause for its high attrition rate? If so, what has been identified?

Response:

(b) (5)

Question: What incentives or programs will DHS use to maintain its best and brightest employees?

Response:

(b) (5)

Question#: 11

Topic: CBP Retention

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

Question: Are there any statutory barriers that prevent DHS from applying programs or incentives to the problem of retention? If so, what are they?

Response: [REDACTED] (b) (5)

[REDACTED]

AMERICAN
OVERSIGHT

Question#: 12

Topic: HSI Online Operations

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

Question: As time goes by, the Internet becomes increasingly intertwined with various aspects of our life. While there is plenty to say regarding the value and benefits society can achieve through access to the internet, we must not forget about the bad actors and how they can leverage the internet to engage in illegal activities, such as human trafficking, the sale and distribution of illicit narcotics, and child sexual exploitation. That is why I appreciate the efforts of the U.S. Immigration and Customs Enforcement's Homeland Security Investigations (HSI), which plays a critical role in both assisting and investigating various crimes, including those relating to cybercrimes.

Since joining the Senate, one of my top priorities has been to find ways to improve the federal government's capabilities to combat human trafficking online. Secretary Nielsen, in your view, how effective have HSI operations been in investigating and combatting human trafficking online? How effective have HSI operations been in investigating other cybercrimes?

Response:

(b) (5)

Question: Does DHS have a strategy in place regarding any additional resources HSI may require to investigate cybercrimes?

Response:

(b) (5)

Question#: 12

Topic: HSI Online Operations

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

(b) (5)

[REDACTED]

Question: Do you anticipate HSI will require additional resources, and are there steps Congress could take to enhance HSI's cybercrime efforts?

Response: (b) (5)

[REDACTED]

Question#: 13

Topic: Counter-UAS Strategies

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

Question: As you may know I am an original co-sponsor, along with the Chairman and Ranking Member, on the "Preventing Emerging Threats Act of 2018", this proposed legislation would provide DHS with the authorities to pursue Counter-UAS strategies to protect the homeland from the unauthorized exploitation of unmanned aircraft systems.

We know that criminal organizations, including drug traffickers, are using drones to support their illegal activities along our borders. How will this legislation help DHS and DOJ combat smuggling operations facilitated by drones, and what other actions does DHS need to take over the next five years to be prepared to meet this threat?

Response:

(b) (5)

Question: Why is it important for DHS and DOJ to have the same basic authority as DOD to counter UAS activity that attempts to interfere with DHS activities or break the law? Are there overlapping missions or operations that could be impacted if the Departments had unequal legal standing to operate Counter- UAS systems?

What authorities does DHS need to accomplish the mission of countering the UAS threat?

Response:

(b) (5)

Question#: 13

Topic: Counter-UAS Strategies

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

(b) (5)



Question#: 13

Topic: Counter-UAS Strategies

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

[REDACTED] (b) (5)

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Question#: 13

Topic: Counter-UAS Strategies

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

Question#: 14

Topic: CVE Task Force

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

Question: As you know, in 2016, the Interagency Task Force on Countering Violent Extremism (hereafter referred to as "the Task Force") was created in order to "coordinate government efforts and partnerships to prevent violent extremism in the United States." In written testimony before a HSGAC subcommittee on July 6, 2016, the then-Director of the Task Force stated-

"The Task Force is hosted and currently led by DHS, and the leadership will rotate every two years between a DHS and a Department of Justice (DOJ) executive. The Task Force includes participation from over 10 departments and agencies across the federal government."

According to the press releases from DOJ and DHS, additional staffing would be "provided by representatives from the FBI, National Counterterrorism Center and other supporting departments and agencies."

During our HSGAC hearing on May 15, 2018, I asked you to identify which agencies have currently detailed staff to the Task Force. You were not in possession of this information at the hearing, and promised to follow up. Your staff provided my office with the following response-

"Currently, three agencies, DOJ, FBI, and NCTC contribute time to the interagency task force on countering violent extremism and participate in the weekly coordination meeting. Additionally, DHS is actively looking at options to elevate and expand interagency action on terrorism prevention-including through the task force-and would be willing to brief your staff at the appropriate time."

And upon request to clarify what "contribution of time" meant in terms of these three agencies participation, your staff provided the following-

"'Time' as referenced pertains to staff from the respective agencies participating in task force activities as needed, but the task force does not have dedicated staff on detail to DHS from those agencies."

For further clarification, can you please answer the following:

Given that leadership of the Task Force was to rotate between DHS and DOJ every two

Question#: 14

Topic: CVE Task Force

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

years, has DOJ assumed leadership of the Task Force for 2018 and 2019?

Response: (b) (5)

Question: As the agency co-chairing the Task Force, does DOJ currently have a dedicated staff member detailed to the Task Force? If so, how many are detailed to the Task Force.

Response: (b) (5)

Question: Does the Federal Bureau of Investigation currently have a dedicated staff member detailed to the Task Force? If so, how many are detailed to the Task Force.

Response: (b) (5)

Question: Does the National Counter Terrorism Center currently have a dedicated staff member detailed to the Task Force? If so, how many are detailed to the Task Force.

Response: (b) (5)

Question#: 14

Topic: CVE Task Force

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

Question: Does the State Department currently have a dedicated staff member detailed to the Task Force? If so, how many are detailed to the Task Force.

Response: (b) (5)

[REDACTED]

Question: Can you give an estimate of roughly how much "time" each of these agencies provide on a weekly basis to the Task Force?

Response: (b) (5)

[REDACTED]

Question: To clarify, if 10 agencies participated in the Task Force in 2016, does this mean that only four agencies currently participate? If not, please provide details about the activities of the other six agencies with respect to their participation in the Task Force.

Response: (b) (5)

[REDACTED]

Question#: 14

Topic: CVE Task Force

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

(b) (5)



Question#: 15

Topic: Task Force Progress

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

Question: According to testimony from July 2016 from the then-Director of the Interagency Task Force on Countering Violent Extremism (CVE), the Task Force's duties primarily include-

"developing intervention programs; synchronizing federal CVE outreach and engagement; managing CVE communications and leveraging digital technologies to engage, empower, and connect CVE stakeholders; and coordinating and prioritizing federal CVE research and establishing feedback mechanisms to increase the relevance of CVE findings."

Additionally, the Department's current website for the Task Force reiterates these key missions and also articulates the goal of the Task Force as having to "coordinate investments in and dissemination of research and analysis, enhance engagement and technical assistance to diverse stakeholders, support the development of innovative intervention models, and cultivate communications and digital strategies."

Can you please detail for me the following activities and progress made by the Task Force in the nearly seven months since you were sworn in as Secretary? In responding, can please provide me with following pieces of information?

the number of intervention programs developed by the Task Force;

Response: [REDACTED] (b) (5)

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

Question#: 15

Topic: Task Force Progress

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

(b) (5)



Question: the number of feedback mechanisms established by the Task Force to increase the relevance of CVE findings;

Response: (b) (5)



Question#: 15

Topic: Task Force Progress

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

Question: the number of communications and digital strategies cultivated by the Task Force.

Response: [REDACTED] (b) (5)

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]



Question#: 16

Topic: Task Force Performance

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

Question: Are you currently satisfied with the performance of the Task Force and the interagency staffing model of the Task Force? Do you believe that the Task Force is sufficiently resourced and staffed to better empower local partners to prevent violent extremism in the United States? If not, what steps will you take over the next six months to improve the effectiveness of the Task Force?

Response: [REDACTED] (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Question#: 16

Topic: Task Force Performance

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

(b) (5)

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]

Question#: 16

Topic: Task Force Performance

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

- [REDACTED] (b) (5)
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

Question#: 17

Topic: Separations at the Border

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: At the May 15, 2018 hearing and the Permanent Subcommittee on Investigation's April 26, 2018 hearing, DHS officials, including you, committed to get me information about the separation of parents and children at the border. Please provide the following information:

The number of children that came into HHS custody from DHS at the border since January 2017 and broken down by month. Please include the reasons why the DHS number differs from the HHS number.

Response: [REDACTED] (b) (5)

(b) (5)

Question: The number of children under four that came into HHS custody from DHS at the border since January 2017 and broken down by month.

Response: [REDACTED] (b) (5)

Question#: 17

Topic: Separations at the Border

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

(b) (5)



Question: The number of children who have been separated from adults who say that they are the child's parents and are seeking asylum since January 2017 and broken down by month.

Response: (b) (5)



(b) (5)



(b) (5)



Question: The length of separation of child and adults that are separated by DHS in which the adults say that they are the child's parents or guardians and are seeking asylum since January 2017.

Response: (b) (5)



Question: The number of child separations that resulted in trafficking charges since January 2017.

Question#: 17

Topic: Separations at the Border

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Response: [REDACTED] (b) (5)

Question: The training and procedures that CBP Officers receive and use to carry out family separations. Please include Form 93 and the training provided to CBP Officers on using Form 93.

Response: [REDACTED] (b) (5)

Question: After a child is separated from a parent, what timeline objectives exist to re-establish the relationship and reunify the family.

Response: [REDACTED] (b) (5)

Question: What is DHS doing to ensure sustained communication between parents and children in cases of separation. Please provide this information for children over the age of four and children under the age of four.

Response: [REDACTED] (b) (5)

Question#: 18

Topic: Zero-Tolerance Policy Effect

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: A Vox story that ran on May 8 questioned statistical claims DHS cited internally about the alleged deterrent effect of a zero-tolerance policy on family border crossings, particularly data about apprehensions of families during a late 2017 pilot in the El Paso Border Sector.

Please provide me all statistics and research studies DHS relied on to make its decision to implement this policy?

Response: [REDACTED] (b) (5)

[REDACTED]

[REDACTED]

Question#: 18

Topic: Zero-Tolerance Policy Effect

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question#: 19

Topic: Sexual Abuse Victims

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: Between FY12 and March 2018, ICE received 1,448 allegations of sexual abuse in detention facilities. Only a small percent of these claims has been investigated by DHS OIG. In addition, on April 11, 2018, The Intercept reported that ICE received 1,224 complaints about sexual assault in detention facilities in an early time period, between 2010 and September 2017.

What procedures does DHS follow to ensure that individuals who file sexual abuse complaints, particularly complaints implicating detention facility staff, are protected while ICE conducts an investigation?

Response:

(b) (5)

Question: During the hearing, you committed to getting me an analysis of (1) what plans you have to investigate these cases of sexual abuse; (2) what protocols are in place to allow the victim to be in a safe place during and pending any investigation; and (3) what services a victim receives to treat the trauma of being a victim of sexual abuse, including medical care. Please provide that analysis.

What counseling and mental health care are provided to these individuals?

Response:

(b) (5)

Question#: 19

Topic: Sexual Abuse Victims

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

(b) (5)



Question: Are individuals who file sexual abuse complaints that ICE determines are “unsubstantiated” returned to situations where they are placed in direct contact with individuals they have accused of abuse?

Response: (b) (5)



Question#: 19

Topic: Sexual Abuse Victims

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

(b) (5)



Question#: 20

Topic: Pregnant Women

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: In August 2016, ICE adopted a policy for a presumption of release for pregnant women in recognition of the clear health risks posed by detaining pregnant women in jail-like conditions. On December 14, 2017, ICE issued a new directive that terminated the August 2016 directive and ended the policy of presumptive release for pregnant women apprehended or transferred to ICE. This decision was made despite that the American College of Obstetricians and Gynecologists, the American Academy of Family Physicians, and American Academy of Pediatrics have all criticized harmful effects of immigration detention on the medical and mental health of pregnant women; the DHS Office of Inspector General and Office of Civil Liberties have receive complaints about inadequate medical care of pregnant women in ICE custody, including dehydration and miscarriages; and multiple federal oversight bodies, including DHS' Office of Inspector General, ICE's Advisory Committee on Family Residential Centers, and the GAO, have documented medical negligence in the immigration detention system.

At the May 8, 2018 Senate Appropriations Subcommittee on Homeland Security hearing, you testified that "the reason [pregnant women] are detained is because they illegally crossed our border. If they went to a port of entry, that would not be a crime." You then encouraged such women to "go to a port of entry and make an asylum claim."

Given your argument that pregnant women must be detained to be criminally prosecuted for illegal entry, will you issue a directive that provides pregnant women at ports of entry who are found to have credible fear following an asylum claim with presumptive release?

Response:

(b) (5)

[REDACTED]

Question#: 20

Topic: Pregnant Women

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: Will you also do so for pregnant women who have overstayed a visa?

Response:

(b) (5)

[REDACTED]

SENATE

Question#: 21

Topic: DACA

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: On September 5, 2017, this Administration announced that it was ending DACA. Since January 2018, several federal courts have ordered DHS to continue to accept DACA renewals while the legality of this termination is determined. When this Administration announced the end of the DACA program, there were 36,455 initial applications pending. Of those that have been processed, 19% have been denied. From 2012 through 2016, the denial rate for initial applications was 6%.

Can you explain why DHS is now rejecting more initial applications if it is abiding by court orders requiring it to process DACA applications as before?

Response: (b) (5)

[Redacted]

(b) (5)

(b) (5)

(b) (5)

Question#: 21

Topic: DACA

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

(b) (5)



Question: Will you provide me with data on DACA from the start of the program through today that includes- the number of initial and renewal DACA applications approved and denied by month, reasons for denials, and length of time to adjudicate each application?

Response: (b) (5)



Question: In prior statements, the Administration has stated that USCIS retains discretion in DACA adjudications, even when an applicant meets the guidelines. What is DHS' position today? Can you describe in what circumstances someone who meets all the eligibility requirements for renewing or filing an initial application for DACA status would not be granted favorable discretion?

Response: (b) (5)



Question#: 21

Topic: DACA

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

(b) (5)



Question#: 22

Topic: Detention Bed Funding Cap

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: The FY17 appropriations report states that, “for the past several years, the agency’s forecast for required number of detention beds and its cost estimates have resulted in budget requests that missed the mark by wide margins.” You were provided a funding cap to use no more than 40,500 beds in the FY18 budget.

Do you plan to adhere to this cap?

Response: [REDACTED] (b) (5)

Question#: 23

Topic: ICE Exceeding Budget

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: GAO issued a report on April 18 that found a number of inconsistencies and errors in ICE's calculations for its congressional budget justifications. What have you done to address these issues and ensure ICE is not exceeding what is provided to it by Congress?

Response:

(b) (5)

[Redacted response text]

Question#: 24

Topic: Detention Facility Costs

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: Additionally, a November 6, 2017 detention facilities matrix provided through a FOIA request, shows that fully 51% of those detained by ICE present no safety risk. An ICE adult immigration detention costs the American taxpayer \$161 per person per day whereas ICE Alternatives to Detention range in cost from just 17 cents to \$17 per person per day, according to a calculation by the ACLU based on ICE's FY14 Congressional Budget Justification.

Given this, why is the agency looking to dramatically expand detention beds as opposed to using less costly and more humane alternatives to detention?

Response:

(b) (5)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Question#: 25

Topic: Ports of Entry Budget

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: On May 1, 2018, CBP stated that it had exceeded port capacity at San Ysidro in California, leaving vulnerable asylum seekers to wait in Mexico facing difficult conditions or return home to perilous circumstances. Ports of entry are critical sites not only for processing of asylum seekers but also for efforts to interdict traffickers and illicit cargo that threaten harm to our nation. Your proposed FY19 budget asks for billions in dollars in new funding for ICE, the Border Patrol, and a wall but, it provides no new funds for CBP Office of Field Operations personnel who staff the ports.

Why does your budget request neglect resources to sufficiently staff the ports of entry?

Response:

(b) (5)

[Redacted]

[Redacted]

Question: Will you re-consider your budget request to ensure that ports of entry have sufficient personnel to process those fleeing persecution or a fear of persecution to ensure compliance with U.S. and international law?

Response:

(b) (5)

[Redacted]

Question#: 25

Topic: Ports of Entry Budget

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

(b) (5)



Question#: 26

Topic: Fingerprint Information MOA

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: DHS and HHS released a memorandum of agreement (MOA) between ICE, CBP, and ORR dated April 13 that took effect on May 13, 2018 that outlines requirements for these agencies to share fingerprints and personal information about unaccompanied children, their sponsors, and adult members of sponsor households.

Will the MOA be used by ICE for purposes of targeting sponsors and prospective sponsors of unaccompanied children for immigration enforcement?

Response: (b) (5)

Question: ICE will now be given information from ORR on other adults living in a sponsor's home. Will ICE use this information for enforcement purposes?

Response: (b) (5)

Question: What consent does DHS seek and what representations does it make to unaccompanied children and their sponsors, including prospective sponsors, about uses and confidentiality of personal information provided to CBP, ICE, and ORR?

Response: (b) (5)

Question#: 27

Topic: Special Immigrant Juvenile

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: The New York Times reported that in a denial of a Special Immigrant Juvenile, or S.I.J application, USCIS stated, “once a person attains the age of 18, the family courts lack jurisdiction over the person’s custody.” Under the 10th Amendment, the powers not delegated the federal government are reserved to the states. Of course, one of those powers is family law and another one is obviously the inherent ability of states to define their own state court jurisdictions. USCIS in the past has clearly acknowledged such state powers. States, encouraged by Federal law, have extended their juvenile and family court jurisdictions in many cases to age 21. In such states, judges with social welfare expertise may determine guardianship for youth over the age of 18 who have been abused, abandoned, or neglected.

Do you agree, that if the NYT reporting is accurate, that USCIS now necessarily precludes vulnerable youth in this category from humanitarian S.I.J. classification?

Response: [REDACTED] (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Question#: 27

Topic: Special Immigrant Juvenile

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

(b) (5)

Question: Will you provide me with complete monthly data on approvals and denials of S.I.J. petitions over the last two years, including data on petitioner's age and state of residence?

Response: (b) (5)

Question: Will you provide me with the number of cases since January 2017 in which USCIS has rescinded S.I.J. status from children on the basis of the agency's reevaluation of a state court guardianship determination?

Response: (b) (5)

Question#: 28

Topic: UAC Designations

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: Key provisions of the President's Executive Order on Border Security and DHS implementing guidance propose new procedures that could result in continuous reviews of all unaccompanied alien child designations. While children designated as unaccompanied are given the opportunity to first present their asylum claims in a non-adversarial interview with an asylum officer specially trained in child-appropriate interviewing techniques, those children not designated unaccompanied can be placed in expedited removal proceedings, meaning they are summarily deported. On May 9, 2018, the Washington Post reported that DHS is considering implementing new regulations that would redefine the process for determining whether a child who crosses the border alone is "unaccompanied."

What is the basis for changing the process for defining whether a child who crosses the border alone is unaccompanied?

What is the status of the development and implementation of any such new interpretations or procedures?

Response:

(b) (5)

[REDACTED]

[REDACTED]

Question#: 28

Topic: UAC Designations

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

(b) (5)

SECRET

Question#: 29

Topic: Changes to Flores

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: On May 9, 2018, the *Washington Post* reported that DHS is considering implementing draft regulations that would weaken important child-welfare protections, including the *Flores Agreement*. These draft regulations would reportedly change the standard for how long migrant children can be detained by DHS before being transferred to a family residential facility, how long migrant families can be held at a family residential facility, and provide DHS greater authority to delay snack and meal times.

What is the policy purpose and evidentiary record for these changes?

What is the status of the development and implementation of any such new interpretations or procedures?

Response: [REDACTED] (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

Question#: 29

Topic: Changes to Flores

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question#: 30

Topic: Pre-Disaster Mitigation Grant Program

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: Last year, Americans experienced the most costly set of natural disasters in our nation's history. The National Oceanic and Atmospheric Administration has estimated that natural disasters caused over \$300 billion worth of damage in 2017. A recent study by the National Institute of Building Sciences found that investing one dollar (\$1) in pre-disaster mitigation efforts saved six dollars (\$6) in reduced future losses. Last month, FEMA Administrator Long was in front of this very committee and spoke about the importance of investing in pre-disaster mitigation. Unfortunately, his comments, and the reality that we must prepare our communities for future disasters, are in direct conflict with the proposed DHS budget, which cuts the FEMA Pre-Disaster Mitigation Grant Program by 61 percent.

How can FEMA and DHS adequately address our nation's vulnerability to these devastating natural disasters by slashing the funds that are meant to reduce the impacts on our communities from wildfires, hurricanes, and earthquakes?

Response:

(b) (5)

[Redacted]

[Redacted]

Question#: 30

Topic: Pre-Disaster Mitigation Grant Program

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question#: 31

Topic: Clearances for State Election Officials

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: When Undersecretary of the National Protection and Programs Directorate-designee Chris Krebs came before the HSGAC for his confirmation hearing, I asked him about the number of state election officials who are still waiting to receive a security clearance. At that time, 15 state election officials have requested a security clearance but are still waiting to receive one.

Do you have a timeline for when all of these officials should expect to receive a clearance?

Response: [REDACTED] (b) (5)

[REDACTED]

[REDACTED]

Question#: 32

Topic: Phasing Out Paperless Voting Machines

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: I share the concern of election security experts that paperless electronic voting machines are insecure. It needs to be an election cybersecurity priority to encourage states to get rid of these insecure machines and I think we need to do more to communicate the importance of this to the states.

Is DHS working at all with the Election Assistance Commission to help craft guidance to states about the need to get rid of these machines? About how they should use their money as much as they can to start phasing these machines out and not to acquire more of them? If not, would you be willing to publish guidance like this, either working with the EAC, or on your own?

Response:

(b) (5)



Question#: 1

Topic: Nominations and Political Appointments

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Question: What date do you expect the Senate will receive the Trump Administration's nominee for the Deputy Secretary of the Department of Homeland Security (DHS)? Please describe the consequences of this position remaining unfilled for months.

What date do you expect the Senate will receive the Trump Administration's nominee for the Federal Emergency Management Agency (FEMA) Deputy Director? Please describe the consequences of this position remaining unfilled for months.

What date do you expect the Senate will receive the Trump Administration's nominee for Immigration and Customs Enforcement (ICE) Director? Please describe the consequences of this position remaining unfilled for months.

Please describe your efforts to encourage the White House to fill politically appointed positions in DHS.

Response: [REDACTED] (b) (5)

Question#: 2

Topic: Accenture Contract

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Question: I sent a letter on January 3, 2018 requesting the contract file for a \$300 million contract with Accenture Services, LLC. Under the contract the federal government will spend \$40,000 to hire one officer. I asked again about this contract file during our DHS reauthorization roundtable in February. DHS has provided some information from the file, but DHS has still not provided the cost to hire analysis or cost audit that was done to justify the recruiting contract.

Please provide the cost to hire analysis, and the date the audit was performed and completed.

Response: (b) (5)

Question: Were any other cost to hire or cost analyses performed in preparation for this contract? If so, please provide these analyses as well as their dates of performance and completion.

Response: (b) (5)

Question: Does DHS's Fiscal Year (FY) 2019 Proposed Budget account for Customs and Border Protection's (CBP) obligations under the contract?

Response: (b) (5)

Question: Is DHS planning or considering any other new contracts for the hire of law enforcement personnel? If so, please provide a description of the contract and requirement.

Question#: 2

Topic: Accenture Contract

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Response:

(b) (5)

[REDACTED]

[REDACTED]

RAFT

Question#: 3

Topic: DHS Hiring and Recruiting

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Question: How much does DHS annually spend on hiring and recruiting activities? Please provide a detailed breakdown by DHS component, including the amount spent on contractors?

Response: [REDACTED] (b) (5)

[REDACTED]

[REDACTED]

[REDACTED] (b) (5)

Question#: 3

Topic: DHS Hiring and Recruiting

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

(b) (5)



RAFT

Question#: 4

Topic: UACs Referred

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Question: Please provide the number children referred to the Department of Health and Human Services (HHS) since January 1, 2018. How many of these minors were accompanied by a parent, guardian, or family member when they were apprehended?

Response: [REDACTED] (b) (5)

Question: How many were unaccompanied?

Response: [REDACTED] (b) (5)

Question: You have said that immigrants crossing between ports of entry are committing a crime and will be referred to prosecution. This “zero tolerance” policy has the effect, as you noted, of separating criminally-charged immigrant adults from any accompanying children. However, once any given criminal proceeding and jail sentence is over, there is no requirement to maintain separation between a parent and his or her children.

How many children has DHS separated from accompanying parents since January 1, 2018?

Response: [REDACTED] (b) (5)

Question: What is the average length that these children have remained separated from their parents?

Response: [REDACTED] (b) (5)

Question: How many children remain separated from their parents even after the parents’ criminal proceeding is over and any jail sentence has been served?

Question#: 4

Topic: UACs Referred

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Response: [REDACTED] (b) (5)

Question: How does DHS's process of separating a child from a parent charged with criminal violation of immigration laws differ, if at all, from a state process of separating a child from a parent charged with criminal violation of state laws?

Response: [REDACTED] (b) (5)

Question: Does DHS currently have a Memorandum of Agreement (MOA) or Memorandum of Understanding (MOU) with the Department of Defense (DOD) for the care or detention of UACs on military bases or other DOD facilities? If so, please provide the agreement.

Response: [REDACTED] (b) (5)

Question: If not, does DHS plan to enter into such an agreement?

Question#: 4

Topic: UACs Referred

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Response: [REDACTED] (b) (5)

RAFT

Question#: 6

Topic: H-2B Visas

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Question: In your testimony, you asked Congress to work with the Department to adjust the annual cap on H-2B visas. You said this adjustment would give small businesses the “stability and predictability” they need to operate effectively. The annual H-2B cap is currently set at 66,000 visas. Based on your analysis of this issue, what do you think the annual H-2B visa cap should be, and do you support an exemption to this cap for workers who have participated in the program previously?

Response: [REDACTED] (b) (5)

[REDACTED]

[REDACTED]

[REDACTED] (b) (5)

Question#: 6

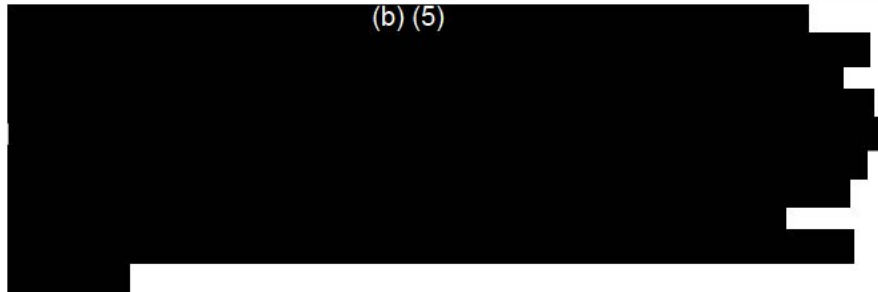
Topic: H-2B Visas

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

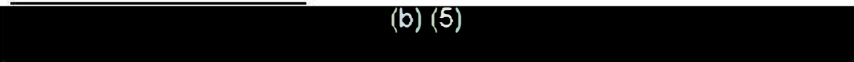
Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

(b) (5)



(b) (5)



SECRET

Question#: 7

Topic: National Security Letters

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Question: A national security letter (NSL) is similar to an administrative subpoena. NSLs require the production of certain types of information from third-party custodians including telephone companies, internet service providers, consumer credit reporting agencies, banks, and other financial institutions.

Have any DHS components issued NSLs or other administrative demands for information in the past 5 years? If so, which components?

How many NSLs or other administrative demands for information were issued each year for the past five years?

How many of those sought information about an American citizen?

Response: [REDACTED] (b) (5)

Question#: 8

Topic: Russian Interference Assessment

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Question: On May 22, 2017, a CNN reporter asked you, "Do you have any reason to doubt the January 2017 intelligence community assessment that said it was Vladimir Putin who tried to meddle in this election to help President Trump win?"

You responded, "I do not believe that I've seen that conclusion. ... That the specific intent was to help President Trump win? I'm not aware of that."

DHS spokesman Tyler Houlton released the following statement explaining your response, "The intelligence assessment language is nuanced for a reason. The secretary agrees with that assessment. But the question asked by the reporter did not reflect the specific language in the assessment itself, so the secretary correctly stated she had not seen the conclusion as characterized by the reporter."

However, the intelligence assessment is quite direct in this assertion. The declassified January 6, 2017 report from the Office of the Director of National Intelligence says in no uncertain terms:

We assess Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the US presidential election. Russia's goals were to undermine public faith in the US democratic process, denigrate Secretary Clinton, and harm her electability and potential presidency. We further assess Putin and the Russian Government developed a clear preference for President-elect Trump. We have high confidence in these judgments.

We also assess Putin and the Russian Government aspired to help President-elect Trump's election chances when possible by discrediting Secretary Clinton and publicly contrasting her unfavorably to him. All three agencies agree with this judgment. CIA and FBI have high confidence in this judgment; NSA has moderate confidence.

In your pre-hearing questionnaire for your nomination to be Secretary of the Department of Homeland Security, you were asked whether you agreed with this Intelligence Community assessment. In response, you stated, "I have no reason to disagree with earlier assessments of the Intelligence Community." Had you seen the above assessment from the Intelligence Community when you answered that question?

Have you now read the assessment of the Intelligence Community, or at least the above excerpt?

Question#: 8

Topic: Russian Interference Assessment

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Do you agree with the Intelligence Community assessment that Russia interfered in the 2016 presidential election to help President Trump win?

Response: [REDACTED] (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]



RAFT

Question#: 9

Topic: FEMA Report

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Rob Portman

Committee: HOMELAND SECURITY (SENATE)

Question: S. 2971, The National Urban Search and Rescue Response System Act of 2016 (Public Law No: 114-326) required a report to Congress by June 2017 from the FEMA Administrator on the development of a plan including implementation steps and timeframes, to finance, maintain, and replace System equipment for use by Urban Search and Rescue Task Force Teams. What is the status of this report?

Response: (b) (5)

Question#: 10

Topic: Coast Guard Budget

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Rob Portman

Committee: HOMELAND SECURITY (SENATE)

Question: Coast Guard provided documents about its multi-mission. In its 5yr Capital Investment Plan for the Medium Range Recovery (MRR) helicopter, MH-60T, the FY19 Base Budget amount is \$0, but \$41M total FY20-22. In the President's Budget, the FY19 amount is \$25M, but only \$25M total FY19-27.

What is the Coast Guard's strategy for the MH-60T sustainment program, now that FY18 funds for the analyze/select phase of the Service Life Extension Project have been received?

Response: [REDACTED] (b) (5)

Question: What total investment does the Coast Guard forecast over the next five years for this program?

Response: [REDACTED] (b) (5)

Question: When will the Coast Guard provide an updated Capital Investment Plan to reflect the latest President's Budget?

Response: [REDACTED] (b) (5)

Question: How does the Coast Guard plan to leverage new U.S. technologies for this and other aircraft service life extension programs?

Response: [REDACTED] (b) (5)

Question#: 11

Topic: CBP Retention

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

Question: Over the years, I have heard a lot of discussion in various hearing and briefings about the need to improve hiring at DHS. The Administration's FY19 budget request continues that trend - there is a request for 2,750 more Border Patrol and ICE Agents, as well as funding increases for CBP recruitment and applicant processing. The Homeland Security and Governmental Affairs Committee has also previously discussed CBP's recent \$297-million contract with Accenture to provide a surge hiring capability. On that front, I hope the Secretary knows that this committee will be paying close attention to that contract and its outcome. I also worry that focus on this contract and how it could improve hiring takes away needed emphasis on improving DHS and CBP retention. I worry there has not been enough of a focus on the retention side of the personnel equation. I think you will agree that attrition is a critical challenge for DHS, and especially CBP.

Has CBP determined the root cause for its high attrition rate? If so, what has been identified?

Response: (b) (5)
[Redacted]

[Redacted]

Question: What incentives or programs will DHS use to maintain its best and brightest employees?

Response: (b) (5)
[Redacted]

Question#: 11

Topic: CBP Retention

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

Question: Are there any statutory barriers that prevent DHS from applying programs or incentives to the problem of retention? If so, what are they?

Response: (b) (5)



RAFT

Question#: 12

Topic: HSI Online Operations

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

Question: As time goes by, the Internet becomes increasingly intertwined with various aspects of our life. While there is plenty to say regarding the value and benefits society can achieve through access to the internet, we must not forget about the bad actors and how they can leverage the internet to engage in illegal activities, such as human trafficking, the sale and distribution of illicit narcotics, and child sexual exploitation. That is why I appreciate the efforts of the U.S. Immigration and Customs Enforcement's Homeland Security Investigations (HSI), which plays a critical role in both assisting and investigating various crimes, including those relating to cybercrimes.

Since joining the Senate, one of my top priorities has been to find ways to improve the federal government's capabilities to combat human trafficking online. Secretary Nielsen, in your view, how effective have HSI operations been in investigating and combatting human trafficking online? How effective have HSI operations been in investigating other cybercrimes?

Response: (b) (5)

[REDACTED]

Question: Does DHS have a strategy in place regarding any additional resources HSI may require to investigate cybercrimes?

Response: (b) (5)

[REDACTED]

Question#: 12

Topic: HSI Online Operations

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

(b) (5)

Question: Do you anticipate HSI will require additional resources, and are there steps Congress could take to enhance HSI's cybercrime efforts?

Response: (b) (5)

Question#: 13

Topic: Counter-UAS Strategies

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

Question: As you may know I am an original co-sponsor, along with the Chairman and Ranking Member, on the "Preventing Emerging Threats Act of 2018", this proposed legislation would provide DHS with the authorities to pursue Counter-UAS strategies to protect the homeland from the unauthorized exploitation of unmanned aircraft systems.

We know that criminal organizations, including drug traffickers, are using drones to support their illegal activities along our borders. How will this legislation help DHS and DOJ combat smuggling operations facilitated by drones, and what other actions does DHS need to take over the next five years to be prepared to meet this threat?

Response:

(b) (5)

Question: Why is it important for DHS and DOJ to have the same basic authority as DOD to counter UAS activity that attempts to interfere with DHS activities or break the law? Are there overlapping missions or operations that could be impacted if the Departments had unequal legal standing to operate Counter- UAS systems?

What authorities does DHS need to accomplish the mission of countering the UAS threat?

Response:

(b) (5)

Question#: 13

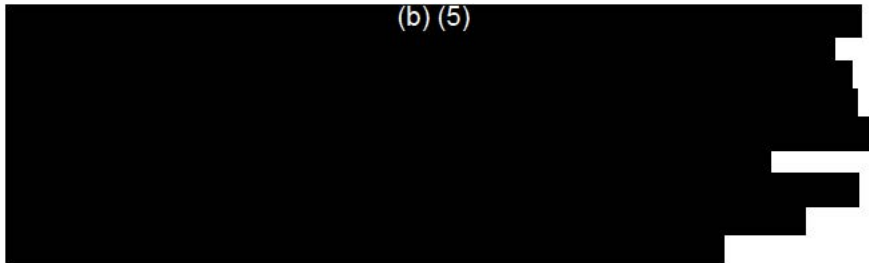
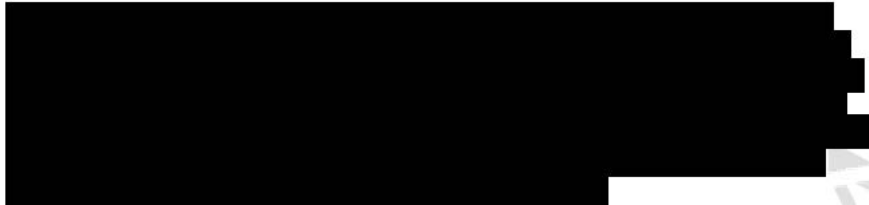
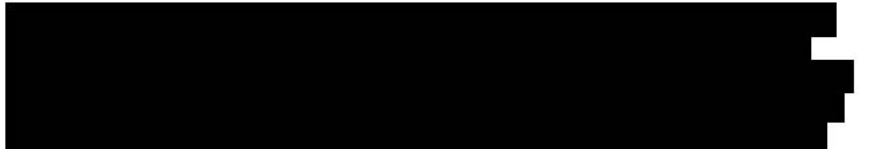
Topic: Counter-UAS Strategies

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

(b) (5)

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Question#: 13

Topic: Counter-UAS Strategies

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

[REDACTED] (b) (5)

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]



SECRET

Question#: 13

Topic: Counter-UAS Strategies

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

RAFT

Question#: 14

Topic: CVE Task Force

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

Question: As you know, in 2016, the Interagency Task Force on Countering Violent Extremism (hereafter referred to as "the Task Force") was created in order to "coordinate government efforts and partnerships to prevent violent extremism in the United States." In written testimony before a HSGAC subcommittee on July 6, 2016, the then-Director of the Task Force stated-

"The Task Force is hosted and currently led by DHS, and the leadership will rotate every two years between a DHS and a Department of Justice (DOJ) executive. The Task Force includes participation from over 10 departments and agencies across the federal government."

According to the press releases from DOJ and DHS, additional staffing would be "provided by representatives from the FBI, National Counterterrorism Center and other supporting departments and agencies."

During our HSGAC hearing on May 15, 2018, I asked you to identify which agencies have currently detailed staff to the Task Force. You were not in possession of this information at the hearing, and promised to follow up. Your staff provided my office with the following response-

"Currently, three agencies, DOJ, FBI, and NCTC contribute time to the interagency task force on countering violent extremism and participate in the weekly coordination meeting. Additionally, DHS is actively looking at options to elevate and expand interagency action on terrorism prevention-including through the task force-and would be willing to brief your staff at the appropriate time."

And upon request to clarify what "contribution of time" meant in terms of these three agencies participation, your staff provided the following-

"Time' as referenced pertains to staff from the respective agencies participating in task force activities as needed, but the task force does not have dedicated staff on detail to DHS from those agencies."

For further clarification, can you please answer the following:

Given that leadership of the Task Force was to rotate between DHS and DOJ every two

Question#: 14

Topic: CVE Task Force

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

years, has DOJ assumed leadership of the Task Force for 2018 and 2019?

Response: [REDACTED] (b) (5)

Question: As the agency co-chairing the Task Force, does DOJ currently have a dedicated staff member detailed to the Task Force? If so, how many are detailed to the Task Force.

Response: [REDACTED] (b) (5)

Question: Does the Federal Bureau of Investigation currently have a dedicated staff member detailed to the Task Force? If so, how many are detailed to the Task Force.

Response: [REDACTED] (b) (5)

Question: Does the National Counter Terrorism Center currently have a dedicated staff member detailed to the Task Force? If so, how many are detailed to the Task Force.

Response: [REDACTED] (b) (5)

Question#: 14

Topic: CVE Task Force

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

Question: Does the State Department currently have a dedicated staff member detailed to the Task Force? If so, how many are detailed to the Task Force.

Response: (b) (5)

(b) (5)

Question: Can you give an estimate of roughly how much "time" each of these agencies provide on a weekly basis to the Task Force?

Response: (b) (5)

Question: To clarify, if 10 agencies participated in the Task Force in 2016, does this mean that only four agencies currently participate? If not, please provide details about the activities of the other six agencies with respect to their participation in the Task Force.

Response: (b) (5)

Question#: 14

Topic: CVE Task Force

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

(b) (5)

[Redacted]

[Redacted]



RAFT

Question#: 15

Topic: Task Force Progress

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

Question: According to testimony from July 2016 from the then-Director of the Interagency Task Force on Countering Violent Extremism (CVE), the Task Force's duties primarily include-

"developing intervention programs; synchronizing federal CVE outreach and engagement; managing CVE communications and leveraging digital technologies to engage, empower, and connect CVE stakeholders; and coordinating and prioritizing federal CVE research and establishing feedback mechanisms to increase the relevance of CVE findings."

Additionally, the Department's current website for the Task Force reiterates these key missions and also articulates the goal of the Task Force as having to "coordinate investments in and dissemination of research and analysis, enhance engagement and technical assistance to diverse stakeholders, support the development of innovative intervention models, and cultivate communications and digital strategies."

Can you please detail for me the following activities and progress made by the Task Force in the nearly seven months since you were sworn in as Secretary? In responding, can please provide me with following pieces of information?

the number of intervention programs developed by the Task Force;

Response: [REDACTED] (b) (5)

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

Question#: 15

Topic: Task Force Progress

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

(b) (5)

Question: the number of feedback mechanisms established by the Task Force to increase the relevance of CVE findings;

Response: (b) (5)



SECRET

Question#: 15

Topic: Task Force Progress

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

Question: the number of activities taken to enhance engagements and technical assistance to the eight different groups of CVE stakeholders specified on the Task Force website; and

Response: [REDACTED] (b) (5)

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]



RAFT

Question#: 15

Topic: Task Force Progress

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

Question: the number of communications and digital strategies cultivated by the Task Force.

Response: [REDACTED] (b) (5)

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]



RAFT

Question#: 16

Topic: Task Force Performance

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

Question: Are you currently satisfied with the performance of the Task Force and the interagency staffing model of the Task Force? Do you believe that the Task Force is sufficiently resourced and staffed to better empower local partners to prevent violent extremism in the United States? If not, what steps will you take over the next six months to improve the effectiveness of the Task Force?

Response: [REDACTED] (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]



RAFT

Question#: 16

Topic: Task Force Performance

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

[REDACTED] (b) (5)

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]



RAFT

Question#: 16

Topic: Task Force Performance

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

- (b) (5)
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

[Redacted]



RAFT

Question#: 17

Topic: Separations at the Border

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: At the May 15, 2018 hearing and the Permanent Subcommittee on Investigation's April 26, 2018 hearing, DHS officials, including you, committed to get me information about the separation of parents and children at the border. Please provide the following information:

The number of children that came into HHS custody from DHS at the border since January 2017 and broken down by month. Please include the reasons why the DHS number differs from the HHS number.

Response: [REDACTED] (b) (5)

[REDACTED] (b) (5)

Question: The number of children under four that came into HHS custody from DHS at the border since January 2017 and broken down by month.

Response: [REDACTED] (b) (5)

Question#: 17

Topic: Separations at the Border

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

(b) (5)

Question: The number of children who have been separated from adults who say that they are the child's parents and are seeking asylum since January 2017 and broken down by month.

Response: (b) (5)

(b) (5)

(b) (5)

Question: The length of separation of child and adults that are separated by DHS in which the adults say that they are the child's parents or guardians and are seeking asylum since January 2017.

Response: (b) (5)

Question: The number of child separations that resulted in trafficking charges since January 2017.

Question#: 17

Topic: Separations at the Border

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Response: [REDACTED] (b) (5)

Question: The training and procedures that CBP Officers receive and use to carry out family separations. Please include Form 93 and the training provided to CBP Officers on using Form 93.

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

Question: After a child is separated from a parent, what timeline objectives exist to re-establish the relationship and reunify the family.

Response: [REDACTED] (b) (5)

Question: What is DHS doing to ensure sustained communication between parents and children in cases of separation. Please provide this information for children over the age of four and children under the age of four.

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

[REDACTED] (b) (5)

Question#: 18

Topic: Zero-Tolerance Policy Effect

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: A Vox story that ran on May 8 questioned statistical claims DHS cited internally about the alleged deterrent effect of a zero-tolerance policy on family border crossings, particularly data about apprehensions of families during a late 2017 pilot in the El Paso Border Sector.

Please provide me all statistics and research studies DHS relied on to make its decision to implement this policy?

Response: [REDACTED] (b) (5)

[REDACTED] (b) (5)

[REDACTED]

Question#: 18

Topic: Zero-Tolerance Policy Effect

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

RAFT

Question#: 19

Topic: Sexual Abuse Victims

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: Between FY12 and March 2018, ICE received 1,448 allegations of sexual abuse in detention facilities. Only a small percent of these claims has been investigated by DHS OIG. In addition, on April 11, 2018, The Intercept reported that ICE received 1,224 complaints about sexual assault in detention facilities in an early time period, between 2010 and September 2017.

What procedures does DHS follow to ensure that individuals who file sexual abuse complaints, particularly complaints implicating detention facility staff, are protected while ICE conducts an investigation?

Response: (b) (5)

Question: During the hearing, you committed to getting me an analysis of (1) what plans you have to investigate these cases of sexual abuse; (2) what protocols are in place to allow the victim to be in a safe place during and pending any investigation; and (3) what services a victim receives to treat the trauma of being a victim of sexual abuse, including medical care. Please provide that analysis.

What counseling and mental health care are provided to these individuals?

Response: (b) (5)

Question#: 19

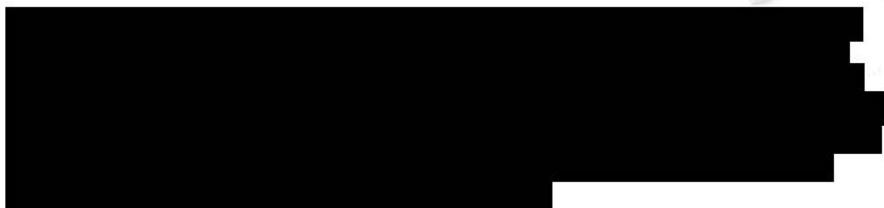
Topic: Sexual Abuse Victims

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

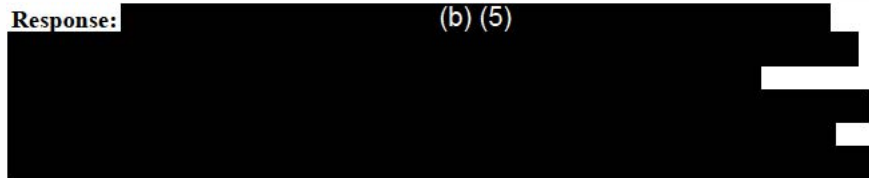
Committee: HOMELAND SECURITY (SENATE)

(b) (5)



Question: Are individuals who file sexual abuse complaints that ICE determines are “unsubstantiated” returned to situations where they are placed in direct contact with individuals they have accused of abuse?

Response: (b) (5)



Question#: 19

Topic: Sexual Abuse Victims

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

(b) (5)



RAFT

Question#: 20

Topic: Pregnant Women

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: In August 2016, ICE adopted a policy for a presumption of release for pregnant women in recognition of the clear health risks posed by detaining pregnant women in jail-like conditions. On December 14, 2017, ICE issued a new directive that terminated the August 2016 directive and ended the policy of presumptive release for pregnant women apprehended or transferred to ICE. This decision was made despite that the American College of Obstetricians and Gynecologists, the American Academy of Family Physicians, and American Academy of Pediatrics have all criticized harmful effects of immigration detention on the medical and mental health of pregnant women; the DHS Office of Inspector General and Office of Civil Liberties have receive complaints about inadequate medical care of pregnant women in ICE custody, including dehydration and miscarriages; and multiple federal oversight bodies, including DHS' Office of Inspector General, ICE's Advisory Committee on Family Residential Centers, and the GAO, have documented medical negligence in the immigration detention system.

At the May 8, 2018 Senate Appropriations Subcommittee on Homeland Security hearing, you testified that "the reason [pregnant women] are detained is because they illegally crossed our border. If they went to a port of entry, that would not be a crime." You then encouraged such women to "go to a port of entry and make an asylum claim."

Given your argument that pregnant women must be detained to be criminally prosecuted for illegal entry, will you issue a directive that provides pregnant women at ports of entry who are found to have credible fear following an asylum claim with presumptive release?

Response: (b) (5)

[REDACTED]

Question#: 20

Topic: Pregnant Women

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: Will you also do so for pregnant women who have overstayed a visa?

Response: (b) (5)

[REDACTED]

RAFT

Question#: 21

Topic: DACA

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: On September 5, 2017, this Administration announced that it was ending DACA. Since January 2018, several federal courts have ordered DHS to continue to accept DACA renewals while the legality of this termination is determined. When this Administration announced the end of the DACA program, there were 36,455 initial applications pending. Of those that have been processed, 19% have been denied. From 2012 through 2016, the denial rate for initial applications was 6%.

Can you explain why DHS is now rejecting more initial applications if it is abiding by court orders requiring it to process DACA applications as before?

Response:

(b) (5)

(b) (5)

(b) (5)

(b) (5)

Question#: 21

Topic: DACA

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

(b) (5)

Question: Will you provide me with data on DACA from the start of the program through today that includes- the number of initial and renewal DACA applications approved and denied by month, reasons for denials, and length of time to adjudicate each application?

Response: (b) (5)

Question: In prior statements, the Administration has stated that USCIS retains discretion in DACA adjudications, even when an applicant meets the guidelines. What is DHS' position today? Can you describe in what circumstances someone who meets all the eligibility requirements for renewing or filing an initial application for DACA status would not be granted favorable discretion?

Response: (b) (5)

Question#: 21


Topic: DACA

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

(b) (5)



RAFT

Question#: 22

Topic: Detention Bed Funding Cap

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: The FY17 appropriations report states that, “for the past several years, the agency’s forecast for required number of detention beds and its cost estimates have resulted in budget requests that missed the mark by wide margins.” You were provided a funding cap to use no more than 40,500 beds in the FY18 budget.

Do you plan to adhere to this cap?

Response: [REDACTED] (b) (5)

[REDACTED]



RAFT

Question#: 23

Topic: ICE Exceeding Budget

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: GAO issued a report on April 18 that found a number of inconsistencies and errors in ICE's calculations for its congressional budget justifications. What have you done to address these issues and ensure ICE is not exceeding what is provided to it by Congress?

Response: (b) (5)

[Redacted response text]



RAFT

Question#: 24

Topic: Detention Facility Costs

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: Additionally, a November 6, 2017 detention facilities matrix provided through a FOIA request, shows that fully 51% of those detained by ICE present no safety risk. An ICE adult immigration detention costs the American taxpayer \$161 per person per day whereas ICE Alternatives to Detention range in cost from just 17 cents to \$17 per person per day, according to a calculation by the ACLU based on ICE's FY14 Congressional Budget Justification.

Given this, why is the agency looking to dramatically expand detention beds as opposed to using less costly and more humane alternatives to detention?

Response: (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Question#: 25

Topic: Ports of Entry Budget

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: On May 1, 2018, CBP stated that it had exceeded port capacity at San Ysidro in California, leaving vulnerable asylum seekers to wait in Mexico facing difficult conditions or return home to perilous circumstances. Ports of entry are critical sites not only for processing of asylum seekers but also for efforts to interdict traffickers and illicit cargo that threaten harm to our nation. Your proposed FY19 budget asks for billions in dollars in new funding for ICE, the Border Patrol, and a wall but, it provides no new funds for CBP office of Field operations personnel who staff the ports.

Why does your budget request neglect resources to sufficiently staff the ports of entry?

Response:

(b) (5)

[Redacted response text]

[Redacted response text]

Question: Will you re-consider your budget request to ensure that ports of entry have sufficient personnel to process those fleeing persecution or a fear of persecution to ensure compliance with U.S. and international law?

Response:

(b) (5)

[Redacted response text]

Question#: 25

Topic: Ports of Entry Budget

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

[REDACTED] (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]



RAFT

Question#: 26

Topic: Fingerprint Information MOA

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: DHS and HHS released a memorandum of agreement (MOA) between ICE, CBP, and ORR dated April 13 that took effect on May 13, 2018 that outlines requirements for these agencies to share fingerprints and personal information about unaccompanied children, their sponsors, and adult members of sponsor households.

Will the MOA be used by ICE for purposes of targeting sponsors and prospective sponsors of unaccompanied children for immigration enforcement?

Response: (b) (5)

[REDACTED]

Question: ICE will now be given information from ORR on other adults living in a sponsor's home. Will ICE use this information for enforcement purposes?

Response: (b) (5)

[REDACTED]

Question: What consent does DHS seek and what representations does it make to unaccompanied children and their sponsors, including prospective sponsors, about uses and confidentiality of personal information provided to CBP, ICE, and ORR?

Response: (b) (5)

[REDACTED]

Question#: 27

Topic: Special Immigrant Juvenile

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: The New York Times reported that in a denial of a Special Immigrant Juvenile, or S.I.J application, USCIS stated, "once a person attains the age of 18, the family courts lack jurisdiction over the person's custody." Under the 10th Amendment, the powers not delegated the federal government are reserved to the states. Of course, one of those powers is family law and another one is obviously the inherent ability of states to define their own state court jurisdictions. USCIS in the past has clearly acknowledged such state powers. States, encouraged by Federal law, have extended their juvenile and family court jurisdictions in many cases to age 21. In such states, judges with social welfare expertise may determine guardianship for youth over the age of 18 who have been abused, abandoned, or neglected.

Do you agree, that if the NYT reporting is accurate, that USCIS now necessarily precludes vulnerable youth in this category from humanitarian S.I.J. classification?

Response: [REDACTED] (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

Question#: 27

Topic: Special Immigrant Juvenile

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

(b) (5)

Question: Will you provide me with complete monthly data on approvals and denials of S.I.J. petitions over the last two years, including data on petitioner's age and state of residence?

Response: (b) (5)

Question: Will you provide me with the number of cases since January 2017 in which USCIS has rescinded S.I.J. status from children on the basis of the agency's reevaluation of a state court guardianship determination?

Response: (b) (5)

Question#: 28

Topic: UAC Designations

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: Key provisions of the President's Executive Order on Border Security and DHS implementing guidance propose new procedures that could result in continuous reviews of all unaccompanied alien child designations. While children designated as unaccompanied are given the opportunity to first present their asylum claims in a non-adversarial interview with an asylum officer specially trained in child-appropriate interviewing techniques, those children not designated unaccompanied can be placed in expedited removal proceedings, meaning they are summarily deported. On May 9, 2018, the Washington Post reported that DHS is considering implementing new regulations that would redefine the process for determining whether a child who crosses the border alone is "unaccompanied."

What is the basis for changing the process for defining whether a child who crosses the border alone is unaccompanied?

What is the status of the development and implementation of any such new interpretations or procedures?

Response: (b) (5)
[Redacted]

[Redacted]

Question#: 28

Topic: UAC Designations

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

(b) (5)

(b) (5)

CONFIDENTIAL

Question#: 29

Topic: Changes to Flores

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: On May 9, 2018, the *Washington Post* reported that DHS is considering implementing draft regulations that would weaken important child-welfare protections, including the *Flores Agreement*. These draft regulations would reportedly change the standard for how long migrant children can be detained by DHS before being transferred to a family residential facility, how long migrant families can be held at a family residential facility, and provide DHS greater authority to delay snack and meal times.

What is the policy purpose and evidentiary record for these changes?

What is the status of the development and implementation of any such new interpretations or procedures?

Response: [REDACTED] (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

SECRET

Question#: 29

Topic: Changes to Flores

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

RAFT

Question#: 30

Topic: Pre-Disaster Mitigation Grant Program

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: Last year, Americans experienced the most costly set of natural disasters in our nation's history. The National Oceanic and Atmospheric Administration has estimated that natural disasters caused over \$300 billion worth of damage in 2017. A recent study by the National Institute of Building Sciences found that investing one dollar (\$1) in pre-disaster mitigation efforts saved six dollars (\$6) in reduced future losses. Last month, FEMA Administrator Long was in front of this very committee and spoke about the importance of investing in pre-disaster mitigation. Unfortunately, his comments, and the reality that we must prepare our communities for future disasters, are in direct conflict with the proposed DHS budget, which cuts the FEMA Pre-Disaster Mitigation Grant Program by 61 percent.

How can FEMA and DHS adequately address our nation's vulnerability to these devastating natural disasters by slashing the funds that are meant to reduce the impacts on our communities from wildfires, hurricanes, and earthquakes?

Response:

(b) (5)

[Redacted response text]

Question#: 30

Topic: Pre-Disaster Mitigation Grant Program

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

UNCLASSIFIED

Question#: 31

Topic: Clearances for State Election Officials

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: When Undersecretary of the National Protection and Programs Directorate-designee Chris Krebs came before the HSGAC for his confirmation hearing, I asked him about the number of state election officials who are still waiting to receive a security clearance. At that time, 15 state election officials have requested a security clearance but are still waiting to receive one.

Do you have a timeline for when all of these officials should expect to receive a clearance?

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



Question#: 32

Topic: Phasing Out Paperless Voting Machines

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: I share the concern of election security experts that paperless electronic voting machines are insecure. It needs to be an election cybersecurity priority to encourage states to get rid of these insecure machines and I think we need to do more to communicate the importance of this to the states.

Is DHS working at all with the Election Assistance Commission to help craft guidance to states about the need to get rid of these machines? About how they should use their money as much as they can to start phasing these machines out and not to acquire more of them? If not, would you be willing to publish guidance like this, either working with the EAC, or on your own?

Response: (b) (5)



Question#: 1

Topic: Nominations and Political Appointments

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Question: What date do you expect the Senate will receive the Trump Administration's nominee for the Deputy Secretary of the Department of Homeland Security (DHS)? Please describe the consequences of this position remaining unfilled for months.

What date do you expect the Senate will receive the Trump Administration's nominee for the Federal Emergency Management Agency (FEMA) Deputy Director? Please describe the consequences of this position remaining unfilled for months.

What date do you expect the Senate will receive the Trump Administration's nominee for Immigration and Customs Enforcement (ICE) Director? Please describe the consequences of this position remaining unfilled for months.

Please describe your efforts to encourage the White House to fill politically appointed positions in DHS.

Response: [REDACTED] (b) (5)

Question#: 2

Topic: Accenture Contract

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Question: I sent a letter on January 3, 2018 requesting the contract file for a \$300 million contract with Accenture Services, LLC. Under the contract the federal government will spend \$40,000 to hire one officer. I asked again about this contract file during our DHS reauthorization roundtable in February. DHS has provided some information from the file, but DHS has still not provided the cost to hire analysis or cost audit that was done to justify the recruiting contract.

Please provide the cost to hire analysis, and the date the audit was performed and completed.

Response: (b) (5)

Question: Were any other cost to hire or cost analyses performed in preparation for this contract? If so, please provided these analyses as well as their dates of performance and completion.

Response: (b) (5)

Question: Does DHS's Fiscal Year (FY) 2019 Proposed Budget account for Customs and Border Protection's (CBP) obligations under the contract?

Response: (b) (5)

Question: Is DHS planning or considering any other new contracts for the hire of law enforcement personnel? If so, please provide a description of the contract and requirement.

Question#: 2

Topic: Accenture Contract

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Response: [REDACTED] (b) (5)

[REDACTED]

RAFT

Question#: 3

Topic: DHS Hiring and Recruiting

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Question: How much does DHS annually spend on hiring and recruiting activities? Please provide a detailed breakdown by DHS component, including the amount spent on contractors?

Response: [REDACTED] (b) (5)

[REDACTED]

[REDACTED] (b) (5)

Question#: 3

Topic: DHS Hiring and Recruiting

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

(b) (5)



RAFT

Question#: 4

Topic: UACs Referred

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Question: Please provide the number children referred to the Department of Health and Human Services (HHS) since January 1, 2018. How many of these minors were accompanied by a parent, guardian, or family member when they were apprehended?

Response: [REDACTED] (b) (5)

Question: How many were unaccompanied?

Response: [REDACTED] (b) (5)

Question: You have said that immigrants crossing between ports of entry are committing a crime and will be referred to prosecution. This “zero tolerance” policy has the effect, as you noted, of separating criminally-charged immigrant adults from any accompanying children. However, once any given criminal proceeding and jail sentence is over, there is no requirement to maintain separation between a parent and his or her children.

How many children has DHS separated from accompanying parents since January 1, 2018?

Response: [REDACTED] (b) (5)

Question: What is the average length that these children have remained separated from their parents?

Response: [REDACTED] (b) (5)

Question: How many children remain separated from their parents even after the parents’ criminal proceeding is over and any jail sentence has been served?

Question#: 4

Topic: UACs Referred

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Response: [REDACTED] (b) (5)

Question: How does DHS's process of separating a child from a parent charged with criminal violation of immigration laws differ, if at all, from a state process of separating a child from a parent charged with criminal violation of state laws?

Response: [REDACTED] (b) (5)

Question: Does DHS currently have a Memorandum of Agreement (MOA) or Memorandum of Understanding (MOU) with the Department of Defense (DOD) for the care or detention of UACs on military bases or other DOD facilities? If so, please provide the agreement.

Response: [REDACTED] (b) (5)

Question: If not, does DHS plan to enter into such an agreement?

Question#: 4

Topic: UACs Referred

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Response: [REDACTED] (b) (5)



RAFT

Question#: 6

Topic: H-2B Visas

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Question: In your testimony, you asked Congress to work with the Department to adjust the annual cap on H-2B visas. You said this adjustment would give small businesses the “stability and predictability” they need to operate effectively. The annual H-2B cap is currently set at 66,000 visas. Based on your analysis of this issue, what do you think the annual H-2B visa cap should be, and do you support an exemption to this cap for workers who have participated in the program previously?

Response: [REDACTED] (b) (5)

[REDACTED]

[REDACTED]

[REDACTED] (b) (5)

Question#: 6

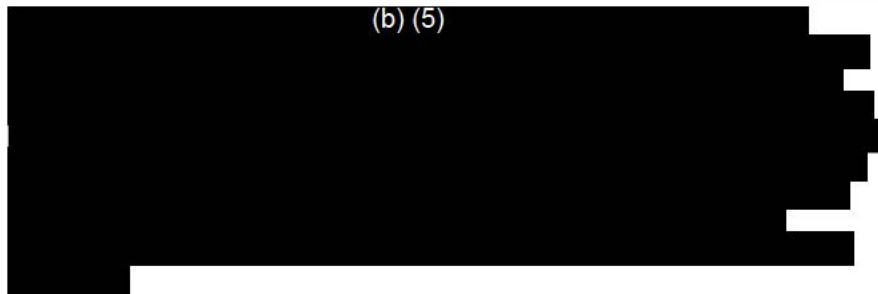
Topic: H-2B Visas

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

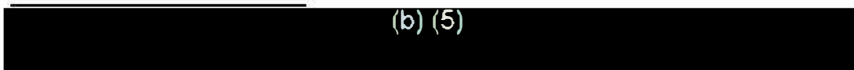
Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

(b) (5)



(b) (5)



SECRET

Question#: 7

Topic: National Security Letters

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Question: A national security letter (NSL) is similar to an administrative subpoena. NSLs require the production of certain types of information from third-party custodians including telephone companies, internet service providers, consumer credit reporting agencies, banks, and other financial institutions.

Have any DHS components issued NSLs or other administrative demands for information in the past 5 years? If so, which components?

How many NSLs or other administrative demands for information were issued each year for the past five years?

How many of those sought information about an American citizen?

Response: [REDACTED] (b) (5)

Question#: 8

Topic: Russian Interference Assessment

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Question: On May 22, 2017, a CNN reporter asked you, "Do you have any reason to doubt the January 2017 intelligence community assessment that said it was Vladimir Putin who tried to meddle in this election to help President Trump win?"

You responded, "I do not believe that I've seen that conclusion. ... That the specific intent was to help President Trump win? I'm not aware of that."

DHS spokesman Tyler Houlton released the following statement explaining your response, "The intelligence assessment language is nuanced for a reason. The secretary agrees with that assessment. But the question asked by the reporter did not reflect the specific language in the assessment itself, so the secretary correctly stated she had not seen the conclusion as characterized by the reporter."

However, the intelligence assessment is quite direct in this assertion. The declassified January 6, 2017 report from the Office of the Director of National Intelligence says in no uncertain terms:

We assess Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the US presidential election. Russia's goals were to undermine public faith in the US democratic process, denigrate Secretary Clinton, and harm her electability and potential presidency. We further assess Putin and the Russian Government developed a clear preference for President-elect Trump. We have high confidence in these judgments.

We also assess Putin and the Russian Government aspired to help President-elect Trump's election chances when possible by discrediting Secretary Clinton and publicly contrasting her unfavorably to him. All three agencies agree with this judgment. CIA and FBI have high confidence in this judgment; NSA has moderate confidence.

In your pre-hearing questionnaire for your nomination to be Secretary of the Department of Homeland Security, you were asked whether you agreed with this Intelligence Community assessment. In response, you stated, "I have no reason to disagree with earlier assessments of the Intelligence Community." Had you seen the above assessment from the Intelligence Community when you answered that question?

Have you now read the assessment of the Intelligence Community, or at least the above excerpt?

Question#: 8

Topic: Russian Interference Assessment

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Claire McCaskill

Committee: HOMELAND SECURITY (SENATE)

Do you agree with the Intelligence Community assessment that Russia interfered in the 2016 presidential election to help President Trump win?

Response:

(b) (5)

[Redacted]

[Redacted]

[Redacted]



RAFT

Question#: 9

Topic: FEMA Report

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Rob Portman

Committee: HOMELAND SECURITY (SENATE)

Question: S. 2971, The National Urban Search and Rescue Response System Act of 2016 (Public Law No: 114-326) required a report to Congress by June 2017 from the FEMA Administrator on the development of a plan including implementation steps and timeframes, to finance, maintain, and replace System equipment for use by Urban Search and Rescue Task Force Teams. What is the status of this report?

Response: (b) (5)

Question#: 10

Topic: Coast Guard Budget

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Rob Portman

Committee: HOMELAND SECURITY (SENATE)

Question: Coast Guard provided documents about its multi-mission. In its 5yr Capital Investment Plan for the Medium Range Recovery (MRR) helicopter, MH-60T, the FY19 Base Budget amount is \$0, but \$41M total FY20-22. In the President's Budget, the FY19 amount is \$25M, but only \$25M total FY19-27.

What is the Coast Guard's strategy for the MH-60T sustainment program, now that FY18 funds for the analyze/select phase of the Service Life Extension Project have been received?

Response: [REDACTED] (b) (5)

Question: What total investment does the Coast Guard forecast over the next five years for this program?

Response: [REDACTED] (b) (5)

Question: When will the Coast Guard provide an updated Capital Investment Plan to reflect the latest President's Budget?

Response: [REDACTED] (b) (5)

Question: How does the Coast Guard plan to leverage new U.S. technologies for this and other aircraft service life extension programs?

Response: [REDACTED] (b) (5)

Question#: 11

Topic: CBP Retention

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

Question: Over the years, I have heard a lot of discussion in various hearing and briefings about the need to improve hiring at DHS. The Administration's FY19 budget request continues that trend - there is a request for 2,750 more Border Patrol and ICE Agents, as well as funding increases for CBP recruitment and applicant processing. The Homeland Security and Governmental Affairs Committee has also previously discussed CBP's recent \$297-million contract with Accenture to provide a surge hiring capability. On that front, I hope the Secretary knows that this committee will be paying close attention to that contract and its outcome. I also worry that focus on this contract and how it could improve hiring takes away needed emphasis on improving DHS and CBP retention. I worry there has not been enough of a focus on the retention side of the personnel equation. I think you will agree that attrition is a critical challenge for DHS, and especially CBP.

Has CBP determined the root cause for its high attrition rate? If so, what has been identified?

Response: (b) (5)
[Redacted]

[Redacted]

Question: What incentives or programs will DHS use to maintain its best and brightest employees?

Response: (b) (5)
[Redacted]

Question#: 11

Topic: CBP Retention

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

Question: Are there any statutory barriers that prevent DHS from applying programs or incentives to the problem of retention? If so, what are they?

Response: (b) (5)



RAFT

Question#: 12

Topic: HSI Online Operations

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

Question: As time goes by, the Internet becomes increasingly intertwined with various aspects of our life. While there is plenty to say regarding the value and benefits society can achieve through access to the internet, we must not forget about the bad actors and how they can leverage the internet to engage in illegal activities, such as human trafficking, the sale and distribution of illicit narcotics, and child sexual exploitation. That is why I appreciate the efforts of the U.S. Immigration and Customs Enforcement's Homeland Security Investigations (HSI), which plays a critical role in both assisting and investigating various crimes, including those relating to cybercrimes.

Since joining the Senate, one of my top priorities has been to find ways to improve the federal government's capabilities to combat human trafficking online. Secretary Nielsen, in your view, how effective have HSI operations been in investigating and combatting human trafficking online? How effective have HSI operations been in investigating other cybercrimes?

Response: (b) (5)

[Redacted response text]

Question: Does DHS have a strategy in place regarding any additional resources HSI may require to investigate cybercrimes?

Response: (b) (5)

[Redacted response text]

Question#: 12

Topic: HSI Online Operations

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

(b) (5)

[Redacted]

Question: Do you anticipate HSI will require additional resources, and are there steps Congress could take to enhance HSI's cybercrime efforts?

Response: (b) (5)



SECRET

Question#: 13

Topic: Counter-UAS Strategies

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

Question: As you may know I am an original co-sponsor, along with the Chairman and Ranking Member, on the "Preventing Emerging Threats Act of 2018", this proposed legislation would provide DHS with the authorities to pursue Counter-UAS strategies to protect the homeland from the unauthorized exploitation of unmanned aircraft systems.

We know that criminal organizations, including drug traffickers, are using drones to support their illegal activities along our borders. How will this legislation help DHS and DOJ combat smuggling operations facilitated by drones, and what other actions does DHS need to take over the next five years to be prepared to meet this threat?

Response: (b) (5)

Question: Why is it important for DHS and DOJ to have the same basic authority as DOD to counter UAS activity that attempts to interfere with DHS activities or break the law? Are there overlapping missions or operations that could be impacted if the Departments had unequal legal standing to operate Counter- UAS systems?

What authorities does DHS need to accomplish the mission of countering the UAS threat?

Response: (b) (5)

Question#: 13


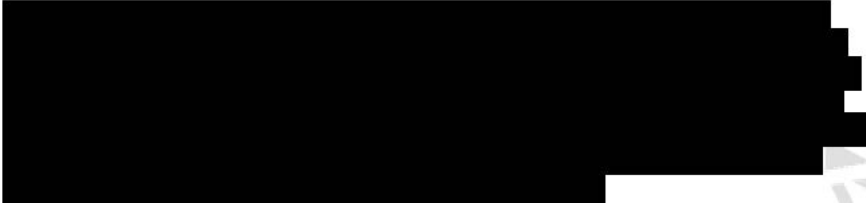
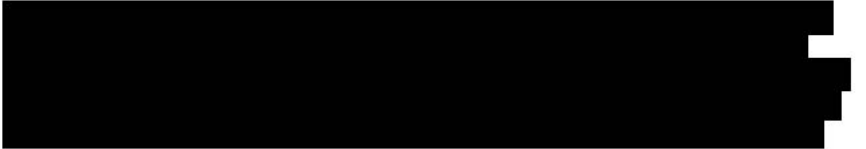
Topic: Counter-UAS Strategies

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

(b) (5)

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Question#: 13

Topic: Counter-UAS Strategies

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

[REDACTED] (b) (5)

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]



SECRET

Question#: 13

Topic: Counter-UAS Strategies

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Heidi Heitkamp

Committee: HOMELAND SECURITY (SENATE)

RAFT

Question#: 14

Topic: CVE Task Force

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

Question: As you know, in 2016, the Interagency Task Force on Countering Violent Extremism (hereafter referred to as "the Task Force") was created in order to "coordinate government efforts and partnerships to prevent violent extremism in the United States." In written testimony before a HSGAC subcommittee on July 6, 2016, the then-Director of the Task Force stated-

"The Task Force is hosted and currently led by DHS, and the leadership will rotate every two years between a DHS and a Department of Justice (DOJ) executive. The Task Force includes participation from over 10 departments and agencies across the federal government."

According to the press releases from DOJ and DHS, additional staffing would be "provided by representatives from the FBI, National Counterterrorism Center and other supporting departments and agencies."

During our HSGAC hearing on May 15, 2018, I asked you to identify which agencies have currently detailed staff to the Task Force. You were not in possession of this information at the hearing, and promised to follow up. Your staff provided my office with the following response-

"Currently, three agencies, DOJ, FBI, and NCTC contribute time to the interagency task force on countering violent extremism and participate in the weekly coordination meeting. Additionally, DHS is actively looking at options to elevate and expand interagency action on terrorism prevention-including through the task force-and would be willing to brief your staff at the appropriate time."

And upon request to clarify what "contribution of time" meant in terms of these three agencies participation, your staff provided the following-

"Time' as referenced pertains to staff from the respective agencies participating in task force activities as needed, but the task force does not have dedicated staff on detail to DHS from those agencies."

For further clarification, can you please answer the following:

Given that leadership of the Task Force was to rotate between DHS and DOJ every two

Question#: 14

Topic: CVE Task Force

Hearing: Authorities and Resources Needed to Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

years, has DOJ assumed leadership of the Task Force for 2018 and 2019?

Response: [REDACTED] (b) (5)

Question: As the agency co-chairing the Task Force, does DOJ currently have a dedicated staff member detailed to the Task Force? If so, how many are detailed to the Task Force.

Response: [REDACTED] (b) (5)

Question: Does the Federal Bureau of Investigation currently have a dedicated staff member detailed to the Task Force? If so, how many are detailed to the Task Force.

Response: [REDACTED] (b) (5)

Question: Does the National Counter Terrorism Center currently have a dedicated staff member detailed to the Task Force? If so, how many are detailed to the Task Force.

Response: [REDACTED] (b) (5)

Question#: 14

Topic: CVE Task Force

Hearing: Authorities and Resources Needed to Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

Question: Does the State Department currently have a dedicated staff member detailed to the Task Force? If so, how many are detailed to the Task Force.

Response: (b) (5)

(b) (5)

Question: Can you give an estimate of roughly how much "time" each of these agencies provide on a weekly basis to the Task Force?

Response: (b) (5)

Question: To clarify, if 10 agencies participated in the Task Force in 2016, does this mean that only four agencies currently participate? If not, please provide details about the activities of the other six agencies with respect to their participation in the Task Force.

Response: (b) (5)

Question#: 14

Topic: CVE Task Force

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

(b) (5)

[Redacted]

[Redacted]



RAFT

Question#: 15

Topic: Task Force Progress

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

Question: According to testimony from July 2016 from the then-Director of the Interagency Task Force on Countering Violent Extremism (CVE), the Task Force's duties primarily include-

"developing intervention programs; synchronizing federal CVE outreach and engagement; managing CVE communications and leveraging digital technologies to engage, empower, and connect CVE stakeholders; and coordinating and prioritizing federal CVE research and establishing feedback mechanisms to increase the relevance of CVE findings."

Additionally, the Department's current website for the Task Force reiterates these key missions and also articulates the goal of the Task Force as having to "coordinate investments in and dissemination of research and analysis, enhance engagement and technical assistance to diverse stakeholders, support the development of innovative intervention models, and cultivate communications and digital strategies."

Can you please detail for me the following activities and progress made by the Task Force in the nearly seven months since you were sworn in as Secretary? In responding, can please provide me with following pieces of information?

the number of intervention programs developed by the Task Force;

Response: [REDACTED] (b) (5)

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

Question#: 15

Topic: Task Force Progress

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

(b) (5)

Question: the number of feedback mechanisms established by the Task Force to increase the relevance of CVE findings;

Response: (b) (5)



RAFT

Question#: 15

Topic: Task Force Progress

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

Question: the number of activities taken to enhance engagements and technical assistance to the eight different groups of CVE stakeholders specified on the Task Force website; and

Response: [REDACTED] (b) (5)

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]



RAFT

Question#: 15

Topic: Task Force Progress

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

Question: the number of communications and digital strategies cultivated by the Task Force.

Response: [REDACTED] (b) (5)

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]



RAFT

Question#: 16

Topic: Task Force Performance

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

Question: Are you currently satisfied with the performance of the Task Force and the interagency staffing model of the Task Force? Do you believe that the Task Force is sufficiently resourced and staffed to better empower local partners to prevent violent extremism in the United States? If not, what steps will you take over the next six months to improve the effectiveness of the Task Force?

Response: [REDACTED] (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]



RAFT

Question#: 16

Topic: Task Force Performance

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

[REDACTED] (b) (5)

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

(b) (5)



Question#: 16

Topic: Task Force Performance

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Margaret Wood Hassan

Committee: HOMELAND SECURITY (SENATE)

▶ (b) (5)
■ [Redacted]
■ [Redacted]
■ [Redacted]
■ [Redacted]

[Redacted]

[Redacted]



RAFT

Question#: 17

Topic: Separations at the Border

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: At the May 15, 2018 hearing and the Permanent Subcommittee on Investigation's April 26, 2018 hearing, DHS officials, including you, committed to get me information about the separation of parents and children at the border. Please provide the following information:

The number of children that came into HHS custody from DHS at the border since January 2017 and broken down by month. Please include the reasons why the DHS number differs from the HHS number.

Response: [REDACTED] (b) (5)

[REDACTED] (b) (5)

Question: The number of children under four that came into HHS custody from DHS at the border since January 2017 and broken down by month.

Response: [REDACTED] (b) (5)

Question#: 17

Topic: Separations at the Border

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

(b) (5)

Question: The number of children who have been separated from adults who say that they are the child's parents and are seeking asylum since January 2017 and broken down by month.

Response: (b) (5)

(b) (5)

(b) (5)

(b) (5)

Question: The length of separation of child and adults that are separated by DHS in which the adults say that they are the child's parents or guardians and are seeking asylum since January 2017.

Response: (b) (5)

Question: The number of child separations that resulted in trafficking charges since January 2017.

Question#: 17

Topic: Separations at the Border

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Response: [REDACTED]

Question: The training and procedures that CBP Officers receive and use to carry out family separations. Please include Form 93 and the training provided to CBP Officers on using Form 93.

Response: [REDACTED] (b) (5)

[REDACTED]

Question: After a child is separated from a parent, what timeline objectives exist to re-establish the relationship and reunify the family.

Response: [REDACTED] (b) (5)

Question: What is DHS doing to ensure sustained communication between parents and children in cases of separation. Please provide this information for children over the age of four and children under the age of four.

Response: [REDACTED] (b) (5)

[REDACTED] (b) (5)

Question#: 18

Topic: Zero-Tolerance Policy Effect

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: A Vox story that ran on May 8 questioned statistical claims DHS cited internally about the alleged deterrent effect of a zero-tolerance policy on family border crossings, particularly data about apprehensions of families during a late 2017 pilot in the El Paso Border Sector.

Please provide me all statistics and research studies DHS relied on to make its decision to implement this policy?

Response: [REDACTED] (b) (5)

[REDACTED] (b) (5)

[REDACTED]

Question#: 18

Topic: Zero-Tolerance Policy Effect

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

RAFT

Question#: 19

Topic: Sexual Abuse Victims

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: Between FY12 and March 2018, ICE received 1,448 allegations of sexual abuse in detention facilities. Only a small percent of these claims has been investigated by DHS OIG. In addition, on April 11, 2018, The Intercept reported that ICE received 1,224 complaints about sexual assault in detention facilities in an early time period, between 2010 and September 2017.

What procedures does DHS follow to ensure that individuals who file sexual abuse complaints, particularly complaints implicating detention facility staff, are protected while ICE conducts an investigation?

Response: (b) (5)

Question: During the hearing, you committed to getting me an analysis of (1) what plans you have to investigate these cases of sexual abuse; (2) what protocols are in place to allow the victim to be in a safe place during and pending any investigation; and (3) what services a victim receives to treat the trauma of being a victim of sexual abuse, including medical care. Please provide that analysis.

What counseling and mental health care are provided to these individuals?

Response: (b) (5)

Question#: 19

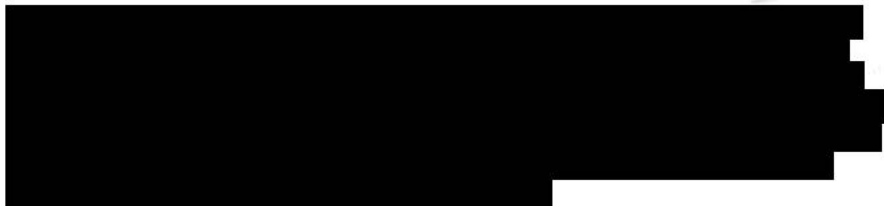
Topic: Sexual Abuse Victims

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

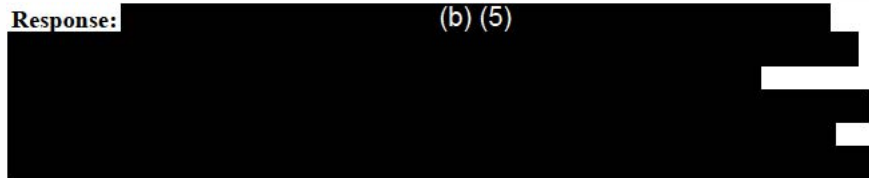
Committee: HOMELAND SECURITY (SENATE)

(b) (5)



Question: Are individuals who file sexual abuse complaints that ICE determines are “unsubstantiated” returned to situations where they are placed in direct contact with individuals they have accused of abuse?

Response: (b) (5)



Question#: 19

Topic: Sexual Abuse Victims

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

(b) (5)



RAFT

Question#: 20

Topic: Pregnant Women

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: In August 2016, ICE adopted a policy for a presumption of release for pregnant women in recognition of the clear health risks posed by detaining pregnant women in jail-like conditions. On December 14, 2017, ICE issued a new directive that terminated the August 2016 directive and ended the policy of presumptive release for pregnant women apprehended or transferred to ICE. This decision was made despite that the American College of Obstetricians and Gynecologists, the American Academy of Family Physicians, and American Academy of Pediatrics have all criticized harmful effects of immigration detention on the medical and mental health of pregnant women; the DHS Office of Inspector General and Office of Civil Liberties have received complaints about inadequate medical care of pregnant women in ICE custody, including dehydration and miscarriages; and multiple federal oversight bodies, including DHS' Office of Inspector General, ICE's Advisory Committee on Family Residential Centers, and the GAO, have documented medical negligence in the immigration detention system.

At the May 8, 2018 Senate Appropriations Subcommittee on Homeland Security hearing, you testified that "the reason [pregnant women] are detained is because they illegally crossed our border. If they went to a port of entry, that would not be a crime." You then encouraged such women to "go to a port of entry and make an asylum claim."

Given your argument that pregnant women must be detained to be criminally prosecuted for illegal entry, will you issue a directive that provides pregnant women at ports of entry who are found to have credible fear following an asylum claim with presumptive release?

Response: (b) (5)

[REDACTED]

Commented [SA(4): DOJ COMMENT]

Question#: 20

Topic: Pregnant Women

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: Will you also do so for pregnant women who have overstayed a visa?

Response:

(b) (5)

[Redacted response text]

RAFT

Question#: 21

Topic: DACA

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: ●n September 5, 2017, this Administration announced that it was ending DACA. Since January 2018, several federal courts have ordered DHS to continue to accept DACA renewals while the legality of this termination is determined. When this Administration announced the end of the DACA program, there were 36,455 initial applications pending. ●f those that have been processed, 19% have been denied. From 2012 through 2016, the denial rate for initial applications was 6%.

Can you explain why DHS is now rejecting more initial applications if it is abiding by court orders requiring it to process DACA applications as before?

Response:

(b) (5)

(b) (5)

(b) (5)

(b) (5)

Question#: 21

Topic: DACA

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

(b) (5)

Question: Will you provide me with data on DACA from the start of the program through today that includes- the number of initial and renewal DACA applications approved and denied by month, reasons for denials, and length of time to adjudicate each application?

Response: (b) (5)

Question: In prior statements, the Administration has stated that USCIS retains discretion in DACA adjudications, even when an applicant meets the guidelines. What is DHS' position today? Can you describe in what circumstances someone who meets all the eligibility requirements for renewing or filing an initial application for DACA status would not be granted favorable discretion?

Response: (b) (5)

Question#: 21

Topic: DACA

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

(b) (5)



RAFT

Question#: 22

Topic: Detention Bed Funding Cap

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: The FY17 appropriations report states that, “for the past several years, the agency’s forecast for required number of detention beds and its cost estimates have resulted in budget requests that missed the mark by wide margins.” You were provided a funding cap to use no more than 40,500 beds in the FY18 budget.

Do you plan to adhere to this cap?

Response: [REDACTED] (b) (5)

[REDACTED]



RAFT

Question#: 23

Topic: ICE Exceeding Budget

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: GAO issued a report on April 18 that found a number of inconsistencies and errors in ICE's calculations for its congressional budget justifications. What have you done to address these issues and ensure ICE is not exceeding what is provided to it by Congress?

Response: (b) (5)

[Redacted response text]



RAFT

Question#: 24

Topic: Detention Facility Costs

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: Additionally, a November 6, 2017 detention facilities matrix provided through a FOIA request, shows that fully 51% of those detained by ICE present no safety risk. An ICE adult immigration detention costs the American taxpayer \$161 per person per day whereas ICE Alternatives to Detention range in cost from just 17 cents to \$17 per person per day, according to a calculation by the ACLU based on ICE's FY14 Congressional Budget Justification.

Given this, why is the agency looking to dramatically expand detention beds as opposed to using less costly and more humane alternatives to detention?

Response: (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Commented [SA(5): DOJ COMMENT]

Question#: 25

Topic: Ports of Entry Budget

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: On May 1, 2018, CBP stated that it had exceeded port capacity at San Ysidro in California, leaving vulnerable asylum seekers to wait in Mexico facing difficult conditions or return home to perilous circumstances. Ports of entry are critical sites not only for processing of asylum seekers but also for efforts to interdict traffickers and illicit cargo that threaten harm to our nation. Your proposed FY19 budget asks for billions in dollars in new funding for ICE, the Border Patrol, and a wall but, it provides no new funds for CBP office of Field operations personnel who staff the ports.

Why does your budget request neglect resources to sufficiently staff the ports of entry?

Response:

(b) (5)

[Redacted response text]

[Redacted response text]

Question: Will you re-consider your budget request to ensure that ports of entry have sufficient personnel to process those fleeing persecution or a fear of persecution to ensure compliance with U.S. and international law?

Response:

(b) (5)

[Redacted response text]

Question#: 25

Topic: Ports of Entry Budget

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

(b) (5)

[Redacted]

[Redacted]

[Redacted]



RAFT

Question#: 26

Topic: Fingerprint Information MOA

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: DHS and HHS released a memorandum of agreement (MOA) between ICE, CBP, and ORR dated April 13 that took effect on May 13, 2018 that outlines requirements for these agencies to share fingerprints and personal information about unaccompanied children, their sponsors, and adult members of sponsor households.

Will the MOA be used by ICE for purposes of targeting sponsors and prospective sponsors of unaccompanied children for immigration enforcement?

Response: (b) (5)

[REDACTED]

Question: ICE will now be given information from ORR on other adults living in a sponsor's home. Will ICE use this information for enforcement purposes?

Response: (b) (5)

[REDACTED]

Question: What consent does DHS seek and what representations does it make to unaccompanied children and their sponsors, including prospective sponsors, about uses and confidentiality of personal information provided to CBP, ICE, and ORR?

Response: (b) (5)

[REDACTED]

Question#: 27

Topic: Special Immigrant Juvenile

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: The New York Times reported that in a denial of a Special Immigrant Juvenile, or S.I.J application, USCIS stated, "once a person attains the age of 18, the family courts lack jurisdiction over the person's custody." Under the 10th Amendment, the powers not delegated the federal government are reserved to the states. Of course, one of those powers is family law and another one is obviously the inherent ability of states to define their own state court jurisdictions. USCIS in the past has clearly acknowledged such state powers. States, encouraged by Federal law, have extended their juvenile and family court jurisdictions in many cases to age 21. In such states, judges with social welfare expertise may determine guardianship for youth over the age of 18 who have been abused, abandoned, or neglected.

Do you agree, that if the NYT reporting is accurate, that USCIS now necessarily precludes vulnerable youth in this category from humanitarian S.I.J. classification?

Response: [REDACTED] (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

Question#: 27

Topic: Special Immigrant Juvenile

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

(b) (5)

Question: Will you provide me with complete monthly data on approvals and denials of S.I.J. petitions over the last two years, including data on petitioner's age and state of residence?

Response: (b) (5)

Question: Will you provide me with the number of cases since January 2017 in which USCIS has rescinded S.I.J. status from children on the basis of the agency's reevaluation of a state court guardianship determination?

Response: (b) (5)

Question#: 28

Topic: UAC Designations

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: Key provisions of the President's Executive Order on Border Security and DHS implementing guidance propose new procedures that could result in continuous reviews of all unaccompanied alien child designations. While children designated as unaccompanied are given the opportunity to first present their asylum claims in a non-adversarial interview with an asylum officer specially trained in child-appropriate interviewing techniques, those children not designated unaccompanied can be placed in expedited removal proceedings, meaning they are summarily deported. On May 9, 2018, the Washington Post reported that DHS is considering implementing new regulations that would redefine the process for determining whether a child who crosses the border alone is "unaccompanied."

What is the basis for changing the process for defining whether a child who crosses the border alone is unaccompanied?

What is the status of the development and implementation of any such new interpretations or procedures?

Response:

(b) (5)

[Redacted]

[Redacted]

Question#: 28

Topic: UAC Designations

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

(b) (5)

(b) (5)

RAFT

Question#: 29

Topic: Changes to Flores

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: On May 9, 2018, the *Washington Post* reported that DHS is considering implementing draft regulations that would weaken important child-welfare protections, including the *Flores Agreement*. These draft regulations would reportedly change the standard for how long migrant children can be detained by DHS before being transferred to a family residential facility, how long migrant families can be held at a family residential facility, and provide DHS greater authority to delay snack and meal times.

What is the policy purpose and evidentiary record for these changes?

What is the status of the development and implementation of any such new interpretations or procedures?

Response: [REDACTED] (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

Question#: 29

Topic: Changes to Flores

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

RAFT

Question#: 30

Topic: Pre-Disaster Mitigation Grant Program

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: Last year, Americans experienced the most costly set of natural disasters in our nation's history. The National Oceanic and Atmospheric Administration has estimated that natural disasters caused over \$300 billion worth of damage in 2017. A recent study by the National Institute of Building Sciences found that investing one dollar (\$1) in pre-disaster mitigation efforts saved six dollars (\$6) in reduced future losses. Last month, FEMA Administrator Long was in front of this very committee and spoke about the importance of investing in pre-disaster mitigation. Unfortunately, his comments, and the reality that we must prepare our communities for future disasters, are in direct conflict with the proposed DHS budget, which cuts the FEMA Pre-Disaster Mitigation Grant Program by 61 percent.

How can FEMA and DHS adequately address our nation's vulnerability to these devastating natural disasters by slashing the funds that are meant to reduce the impacts on our communities from wildfires, hurricanes, and earthquakes?

Response:

(b) (5)

[Redacted response text]

Question#: 30

Topic: Pre-Disaster Mitigation Grant Program

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

UNCLASSIFIED

Question#: 32

Topic: Phasing Out Paperless Voting Machines

Hearing: Authorities and Resources Needed to the Protect and Secure the United States

Primary: The Honorable Kamala D. Harris

Committee: HOMELAND SECURITY (SENATE)

Question: I share the concern of election security experts that paperless electronic voting machines are insecure. It needs to be an election cybersecurity priority to encourage states to get rid of these insecure machines and I think we need to do more to communicate the importance of this to the states.

Is DHS working at all with the Election Assistance Commission to help craft guidance to states about the need to get rid of these machines? About how they should use their money as much as they can to start phasing these machines out and not to acquire more of them? If not, would you be willing to publish guidance like this, either working with the EAC, or on your own?

Response: (b) (5)

