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NOMINATION OF HON. SEAN CAIRNCROSS, ROBERT LAW, JAMES PERCIVAL, KEVIN RHODES, AND JAMES WOODRUFF II

HEARING

BEFORE THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

NOMINATION OF HON. SEAN CAIRNCROSS TO BE NATIONAL CYBER DIRECTOR, EXECUTIVE OFFICE OF THE PRESIDENT; ROBERT LAW TO BE UNDER SECRETARY FOR STRATEGY, POLICY, AND PLANS, U.S. DEPARTMENT OF HOMELAND SECURITY; JAMES PERCIVIAL TO BE GENERAL COUNSEL, U.S. DEPARTMENT OF HOMELAND SECURITY; KEVIN RHODES TO BE ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY, OFFICE OF MANAGEMENT AND BUDGET; AND JAMES WOODRUFF II TO BE A MEMBER, MERIT SYSTEMS PROTECTION BOARD

JUNE 5, 2025

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NOMINATION OF HON. SEAN CAIRNCROSS, ROBERT LAW, JAMES PERCIVAL, KEVIN RHODES, AND JAMES WOODRUFF II

THURSDAY, JUNE 5, 2025

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 9.30 a.m., in room SD–342, Dirksen Senate Office Building, Hon. Rand Paul, Chair of the Committee, presiding.

Present. Senators Paul [presiding], Lankford, Scott, Hawley, Moreno, Ernst, Moody, Peters, Hassan, Blumenthal, Fetterman, Kim, and Slotkin.

OPENING STATEMENT OF SENATOR PAUL

Chairman PAUL. The Committee will consider today five nominations.

Sean Cairncross is nominated to be Director of the Office of National Cyber Director (ONCD). Mr. Cairncross previously served as Deputy Assistant President in the first Trump administration and as the Chief Executive Officer (CEO) of Millennium Challenge Corporation. He has spent over two decades in the legal and compliance field.

Robert Law is nominated to be Under Secretary for Strategy, Policy, and Plans at the Department of Homeland Security (DHS). Mr. Law currently serves as senior counselor to the Secretary of Homeland Security. He previously served as a senior policy role in the U.S. Citizenship and Immigration Services (USCIS) during the first Trump administration.

Kevin Rhodes is nominated to be Administrator of the Office of Federal Procurement Policy (OFPP) at the Office of Management and Budget (OMB). Mr. Rhodes currently serves as a senior advisor at the Office of Management and Budget. Prior to that, he served over two decades on active duty in the U.S. Air Force (USAF).

James Woodruff is nominated to be a member of Merit Systems Protection Board (MSPB). Mr. Woodruff currently works at the Board of Veterans Appeals while continuing his decades long military career as a major in the Air Force Reserves.

Last but not least, James Percival is nominated to be General Counsel (GC) for the Department of Homeland Security. Mr. Percival currently serves as a senior counselor to the Secretary for Homeland Security. He served in various positions in both State

and Federal Government, including as chief of staff for our colleague, Senator Moody during her time as Attorney General (AG) of Florida.

The witnesses' written statements have been submitted for the record, and I ask unanimous consent (UC) to submit letters of support[1] received for the nominees.

In the interest of time, I will forego my opening remarks, but we will go ahead and swear in the witnesses to beginning. If you will each rise and raise your right hand. Do you swear the testimony you will give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you God?

[Witnesses answer in the affirmative.]

You may be seated. We will now proceed to a round of questions and we will start with Senator Moreno.

OPENING STATEMENT OF SENATOR MORENO

Senator MORENO. I am not used to going first when you are in the kids' table Mr. Chair, but I appreciate that very much. First of all, thank you all of you for your willingness to serve and for being here today. I will start with you, Mr. Percival.

There's a community in Ohio, a county, a great county, it's called Wood County. The county seat is Bowling Green. There was a 24-year-old Venezuelan national who, thanks to Joe Biden's open border policies, made it across the U.S. Mexico border, was paroled in the United States, somehow managed to get to rural Ohio, and then got enrolled in high school, and posed as a 16-year-old high school student, even though he was 24 years old, allegedly was a pedophile and now is in the Wood County jail awaiting extradition.

How does something like that happen and what is the plan to make certain to communities in Ohio that something like that could never happen again?

Mr. PERCIVAL. Thank you, Senator, for the question. I mean, the way that happened is that the last administration broke the law. We actually filed a lawsuit against the Biden administration for the abuse of parole at the border, and we were able to eventually stop that. But it sounds like we did not do it in time in that particular circumstance, and I am very sorry for that.

Senator MORENO. No, that's certainly not something that that had to do with Trump Administration. That was all as a result of Biden's policies. But if you could explain, because there's a lot of nonsense that is said in the media and from maybe sometimes on the other side of the aisle that we are anti-immigrant. I am an immigrant. I don't feel that the administration's targeting me. I followed the legal process to come here.

But imagine what you would feel like if you are a parent and your teenage daughter is enrolled in high school with a 24-year-old foreign national criminal alien. If you could just go into detail about what are we doing to find out how these things happen? Because there has to be accountability. A 24-year-old Venezuelan does not make it to Wood County, Ohio without a lot of help, a lot of assistance.

[1] The letters of support appears in the Appendix on page 71 and 134.

Who are the non-governmental organization's (NGO's) involved? Who housed them, who provided passage for them? How does this person even enter our country and get to that place?

Mr. PERCIVAL. Yes, Senator. If confirmed, something I would definitely work on is looking at sort of start to finish how we get to a situation like that. So we have the abuse of the legal processes, like you talked about, abuse of parole. We are hopeful that the Laken Riley Act will help cleanup a lot of that.

But you are absolutely right about NGO's who are basically running a human trafficking scheme, many of them. And it's something that, if confirmed, I would be happy to look into for you because I agree.

Senator MORENO. Do I have your commitment that we will actually hold these organizations accountable? Clearly, the voters held Joe Biden accountable and Kamala Harris accountable by sending them home and sending them packing. Thank God. But I hope that we hold the organizations that facilitated the policies of Joe Biden and Kamala Harris accountable.

Mr. PERCIVAL. Senator, yes, I agree that they need to be held accountable.

Senator MORENO. Sure. Mr. Rhodes shifting to you and shifting to a totally different conversation, as you know, we talked about this when you were in my office. Again, thank you for your willingness to serve. It's very appreciated.

There's a law on the books, so this is not theoretical, this is not new legislation. This is the current law of the land, is that the departments within our government must buy products from the United States of America using U.S. taxpayer dollars. That's common sense. That law exists.

But during the four years of the Biden Administration, specifically on a topic that matters to Ohio companies, nitrile gloves, the ones that we see, you see at the U.S. Department of Veterans Affairs (VA) when you go there as a veteran—thank you for your service, by the way. When we see at the airport, we see Transportation Security Administration (TSA) agents putting on nitrile gloves, the Biden administration chose to buy those gloves from China in violation of U.S. law.

Do I have your commitment that in the procurement process, that you will make certain that every single Federal agency follows the law and buys products from American companies?

Mr. RHODES. Senator, thank you for the question. I absolutely am committed to Buy America Act. As a veteran, when I found out that nitrile gloves that the VA uses when I go and get my medical care are from China, it's appalling and quite frankly, frustrating. So as long as we can find a vendor or the product made in America, we should commit to that. You do have my commitment. Thank you.

Senator MORENO. I appreciate it. Again, thank you for your service, and thank you to all of you, especially the three of you I did not ask questions of. Thank you for your willingness to serve. One of the things I have noticed in my five months here is the administration has attracted incredible talent, people like all of you that are willing to serve. That's what gives me great hope for the next four years that we are going to get this country back on track. With

that, Mr. Chair, I know you are very fastidious on time, and I am up. My time is up.

Chairman PAUL. Very good. Perfect. Senator Peters will give a brief opening statement, and then we will go directly into his questions.

OPENING STATEMENT OF SENATOR PETERS[1]

Senator PETERS. Thank you, Mr. Chair, for your indulgence on that.

Today, we are considering nominees for five high level positions. All of these positions are critical for the American people. While I certainly want to thank the nominees for being here today, this rushed hearing limits our ability as Senators to fulfill our constitutional duty of advice and consent. The nominations process should provide us ample opportunity to do our due diligence and ensure these nominees are fit to effectively carry out the duties of these very important offices.

I am concerned this Committee's nomination process is becoming a rubber stamp, a way to check the box and push nominees to the Senate floor without sufficient oversight. We are straying even further from our traditional open and public process by not having the nominees give opening statements. By restricting the amount of time for Members to actually ask questions from each of you.

This not only robs Members of the tools to thoroughly evaluate a nominee's qualifications, it also limits transparency for the public. The American people deserve to know whether the President's nominees are up to the task for these very serious roles. While this Committee neglects to hold oversight hearings, the administration is dismantling key government functions under the guise of restructuring. Instead of targeting waste, fraud, and abuse, the Trump administration is indiscriminately firing personnel and canceling funding access across the government, disempowering our agencies, and making them and the American people more vulnerable to national security threats.

By firing the watchdogs who oversee our government and make sure that it is accountable to the public, the administration is removing avenues to address any harm or wrongdoing. These actions will not make the Federal Government more efficient and accountable, they will prevent it from effectively serving and protecting the American people. This Committee has a responsibility to conduct thorough oversight to ensure that not only the most qualified nominees assume leadership positions. This process before us today undermines our duty as Senators.

To the nominees, if confirmed, each of you will be in positions of great influence to deliver critical services to the American people. I sincerely hope that you will use your influence to make our government more effective and not tear it apart. Thank you, Mr. Chair, for that opportunity.

My first question is to Mr. Cairncross. Welcome to the Committee here today, and congratulations on your nomination. I first want to assess how you would respond to certain situations. If confirmed, how would you coordinate an integrated Federal response

[1] The prepared statement of Senator Peters appears in the Appendix on page 25.

to a serious zero-day vulnerability being actively used by a foreign adversary to attack Federal agency networks? What would your initial actions be?

Mr. CAIRNCROSS. Sure. Thank you for the question, Senator. Thank you, Chair Paul, and to the Members of the Committee for holding the hearing. Senator, on a zero-day discovery, which is a threat that was to the network or a system that was previously unknown, I think it would be vital to work with the interagency, with the National Security Council (NSC), with Cybersecurity and Infrastructure Security Agency (CISA) to determine what the impact was, what the vulnerability is, how quickly it can be remediated and patched, to communicate with the private sector to make sure that we have a good working information flow, and then on the back end to determine what that response should be.

It's part of that layered cyber defense of denying our enemies and adversaries benefits and imposing costs on them for their behavior.

Senator PETERS. If confirmed, how would you coordinate a Federal strategy to secure our agencies against supply chain cyberattacks, other than sharing information on the tech, which obviously is important, how would you advise the President?

Mr. CAIRNCROSS. Sure. The first thing, Senator, and a goal of mine is to make sure that this office sits at the place that this Committee, and I believe Congress intended in the statute, and that is to lead cyber policy coordination across the Federal Government. And so in doing that, working with our interagency partners is vital.

We have been empowered to work with OMB to ensure that budget alignment among the interagency aligns with administration policy. I think that those tools have to be leveraged and the relationships between us and the interagency it's making sure that it is monitored and enforced.

Senator PETERS. Mr. Cairncross, the two national cyber directors before you had extensive experience in cybersecurity. You have other good experiences but cybersecurity is not part of that experience. My question is, how are you going to make up for these gaps in the experience that you currently have?

Mr. CAIRNCROSS. Sure, Senator. It's true I do not have a technical background in cyber, but in my roles running private organizations and national party committees, I have been on the user side of this. I have had to deal with foreign nation attacks on our systems. We have worked with the Federal Bureau of Investigations (FBI) and the intelligence community (IC) to learn about them, to stop them, and to monitor those attacks. Like I said, on the user side, I have that experience.

On the management side I have run thousands of people and billions of dollars in funds and in doing those jobs, I surround myself with smart, people make sure that the right people are in the right place to do the jobs, and take their advice.

Senator PETERS. Another question for you. Got a lot of questions for you. We have a lot of other folks here, but I want to make sure I get this out. The Cybersecurity Information Sharing Act of 2015 is a critical law, as you know, provides liability protections for businesses that share threat information with the Federal Government

at each other. Absolutely critical that that sharing occurs. These authorities play a key role in coordinating public private responses to cyber incidents including the recent attacks that we saw, Volt and Salt Typhoon attacks.

But unfortunately, CISA 2015 is set to expire this September. That has a lot of folks very worried that that protection's going to go away, and it's going to hamper our ability to provide the cybersecurity protection that we need for our Nation. My question for you, sir, is if confirmed, do you commit to working with me to extend CISA 2015 before it expires in September?

Mr. CAIRNCROSS. I do, Senator. Yes.

Senator PETERS. Very good. Thank you. Thank you, Mr. Chair.

Chairman PAUL. Think I would just like to set the record straight. The accusation's been made that we are not doing a thorough vetting or hearing today. All the nominees have submitted statements for the record, they can be read. There will be a week time to read that. They have all been through an ethics review. They have all been through an FBI review. They have also sat through one hour of questioning with minority staff. There will be a one to two hour hearing today where questions can be asked. They have also submitted and answered written questions. So, the norms for reviewing the candidates are as they always have been. Senator Moody.

OPENING STATEMENT OF SENATOR MOODY

Senator MOODY. We are both freshmen and our names start with M. So, honest mistake. Mr. Chair, thank you so much. Thank you to all of our nominees for stepping up to take this on. I echo the comments. I have never seen an administration attract so much talent from outside the public sector to be willing to give up time with their families, pecuniary benefits, all of the things that come along with being in a private industry to come and work for the government.

It has been inspirational to me as someone who has dedicated a lot of my life and indeed left a private practice to begin a life of public service. I think all of the families that supported them in doing that. I know you have a lot of your family here with you today. In fact, I will tell you, I sat down with two of my top folks, one of which is up for nomination today, Jimmy Percival, when they were considering coming up here to serve in this administration and what that would mean, a move leaving significant others, time away, that really important time that you might not get back with family.

I said to them, when this country was founded, many people gave up a lot for the prospect of living as a free people in a civilized society. They were away from their families, many gave up their lives. We can give up time to come and serve this administration and set this country on the right course so that we can continue the prosperity and success of the United States of America.

Because two of my top people decided to do that, I have been so proud of them. So, congratulations. I am excited to introduce as part of my remarks, Jimmy Percival, who I can think of no better candidate to be the General Counsel of the Department of Homeland Security. Let me explain why. By the way, I forgot to say

when making that decision to come up and serve, Jimmy has six kids at home, a wife, Emily, who I believe might be a saint, and is here today with all six kids supporting him. So thank you so much.

When I took on the role as AG, we fought the last administration tooth and nail as they abandoned the law and opened up our Southern border and let in a historic amount of unvetted people into this country. The estimates are anywhere from 11 million to 20 million. If you take the most conservative number, 11 million, that's more than the population of 42 States.

When we first saw this administration stop detaining people that were committing crimes, serious felony crimes, and deporting them and rather releasing them back into the communities, we were the first to file suit on that. When we saw that administration start enrolling people into the interior in violation of law, we were one of the first to sue on that. When we saw the administration start creating programs rooted nowhere in law by Congress, we sued on that.

When we saw the Federal prisons stop deporting people that were arrested internationally and brought here merely because they were drug traffickers, no connection to the United States of America, brought here only because they were drug traffickers released from prison and put in our communities in the middle of an opioid epidemic.

When we saw these insane policies completely in violation of the law, the tip of the spear in that fight, when we took the Biden Administration to court and won time after time, was Jimmy Percival and our team. When we uncovered the plan when the border was overrun, just step back and let everyone come in. When we uncovered that secret memo, Jimmy Percival got that done. As we course correct and try and save this nation and our communities and make sure that they are safe again, I can think of no better person than the person that fought that fight against the lawless actions of the last administration to come in and undo the damage.

Because we are going to have to use laws that we have not used before because we have never faced a President that opened up our borders and let everyone in. I can think of no better person to guide a team in the fight in courts and get that done than Jimmy Percival. In fact, when the Senator of Michigan said and asked a question, "Will you be able to make sure our government more effective and not tear it apart?"

You can imagine my response after watching our security and our borders and our immigration system torn apart over the last four years. The question is, can you make sure we rebuild it? I am so proud of this President who has in just three months brought down the numbers coming over our border, and vetted and secured the border. But now we have to make sure we are getting those that are here that will do damage to our citizens and our communities and the security of this nation as we catch people trying to import dangerous substances, as we catch people here on Visas, stealing information, taking pictures of our military bases.

We need people to get people out that are going to do the damage, and we have to do it quickly, and we have to do it effectively. Jimmy Percival, what is your plan to do that?

Mr. PERCIVAL. Senator Moody, I think I know when to quit when I am ahead. But obviously everything you said is very important. I know it's very important to the President and the Secretary. If confirmed, I will work harder than anyone in this administration to make that happen.

Senator MOODY. And do I have your commitment to supporting any action and legislation that I have just filed to approve expedited removal for anyone associated with a gang or criminal activity?

Mr. PERCIVAL. Senator, I will work with you on that. I think those are good ideas.

Senator MOODY. Thank you.

Chairman PAUL. Senator Hassan.

OPENING STATEMENT OF SENATOR HASSAN

Senator HASSAN. Thank you, Mr. Chair, and Ranking Member Peters. Good morning to all of the nominees. Congratulations to you all for your nominations, and congratulations to your families too, because this is a family effort, I know. We are all grateful for your interest in serving. I am going to start with a question for all of you. I would really ask you to restrict your answer to a simple sentence.

If you are directed by the President to take an action that would violate the law, would you follow the President's directive or follow the law? Mr. Cairncross?

Mr. CAIRNCROSS. Senator, thank you for the question. I do not believe that that would ever happen. But to take your question, I would be faithful to the law.

Senator HASSAN. Thank you. Mr. Law.

Mr. LAW. Thank you for the question, Senator. I am confident that President Trump would not ask me to violate the law, and if confirmed, I will uphold the law.

Senator HASSAN. Thank you. Mr. Percival.

Mr. PERCIVAL. Senator, the last two answers were perfect. I would give the same answer.

Senator HASSAN. Thank you. Mr. Rhodes.

Mr. RHODES. Senator, I agree with my colleagues.

Senator HASSAN. Thank you.

Mr. WOODRUFF. Senator, I agree with what's already been said.

Senator HASSAN. I appreciate all of you saying you will follow the law. I will just note for the record that I think it is unrealistic to rule out the possibility that this President of the United States would give a directive that violates the law.

Now, Mr. Percival, last month, the White House Deputy Chief of Staff said that President Trump's administration is actively looking at suspending habeas corpus. Two weeks ago, I asked Secretary Noem about this, and today I would like to ask you about this as well, since you are obviously nominated to be the general counsel of the Department of Homeland Security.

Mr. Percival, let's just start with, what is habeas corpus?

Mr. PERCIVAL. Thank you, Senator. Habeas corpus is a Latin phrase that means you shall have the body.

Senator HASSAN. What is the foundational right that habeas corpus represents in our constitutional democracy?

Mr. PERCIVAL. I guess there's a number of different concepts. There's the writ of habeas corpus, which is a judicial review mechanism. There's what we call the suspension clause, which is about suspending the writ of habeas corpus. Then there are several implications of that for the work that DHS is doing, such as the Alien Enemies Act.

Senator HASSAN. I appreciate you and I could do a law school debate about this. Let's just get to the core foundational principle here and why it's so important. It is the bedrock principle in our country that prevents the government from imprisoning someone without any justification or review. It's a key right that makes America a free society unlike North Korea or Iran. It's important that we all as Americans, understand, appreciate, and defend this principle.

One of the concerns I have you just gave me an answer that circled around that essential piece of our constitutional democracy. Every American and every person in this country has a right if they are detained, to demand that the government just come and say why they are detaining them and do it in public, and give people that foundational entry to due process.

Since many of us have concerns about this administration's commitment to due process, I think it's really important that we understand that foundational, right. Do you agree that this is a foundational principle, that the government must bring a person before a court and provide a reason for that person's detention? Do you agree that it's critical that we have this right in order to be a free society?

Mr. PERCIVAL. I agree that the Constitution protects the availability of that writ except in enumerated circumstances in the Constitution.

Senator HASSAN. Do you think it's an important thing for a free society?

Mr. PERCIVAL. Yes.

Senator HASSAN. Do you believe we should be a free society?

Mr. PERCIVAL. I believe strongly in the ideals of the founders, and they included that in the Constitution.

Senator HASSAN. You are also going to take an oath to the Constitution of the United States, right?

Mr. PERCIVAL. Yes, if confirmed, yes, ma'am.

Senator HASSAN. If a court says that the Department of Homeland Security must bring a person in the government's custody before a court, will you advise Secretary Noem to follow that order?

Mr. PERCIVAL. Thank you, Senator. The policy of this administration is to follow court orders, and if confirmed, I would act consistent with that policy.

Senator HASSAN. Thank you. Mr. Cairncross, I just want to follow up on the line of questioning that Ranking Member Peters started. He asked you about the reauthorization of the Cybersecurity Information Sharing Act of 2015. I would also love to work with you and the administration on making sure we get that reauthorized.

Another law that we also talked about when we met that expires on the exact same day, is the State and Local Cybersecurity Grant Program. We have talked about the importance of making sure

that the Federal Government and the private sector, which controls so much critical infrastructure works together on cybersecurity. But the other piece of that puzzle is to make sure that State and local governments have the tools they need to work effectively with the Federal Government and the private sector.

Would you commit to working with us to reauthorize the State and local cybersecurity grant program as well?

Mr. CAIRNCROSS. Senator, I think there's no more important area, or it is extremely important the relationship between the State and Federal Government on this attack. None of you are free of those attacks in your States, as you know. Yes, I look forward to working with you on that issue.

Senator HASSAN. It's not just that we are vulnerable to attack. It's that most State and local governments simply do not have the budget or the tools, and sometimes cannot hire the experts given the shortage of experts in this field around the country to effectively guard against these attacks. It is really important that these grants help them do that. Thank you, Mr. Chair.

Chairman PAUL. Thank you. I would just like to chime in on the heels of Senator Hassan talking about habeas corpus, that while I am a Republican, while I am generally supportive of the administration, the policy, and think Secretary Noem's done a great job, if there's an attempt to suspend habeas corpus, even though it's in the Constitution, you will find not only a wholehearted opposition to it, you will find full throated opposition to it from me.

Let us hope that that was an idle comment that is not repeated, and comments like that are very dangerous. I hope the person who issued that will think twice before saying things like that again. Senator Kim.

OPENING STATEMENT OF SENATOR KIM

Senator KIM. Thank you, Mr. Chair. Mr. Law, I would like to start with you. We are seeing reports that the acting Federal Emergency Management Agency (FEMA) director was unaware that there was a hurricane season, that I have also seen reports that the hurricane plan was not completed prior to the start of hurricane season. I just wanted to ask you, does that seem acceptable to you?

Mr. LAW. Thank you for the question, Senator. I am not familiar with those reports, but what I can tell you is from my understanding as senior counselor to the secretary, they are taking a very critical look at FEMA because it has failed to operate the way it should. They are definitely focused on that.

Senator KIM. I guess I would just like to restate this. Do you think that we should have a FEMA director that understands when hurricane season begins?

Mr. LAW. I believe that the Secretary has confidence in the current leadership of FEMA.

Senator KIM. Do you know when hurricane season starts and ends?

Mr. LAW. We are currently in hurricane season.

Senator KIM. And when does it end?

Mr. LAW. I believe it ends sometime in September or October.

Senator KIM. It ends at the end of November. I just raise this because there was no mention of anything about natural disasters in your opening statement, about the importance that Homeland Security plays with this, and you are talking about FEMA. Are you in support of abolishing FEMA? Do you support some of the statements that the President has made in that direction?

Mr. LAW. Thank you for the question, Senator. I think the President and the Secretary have been abundantly clear that FEMA in its current form is not working. I am up for a policy position, not an operational role in FEMA. But to the extent that there are policies relevant to FEMA, I, if confirmed, would be happy to work with you on those.

Senator KIM. I mean, you would be in charge of strategy, policy, and plans. I think having a hurricane plan is very important. I think having a plan on how to address natural disasters is very important. I guess I want to ask you, do you see a role for FEMA and the Department of Homeland Security to be a focal point when it comes to addressing natural disasters around the country, or do you think that should be at the State level?

Mr. LAW. Thank you for the question, Senator. I think there's always been a role for the State and locals to be the lead when it comes to natural disasters, and that FEMA plays an important supporting role. But FEMA has failed to deliver. It's my understanding that there are still outstanding claims going all the way back to Hurricane Katrina, and that's just unacceptable.

Senator KIM. I do not discount the fact that there are reforms to be made and problems that exist. But I want to just redirect you to the primary mission stated in the founding document of Homeland Security, which says directly that DHS is acting as a focal point regarding natural and manmade crises and emergency planning. I just say that because I do not see this administration taking that aspect of responding to natural disasters as centrally and important and critically as it should be.

I just want to hit that home with you, because if you are confirmed, I hope that you can commit to working with me and working with this Committee to making sure that we are addressing those issues. Can you do that?

Mr. LAW. Thank you for the question, Senator. If confirmed, of course, I would be happy to work with you on the crisis management and emergency response efforts of the Department of Homeland Security.

Senator KIM. Mr. Cairncross, I wanted to just turn to you, how are we doing as a nation when it comes to cybersecurity? How would you kind of rate us in terms of our preparedness?

Mr. CAIRNCROSS. Senator, what I think is these attacks are increasing, they are becoming more sophisticated, and they are scaling up. I believe that this office was intended by the statute to help coordinate and focus that policy.

Senator KIM. So, you are saying that the threats are increasing and they are scaling up. Is that right?

Mr. CAIRNCROSS. Correct.

Senator KIM. Then why is it that the Trump administration is trying to decrease the staffing and the budget when it comes to an incredibly important office like CISA?

Mr. CAIRNCROSS. Senator, what I think is this is a complicated vector, but at its core, this is a human nature issue. Our enemies do not see a cost in engaging in this behavior. They impose strategic dilemmas on us, and they have now for a long period of time, it's time that we impose those dilemmas on them.

Senator KIM. Yes, I agree with that, but I feel like, important part of that is to have the staff necessary. I mean, you are talking about a challenging vector here. I am having a hard time understanding if threats of cybersecurity are increasing, as you said, and scaling up, why is our investment in it going down?

Mr. CAIRNCROSS. Senator, I think a first management principle for me is that form follows function. I know with regards to this office, if I am to be confirmed, I am going to use that principle to make sure that the function we are serving, which is to defend the United States from these attacks, to keep our critical infrastructure safe, to keep our citizens safe—because as we know, these criminals and enemies target the most vulnerable Americans—that the form that we take is the most efficient, effective way to service that mission.

Senator KIM. I yield back.

Chairman PAUL. Senator Slotkin.

OPENING STATEMENT OF SENATOR SLOTKIN

Senator SLOTKIN. Thank you, Mr. Chair, and thank you for your intervention after Senator Hassan. Welcome to all of you. I did a confirmation hearing like this many moons ago, a group one, and I was the only one who got questions. For those of you who are getting less questions, you are getting off really easy. And you should thank your fellow peers here on the dais afterwards.

Let me start on cybersecurity. As a former Central Intelligence Administration (CIA) officer I feel like we all know that cyberattacks are increasing in your own words. Attacks are increasing, they are becoming more sophisticated, they are becoming more prevalent. Then with the use of artificial intelligence (AI), they are becoming much more smart, much more capable. But if you are confirmed, you will oversee the single biggest cut in cybersecurity dollars, a $495 million cut to cybersecurity.

I know that the President has it out for certain members of the cybersecurity community of his own administration from the first time. But the truth is, you are cutting programs that help our State and locals, like the State of Michigan actually defend against these things, our infrastructure. It's the really my power companies who have come to me and said, we used to get quarterly updates from CISA and get a sense of like the threat picture across the country. Now, we do not have that. We feel vulnerable.

I really feel like the United States is in a situation with cyber, the way we were with terrorism before September 11, 2001 (9/11). Terrorism attacks were happening. Some people watched them, but they really did not enter in a huge way, the American consciousness until we had a spectacular attack. I am deeply worried that we are going to have a spectacular cyberattack, and you are going to be left holding the bag.

I mean, you are here. They pulled the nomination of the other guy on cyber from this panel. You are the head guy. Help me un-

derstand honestly, in a way that speaks to the average person who's like a principal of a K through 12 school whose kids' data is being ransomed. How can you justify a nearly $500 million cut on cybersecurity given what you yourself just said?

Mr. CAIRNCROSS. Senator, I think to your point, the vast majority of cyber defense in this country falls on the private sector. One of the key elements that I see——

Senator SLOTKIN. Not my K through 12 schools, not my public hospitals, not the utilities.

Mr. CAIRNCROSS. And State and local territorial and tribal are extremely important as we were chatting about earlier.

Senator SLOTKIN. That's what affects the average American, right? That's what they all know. We have a cyberattack once every 39 seconds in America. Everyone in this room has had someone try to get their data.

Mr. CAIRNCROSS. Senator, the University of Michigan, the healthcare system schools in your State alone, I mean, the members of this panel have had tens of millions, hundreds of millions, Florida, I think is over a billion dollars.

Senator SLOTKIN. Right. So, explain the cut. Just be honest about it. You cannot say you care about an increasing and more sophisticated set of attacks while cutting the very people who help defend against those attacks. I want to do offensive cyber. I want to make them feel pain for the Russians and the Chinese that are launching these attacks. I am there with you. I will add money there, but you cannot add by subtracting.

I think we just have to own that, that the petty desires of the President are going to leave us more vulnerable. You are going to be the guy—if we have our cyber 9/11, you are going to be the guy who's sitting there saying, "Oh, holy crap. We just cut all this money. I just had all the power go out on the eastern seaboard. Or the Chinese stole a whole bunch of our personal data from every hospital and every school." Let us not pretend that a cut actually helps defend against what you agree is an increasing set of attacks.

I just want to ask, in my short time, I will leave you alone, I know, I will move to the next guy. Mr. Percival you are going to be the general counsel of the Department of Homeland Security. The Supreme Court of the United States currently has a court order, multiple court orders with the Department of Homeland Security. John Roberts, the biggest guy in the land we have on the Supreme Court has issued those court orders, and DHS is not complying.

If you want this job as general counsel, will you comply with the court orders from the Supreme Court of the United States?

Mr. PERCIVAL. Thank you, Senator. I have some awareness of that situation in my role as senior counselor. If confirmed, as I said, it's this administration's policy to follow court orders.

Senator SLOTKIN. It's not this administration's policy. Can you agree that right now they are not implementing Supreme Court orders? You cannot say it's policy if they are not implementing them.

Mr. PERCIVAL. I absolutely disagree with that. So there's multiple aspects to facilitating the return of somebody. One of them is the DHS side of it, which is, we call it eliminating domestic obstacles to return. If someone shows up at a port of entry, we would

make sure they get in the country. The second piece would be international negotiations because the individuals are in the custody of a foreign government. So that's a State Department piece. DHS does not do foreign policy, but obviously those are very complicated negotiations.

Senator SLOTKIN. Yes, but you cannot say, we have not negotiated with the country to get them back. The President of El Salvador where one of these guys is being held, was in the Oval Office. We have access to this President to facilitate negotiations. DHS is choosing not to adhere to court orders from the Supreme Court. You are going to be the lawyer. I know I am over time, but I would just ask that you please obey the constitution and the separation of powers, not just Donald Trump.

Chairman PAUL. Senator Lankford.

OPENING STATEMENT OF SENATOR LANKFORD

Senator LANKFORD. Thank you. Thank you, all the witnesses and for your commitment to be able to be here and to be able to do the tasks that the Nation needs and the President's asked you to be able to do. This a very difficult process. It's a long process and it's a stressful process, and there's 10 million forms and everyone's invading your privacy to be able to go through this. Your families have already been through a lot. It's great to be able to see all your families that are here as well. But this is a tough process. Thanks for stepping up into doing it, because we need a lot of help.

Mr. Cairncross, let me start with you on this, on the cybersecurity side. In the past last year toward the tail end of the Biden administration, we had the largest cyber penetration in the history of our country where the Chinese invaded our telecom. They got in all systems, they are in DC's telecom system. It was a massive penetration that has actually occurred, by the way, that was when full funding was happening. I know we just had a conversation saying, if you cut funding, what happens? When there was full funding that occurred.

What can we do at this point? What would you say are your priorities stepping in to be able to protect America and our infrastructure?

Mr. CAIRNCROSS. The first thing I would say, Senator is, in response to the first part of that, there's nothing that the President of the United States cares more about than the protection of American citizens. I am grateful to have his confidence and the confidence of the White House to be able to execute in this role.

What you are talking about, Salt Typhoon.

Senator LANKFORD. Correct.

Mr. CAIRNCROSS. Let me add onto the Volt Typhoon, demonstrates China is without question the single biggest threat in this domain that we face. What Volt and Salt show—and Salt was the espionage telecom hack, which is ongoing, and Volt is a pre-positioning on our critical infrastructure—and what that demonstrates to the earlier point I was making about strategic dilemmas, is China is squatting on our critical infrastructure systems, and they have an ability to exercise that at a time and place of their choosing. That should be unacceptable and it is unacceptable.

I look forward to do everything I can to make sure that our adversaries, our enemies, and criminals who operate in this space know that it is not a cost-free endeavor.

Senator LANKFORD. Yes. We are all counting on that to be able to stay engaged on it. I would tell you that all of our entities come back to me with the same thing. If the Chinese were to roll in with airplanes and tanks and to be able to attack us, we expect the United States to be able to step up and do something.

If they are coming in the cyber world and they are attacking us and destroying our infrastructure, we expect the United States to be able to help us engage in this. So we anticipate that.

Mr. Rhodes, I want to ask you a little bit about one of the issues that's come up several times. Federal law already requires that if a Federal contractor is in place or subcontractor, that they do E–Verify for those individuals. We have now discovered that that was not actually occurring. That there was just kind of a check the box that you do it. There was no verify. So, it was all trust, no verify in the process for our contractors and the subcontractors in the process.

What would you do to be able to make sure that contractors and subcontractors are following the law that currently exists on hiring someone who's not legally present in the country for a Federal contract?

Mr. RHODES. Senator, thank you for the question. I think my colleagues thank you for the question to me as well. I would take a hard look at that because I do believe in that. And so, I think, you know, through the Office of Federal Procurement Policy, we'll take a look, if confirmed, at how folks are following that law, and if we need to put stricter regulations in place and prove the systems that manage that, then we should do that. I appreciate that question.

Senator LANKFORD. We will count on that and we will do some follow up on it back and forth. Mr. Law, I want to just highlight something. In the next four years, we have Fédération Internationale de Football Association (FIFA) World Cup, we have America's 250th birthday, and we have the Olympics coming. Those are massive events for security. When I visited with DHS leaders two years ago, we were clearly not ready.

What has been handed to DHS is not a well-formed plan to be able to be prepared for the entire world coming here. I am asking you, how are you going to ramp up for those massive security events?

Mr. LAW. Thank you for the question, Senator. We also have the Club World Cup coming up here in due course as well. I completely agree with you that the plan that we inherited to prepare for those major events was insufficient when we came in in January. As senior counselor, I have been working with a lot of those teams to do that, recognizing where there are vulnerabilities. Of course, as you know, the President has tapped Andrew Giuliani, who is incredibly competent and capable of executing particularly on the FIFA World Cup effort.

To the extent that there are any policy shortcomings, whether it is in the security aspect of it, countering the drone threat as well, or anything to do with the facilitation of the movement of fans, the teams or, getting immigration benefits for those to come to enjoy

all of those events here in our great country. I would definitely work with you if committed to help clear those up and make sure there are sound policies that make these events all very successful.

Senator LANKFORD. OK, we will count on that. Thank you.

Chairman PAUL. I would just like to chime in on the sporting events. Most of these organizations are very rich. Why don't we charge them? If we are going to help them, I am fine for helping them, but the National Football League (NFL) should pay, FIFA should pay, they all should pay for what the government does. Nothing's free and we are $2 trillion short. Senator Blumenthal.

OPENING STATEMENT OF SENATOR BLUMENTHAL

Senator BLUMENTHAL. Thanks, Mr. Chair. Thank you all for being here. Thanks for your willingness to serve and thank you to your families as well, who are serving when you do.

Mr. Percival, as you well know the President last night issued a very broad travel ban. My view is that it may well be over broad and blunderbuss, denying our nation energy and talents and skills that we need for our economy. Not to mention the humanitarian concerns that many of us have. We are still analyzing and evaluating this ban, but it strikes me as problematic in a number of respects, constitutionally as well as in terms of policy.

But I want to focus particularly on the impact of one of the aspects of this program as it affects our Afghan at risk allies who were interpreters and security guards and aided our troops and diplomats. My son is one of them. He was a Marine Corps Officer in Afghanistan who was greatly aided by his interpreter. He brought him over after a couple of years of working hard in the system. I have been a champion of the Afghan Adjustment Act. I care deeply about these Afghan allies who put their lives on the line. They now have targets on their back. If they have to go back to Afghanistan, they will be tortured and murdered.

Several months ago, the administration suspended the United States Refugee Admissions Program, which left hundreds of these Afghan allies stranded in Pakistan and Qatar having fled the Taliban only to get stuck by our apathy in the third country, while already engaged in the screening process to come here. Now, the administration has suspended all immigrant and non-immigrant visas for Afghan nationals pursuant to the travel ban that President Trump issued yesterday.

Would you agree with me—I hope you will—that we ought to first of all make individualized determinations on many of the people wanting to come to this country, but specifically focusing on our Afghan allies. Shouldn't we allow these people to come to the country that they served in Afghanistan and now are at risk along with their families of death and torture if they are not allowed to come here?

Mr. PERCIVAL. Thank you, Senator, for the question. First of all, thank you to your son for his service. Obviously, the American public appreciates that. Honestly, I was getting ready for this hearing. I think this just broke last night. I am not super familiar with the President's order. My understanding is it's under 212(f) of the Immigration and Nationality Act (INA), which I believe the Ninth Circuit just said, exudes deference to the President.

This is a decision that the President makes. As general counsel, if confirmed, my focus would be on providing legal advice.

Senator BLUMENTHAL. Will you work on making exceptions for those allies, mainly from Afghanistan, but possibly other countries who in effect provide these services? Because if we do not help them now, nobody's going to want to help our troops in the future when they are on the ground serving our country in other countries.

Mr. PERCIVAL. If confirmed, Senator, I am happy to continue this conversation. Like I said, I am not super familiar with the order that was signed last night.

Senator BLUMENTHAL. Would you agree with me that people in this country who are not citizens, are entitled to due process?

Mr. PERCIVAL. Senator, I think the discussion about due process has gotten a little confusing because due process is not a one size fits all. The question is how much process are you due? So, depending on your circumstances, the amount of process that you are due under the due process clause will vary significantly. For example, expedited removal involves a very rapid deportation.

Senator BLUMENTHAL. But they are entitled to some due process. I know that courts make distinctions, but due process has a meaning, as you well know. I think it's a yes or no answer. Yes, they are entitled due process.

Mr. PERCIVAL. Whatever process they are due, and that that's going to vary significantly, Senator. In some cases, it will be very little like, for example, expedited removal.

Senator BLUMENTHAL. Isn't it in all cases, yes?

Mr. PERCIVAL. That's a very categorical statement, Senator.

Senator BLUMENTHAL. Sometimes lawyers have to enforce rights categorically because we are a great country that follows the law. The Constitution says that everybody in this country is entitled to fairness and a day in court before an impartial and objective tribunal if something significant is going to happen to them as a result of government action. Wouldn't you agree with that process?

Mr. PERCIVAL. I do not agree with that statement. That's a very categorical description of the due process clause that is not consistent with the Supreme Court's decision in Mathews v. Eldridge. It really depends whether it's a court or an officer. Expedited removal is a very good example of that.

Senator BLUMENTHAL. Let me just ask you finally, you had an exchange with one of my colleagues here about obeying court orders. If FEMA is ordered to rehire people who have been terminated, will you obey that court order?

Mr. PERCIVAL. As I said before, Senator, my understanding of this administration's policy is to follow court orders.

Senator BLUMENTHAL. If your department is ordered against clawing back funds, will you obey that order?

Mr. PERCIVAL. Senator, this administration's policy is to follow court orders.

Senator BLUMENTHAL. Thank you.

Chairman PAUL. Thank you. It's been asked several times about CISA and reauthorizing CISA. I think one of the things as we looked at, and I think Mr. Cairncross's point as well made, that you know, the private sector deals with a lot of cyber threats and

if anything, it's probably better. If you compare sort of the protection of privacy of government, there's been a lot of government breaches of data, and maybe not so many, but there are breaches everywhere.

But I would think maybe the learning curve might be the government actually learning from some people in the private marketplace. But on reauthorizing this, one of the things that President Trump has done, which I think is an extraordinary defense of the First Amendment, is to say that government is no longer going to be in the business of censorship. Government's not going to be meeting with social media companies. CISA's not going to be meeting with them. The FBI's not going to be meeting with them.

There will be no intimidation, there will be no threats. There will be no, we are going to use antitrust against you. We are going to take away your liability. These were not even veiled threats against big companies, against Facebook, against Twitter, and I am very proud that President Trump has said no more. That that's gone.

In order to get policy, though, that we can live under, we do not know who the next President will be, we always want to try to change the law too. While I am proud of that executive action, I will do everything in my power to make sure the CISA authorization has a clause in it that states that no government resources for CISA will be utilized to diminish in any way constitutionally protected speech.

Mr. Cairncross, do you have any comment on that or any problem with that clause if we insert that into the authorities?

Mr. CAIRNCROSS. I do not have a problem with that, Senator.

Chairman PAUL. Mr. Law, any comment on it?

Mr. LAW. I do not. I would echo my colleague here.

Chairman PAUL. Senator Fetterman.

OPENING STATEMENT OF SENATOR FETTERMAN

Senator FETTERMAN. Thank you, Mr. Chair. I know it's like we all know what happened per the new administration, and they have a much different kind of a view on immigration and the border. I actually agree with parts of it. Honestly, I have said this publicly, and I will say this again, I believe our party did not do a good job with the border, and I was very clear on that.

Then also I would like to say that I was the lead co-sponsor of the Laken Bill as well too. I believe that we can be very pro-immigration, but we also have to have a very secure border. That puts me in a different place now. Some people did not feel like I honored the spirit of immigration. But I actually believe that I did.

Now, today I am going to continue that part of my conversation and my commitment. And that is with Deferred Action for Childhood Arrivals (DACA). Now we can all agree with that. Now, for me now my wife was a former dreamer. My wife was a former dreamer. Now I would not have the family that I have, if it was not for her. But, she was brought to the country when she was seven years old. Of course, and now, Mr. Law, I know we all have LexisNexis, and we all know, and I know that you do not have a strong opinion for dreamers and DACA.

I am not going to turn it into got you theater, because I really want to have like a sincere conversation here in our brief time we are here. For example, I am trying to understand why punishing dreamers that were brought here as children here in this country now, why there's not a path for citizenship, why when they are making these kinds of important contributions here to our Nation.

And it's like, can we only just be punitive and vengeful about immigration? Why we cannot even acknowledge that that could be part of something very positive thing for our nation?

Mr. LAW. Thank you for the question, Senator. Thank you for your support of border security as well as the Laken Riley Act. I would also like to thank you for a leading role in combating antisemitism that has just exploded in recent times. To this specific question of illegal aliens receiving a path to citizenship. That is solely the purview of Congress.

The most notable legislative opportunity that I am familiar with is known as the Dream Act. It's my understanding that that Bill has gone before the Congress numerous times, and every single time it has failed.

Senator FETTERMAN. But personally, any of you in front of us here today, do any of you perhaps could consider or maybe support something like that legislative solution for dreamers?

Mr. LAW. Thank you for the question, Senator. I think it is the purview of the lawmakers to pass legislation and present those to the President. Thus far it's been my understanding that that Bill has failed to obtain the votes necessary to make it to the White House.

Senator FETTERMAN. For me, because it just continually just seems to like it's difficult to, you know, two things must be true, a secure border but then now and we also can celebrate immigration as well too. Now for me, we had a young person named Georgia Ximena, and she was just pulled over and it was actually the wrong car. Of course, she was a dreamer and now she could be looking at a possible situation of being deported for that. She was brought here as a young child. I am not really sure it's American to punish a person who is living her best life and making significant contributions to our nation to be punished for a decision for a parent when they were five, six, seven, eight years at that point.

I do not believe that it's an American way to just put them in like a permanent kind of purgatory, where always worrying about looking over their shoulder that now, the next single time, then they could be de deported. They are being paid for sins that they were not a part of that thing. I am hopeful, and I am saying it now publicly today, again, somebody as a Democrat committed to a secure border, why can't we deliver a solution for our dreamers?

Because immigration is part of America's superpower and it's made us much stronger and better. Two things must be true at the same time. Now, thank you. My time has expired, and thank you for answering my questions.

Chairman PAUL. Senator Hawley.

OPENING STATEMENT OF SENATOR HAWLEY

Senator HAWLEY. Thank you very much, Mr. Chair. Congratulations to all the nominees. Thank you for being here.

Mr. Cairncross, let me just start with you if I could. One of the most pressing, but I think also one of the most overlooked vulnerabilities when it comes to our national cybersecurity posture is the crisis facing our rural hospitals. I say this as somebody in a State where 40 percent of the hospitals in Missouri are rural hospitals. Many of these hospitals have no full-time cybersecurity personnel. They cannot afford it. They do not have the personnel for it, they do not have the budget for it. And that makes them easy targets for cyber criminals, for ransomware gangs, and even sometimes for nation-state actors.

As you can appreciate, when these hospitals are attacked, it's not just their information technology (IT) systems that go offline, it's cancer treatments, it's surgeries that gets canceled, it's emergency care that gets disrupted. Let me just ask you, are you familiar generally with this issue and the plight that rural hospitals face in this regard?

Mr. CAIRNCROSS. I am, Senator, and I was saying earlier, these criminals and our enemies are targeting the most vulnerable Americans, and it's got to stop.

Senator HAWLEY. Let me ask you, how would you use your position to help shore up the cyber defenses of rural hospitals and the broader healthcare sector's vulnerability in critical infrastructure when it comes to this issue?

Mr. CAIRNCROSS. Sure. The first thing is getting my feet on the ground, working with you, working with all your offices in your States to ensure that I am hearing and understand what those needs are. Then I am using, if I am confirmed, the position as the lead coordinator for the U.S. Government cyber policy to make sure that they have the defenses that they need.

Senator HAWLEY. Good. Let me tell you about something that we have been doing on our end. The last Congress, this Committee unanimously advanced my bipartisan bill, the Rural Hospital Cybersecurity Enhancement Act. Ranking Member Peters and I cosponsored it with many others on this Committee. It directed the development of a comprehensive cybersecurity strategy for rural hospitals.

It would also have directed instructional materials and resources to be made available to these hospitals because again, they do not have the budget for consultants, they do not have the budget for people to come in and do this for them. Does that sound like the kind of approach that you would be willing to work with us on?

Mr. CAIRNCROSS. It does, and I look forward to working with you and your team on it.

Senator HAWLEY. Fantastic. I will take you up on that. I think it's absolutely vital for my State and for the many rural hospitals in my State.

Let me shift gears a little bit and talk about foreign hackers in a different context. The threat that's already inside the wire where State-sponsored cyber actors embedding themselves in our infrastructure systems. We have been told we already have in our telecom system, this is the Salt Typhoon issue. We already have hackers who are embedded.

In your assessment, how vulnerable are our critical systems to these kind of State-sponsored infiltration campaigns?

Mr. CAIRNCROSS. Senator, what I was saying is these attacks are scaling up and they are becoming more sophisticated. So what really is key, since so much of cyber defense falls on the private sector in our country, is a great relationship between the United States government and the private sector. That involves going to them and listening and figuring out what is the barrier to a smooth and efficient and effective defense?

In some cases, that is working on a regulatory scheme that makes sense. It's incentivizing information flow, and it's using the comparative advantage of the United States government, which can illuminate the battlefield for the private sector and leveraging those assets.

Senator HAWLEY. Let me just ask you about what can be done in the way of remediation, which is kind of a fancy word for kicking these foreign actors out of our telecom system. I do not think the American people realize, in fact, I am sure they do not. They do not realize the extent to which our current telecom system has been deeply compromised. I will just tell you, Members of Congress were told a year ago now, not even a year ago, that we should just expect that our telephone conversations, any unencrypted text messages are being monitored constantly by foreign actors. Our voice messages may well be read. That's not because there's special access to Members of Congress. It's just because that's where foreign actors would choose to concentrate.

If a foreign actor chose to concentrate on any member of the audience here, what we were told behind closed doors, of course, but what we were told is, is that foreign actors basically have unlimited access to our voice messages, to our telephone calls. This is astounding. The American people do not realize it because the American people have not been told, this has been kept from them. They are sitting, these foreign actors are sitting right now, they are sitting in our telecom system, in our exchanges.

What are we going to do to get them out of there and protect the American people who right now are sitting ducks and frankly, they have not been told the truth?

Mr. CAIRNCROSS. Yes, Senator, I think that that is correct. I think you are right that the American public is largely unaware of the scale of this issue. This is not an IT issue. This is an operational issue. It manifests in real life and it has real potentially life and death consequences. As I have said over and over again, they are targeting the most vulnerable among us, along with our telecom system.

Volt Typhoon was critical infrastructure. They are squatting on our system. It is imposing, as I have said, a strategic dilemma on us. That behavior needs to change. In order to do that, I believe we should begin to impose strategic dilemmas on our adversaries in this domain.

Senator HAWLEY. That would certainly be a good start. Thank you, Mr. Chair.

Chairman PAUL. Time has expired. Senator Peters.

Senator PETERS. Thank you, Mr. Chair. First of all, on April 4th, the DHS announced that it was permanently canceling the Building Resilient Infrastructure and Communities (BRIC) program, including canceling funding for projects that are actually currently in

progress. Just basically pulled the plug from them. These projects are critical for communities to reduce their risk before a disaster strikes.

As a result, we have a tornado shelter, for example, in Salem Township, Michigan that may not be finished, construction's begun, but it's being just pulled out, which does not seem really thoughtful use of taxpayer dollars to do it halfway and then pull out and stop a project. Then if you look at resilience projects, generally, they tend to save taxpayer money. To build it stronger upfront is a lot cheaper than fixing it later.

My question for you, sir is, if confirmed, do you commit to following the law, which I have heard you say that you will do many times, and reinstate these illegally canceled funding from Congress that's appointed to the BRIC program? Because following the law would to reinstate that funding.

Mr. PERCIVAL. Thank you for the question, Senator. I know we have talked about this before, so I have not been super involved in that in my role as senior counselor, but I would respectfully push back on the suggestion that DHS has violated the law. I have a general understanding of the Impoundment Act and the various options that DHS has.

If confirmed, I would be happy to dig into that for you, but I do not have the same understanding that you do that DHS has violated the law.

Senator PETERS. Do you believe that appropriations by Congress are law?

Mr. PERCIVAL. Yes, Senator, I do. My understanding of the Impoundment Act is when you have an appropriation and a new administration comes in, if they want to revisit programs and change them within the scope of the existing appropriation, they have the right to do that. They can also, in some circumstances do a reprogramming. Then the third option is to follow the procedures of the Impoundment Act that I am sure you are aware of. Those are sort of the three options. That's my understanding,

Senator PETERS. But just canceling outright is not following the law.

Mr. PERCIVAL. That would depend Senator on whether there is some other plan to obligate those funds within the scope of the appropriation within the relevant fiscal year.

Senator PETERS. I am not aware of any just to basically pulling the plug on all these projects. Very clear, Congress, we pass the law, appropriations are laws, and the President has to faithfully execute the laws of the land. And that's not happening.

Mr. PERCIVAL. Again, Senator, my understanding is that DHS is following applicable laws and if confirmed, that's what I would do.

Senator PETERS. Mr. Rhodes, reports indicate that agencies across the Federal Government have procured Palantir's technology to create a master database of Americans personal data. I am certainly alarmed by these reports to have the master database. I would suspect the Chair would be concerned about that as well. The potential disregard for the law as well as the privacy and civil liberties of Americans to have this large database.

My question for you is, do you think it's appropriate for the Federal Government to purchase technology for the purpose of consolidating massive data about Americans?

Mr. RHODES. Senator, I appreciate the question. I do not have any knowledge of that database by Palantir. I would have to look into that.

Senator PETERS. If confirmed, when you look into that, would you have concerns based on what I have just said?

Mr. RHODES. If confirmed, again, I would take a look into that and like my colleagues, I would follow all the laws that are applicable. But I would have to take a look.

Senator PETERS. Another question for you. Companies of current and former DOGE members have received hundreds of millions of dollars in Federal contracts. However, agencies have refused to share information about these individuals and their particular involvement in the Federal procurement and acquisition process. This certainly leaves open the potential for fraud, waste, abuse.

My question for you is, if confirmed, will you commit to reviewing and providing this Committee information about DOGE'S involvement specifically in Federal procurement?

Mr. RHODES. Senator, thank you for the question. If confirmed, I will follow all conflict of interest regulations and laws I have followed in my entire time in the military. If confirmed, I will do the same.

Senator PETERS. Specifically, what steps will you take to increase transparency into the acquisition process?

Mr. RHODES. Senator, I appreciate that question. I am a transparent and direct individual and so I believe that as we do contracts and Federal procurement, those should be available to the public as——

Senator PETERS. What steps would you take specifically?

Mr. RHODES. One of the steps, Senator, that I would take is to ensure that the information is available following all regulations that are in place so that they get posted. There are systems that allow that information to be put out there that we have currently. I would ensure that we continue to do so.

Senator PETERS. Thank you. Thank you, Mr. Chair.

Chairman PAUL. Thank you all for appearing today. I think the hearing's gone very well. I think you can take the message back to the Secretary that I think the country at large is very pleased with the control of the border. Amazing it happened without legislation, without new appropriation. I understand there will be some new appropriation needed. I would also take back to the department though, that your math does not add up on the wall. $46.5 billion for the wall.

Currently, on the U.S. Customs and Border Protection (CBP) website, it says it's costing about $6.5 million per mile. If you do 1,000 more miles, that's $6.5 billion. So, you are asking for enough to do 8,000 miles, so it does not add up. It's also been noted that a third of the border is now under the control and surveillance of sonar towers that Anduril's putting up. I am a big believer in that.

I think it's actually a less expensive way. You do that and combine it with helicopters, you can probably patrol the border—you already are doing a good job now, but you can probably add an-

other layer to it within months simply with the sonar towers and helicopters. While I am for some more money, I think it's still asking for too much and the math does not add up.

Most of that, you know, there's 1,200 miles left. We will be lucky to put fence on a thousand. We are probably going to put fence on less than that. We ought to be open-minded to other things like the sonar towers and other technologies. Some of that's pretty immediate too. You do not have to wait years to build a wall. You immediately can put it up and begin defending the border. But by and large, I think the President's done a great job.

I think really, whether you are Republican, independent or Democrat, people want criminals, to be captured. They want to be safe. They are horrified by the people who have been killed by people who are illegally in the country. Even if only one percent of the people came in were criminals, there's like maybe eight million people came in in the last couple years, that would be 80,000 people roaming around that are criminals. It probably would be one percent.

I do compliment the President and Secretary for doing it. Still very interested in the speech thing. I hope you will take that back, that we are going to try to get that into law. What the President is doing to protect free speech is amazing, needed, shouldn't be partisan, but we would really like to make it part of law. But thank you for your testimony.

The nominees have all filed responses[1] to biographical and financial questionnaires.[2] They have answered pre-hearing questions submitted by the Committee[3] and had their financial statements reviewed by the Office of Government Ethics (OGE).[4] Additionally, the Committee has received letters of support for the nominees.

Without objection, this information will made part of the hearing record[5] with the exception of the nominees' financial data, which are on file with the Committee.

The hearing record will remain open until noon tomorrow, June 6th. Thank you all for your time. The meeting is adjourned.

[Whereupon, at 10.43 a.m., the hearing was adjourned.]

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[1] The information for Mr. Cairncross appears in the Appendix on page 29.
[2] The information for Mr. Law appears in the Appendix on page 82.
[3] The information for Mr. Rhodes appears in the Appendix on page 139.
[4] The information for Mr. Woodruff appears in the Appendix on page 186.
[5] The information for Mr. Percival appears in the Appendix on page 236.

APPENDIX

Today we are considering nominees for five, high-level positions all critical to the American people.

While I thank the nominees for being here today, this rushed hearing limits our ability as Senators to fulfill our constitutional duty of advice and consent.

The nominations process should provide us ample opportunity to do our due diligence and ensure these nominees are fit to effectively carry out the duties of these important offices.

I am concerned this committee's nominations process is becoming a rubber stamp. A way to check the box and push these nominees to the Senate floor without sufficient oversight.

We're straying even further from our traditional open and public process by not having the nominees give opening statements, and by restricting the amount of time for members to ask questions of them.

This not only robs members of the tools to thoroughly evaluate a nominee's qualifications – it also limits transparency for the public. The American people deserve to know whether the President's nominees are up to the task of these serious roles.

While this Committee neglects to hold oversight hearings, the Administration is dismantling key government functions under the guise of restructuring.

Instead of targeting real waste, fraud, and abuse, the Trump Administration is indiscriminately firing personnel and cancelling funding across the federal government, disempowering our agencies and making them, and the American people, more vulnerable to national security threats.

By firing the watchdogs who oversee our government and make sure that it is accountable to the public, the Administration is removing avenues to address any harm or wrongdoing.

These actions will not make the federal government more efficient and accountable.

They will prevent it from effectively serving and protecting the American people.

This committee has a responsibility to conduct thorough oversight, to ensure that only the most qualified nominees assume leadership positions.

The rushed process before us today undermines our duty as senators.

To the nominees, if confirmed, each of you will be in positions of great influence to deliver critical services to the American people.

I sincerely hope you will use your influence to make our government more effective — not tear it apart.

Thank you.

Opening Statement
For the Nomination of Sean Cairncross
to be Director of the Office of the National Cyber Director (ONCD)

Chairman Paul, Ranking Member Peters, and distinguished Senators, it is a privilege to appear before this Committee as President Trump's nominee to serve as the next National Cyber Director.

I would like to recognize and thank the members of my family: mom and dad, Andy and Donna; my wife, Emily; and our children, India and Dominic. I am grateful to my parents, I am proud of my kids, and I am lucky I met Emily. I am thankful to have my family's support.

If confirmed, I would be honored to serve my country once more. I am grateful to President Trump for trusting me to lead this important mission of advancing our nation's security by meeting the cyber threat. I admire the President's approach to putting the American people first and defending the United States—and cyber is no exception. With President Trump's leadership, our nation's posture and willingness to counter nation-state threats will be the strongest it has ever been.

During the first Trump Administration, I had the opportunity to serve in the national security policymaking process. As the Senior Advisor to the White House Chief of Staff, I was the Chief's proxy on the National Security Council (NSC) Deputies' and Principals' Committees.

In 2019, I was confirmed as Chief Executive Officer (CEO) to lead the Millennium Challenge Corporation (MCC). When I arrived, MCC enjoyed bipartisan support and statutory authority, but the agency suffered from a lack of strategic relevance, innovation, and direction. I ran MCC with an open line of communication to Congress. My team and I successfully elevated MCC's work within the interagency and the U.S. strategic foreign policymaking process.

Later, as Chief Operating Officer of a national party apparatus over two different presidential cycles, I came face-to-face with cyber matters, during which I worked closely with our industry partners, the Federal Bureau of Investigation, and the intelligence community. I know first-hand that the complexity and severity of the cyber threat to our nation has only increased.

Effective cybersecurity brings together a broad array of private sector stakeholders, international partners, and public servants at all levels of government—federal, state, local, Tribal, and territorial. If confirmed, I am committed to working closely with each component of this complex and interdependent matrix that makes up our cyber ecosystem.

Indeed, this is ONCD's statutory mandate.

Success in this endeavor, while certainly technical in substance, also relies first and foremost on the strength of the human relationships which are foundational to our efforts. ONCD must build and maintain strong, clear, and communicative relationships and partnerships. This is the opportunity to establish the Office of the National Cyber Director in the way Congress and the Cyberspace Solarium Commission envisioned.

I am a believer in the principle that form must follow function. If confirmed, I would assume this role with the following approach:

First, if ONCD tries to do everything, it will be ineffective. On a very bad day, our nation's critical infrastructure must be resilient and able to function. The office needs prioritized targets and objectives that are concrete and achievable. It needs focus and direction toward more strategic policy alignment, including active defense measures.

Second, cyber defense is not just a technology problem; it is an operational and national security problem. ONCD must work closely with White House, interagency, and private sector partners to develop meaningful and effective cybersecurity policy. This is a complex issue set. The incentive schemes must align to promote information exchange and coordination of efforts. ONCD must leverage convening and policy coordinating authorities—and across critical infrastructure sectors, CEOs must engage in these efforts with full force.

Third, ONCD needs to work to streamline federal cyber regulation and compliance burdens. Cyber defense cannot, and should not, be a checklist that increases costs and slows incident preparedness or response effectiveness. We must develop a more unified and efficient approach.

And, finally, ONCD must work with the NSC and the full national security apparatus, including the Cybersecurity and Infrastructure Security Agency, and other interagency partners. to ensure that U.S. government cyber efforts are integrated.

Fundamentally, cyber is the attack vector, but the adversaries executing cyberattacks are human. As such, the United States must disincentivize this type of behavior by increasing the cost and risk for malicious cyber actors and nation states. Our adversaries present us with strategic dilemmas in this domain—defensive and offensive—and we need to do the same.

If confirmed, I will work closely with Congress, the interagency, NSC, the Office of Management and Budget, private industry, and state and local authorities to strengthen our national cyber posture. I will work tirelessly to make ONCD central to the United States' role in dominating the cyber domain through ensuring policy alignment, budget coherence, and collaboration.

I look forward to discussing these, and other matters concerning the Office of the National Cyber Director today and, if confirmed, in the future.

Thank you.

REDACTED

HSGAC BIOGRAPHICAL QUESTIONS FOR EXECUTIVE NOMINEES

1. Basic Biographical Information

Please provide the following information.

Position to Which You Have Been Nominated	
Name of Position	**Date of Nomination**
National Cyber Director	**02/11/2025**

Current Legal Name			
First Name	**Middle Name**	**Last Name**	**Suffix**
Sean	**Stuart**	**Cairncross**	

Addresses					
Residential Address (do not include street address)			**Office Address** (include street address)		
[redacted]			**Street:**		
City: Washington	**DC**	**20016**	**310 First St., SE Washington**	**DC**	**20003**

Other Names Used						
First Name	**Middle Name**	**Last Name**	**Suffix**	Check if Maiden Name	**Name Used From** (Month/Year) (Check box if estimate)	**Name Used To** (Month/Year) (Check box if estimate)
					Est ☐	**Est** ☐
					Est ☐	**Est** ☐

Birth Year and Place	
Year of Birth (Do not include month and day.)	**Place of Birth**
1974	St. Paul, MN

Marital Status					
Check All That Describe Your Current Situation:					
Never Married	**Married**	**Separated**	**Annulled**	**Divorced**	**Widowed**
☐	**x**	☐	☐	☐	☐

Spouse's Name (current spouse only)			
Spouse's First Name	**Spouse's Middle Name**	**Spouse's Last Name**	**Spouse's Suffix**
Emily	Elizabeth	Skor	

Spouse's Other Names Used (current spouse only)						
First Name	**Middle Name**	**Last Name**	**Suffix**	Check if Maiden Name	**Name Used From** (Month/Year) (Check box if estimate)	**Name Used To** (Month/Year) (Check box if estimate)
N/A	N/A	N/A			**Est** ☐	**Est** ☐
					Est ☐	**Est** ☐

Children's Names (if over 18)			
First Name	**Middle Name**	**Last Name**	**Suffix**
India	**James**	**Cairncross**	
Dominic	**Stuart**	**Cairncross**	

2. Education

List all post-secondary schools attended.

Name of School	**Type of School** (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	**Date Began School** (month/year) (check box if estimate)	**Date Ended School** (month/year) (check box if estimate) (check "present" box if still in school)	**Degree**	**Date Awarded**
American University	University	08/1997 Est □	05/1997 Est □ Present □	BA	05/1997
Oxford University	University (Study Abroad year)	09/1995 Est □	06/1996 Est □ Present □		
Cambridge University	University	09/1997 Est □	06/1998 Est □ Present □	M.Phil	06/1998
New York University School of Law	Law School	08/1998 Est □	05/2001 Est □ Present □	JD	05/2001

3. Employment

(A) List all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

Type of Employment (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other	**Name of Your Employer/ Assigned Duty Station**	**Most Recent Position Title/Rank**	**Location** (City and State only)	**Date Employment Began** (month/year) (check box if estimate)	**Date EmploymentEnded** (month/year) (check box if estimate) (check "present" box if still employed)
Legal	Covington & Burling	Associate	Washington, D.C.	09/2001 Est ☐	12/2004 Est ☐
Management	Republican National Committee (RNC)	COO	Washington, D.C.	03/2024 Est ☐	Present Est ☐
Management	RNC	COO	Washington, D.C.	05/2015	01/2017
Legal	RNC	Chief Counsel	Washington, D.C.	12/2006	01/2009
Legal	RNC	Deputy Chief Counsel	Washington, D.C.	06/2004	11/2006
Legal/Management	NRSC	Deputy Executive Director	Washington, D.C.	02/2009 Est ☐	02/2013 Est ☐
Compliance	VogelHood Research	General Counsel	Washington, D.C.	02/2014 Est x	05/2015 Est ☐

Legal	Partner	Partner	Washgington, D.C.	Est 06/2013	Est 12/2016 □
Advisory	White House	Deputy Assistant to the President	Washington, D.C.	01/2017	06/2018
Legal	Self-employed	President	Washington, D.C.	02/2013	05/2013
Management	Millennium Challenge Corporation	CEO	Washington, D.C.	07/2019	01/2021
Advisor	Overseas Private Investment Corporation	Senior Advisor	Washington, D.C.	07/2018	04/2019 (est)
Advisor	Cairncross Group	President	Washington, D.C.	07/2022 (est)	03/2024
Unemployed				02/2021	06/2022 (est)

(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

Name of Government Entity	**Name of Position**	**Date Service Began** (month/year) (check box if estimate)	**Date Service Ended** (month/year) (check box if estimate) (check "present" box if still serving)
None		Est □	Est □ Present □
		Est □	Est □ Present □
		Est □	Est □ Present □

4. Potential Conflict of Interest

(A) Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

None.

(B) Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration or execution of law or public policy, other than while in a federal government capacity.

None.

5. Honors and Awards

List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.

Phi Beta Kappa

American University Award for Outstanding Scholarship at the Undergraduate Level

6. Memberships

List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years.

Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of $1,000 or less, Parent-Teacher Associations or other organizations connected to schools attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam's Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

Name of Organization	Dates of Your Membership (You may approximate.)	Position(s) Held
D.C. Bar Association	09/2001 (est) - Present	Member

7. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?

No

Name of Office	Elected/Appointed/ Candidate Only	Year(s) Election Held or Appointment Made	Term of Service (if applicable)

(B) List any offices held in or services rendered to a political party or election committee during the last ten years that you have not listed elsewhere.

Name of Party/Election Committee	Office/Services Rendered	Responsibilities	Dates of Service
None			

(C) Itemize all individual political contributions of $200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

Name of Recipient	Amount	Year of Contribution
None		

8. Publications and Speeches

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with copies of all listed publications. In lieu of hard copies, electronic copies can be provided via e-mail or other digital format.

Title	Publisher	Date(s) of Publication
U.S. Global Economic Assistance Should Not Mimic China's. Just Ask Sri Lanka.	The Diplomat	11/04/2022

(B) List any formal speeches you have delivered during the last five years and provide the Committee with copies of those speeches relevant to the position for which you have been nominated. Include any testimony to Congress or any other legislative or administrative body. These items can be provided electronically via e-mail or other digital format.

Title/Topic	Place/Audience	Date(s) of Speech

(C) List all speeches and testimony you have delivered in the past ten years, except for those the text of which you are providing to the Committee.

Title	Place/Audience	Date(s) of Speech
Panel at 2020 Global Conference	Milken Institute	02/23/2021

A Conversation with Millennium Challenge Corporation CEO Sean Cairncross	Hudson Institute	05/07/2020
Reimagining A Global Impact Model: Sean Cairncross (Millennium Challenge Corp) And Condoleezza Rice	Hoover Institution	03/10/2020
Oversight Hearing of the Millennium Challenge Corporation	Senate Foreign Relations Committee	12/04/2019
TFODF: 'Closing the Digital Divide' Introductory Remarks with Sean Cairncross	The Future of Development Finance (DEVEX)	11/04/2019
A Conversation with MCC CEO Sean Cairncross	Center for Global Development	10/22/2019
Changing the Way the Development Game is Played	Concordia	09/30/2019
The Future of the Millennium Challenge Corporation	Center for Strategic & International Studies	08/14/2019
Opening Statement for Nomination Hearing to be CEO of Millennium Challenge Corporation	Senate Foreign Relations Committee	02/27/2018
SPA Speaker Series	St. Paul Academy	12/08/2016

9. Criminal History

Since (and including) your 18th birthday, has any of the following happened?

- Have you been issued a summons, citation, or ticket to appear in court in a criminal proceeding against you? (Exclude citations involving traffic infractions where the fine was less than $300 and did not include alcohol or drugs.)

  No

- Have you been arrested by any police officer, sheriff, marshal or any other type of law enforcement official?

  No

- Have you been charged, convicted, or sentenced of a crime in any court?

  No

- Have you been or are you currently on probation or parole?

  No

- Are you currently on trial or awaiting a trial on criminal charges?

  No

- To your knowledge, have you ever been the subject or target of a federal, state or local criminal investigation?

  No

If the answer to any of the questions above is yes, please answer the questions below for each criminal event (citation, arrest, investigation, etc.). If the event was an investigation, where the question below asks for information about the offense, please offer information about the offense under investigation (if known).

A) Date of offense:

   a. Is this an estimate (Yes/No):

B) Description of the specific nature of the offense:

C) Did the offense involve any of the following?
   1) Domestic violence or a crime of violence (such as battery or assault) against your child, dependent, cohabitant, spouse, former spouse, or someone with whom you share a child in common: **Yes / No**
   2) Firearms or explosives: **Yes / No**
   3) Alcohol or drugs: **Yes / No**

D) Location where the offense occurred (city, county, state, zip code, country):

E) Were you arrested, summoned, cited or did you receive a ticket to appear as a result of this offense by any police officer, sheriff, marshal or any other type of law enforcement official: **Yes / No**

   1) Name of the law enforcement agency that arrested/cited/summoned you:

   2) Location of the law enforcement agency (city, county, state, zip code, country):

F) As a result of this offense were you charged, convicted, currently awaiting trial, and/or ordered to appear in court in a criminal proceeding against you: **Yes / No**

   1) If yes, provide the name of the court and the location of the court (city, county, state, zip code, country):

2) If yes, provide all the charges brought against you for this offense, and the outcome of each charged offense (such as found guilty, found not-guilty, charge dropped or "nolle pros," etc). If you were found guilty of or pleaded guilty to a lesser offense, list separately both the original charge and the lesser offense:

3) If no, provide explanation:

G) Were you sentenced as a result of this offense: **Yes / No**

H) Provide a description of the sentence:

I) Were you sentenced to imprisonment for a term exceeding one year: **Yes / No**

J) Were you incarcerated as a result of that sentence for not less than one year: **Yes / No**

K) If the conviction resulted in imprisonment, provide the dates that you actually were incarcerated:

L) If conviction resulted in probation or parole, provide the dates of probation or parole:

M) Are you currently on trial, awaiting a trial, or awaiting sentencing on criminal charges for this offense: **Yes / No**

N) Provide explanation:

10. Civil Litigation and Administrative or Legislative Proceedings

(A) Since (and including) your 18th birthday, have you been a party to any public record civil court action or administrative or legislative proceeding of any kind that resulted in (1) a finding of wrongdoing against you, or (2) a settlement agreement for you, or some other person or entity, to make a payment to settle allegations against you, or for you to take, or refrain from taking, some action. Do NOT include small claims proceedings.

Date Claim/Suit Was Filed or Legislative Proceedings Began	Court Name	Name(s) of Principal Parties Involved in Action/Proceeding	Nature of Action/Proceeding	Results of Action/Proceeding
08/02/2010	Superior Court of the District of Columbia	Keith Carter NRSC Rob Jesmer Sean Cairncross Jay Banning	Employment Suit	Settlement

(B) In addition to those listed above, have you or any business of which you were an officer, director or owner ever been involved as a party of interest in any administrative agency proceeding or civil litigation? Please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

Date Claim/Suit Was Filed	Court Name	Name(s) of Principal Parties Involved in Action/Proceeding	Nature of Action/Proceeding	Results of Action/Proceeding

(C) For responses to the previous question, please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

11. Breach of Professional Ethics

(A) Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee, or other professional group? Exclude cases and proceedings already listed.

No

Name of Agency/Association/ Committee/Group	Date Citation/Disciplinary Action/Complaint Issued/Initiated	Describe Citation/Disciplinary Action/Complaint	Results of Disciplinary Action/Complaint

(B) Have you ever been fired from a job, quit a job after being told you would be fired, left a job by mutual agreement following charges or allegations of misconduct, left a job by mutual agreement following notice of unsatisfactory performance, or received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as violation of a security policy?

No

12. Tax Compliance

(This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

REDACTED

13. Lobbying

In the past ten years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State).

No

14. Outside Positions

x See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

For the preceding ten calendar years and the current calendar year, report any positions held, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

Name of Organization	Address of Organization	Type of Organization (corporation, firm, partnership, other business enterprise, other non-profit organization, educational institution)	Position Held	Position Held From (month/year)	Position Held To (month/year)

15. Agreements or Arrangements

x See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

As of the date of filing your OGE Form 278, report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred

compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment.

Provide information regarding any agreements or arrangements you have concerning (1) future employment; (2) a leave of absence during your period of Government service; (3) continuation of payments by a former employer other than the United States Government; and (4) continuing participation in an employee welfare or benefit plan maintained by a former employer other than United States Government retirement benefits.

Status and Terms of Any Agreement or Arrangement	**Parties**	**Date** (month/year)

16. Additional Financial Data

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

REDACTED

SIGNATURE AND DATE

I hereby state that I have read the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

_____

This _____ day of , 20

REDACTED

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

April 11, 2025

The Honorable Rand Paul
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Sean Cairncross, who has been nominated by President Trump for the position of National Cyber Director, Office of the National Cyber Director.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

DEBORAH BORTOT

Digitally signed by DEBORAH BORTOT
Date: 2025.04.11 12:54:46 -04'00'

Deborah Bortot
Chief, Presidential Nominations Branch

Enclosures: REDACTED

April 8, 2025

Ashley Martin
Alternate Designated Agency Ethics Official
Office of the National Cyber Director
725 17th Street NW
Washington, DC 20006

Dear Ms. Martin:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of National Cyber Director of the Office of the National Cyber Director. It is my responsibility to understand and comply with commitments outlined in this agreement.

SECTION 1 – GENERAL COMMITMENTS

As required by the criminal conflicts of interest law at 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the particular matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me:

- Any spouse or minor child of mine;
- Any general partner of a partnership in which I am a limited or general partner;
- Any organization in which I serve as an officer, director, trustee, general partner, or employee, even if uncompensated; and
- Any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

In the event that an actual or potential conflict of interest arises during my appointment, I will consult with an agency ethics official and take the measures necessary to resolve the conflict, such as recusal from the particular matter or divestiture of an asset.

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the regulatory exemption for diversified mutual funds and unit investment trusts at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

I will receive a live ethics briefing from a member of the ethics office after my confirmation but not later than 15 days after my appointment pursuant to the ethics program regulation at 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will submit my

Certification of Ethics Agreement Compliance which documents my compliance with this ethics agreement.

I will not modify this ethics agreement without your approval and the approval of the U.S. Office of Government Ethics (OGE) pursuant to the ethics agreement requirements contained in the financial disclosure regulation at 5 C.F.R. § 2634.803(a)(4).

SECTION 2 – CAIRNCROSS GROUP

I am the sole proprietor of my consulting firm, which does business as Cairncross Group. I resigned from the position of President in July 2024, and my consulting firm ceased engaging in business at that time. During my appointment to the position of National Cyber Director, the firm will remain dormant and will not advertise. I will not perform any services for the firm, except that I will comply with any court orders or subpoenas and any requirements involving legal filings, taxes, and fees that are necessary to maintain the firm while it is in an inactive status. As National Cyber Director, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of Cairncross Group. In addition, pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, I will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

SECTION 3 – RESIGNATIONS

Upon confirmation, I will resign from my positions with the following entities:

- Republican National Committee
- American Global Strategies
- Krach Institute for Tech Diplomacy

Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for a period of one year after my resignation from each of these entities, I will not participate personally and substantially in any particular matter involving specific parties in which I know that entity is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

SECTION 4 – OTHER RESIGNATIONS

I previously resigned from my positions with the following entities:

- Eurasia Foundation
- BITT Inc.
- United States Global Leadership Coalition

Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for a period of one year after my resignation from each of these entities, I will not participate personally and substantially in any particular matter involving specific parties in which I know that entity is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

SECTION 5 – DIVESTITURES

As soon as practicable but not later than 90 days after my confirmation, I will divest my interests in the following funds:

- Communication Services Select Sector SPDR Funds (XLC)
- iShares Expanded Tech-Software ETF (IGV)
- SPDR S&P Software and Services ETF (XSW)
- Vanguard Communication Services ETF (VOX)
- Vanguard Financials Index Fund ETF Shares (VFH)

Until I have completed these divestitures, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of any holdings of the funds that are in the specific sector in which the funds concentrate, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I have verified that I will be able to carry out the divestitures within the timeframe described above.

I understand that I may be eligible to request a Certificate of Divestiture for qualifying assets and that a Certificate of Divestiture is effective only if obtained prior to divestiture. Regardless of whether I receive a Certificate of Divestiture, I will ensure that all divestitures discussed in this agreement occur within the agreed upon timeframes and that all proceeds are invested in non-conflicting assets. I understand that I must submit my request for a Certificate of Divestiture to allow for adequate time for OGE to process the Certificate of Divestiture, and in order to divest assets within the agreed upon timeframe.

I (including my spouse and minor children if applicable) will not repurchase any asset I was required to divest without my consultation with my agency ethics official and the U.S. Office of Government Ethics.

SECTION 6 – DE MINIMIS EXEMPTION FOR SECTOR FUNDS

If I rely on a de minimis exemption under 5 C.F.R. § 2640.201(b) with regard to any of my financial interests in sector mutual funds, I will monitor the value of those interests. If the aggregate value of my interests in sector mutual funds that concentrate in any one sector exceeds $50,000, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of any holdings of the funds that are in the specific sector in which the funds concentrate, unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1).

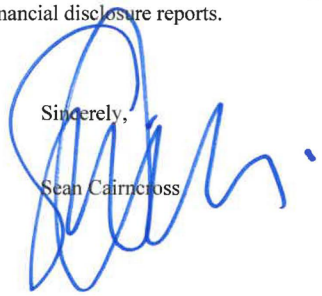
SECTION 7 – SPOUSE EMPLOYMENT

My spouse is employed by Growth Energy, in a position for which my spouse receives a fixed annual salary and a bonus tied to their performance. Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for as long as my spouse continues to work for Growth Energy, I will not participate personally and substantially in any particular matter involving specific parties in

which I know Growth Energy, is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

SECTION 8 – PUBLIC POSTING

I have been advised that this ethics agreement and the Certification of Ethics Agreement Compliance will be posted publicly, consistent with the public information law at 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other presidential nominees who file public financial disclosure reports.



Sincerely,

Sean Cairncross

U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing Questionnaire
For the Nomination of Sean Cairncross
to be the National Cyber Director

I. Nomination Process and Conflicts of Interest

1. Did the President or anyone else give you specific reasons why the President nominated you to be the Director, and if so, what were they?

I was asked to serve in this role because of the work I did in the first Trump Administration at the White House, leading the Millennium Challenge Corporation (MCC), and my familiarity with the people working in the White House and the Administration.

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

No.

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

I have committed to working as hard as I can to ensure that the Office of the National Cyber Director is successful.

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

I am not.

5. Have you or any organization of which you were an officer, director or owner, or have or had a significant financial interest in been the recipient of any Federal grants, loans, or other financial assistance (such as, but not limited to, Paycheck Protection Program Loans, Economic Injury Disaster Loans, Restaurant Revitalization Grants, etc.) within the past 10 years. If so, please list the program, amount, and date of receipt.

No.

6. Please provide the name of any individual, law firm, consulting firm, lobbying firm, public relations firm, or other entity you have formally retained, contracted, or consulted with regarding this nomination, including any amounts paid in fees or otherwise.

N/A

7. Are you currently serving in an advisory role or some other capacity at the White House or the Office of the National Cyber Director (ONCD)?

No.

a. If so, please describe the scope of your responsibilities.

N/A

II. Background of the Nominee

8. What specific background, experience, and attributes qualify you to be the Director?

I have significant management experience. As CEO of MCC, I led an independent federal agency with a staff of hundreds of people, oversaw more than $13 billion dollars in active management, and dozens of large-scale infrastructure and diplomatic projects.

I also served as the Chief Operations Officer (COO) of the Republican National Committee twice over the past decade, as well as the Deputy Executive Director and General Counsel of the National Republican Senatorial Committee (NRSC). In these roles, I managed a staff of hundreds and over $1 billion dollars in a highly regulated and public environment.

My management experience has included working on a variety of cyber-related issues with both the FBI and Intelligence Community (IC) such as cyber-defense matters related to attacks by hostile foreign actors on political party entities I have overseen.

I have significant national security experience. While serving in the White House, I served as the Chief of Staff's proxy on the National Security Council (NSC) Principals' and Deputies' Committees, and was involved in a full range of national security matters—from long-term strategy to immediate crisis response, including cyber incident matters. While at the MCC, I also worked closely with the National Security Advisor and NSC staff.

I have significant international relations experience. At MCC, I travelled to over 20 countries and negotiated with over 25 foreign heads of state. I worked closely with the State Department, as well as the MCC's Board of Directors and the wider interagency to align and coordinate with larger strategic U.S. foreign policy objectives. I also worked with allied governments on economic development and strategic initiatives.

9. Please describe:

a. Your leadership and management style.

My style is straightforward and transparent. I believe my job is to set priorities, make the necessary decisions for those priorities to be executed, and to secure the resources and

political support that is essential for my team to succeed. I also believe in accountability and leading through example.

b. Your experience managing personnel.

I have significant management experience. As CEO of MCC, I led an independent federal agency with a staff of hundreds.

c. What is the largest number of people who have worked under your supervision?

Approximately 600.

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

Taking MCC from an agency that had been adrift and isolated to one that showcased its ability to leverage policy reform and achieve results. I developed and led a motivated, high-performing staff that advanced MCC initiatives through engagement in the larger U.S. foreign policy apparatus.

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

As a young attorney, I was part of a large-scale litigation effort in which the decision-making structure was diffuse and ineffective. I should have been more aggressive in inserting myself to reorganize the effort. The lessons I took from my experience are: (1) form must follow function; and (2) that not doing everything I could to fix a problem will result in losing.

12. Please give examples of times in your career when you disagreed with your superiors and advocated your position. Describe circumstances in which you were successful and in which you were unsuccessful.

As MCC CEO, I recommended to the agency's Board of Directors that we withdraw the $480 million Sri Lanka compact. Initially, the Board Chair disagreed with my recommendation given the potential geographic and strategic importance of the region. After further advocating, however, I successfully convinced the Chair, and the full Board reached a unanimous decision, supporting my position and the agency's true purpose—the Board ultimately voted to discontinue the compact.

13. Do you seek out dissenting views and encourage constructive critical dialogue with subordinates? Please provide examples of times in your career when you have done so.

Yes. At MCC, I started every week with an all-staff call which always concluded with an open-question session—everyone was welcome to ask a question or offer feedback, including criticism. I also opened budgeting discussions to all staff, allowing everyone to understand leadership's decision-making process.

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

I discontinued the MCC compact from Sri Lanka in 2020. The project was an important engagement for the U.S. in a strategically significant region. The relationship with the (then) Sri Lankan government(s) meant that proceeding would have undermined the agency's purpose.

I withdrew $190 million from MCC's Ghana compact because the Ghanaians had reneged on a private sector concession for their power utility. Among other things, Ghana is a close counter-terrorism partner with the U.S., and I had to enforce MCC's model and credibility while also retaining a healthy diplomatic relationship with the Ghanaians.

15. Please describe how you build credibility and trust among staff as a leader.

I am clear and transparent about my decision making and engage staff directly. I work to ensure that roles are clear and staff have the resources to do their jobs.

16. During your career, has your conduct as a government employee ever been subject to an investigation or audit by the Office of Special Counsel, Department of Justice, agency Equal Opportunity office or investigator, agency Inspector General, or any other similar federal, state, or local investigative entity? If so, please describe the nature of the allegations/conduct and the outcome(s) of the investigation(s) or audit(s).

No.

III. Role of the Director

17. Please describe your view of the core mission of the Director and what you would consider to be your primary role and responsibilities if confirmed.

If confirmed, my primary responsibilities as the President's senior advisor on cyber security policy and strategy will be to work across the interagency to align effort, to identify inefficiencies in the national cyber ecosystem and solutions to address them, and to foster opportunities for improved collaboration among federal agencies and between the private sector and government. In short, to improve the nation's cyber defense posture.

18. Please describe your understanding of the authorities of the Director and how those authorities facilitate the core mission of the office.

It is my understanding that the NCD is the principal advisor to the President on cybersecurity strategy and coordination, responsible for ensuring policy alignment, budget coherence, and interagency collaboration across the federal government. The NCD does not have statutorily enumerated operational authority over federal agencies, but does provide direction and aligns federal efforts throughout the EOP. The NCD also serves as

an advisor and coordinator of federal cybersecurity efforts and a partner to industry stakeholders. These authorities support ONCD's core statutory mission to help improve the cybersecurity posture of the U.S. and foster consistency across national cyber efforts.

19. Please describe your understanding of the respective roles and responsibilities of the ONCD compared to:

    a. the Director of the Cybersecurity and Infrastructure Security Agency (CISA)

The CISA Director, acting within the authorities of the Department of Homeland Security, is the operational lead for cybersecurity and resilience for federal networks. The Director also assists both the private sector and SLTT partners on their cybersecurity and resilience efforts. The Director's purview also includes federal agencies' cyber defense and asset response, as well as sector risk management and technical assistance. CISA's operational role sets it apart from ONCD, which is a coordination and strategic-level policy office. CISA's operational expertise and ONCD's role as a coordinator across the interagency ensures our efforts are integrated.

    b. the Deputy National Security Advisor for Cyber and Emerging Threats

There is not currently a Deputy National Security Advisor for Cyber and Emerging Threats.

ONCD and the NSC, however, working together across the full range of the cybersecurity continuum can—and will—effectively implement a holistic approach of enhanced active defense coupled with actions and activities to disrupt and hold accountable malicious cyber actors and adversaries.

    c. the Office of Management and Budget, including the Federal Chief Information Officer and Federal Chief Information Security Officer.

My understanding is the Office of Management and Budget (OMB), including the Federal Chief Information Officer and the Federal Chief Information Security Officer, are responsible for the oversight of Federal Civilian Executive Branch or "FCEB" cybersecurity. Through the President's annual budget request, OMB also impacts agency budget requests for cybersecurity, ensuring resources are efficiently spent to protect federal networks. ONCD's remit is not limited to the FCEB but works closely with OMB to ensure efforts across the FCEB and budget proposals are coordinated and aligned with cybersecurity priorities.

IV. Policy Questions

Management, Workforce

20. What do you consider to be the principal challenges in the area of human capital management facing the Director?

The principal human capital management challenges facing the National Cyber Director are similar to those facing other cyber-focused entities; the right people need to be in the right jobs. The cyber workforce is broad, including technical experts, policy professionals, legal practitioners, and more. Managing and retaining such a workforce is crucial to improving cybersecurity outcomes.

21. What measurements would you use to determine whether ONCD is successful?

If confirmed, I will ensure ONCD's work aligns with its statutory mandate, and ensure that success is defined from the outset. I will do this by defining clear lines of accountability and performance metrics to track our efficacy and progress. I will measure the success of ONCD's efforts through analysis of cyber-related information reported by federal agencies—particularly those required under the *Federal Information Security Modernization Act (FISMA)*—as well as through data submitted as part of the annual budget request process. I will also rely on input and feedback from the private sector to determine the success of ONCD's industry-facing initiatives and to identify improvement opportunities on the whole-of-government approach to strengthen cybersecurity and resilience within the private sector and the United States' critical infrastructure at large.

22. How will you address the challenge of recruiting, hiring, training, and retaining the necessary personnel?

If confirmed, I will ensure ONCD is appropriately staffed to effectively meet its mission. Recruiting, hiring, training, and retaining the necessary personnel is essential for ONCD to be successful. I will ensure that hiring requirements match the skills necessary for a particular job, work with interagency and private sector partners to identify and develop talent, and ensure that staff is motivated by their work.

23. If confirmed, how will you ensure ONCD is positioned to succeed beyond your tenure as Director? What steps will you take to prepare the office for future presidential transitions?

ONCD is still a new office. If confirmed, I will work to ensure ONCD is well-positioned for future success. I will establish clear policies and processes that position ONCD to engage effectively within the Executive Branch. This includes clarifying the office's role and responsibilities as a component of the Executive Office of the President, the national security policy-making processes, and within the federal cyber governance ecosystem.

Cybersecurity and Artificial Intelligence

24. What do you view to be the most significant threat facing our nation?

The 2025 Intelligence Community Annual Threat Assessment identified China as "the most active and persistent cyber threat to U.S. government, private sector, and critical infrastructure networks". I agree. Other adversarial nation-states and cybercriminals also

pose an unacceptable threat to the United States, but as evidenced by recent campaigns such as Volt Typhoon and Salt Typhoon, China's reach into our networks is pervasive and strategic, and demands our urgent, full attention.

Additionally, as new technologies, such as artificial intelligence, become more widespread, it is imperative that the United States retain its leading technology edge. The government should encourage, rather than stifle, innovation and identify opportunities to leverage these technologies to support cybersecurity efforts. If confirmed, I look forward to working with Congress, our partners in OSTP, and the interagency to ensure our policies prioritize innovation and security as these technologies mature.

25. If confirmed, how would you ensure agencies are coordinating the streamlining of federal cybersecurity policies, guidelines, and regulations?

If confirmed, I will work to ensure agencies are aligned on cyber policy direction and that their activities are complementary, rather than duplicative. Additionally, I welcome the opportunity to focus on identifying inefficiencies among duplicative or contradictory cyber regulatory regimes and putting forward solutions to address them.

Misinformation, Disinformation, and Tech Censorship

26. Should ONCD be involved in censoring Americans constitutionally protected speech?

No.

27. Should ONCD have role in labeling Americans constitutionally protected speech as misinformation, misinformation, or misinformation?

No.

28. Should ONCD work with social media companies to discuss moderating the content of constitutionally protected speech?

No.

V. Accountability

Whistleblower Protections

29. Protecting whistleblowers and their confidentiality is of the utmost importance to this Committee.

    a. Please describe any previous experience with handling whistleblower complaints. What steps did you take to ensure those individuals did not face retaliation and that their claims were thoroughly investigated?

I have not faced a whistleblower complaint.

b. If confirmed, what steps will you take to ensure that whistleblower complaints are handled appropriately at ONCD?

If confirmed, I will ensure ONCD's policies and processes for handling whistleblower complaints are clearly defined, consistent with the law, and followed.

c. If confirmed, what steps will you take to ensure that whistleblowers at ONCD do not face retaliation, that whistleblower identifiers are protected, and that complaints of retaliation are handled appropriately?

If confirmed, I will ensure ONCD's policies and processes for handling whistleblower complaints are clearly defined, consistent with the law, and followed.

Cooperation with Inspectors General

30. Inspectors General (IGs) face unique obstacles as they do their work, including budget challenges and disputes with agency heads over access to information. How do you view ONCD's relationship with various Offices of Inspectors General (OIGs)?

OIGs perform a vital function in ensuring that agencies do not engage in wasteful, fraudulent, or abusive activities. If confirmed, I will ensure that both I and ONCD's staff work with IGs to provide them with information required to perform their mission, consistent with the law.

31. Under what circumstances, if any, do you believe ONCD would not be required to provide any OIG with timely access to agency records?

If confirmed, I will ensure I and ONCD staff work with IGs to provide them with the information they require to perform their mission, consistent with the law.

32. If confirmed, do you commit to fully cooperate in a timely manner with any audits, investigations, and other reviews and related requests for information from IGs?

Yes, consistent with the law.

Cooperation with GAO

33. If confirmed, do you commit without reservation to ensuring GAO receives timely, comprehensive responses to requests for information, including for records, meetings, and information?

Yes, consistent with the law.

34. If confirmed, do you commit to fully cooperate in a timely manner with any audits, investigations, and other reviews and related requests for information from GAO?

Yes, consistent with the law.

35. If confirmed, what steps will you take to ensure ONCD and its employees cooperate fully and promptly with GAO requests?

If confirmed, I will ensure that both I and ONCD's staff work with GAO to provide them with the information they require to perform their mission, consistent with the law.

VI. Relations with Congress

36. Do you agree without reservation to comply with any request or summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

Yes, consistent with the law.

37. Do you agree without reservation to make any subordinate official or employee available to appear and testify before, or provide information to, any duly constituted committee of Congress if you are confirmed?

Yes, if confirmed, I will ensure that I and ONCD staff work with any duly constituted committee of Congress to provide them with the information they require, consistent with the law.

38. Do you agree without reservation to comply fully, completely, and promptly to any request for documents, communications, or any other agency material or information from any duly constituted committee of the Congress if you are confirmed?

Yes, consistent with the law.

39. Do you agree without reservation to reply to any reasonable request for documents, communications, or any other agency material or information from any Member of Congress?

Yes, consistent with the law.

40. If confirmed, how will you make certain that you will respond in a timely manner to Member requests for information?

Yes, if confirmed, I will ensure that I and ONCD staff work with Members of Congress to provide them, in a timely manner, with the information they require, consistent with the law.

41. If confirmed, will you direct your staff to adopt a presumption of openness where practical, including identifying documents that can and should be proactively released to the public, without requiring a Freedom of Information Act request?

Yes.

42. If confirmed, will you keep this Committee apprised of new information if it materially impacts the accuracy of information your agency's officials have provided us?

Yes.

VII. Assistance

43. Are these answers completely your own? If not, who has provided you with assistance?

They are all my own, and assistance on some questions was provided by ONCD's staff in accordance with standard practice.

44. Have you consulted with ONCD, or any other interested parties? If so, please indicate which entities.

Yes, ONCD and White House Legislative Affairs.

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

(Signature)

This 29 day of May, 2025

Post-Hearing Questions for the Record
Submitted to Sean Cairncross
Senator Gary C. Peters

Nomination of Sean Cairncross to be Director, Office of the National Cyber Director
Friday, June 6, 2025

1. If confirmed, will you commit to following all court orders?

Yes.

2. If confirmed, would you require staff of the Office of the National Cyber Director pledge loyalty to the President or the Administration?

No.

Cybersecurity Strategy

3. What are your specific policy priorities for the U.S. National Cybersecurity Strategy and its implementation plan?

If confirmed, I will evaluate the existing U.S. National Cybersecurity Strategy and its implementation plan to determine how it aligns with the current Administration's priorities and identify ways to update our national cybersecurity strategy to ensure it aligns with the Administration's priorities and enables strong cyber defense.

a. If confirmed, how would you work with other agencies who may be deprioritizing or delayed in the carrying out the established goals and implementation points?

If confirmed, I will evaluate the current implementation plan to determine which particular activities align with the current Administration's priorities. I believe the Office of the National Cyber Director has the responsibility to ensure agencies' cybersecurity efforts are sufficient to protect sensitive government data and networks and if confirmed, I would work with the Office of the Management and Budget and the Cybersecurity and Infrastructure Security Agency to ensure federal agencies meet their cybersecurity responsibilities.

b. If confirmed, would you recommend changes on how implementation is measured?

If confirmed, I will evaluate the existing measures for implementation and ensure there are clear metrics and are appropriate accountability mechanisms in place.

4. What are your specific policy priorities for the U.S. National Cyber Workforce and Education Strategy?

I believe that form should follow function and if confirmed, I will consider what policies are necessary to build a robust and efficient cyber workforce to defend federal and national networks, whether that is through a national cyber workforce strategy or another approach. I will prioritize putting the right people in the right jobs and that hiring requirements are reflective of the skills needed to perform a particular job. If confirmed, I look forward to evaluating ways to increase the size and qualifications of the cyber workforce.

a. If confirmed, would you recommend changes on how implementation is measured?

If confirmed, I will evaluate the existing implementation measures to determine whether they adequately meet successful implementation and make improvements based on that assessment.

5. What elements should be in a federal cybersecurity strategy?

A federal cybersecurity strategy, like any strategy, should have clear objectives, metrics, and lines of accountability. It should be risk-based and supported by the resources necessary to carry it out. If confirmed, I look forward to working with the interagency, partners within the Executive Office of the President, and Congress to ensure those elements guide efforts of the federal government to secure our networks.

6. If confirmed, what specific steps would you take to lead an interagency cybersecurity regulatory harmonization strategy or policy?

If confirmed, I would begin by clearly identifying and evaluating the problem to find the pain points and inefficiencies in our existing cyber regulatory scheme. I would collaborate closely with regulated entities as well as federal regulators to determine where there is overlap, contradiction, or examples of success among requirements. It is important that our regulatory schemes balance compliance burden with security outcomes, ensuring that the former does not outweigh the latter. Where requirements are necessary, they should be focused, streamlined, and when appropriated, aligned across different regulatory agencies.

7. If confirmed, alongside the Department of State, how would you maintain or improve diplomatic efforts with other nations to develop norms and international consensus around responsible state behavior in cyberspace?

If confirmed, I look forward to having a close working relationship with the Department of State to develop norms and consensus around responsible state behavior in cyberspace. Cyber threats transcend international boundaries so it is important we work with our international allies and partners to establish these norms. The United States and our allies must lead this effort rather than let adversarial nations, such as China or Russia, set the ground rules for responsible behavior in the digital realm.

10. What specific edits would you recommend, if confirmed, to PPD-41 or NSM-22?

If confirmed, one of my top priorities would be to ensure ONCD's role is appropriately reflected in Executive Branch policy documents. ONCD is a new agency and many policies, such as PPD-41, pre-date its creation; for ONCD to be successful, its role must be clearly articulated and recognized in such policy documents and the processes they outline. If confirmed, I look forward to considering what other changes may be necessary.

11. Given the current focus on cutting costs, if confirmed, how would you lead federal strategies or policies to prioritize investing in next generation telecommunications and communications infrastructure to strengthen our national security?

China's relentless targeting of our telecommunications and communications infrastructure is unacceptable. If confirmed, I would work to ensure the federal government's policies encourage innovation and targeted investment to ensure our critical infrastructure is secure. I would also work with partners in the Executive Office of the President, the interagency, and private sector to evict Chinese actors from our networks as quickly as possible and hold these actors accountable.

12. Department of Homeland Security Secretary Kristi Noem has stated that CISA has "gone off mission." Do you agree, if so, please explain and include specific examples.

As a private citizen, I cannot speak to the specifics of CISA's activities outside of what has been reported publicly. I believe CISA has a vital role to play in defending federal networks and working with the private sector to enhance the resilience of our critical infrastructure. CISA must remain focused on this core mission and if confirmed, I look forward to working closely with CISA to ensure it is successful.

13. Former NCD Chris Inglis reportedly proposed moving the Cyber Safety Review Board (CSRB) to the National Cyber Director, out of DHS. Do you support this proposal? Why or why not?

If confirmed, I will evaluate whether it would be appropriate for the National Cyber Director to lead the CSRB. I believe the cybersecurity community and the American public writ large would benefit from reviews of incidents to understand what went wrong and how to improve. If confirmed I look forward to evaluating how an entity that conducts such evaluations should be structured.

14. Do you believe that current privacy protections and data security requirements unduly constrain agency operations?

As a private citizen, I am unable to say whether current agency operations are constrained by data security requirements and privacy protections. I believe, however, that data security and privacy requirements are necessary to ensure Americans' information is protected and that agency operations should run efficiently. If confirmed, I look forward to better understanding what, if any, constraints agencies face in efficiently providing services to the American people and working with Congress to evaluate the appropriate level of security requirements to ensure those services are securely delivered.

15. Do you believe that you would have a role as National Cyber Director in addressing legacy IT systems?

If confirmed, I believe I would have the responsibility to address cybersecurity risks across the government, regardless of their source. To the extent legacy IT systems present cybersecurity concerns, I would work with the particular agency and other relevant agencies, including the Office of Management and Budget, to address those risks.

Post-Hearing Questions for the Record
Submitted to Sean Cairncross, Nominee to be National Cyber Director, Executive Office of the President
From Senator John Fetterman

Full Committee Hearing:
"Nominations of
The Honorable Sean Cairncross to be National Cyber Director, Executive Office of the President;
Robert Law to be Under Secretary for Strategy, Policy, and Plans, U.S. Department of Homeland Security;
James Percival to be General Counsel, U.S. Department of Homeland Security;
Kevin Rhodes to be Administrator for Federal Procurement Policy, Office of Management and Budget; and
James Woodruff II to be a Member, Merit Systems Protection Board"

1. Bad actors and hostile governments want to sow chaos and hurt the United States. We are in an environment that requires constant vigilance. These people target critical infrastructure in the United States with cyber-attacks, like Salt Typhoon, which compromised major U.S. telecommunication networks. Evidence shows that the likelihood of attacks like these is only increasing, and more needs to be done.

    a. *What do we have to do differently to keep U.S. data and networks safe?*

Cyber threats have been increasing in both frequency and sophistication. The actions of adversarial nation states, such as China, to preposition on our critical infrastructure networks and access the communications of American citizens is unacceptable. In order to keep our data and networks safe, we need to do several things. The vast majority of critical infrastructure is owned and operated by the private sector, so the U.S. government must collaborate closely with our industry partners to exchange information and enhance cyber defense. This includes understanding the cyber regulatory compliance burden they face and to what extent that burden impedes security outcomes. We must also do more to better protect our federal networks. If confirmed, I will work closely with the Office of Management and Budget and the Cybersecurity and Infrastructure Security Agency to ensure we have the right policies in place to enable successful federal network defense. Finally, using all appropriate levers at the federal government's disposal, we must hold these malicious actors accountable and impose strategic dilemmas on them. We must ensure our adversaries understand that malicious activity against the United States is not cost free.

    b. *How do we make sure our adversaries understand that hacking the phones of U.S. citizens is a red line that will have consequences?*

Holding our adversaries accountable for malicious activity in cyberspace is a whole-of-government effort. If confirmed, I would work closely with our partners on the National Security Council and elsewhere across the interagency to ensure we impose appropriate

costs. We must be clear with our adversaries that we believe such activity is unacceptable and will respond if they continue to engage in malicious behavior.

2. As National Cyber Director, one of the core functions of your role is to quarterback the development and implementation of the federal government's cyber strategy. This strategy doesn't work unless everyone involved, in both the public and private sectors, understands their roles and responsibilities.

   To this end, please explain your understanding of the current cyber regulatory and structural environments, what works, and what needs to change to enhance our offensive and defensive cyber abilities?

As a private citizen, my understanding is the current cyber regulatory and structural environment is extremely complex. There are 16 critical infrastructure sectors, although each have a unique set of considerations, many employ similar technologies and face similar threats. On the regulatory front, organizations may have to comply with several different regulatory schemes from different regulators, which may be either duplicative or contradictory. I have heard from many private sector stakeholders that the compliance burden they face detracts from their ability to defend their infrastructure. We must create a more streamlined regulatory scheme that focuses on security benefits and balancing better security outcomes with compliance burden.

To enhance our offensive and defensive cyber capabilities, we must ensure that offensive actions are informed by what we learn from defensive activities and vice versa. We need to ensure the government and the private sector have robust information exchange to illuminate the battlefield. If confirmed, I look forward to identifying any barriers to this kind of collaboration and solutions to address them by facilitating trusted partnerships between the private sector and government and across the interagency.

Senator Andy Kim

Post-Hearing Questions for the Record

Nominations of Sean Cairncross Nominee to be National Cyber Director, Executive Office of the President; Robert Law Nominee to be Under Secretary for Strategy, Policy, and Plans, U.S. Department of Homeland Security; James Percival Nominee to be General Counsel, U.S. Department of Homeland Security; Kevin Rhodes, Nominee to be Administrator of Procurement, Office of Management and Budget; James Woodruff II, Nominee to be a Member of the Merit Systems Protection Board

June 5, 2025

Sean Cairncross

1. How will you work to support the development of a robust cybersecurity workforce given the attacks from this Administration on the federal workforce?

I am a firm believer in the principle that form follows function. The cyber workforce as a whole, including both the national and federal cyber workforce, fulfills a crucial function: protecting and securing our networks. If confirmed, I will prioritize putting the right people in the right jobs and ensuring they have the resources they need to succeed. In particular, I will ensure hiring requirements match the skills necessary for a particular job and ensure staff is motivated by the work they are doing. Focusing on the mission needs of organizations and recruiting and training a cyber workforce to support those will help build an efficient, effective, and successful cyber workforce.

Post-Hearing Questions for the Record

Submitted to Sean Cairncross, Nominee to be National Cyber Director

From Senator Ruben Gallego

"Nominations Hearing"
June 5, 2025

Question 1
Sean Cairncross Nominee for National Cyber Director: The Office of the National Cyber Director (ONCD) plays a critical role in coordinating whole-of-government cybersecurity strategy and aligning federal cyber efforts.

Given your background in political operations and international development, and limited experience in cybersecurity or intelligence, how do you plan to credibly lead a federal office charged with high-level cyber policy, operational coordination, and engagement with federal and state partners—including critical infrastructure stakeholders in Arizona—facing real and escalating cyber threats?

While I do not have a technical cybersecurity background, I have experience handling cyber-related issues regarding cyberattacks on the organizations I have run, federal international and national security experience, and deep management expertise.

As CEO of the Millennium Challenge Corporation, I led an independent federal agency with a staff of hundreds of people and oversaw more than $13 billion dollars in active management. As the Chief Operating Officer of the Republican National Committee and the Deputy Executive Director and General Counsel of the National Republican Senatorial Committee, I also managed a large staff and over $1 billion in a highly regulated and public environment.

In each of my roles, I have surrounded myself with subject matter experts on whom I rely for counsel. If confirmed, I will ensure I have the right people in the right jobs at ONCD to accomplish its important mission on behalf of the American people.

Please also detail the specific cybersecurity experience—operational, strategic, or technical—you would draw on in this role, and explain how you will ensure ONCD remains a nonpartisan voice in shaping national cyber priorities.

During my time at the Republican National Committee, I worked closely with both the Federal Bureau of Investigation and the Intelligence Community to manage attacks by hostile foreign actors. I would draw on this "user side" experience to inform my approach to leading ONCD if confirmed. Additionally, I was the White House Chief of Staff's proxy on the National Security Council Principals' and Deputies' Committees meetings where I encountered many national security issues, including cyber issues. This experience gave me insight into the Executive Branch policy processes to handle and respond to cyber matters.

I have worked for political organizations, I have also led bipartisan entities. Before and during my time at MCC, it enjoyed broad bipartisan support. I am proud of the work we did at MCC to advance transparent and effective investments, working with bipartisan congressional stakeholders. If confirmed as the National Cyber Director, I would approach the role with a similar lens. Cyber threat actors do not distinguish between Democrats and Republicans and our policies should ensure all Americans are protected from cyber threats.

ALLIANCE FOR AUTOMOTIVE INNOVATION

June 5, 2025

The Honorable Rand Paul, M.D.
Chairman
Committee on Homeland Security &
Governmental Affairs
United States Senate
295 Russell Senate Office Building
Washington, DC 20510

The Honorable Gary Peters
Ranking Member
Committee on Homeland Security &
Governmental Affairs
United States Senate
724 Hart Senate Office Building
Washington, DC 20510

Alliance for Automotive Innovation Statement for the Record
United States Senate Committee on Homeland Security & Governmental Affairs Hearing
Nomination of Sean Cairncross, Minnesota, to be National Cyber Director
Nomination of Sean Plankey, Pennsylvania, to be Director of the Cybersecurity and Infrastructure Security Agency, Department of Homeland Security

Dear Chairman Paul and Ranking Member Peters:

The Alliance for Automotive Innovation ("Auto Innovators") appreciates the opportunity to share its perspectives on the importance of the National Cyber Director and Cybersecurity and Infrastructure Security Agency Director roles to the U.S. automotive industry. We respectfully submit this letter for the hearing record.

Auto Innovators represents the full automotive industry, including the manufacturers producing most vehicles sold today in the U.S., major equipment suppliers, battery manufacturers, semiconductor makers, technology companies, and autonomous vehicle developers. Our mission is to work with policymakers to realize a cleaner, safer, and smarter transportation future and to ensure a healthy and competitive auto industry that supports U.S. economic and national security. The automotive industry is America's largest manufacturing sector and underpins our nation's industrial base. The sector employs ten million Americans in all fifty states and drives $1.2 trillion into the economy each year – nearly 5 percent of GDP.

As modern vehicles become more automated, connected, and electrified, the U.S. automotive industry must remain nimble and agile in responding to a dynamic cybersecurity threat environment. Automotive companies rely upon the exchange of cybersecurity threat intelligence, defensive measures, and shared experiences across industry sectors and with government entities to counter cybersecurity threats and the ever-evolving tactics and capabilities of malicious threat actors. Cooperation and collaboration with Federal agencies and entities such as the Office of the National Cyber Director and the Cybersecurity and Infrastructure Security Agency are critical to the cybersecurity posture of the automotive industry. Therefore, Auto Innovators urges the Committee to advance the nominations for these two positions.

As the Committee considers the nominations for these two positions, Auto Innovators offers the following recommendations for Mr. Cairncross and Mr. Plankey if they are confirmed:

- Facilitate the sharing and declassification of cybersecurity threat intelligence to promote greater understanding of the tactics, techniques, and procedures of malicious threat actors and to inform the deployment of resources by affected organizations;

- Work with other Federal agencies with cybersecurity responsibilities to harmonize cybersecurity regulations and to provide a predictable and durable policy environment for industry;

- Support the reauthorization of the Cybersecurity Information Sharing Act of 2015 to ensure that its authorities and protections do not lapse;

- Prioritize interaction and engagement with information sharing and analysis centers/organizations to assist participating organizations with analyzing and determining actionable cybersecurity threats;

- Cooperate with the National Institute of Standards and Technology and standards development organizations on updating, strengthening, and consolidating cybersecurity standards to address the entire ecosystem in which information technology, operational technology, and cyber-physical systems deploy;

- Reconstitute the Critical Infrastructure Protection Advisory Council to streamline industry and stakeholder engagement on important cybersecurity matters; and

- Promote public and private cybersecurity workforce development initiatives to focus on ecosystem-focused cybersecurity.

Having capable officials in important Federal cybersecurity positions is a necessary component to ensure the safe operations and resilience of the U.S. automotive industry. Auto Innovators looks forward to working with Mr. Cairncross and Mr. Plankey on efforts to secure the nation's largest manufacturing sector that provides vehicles for American consumers throughout the country.

Sincerely,



Jennica Sims
Director, Federal Affairs

June 2, 2025

The Honorable Rand Paul, Chairman
The Honorable Gary Peters, Ranking Member
Committee on Homeland Security and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Chairman Paul and Ranking Member Peters:

On behalf of the Association of Metropolitan Water Agencies (AMWA) and the Water Information Sharing and Analysis Center (WaterISAC), I write in support of President Trump's nominations of Sean Cairncross to serve as National Cyber Director, and Sean Plankey to serve as Director of the Cybersecurity and Infrastructure Security Agency (CISA). Each of these roles is critical to maintaining a strong cyber posture that protects critical infrastructure like public water systems, so it is essential that they be filled without delay.

The Office of the National Cyber Director is responsible for advising the President on cybersecurity policy and strategy, including information security and data protection, understanding and deterring malicious cyber activity, and emerging technologies that may affect the cybersecurity posture of the United States. This position is also responsible for developing the National Cyber Strategy in coordination with the leaders of other federal departments and agencies. Given the importance of keeping this strategy up-to-date in relation to the latest threats facing water systems and other critical infrastructure sectors, we believe it is essential for this position to be filled by a qualified individual as soon as possible. AMWA and WaterISAC have confidence in Sean Cairncross' ability to do this job.

Similarly, over the past decade Over the past ten years CISA has become a trusted partner to the stakeholders in the water sector and others that are working to ensure that individual entities are prepared to defend against and respond to cyber threats. Today, resources provided by CISA enhance water systems' ability to respond swiftly to cyber threats, and complement the work carried out by WaterISAC to keep water sector stakeholders aware of the latest threats and recommended response actions. AMWA and WaterISAC are eager to have a new CISA Director in place, and support the nomination of Sean Plankey to this role.

Cyber threats against water systems and other critical infrastructure sectors will only increase in the coming years, so it is essential that the agencies responsible for protecting the nation from these threats have strong leaders in place. We look forward to Sean Cairncross and Sean Plankey taking on these responsibilities.

Sincerely,

Tom Dobbins
Chief Executive Officer, AMWA
Executive Director, WaterISAC

June 2, 2025

The Honorable Rand Paul
Chairman
Committee on Homeland Security and
Governmental Affairs
United States Senate
Washington, DC 20510

The Honorable Gary Peters
Ranking Member
Committee on Homeland Security and
Governmental Affairs
United States Senate
Washington, DC 20510

Re: Nomination of Sean Cairncross for the position of National Cyber Director

Dear Chairman Paul and Ranking Member Peters,

We, the undersigned, strongly endorse the nomination of Sean Cairncross for the position of National Cyber Director. As a group of senior national security experts with decades of experience in both the public and private sectors, we write to express our unanimous and enthusiastic support for Mr. Cairncross's nomination. Sean has a strong record of public service, outstanding credentials, as well as a demonstrated and unwavering commitment to advancing U.S. national security.

The position of National Cyber Director requires understanding of the many cybersecurity threats and challenges facing our Nation, combined with an effective capability to navigate the federal interagency and build strong relationships with key private sector stakeholders. Building on the good work that has come before will require a focus on implementation of strategy, and Sean is exceedingly well prepared to undertake these stated challenges.

Sean's previous roles as Chief Executive Officer and board member of the Millennium Challenge Corporation have shown deft experience in prudently managing and overseeing resources, while also dealing with government and private sector stakeholders, including international partners. Prior to this, his role as Deputy Assistant to the President and Senior Advisor to the Chief of Staff positioned Sean as counselor regarding key national security priorities, where he sat as proxy for the White House Chief of Staff on the National Security Council Principals Committee. Moreover, his role leading operations for the Republican National Committee combined with private sector legal experience have allowed him to effectively understand and respond to rapidly evolving political dynamics shaping policy conversations at the highest levels of government.

His impressive combination of experience in both the public and private sectors, as well as his ability to navigate government, build coalitions, and implement strategic approaches to the challenges facing the United States make Sean situated particularly well to this role.

In short, we believe that Sean is tremendously well suited for the challenging position of National Cyber Director and stand ready to provide the Senate with any additional information sought. Thank you for your consideration.

Sincerely,

George Barnes
Former Deputy Director
National Security Agency

Thomas K. Billington
Founder and Chief Executive Officer
Billington CyberSecurity

Thomas P. Bossert
Former Homeland Security Advisor

Lt. Gen. (Ret.) Ronald L. Burgess
Former Director
Defense Intelligence Agency

Bruce Byrd
Executive Vice President and General Counsel
Palo Alto Networks

Frank J. Cilluffo
Director
McCrary Institute for Cyber and Critical Infrastructure Security
Commissioner
Cyberspace Solarium Commission

Dave DeWalt
Founder and CEO
NightDragon

William Evanina
Former Director
National Counterintelligence and Security Center

Tom Fanning
Former Executive Chairman
Southern Company
Commissioner
Cyberspace Solarium Commission

Rohit Ghai
Chief Executive Officer
RSA Security

Brian Harrell
Former Assistant Secretary for Infrastructure Protection
U.S. Department of Homeland Security

Hon. Chris Inglis
Former National Cyber Director
Commissioner
Cyberspace Solarium Commission

Hon. John Katko
Former Ranking Member
Committee on Homeland Security
U.S. House of Representatives

Rob Lee
Founder and CEO
Dragos, Inc.

Gen. (Ret.) Kenneth F. McKenzie, Jr.
United States Marine Corps

Adam Meyers
Senior Vice President for Counter Adversary Operations
CrowdStrike

RADM (Ret.) Mark Montgomery
Senior Director
Center on Cyber and Technology Innovation
Executive Director and Vice Commissioner
Cyberspace Solarium Commission

Hon. Kirstjen Nielsen
Former Secretary
U.S. Department of Homeland Security

Amb. Robert C. O'Brien (Ret.)
27th U.S. National Security Advisor

Samantha Ravich
Chair
Center on Cyber and Tech Innovation
Foundation for the Defense of Democracies
Commissioner
Cyberspace Solarium Commission

Christopher D. Roberti
Senior Vice President for Cyber, Space, and National Security Policy
U.S. Chamber of Commerce

Nick Sellers
Chief Operating Officer
McCrary Institute for Cyber and Critical Infrastructure Security

Hemen Vimadalal
Founder and Chief Executive Officer
1Kosmos

Hon. Chad Wolf
Former Acting Secretary
U.S. Department of Homeland Security

May 30, 2025

The Honorable Rand Paul
Chairman
Senate Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Paul:

I write to express SentinelOne's strong support for the nomination of Sean Cairncross to serve as Director of the Office of the National Cyber Director (ONCD). At a time when our nation faces a growing and evolving array of cyber threats, the role demands a leader with both seasoned judgment and the ability to drive interagency coordination with strategic clarity. Mr. Cairncross brings precisely those qualities to the table.

Throughout his distinguished career in both the public and private sectors, Mr. Cairncross has demonstrated a deep understanding of complex operational environments and a steady hand in high-stakes decision-making. His service as Deputy Assistant to the President and Senior Adviser to the White House Chief of Staff have prepared him well to lead a cross-cutting office like the ONCD. In each role, he has shown a consistent ability to unite stakeholders, navigate bureaucratic challenges, and advance national interests with diligence and integrity.

Cybersecurity today is not merely a technical issue—it is a core national security imperative. Mr. Cairncross' combination of executive leadership, policy acumen, and proven ability to manage complex issue areas makes him uniquely qualified to steward the ONCD's mission at this critical juncture. He understands both the strategic vision and operational discipline required to enhance the nation's cyber posture across federal agencies and in coordination with the private sector.

I urge the Committee to give his nomination full and favorable consideration. Sean Cairncross is the right leader for this role, and his confirmation would represent a significant step forward in strengthening our national cyber defenses.

Sincerely,

Andrew Howell
Vice President of Government Affairs

SentinelOne

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SentinelOne, Inc.
444 Castro Street, Suite, 400
Mountain View, CA 94041

Written Testimony of Robert Law

Nominee for Under Secretary of Strategy, Policy, and Plans
U.S. Department of Homeland Security

Before the
U.S. Senate Committee on Homeland Security and Governmental Affairs

June 5, 2025

Good morning, Chairman Paul, Ranking Member Peters, and distinguished Members of the Committee. It is an honor for me to appear before you today as President Trump's nominee to be the third Under Secretary of Strategy, Policy, and Plans of the U.S. Department of Homeland Security (DHS).

I am grateful to President Trump and Secretary Noem for the trust and confidence that they have placed in me, and I thank the Committee for considering my nomination. I am hopeful that I can earn your vote and, if confirmed, I look forward to working with the esteemed members of this Committee.

There is perhaps no higher privilege than serving the American people. I come from a family steeped with public service experience, including at the federal, state, and local levels of government and in our armed services. The opportunity to return to DHS after serving in several leadership roles during President Trump's first term has been an honor. But, it would not be possible for me to be here today without the love, support, and patience of my family and friends.

While there are many people I credit for my professional and personal development, my bedrock is my wife, Torrey. She is not someone who seeks out the spotlight, but I want you to know that she is highly accomplished in her professional field, is an incredible mother and role model to our daughters, and is my closest confidant. Today is our 15th wedding anniversary, and I appreciate her graciously allowing me to share this day with you. I would also like to introduce my two wonderful daughters, Alexandra and Josephine, who are missing school today in order to support their daddy. They also know that ice cream is in their future if they behave during the hearing; a special treat I am confident they will earn. I would also like to acknowledge my younger brother, Jim, who generously took the day off of work to support me here today, as well as my parents who are not able to be here in person.

I am also truly humbled by the number of my friends and colleagues who are here today to support me, and I want to extend my appreciation to the Committee staff members I met with on Friday. We had a very productive conversation, and I look forward to the opportunity to meet with the Members of this Committee in the coming weeks.

My call to public service is rooted in the tragic events of September 11, 2001—a day that forever changed our Nation. I grew up just outside of Washington, D.C. and vividly remember watching the terrorist attacks on a television in my first period classroom. Many classmates lost loved ones when one of the planes slammed into the Pentagon and all of us were scared, angry, confused, or some combination of those feelings. I am part of a generation of Americans that had their late teenage and early adulthood years defined by the worst terrorist attack in our Nation's history. I am drawn to the mission of DHS because it was created as our Nation's response to ensure that another 9/11 never happens again.

If confirmed, I will have the tremendous responsibility of developing and implementing President Trump's and Secretary Noem's policies to protect the homeland, secure the borders, and make American communities safe again.

I believe that I am a natural fit for the role of Under Secretary because I have spent nearly my entire professional career in policymaking positions. Most directly relevant is my tenure as the Chief of the Office of Policy & Strategy at U.S. Citizenship and Immigration Services, where I led a team of approximately 130 policymakers and managed an annual budget of approximately $24 million. This experience gave me direct insight into DHS processes and procedures but also afforded me the opportunity to expose inefficiencies and streamline the regulatory and policymaking process. In that role, I learned first-hand how the Office of Strategy, Policy, and Plans can work effectively with a component, as well as where that relationship was unsuccessful. I realized that a strong relationship between the Office and components is essential to mission success across DHS and to keep America safe.

In my current role as Senior Counselor to Secretary Noem, I have gained a greater appreciation of the Office's mandate, and I have a clear vision for elevating its effectiveness. Additionally, I had the distinction of playing a leading role in the DHS transition effort, including leading the landing team as we prepared for President Trump's return to the White House.

I am seeking your consent to become the Under Secretary because I view the Office of Strategy, Policy, and Plans as the central nervous system of the Department that is responsible for developing, coordinating, and implementing all of the policies that protect the homeland. DHS has more than 20 operational components and each require clear policies to guide their functions. While border security and immigration play a large role in making America safe again, the Office of Strategy, Policy, and Plans is charged with effectuating many of President Trump's top priorities including cybersecurity, trade and economic security, counterterrorism, screening and vetting, countering the threat of unmanned aerial systems, and protecting the nation's critical infrastructure.

During my time at DHS, I have gotten to know many of the policy staff, and I am truly impressed by the professionalism of those who work tirelessly every day to protect our homeland. It would be an honor to lead this team.

If confirmed, I am confident that I will further enhance the office's effectiveness, deliver short- and medium- term goals, and establish a strategic long-term vision that will solidify the Office of

Strategy, Policy, and Plans as Secretary Noem's greatest asset for delivering President Trump's homeland security legacy.

Thank you for considering my nomination, and I look forward to answering your questions.

REDACTED

HSGAC BIOGRAPHICAL QUESTIONS FOR EXECUTIVE NOMINEES

1. Basic Biographical Information

Please provide the following information.

Position to Which You Have Been Nominated	
Name of Position	**Date of Nomination**
Under Secretary of Strategy, Policy, & Plans	**April 29, 2025**

Current Legal Name			
First Name	**Middle Name**	**Last Name**	**Suffix**
Robert	**Thomas**	**Law**	

Addresses					
Residential Address (do not include street address)			**Office Address** (include street address)		
[redacted]			**Street: 2700 Martin Luther King Jr. Avenue, SE**		
City: Washington	**State: DC**	**Zip: 20002**	**City: Washington**	**State: DC**	**Zip: 20032**

Other Names Used						
First Name	**Middle Name**	**Last Name**	**Suffix**	Check if Maiden Name	**Name Used From** (Month/Year) (Check box if estimate)	**Name Used To** (Month/Year) (Check box if estimate)
Robby/Robbie (nickname)	Thomas	Law			**January 1985** Est □	**August 2003** Est □
Rob (nickname)	Thomas	Law			**August 2003** Est □	**Present** Est □

Birth Year and Place	
Year of Birth (Do not include month and day.)	**Place of Birth**
1985	**Durham, North Carolina**

Marital Status					
Check All That Describe Your Current Situation:					
Never Married	**Married**	**Separated**	**Annulled**	**Divorced**	**Widowed**
☐	**X**	☐	☐	☐	☐

Spouse's Name (current spouse only)			
Spouse's First Name	**Spouse's Middle Name**	**Spouse's Last Name**	**Spouse's Suffix**
Torrence	**Warren**	**Law**	

Spouse's Other Names Used (current spouse only)						
First Name	**Middle Name**	**Last Name**	**Suffix**	Check if Maiden Name	**Name Used From** (Month/Year) (Check box if estimate)	**Name Used To** (Month/Year) (Check box if estimate)
Torrey (nickname)	Warren	Law			**June 2010** **Est** ☐	**Present** **Est** ☐
Torrence/Torrey (nickname)	Ann	Warren		X	**November 1985** **Est** ☐	**June 2010** **Est** ☐

Children's Names (if over 18)			
First Name	**Middle Name**	**Last Name**	**Suffix**
N/A			

2. Education

List all post-secondary schools attended.

Name of School	**Type of School** (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	**Date Began School** (month/year) (check box if estimate)	**Date Ended School** (month/year) (check box if estimate) (check "present" box if still in school)	**Degree**	**Date Awarded**
The Catholic University of America, Columbus School of Law	Law School	Est August 2007 □	Est Present May 2010 □ □	Juris Doctor	May 2010
University of Virginia	Undergraduate	Est August 2004 □	Est Present May 2007 □ □	BA History	May 2007
University of Connecticut	Undergraduate	Est August 2003 □	Est Present May 2004 □ □	NA	NA
		Est □	Est Present □ □		

3. Employment

(A) List all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

Type of Employment (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other	**Name of Your Employer/ Assigned Duty Station**	**Most Recent Position Title/Rank**	**Location** (City and State only)	**Date Employment Began** (month/year) (check box if estimate)	**Date Employment Ended** (month/year) (check box if estimate) (check "present" box if still employed)
Other Federal employment	Department of Homeland Security	Senior Counselor to the Secretary	Washington, DC	January 20, 2025	Present
Non-government employment	America First Policy Institute	Senior Editor	Washington, DC	December 2023	January 2025
Other	Avenir Group LLC	Independent Contractor	Washington, DC	March 2023	December 2023
Non-government employment	America First Policy Institute	Director, Center for Homeland Security & Immigration	Washington, DC	June 2022	January 2025
Non-government employment	Center for Immigration Studies	Director of Regulatory Affairs	Washington, DC	January 2021	June 2022
Other Federal employment	U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services	Chief of the Office of Policy and Strategy	Washington, DC	October 2019	January 2021
Other Federal employment	U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services	Senior Advisor	Washington, DC	October 2017	October 2019
Non-government employment	Federation for American Immigration Reform	Director of Government Relations	Washington, DC	January 2013	October 2017
Other	Special Counsel	Contract Attorney	Washington, DC	September 2012	January 2013

Other	Update Legal	Project Attorney	Washington, DC	September 2012	September 2012
Other	Lumen Legal	Project Attorney	Washington, DC	September 2012	September 2012
Other	Legal Source	Project Attorney	Washington, DC	August 2012	August 2012
Other	Special Counsel	Project Attorney	Washington, DC	July 2012	August 2012
Unemployment	N/A	N/A	Washington, DC	May, 2012	July, 2012
Other	Innovative Discovery	Project Attorney	Washington, DC	April 2012	April 2012
Other	Strategic Legal	Project Attorney	New York, NY	January 2012	March 2012
Other	Kelly Law Registry	Project Attorney	Troy, MI	October 2011	December 2011
Other	Lumen Legal	Project Attorney	Royal Oak, MI	August 2011	September 2011
Other	Kelly Law Registry	Contract Attorney	Troy, MI	July 2011	August 2011
Other	Lumen Legal	Project Attorney	Royal Oak, MI	November 2010	June 2011
Unemployment	N/A	N/A	Washington, DC	August 2010	November 2010
Other	The Catholic University of America, Columbus School of Law	Research Assistant	Washington, DC	March 2010	August 2010
Other	Occidental Petroleum Corporation	Government Relations Intern	Washington, DC	June 2009	May 2010
Unemployment	N/A	N/A	Washington, DC	August 2008	June 2009
Other	The Catholic University of America	Law Clerk	Washington, DC	May 2008	August 2008
Unemployment	N/A	N/A	Washington, DC	August 2007	May 2008

Other	National Guard Bureau, Office of the Chief Counsel	Legal Intern	Arlington, VA	**May 2007**	**August 2007**
Unemployment	N/A	N/A	Charlottesville, VA	**August 2006**	**May 2007**
Other	Tysons Mercedes	Contract worker	Tysons Corner, VA	**May 2006**	**August 2006**
Unemployment	N/A	N/A	Charlottesville, VA	**August 2005**	**May 2006**
Other	Unknown	Special Needs Camp Counselor	Fairfax, VA	**May 2005**	**August 2005**
Unemployment	N/A	N/A	Charlottesville, VA	**August 2004**	**May 2005**
Other	Lufthansa Airlines	Cargo Warehouse employee	Dulles, VA	**May 2004**	**August 2004**
Unemployment	N/A	N/A	Storrs, CT	**August 2003**	**May 2004**
Other	Northern VA Regional Parks (Algonkian)	Lifeguard	Sterling, VA	**June 2003**	**August 2003**
Unemployment	N/A	N/A	Sterling, VA	**January 2003**	**June 2003**

(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

Name of Government Entity	**Name of Position**	**Date Service Began** (month/year) (check box if estimate)	**Date Service Ended** (month/year) (check box if estimate) (check "present" box if still serving)
N/A		**Est** ☐	**Est** ☐ **Present** ☐
		Est ☐	**Est** ☐ **Present** ☐
		Est ☐	**Est** ☐ **Present** ☐

4. Potential Conflict of Interest

(A) Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Homeland Security's Ethics officials to identify any potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I will sign and transmit to the Department's Designated Agency Ethics Official, which will be provided to this Committee. I am not aware of any other potential conflicts of interest beyond what I noted above.

(B) Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration or execution of law or public policy, other than while in a federal government capacity.

Every non-federal government job I have held in the past 10 years has inherently involved federal and state policymaking, including supporting and opposing executive branch and legislative branch actions at the federal and state level.

5. Honors and Awards

List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.

N/A

6. Memberships

List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years.

Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of $1,000 or less, Parent-Teacher Associations or other organizations connected to schools attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam's Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

Name of Organization	Dates of Your Membership (You may approximate.)	Position(s) Held
Virginia State Bar	November 2010	Member
District of Columbia Bar	March 2013 (approximate)	Member

7. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?

Name of Office	Elected/Appointed/ Candidate Only	Year(s) Election Held or Appointment Made	Term of Service (if applicable)
N/A			

(B) List any offices held in or services rendered to a political party or election committee during the last ten years that you have not listed elsewhere.

Name of Party/Election Committee	Office/Services Rendered	Responsibilities	Dates of Service
Trump-Vance Transition	Volunteer as confirmation sherpa for Secretary-nominee Kristi Noem	Navigate DHS Secretary nominee through the confirmation process	November 2024-January 2025
Trump-Vance Transition	Volunteer as Department of Homeland Security Landing Team lead	Led the DHS transition team prior to inauguration	December 2024-January 2025

Trump-Vance Transition	Volunteer as Department of Homeland Security Transition (Personnel) lead	Led the DHS transition team's efforts to identify potential political appointees	June 2024-January 2025
Trump-Vance Transition	Volunteer as Department of Homeland Security Transition (Policy) lead	Led the DHS transition team's efforts to develop policies for the incoming Trump-Vance Administration	June 2024-Janaury 2025

(C) Itemize all individual political contributions of $200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

Name of Recipient	Amount	Year of Contribution
N/A		

8. Publications and Speeches

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with copies of all listed publications. In lieu of hard copies, electronic copies can be provided via e-mail or other digital format.

Title	Publisher	Date(s) of Publication
The Derailment of Section 13(D) Liability after CSX v. Children's Investment Fund: An Argument for Maintaining the Beneficial Ownership Requirement for Section 13(D) Disclosure	Catholic University Law Review 59 Cath. U. L. Rev. 259	2010

See Appendix A (America First Policy Institute), B (Center for Immigration Studies), and C (Federation for American Immigration Reform) for a list of publications and speeches, compiled to the best of my recollection.

(B) List any formal speeches you have delivered during the last five years and provide the Committee with copies of those speeches relevant to the position for which you have been nominated. Include any testimony to Congress or any other legislative or administrative body. These items can be provided electronically via e-mail or other digital format.

Title/Topic	Place/Audience	Date(s) of Speech
"Why Don't They Just Get in Line?" Barriers to Legal Immigration	House Judiciary, Subcommittee on Immigration and Citizenship	April 28, 2021
"The Impact of Biden's Open Border on the American Workforce"	House Education & Workforce, Subcommittee on Health, Employment, Labor and Pensions	September 23, 2023

See Appendix A (America First Policy Institute), B (Center for Immigration Studies), and C (Federation for American Immigration Reform) for a list of publications and speeches, compiled to the best of my recollection.

(C) List all speeches and testimony you have delivered in the past ten years, except for those the text of which you are providing to the Committee.

See Appendix A (America First Policy Institute), B (Center for Immigration Studies), and C (Federation for American Immigration Reform) for a list of publications and speeches, compiled to the best of my recollection.

9. Criminal History

Since (and including) your 18th birthday, has any of the following happened?

- Have you been issued a summons, citation, or ticket to appear in court in a criminal proceeding against you? (Exclude citations involving traffic infractions where the fine was less than $300 and did not include alcohol or drugs.) No.
- Have you been arrested by any police officer, sheriff, marshal or any other type of law enforcement official? As described below, I was briefly detained by the North Mrytle Beach, SC, police in May 2005 and issued a citation for underage possession of alcohol.
- Have you been charged, convicted, or sentenced of a crime in any court? No.
- Have you been or are you currently on probation or parole? No.

- Are you currently on trial or awaiting a trial on criminal charges? No.

- To your knowledge, have you ever been the subject or target of a federal, state or local criminal investigation? No.

If the answer to any of the questions above is yes, please answer the questions below for each criminal event (citation, arrest, investigation, etc.). If the event was an investigation, where the question below asks for information about the offense, please offer information about the offense under investigation (if known).

A) Date of offense: May 2005

   a. Is this an estimate (Yes/No): I do not recall the specific day but the incident occurred in May 2005

B) Description of the specific nature of the offense: As a 20 year old, I was in North Mrytle Beach, SC, in May 2005 with a group of friends. I was holding an unopened can of beer when local police were on the premises. I was asked to produce identification, which I complied with, and was briefly taken into custody because I was under the age of 21 at the time. I was issued a citation of approximately $108 (estimate) that was paid to satisfy the offense.

C) Did the offense involve any of the following?
   1) Domestic violence or a crime of violence (such as battery or assault) against your child, dependent, cohabitant, spouse, former spouse, or someone with whom you share a child in common: No.
   2) Firearms or explosives: No.
   3) Alcohol or drugs: Yes, as described above it was for the underage possession of alcohol.

D) Location where the offense occurred (city, county, state, zip code, country): North Myrtle Beach. SC.

E) Were you arrested, summoned, cited or did you receive a ticket to appear as a result of this offense by any police officer, sheriff, marshal or any other type of law enforcement official: Yes, cited.

   1) Name of the law enforcement agency that arrested/cited/summoned you: North Myrtle Beach Police Department (I believe).

   2) Location of the law enforcement agency (city, county, state, zip code, country): North Myrtle Beach, SC.

F) As a result of this offense were you charged, convicted, currently awaiting trial, and/or ordered to appear in court in a criminal proceeding against you: No. To the best of my recollection, I was issued a fine of approximately $108 which was paid to satisfy the offense.

   1) If yes, provide the name of the court and the location of the court (city, county, state, zip code, country):

   2) If yes, provide all the charges brought against you for this offense, and the outcome of each charged offense (such as found guilty, found not-guilty, charge dropped or "nolle pros," etc).

If you were found guilty of or pleaded guilty to a lesser offense, list separately both the original charge and the lesser offense:

3) If no, provide explanation: As I recall, I was issued a citation of approximately $108 which was paid to satisfy the violation.

G) Were you sentenced as a result of this offense: No.

H) Provide a description of the sentence:

I) Were you sentenced to imprisonment for a term exceeding one year: No.

J) Were you incarcerated as a result of that sentence for not less than one year: No.

K) If the conviction resulted in imprisonment, provide the dates that you actually were incarcerated: N/A

L) If conviction resulted in probation or parole, provide the dates of probation or parole: N/A

M) Are you currently on trial, awaiting a trial, or awaiting sentencing on criminal charges for this offense: No.

N) Provide explanation: N/A

10. Civil Litigation and Administrative or Legislative Proceedings

(A) Since (and including) your 18th birthday, have you been a party to any public record civil court action or administrative or legislative proceeding of any kind that resulted in (1) a finding of wrongdoing against you, or (2) a settlement agreement for you, or some other person or entity, to make a payment to settle allegations against you, or for you to take, or refrain from taking, some action. Do NOT include small claims proceedings.

Date Claim/Suit Was Filed or Legislative Proceedings Began	Court Name	Name(s) of Principal Parties Involved in Action/Proceeding	Nature of Action/Proceeding	Results of Action/Proceeding
N/A				

(B) In addition to those listed above, have you or any business of which you were an officer, director or owner ever been involved as a party of interest in any administrative agency proceeding or civil litigation? Please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

Date Claim/Suit Was Filed	Court Name	Name(s) of Principal Parties Involved in Action/Proceeding	Nature of Action/Proceeding	Results of Action/Proceeding
August 2017	District of Columbia Office of Administrative Appeals	District of Columbia Department of Public Works v. Robert Law	This proceeding involved an erroneous fine that was assessed to me (as a homeowner) for having garbage cans out at the incorrect time and for failing to timely respond. In fact, I never received notice of the original charge and promptly appealed once I received notice of the charge.	Appeal was successful and fine was dismissed.

(C) For responses to the previous question, please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

N/A

11. Breach of Professional Ethics

(A) Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee, or other professional group? Exclude cases and proceedings already listed. No.

Name of Agency/Association/ Committee/Group	Date Citation/Disciplinary Action/Complaint Issued/Initiated	Describe Citation/Disciplinary Action/Complaint	Results of Disciplinary Action/Complaint
N/A			

(B) Have you ever been fired from a job, quit a job after being told you would be fired, left a job by mutual agreement following charges or allegations of misconduct, left a job by mutual agreement following notice of unsatisfactory performance, or received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as violation of a security policy?

No.

12. Tax Compliance

(This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

REDACTED

13. Lobbying

In the past ten years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State).

From approximately 2013 to 2017, I was a registered lobbyist with the House and Senate on behalf of my then-employer, the Federation for American Immigration Reform. The Senate lobbying ID assigned to me was 14256. The House lobbying ID assigned to me was 30053.

14. Outside Positions

X See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

For the preceding ten calendar years and the current calendar year, report any positions held, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

Name of Organization	Address of Organization	Type of Organization (corporation, firm, partnership, other business enterprise, other non-profit organization, educational institution)	Position Held	Position Held From (month/year)	Position Held To (month/year)

15. Agreements or Arrangements

X See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

As of the date of filing your OGE Form 278, report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment.

Provide information regarding any agreements or arrangements you have concerning (1) future employment; (2) a leave of absence during your period of Government service; (3) continuation of payments by a former employer other than the United States Government; and (4) continuing participation in an employee welfare or benefit plan maintained by a former employer other than United States Government retirement benefits.

Status and Terms of Any Agreement or Arrangement	Parties	Date (month/year)

16. Additional Financial Data

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

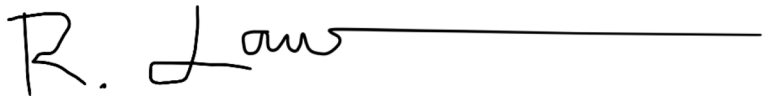
REDACTED

REDACTED

SIGNATURE AND DATE

I hereby state that I have read the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete. 99

Robert Law



This 28th day of May, 2025

REDACTED

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

★

May 31, 2025

The Honorable Rand Paul
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Robert T. Law, who has been nominated by President Trump for the position of Under Secretary for Strategy, Policy, and Plans, Department of Homeland Security.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,
DEBORAH BORTOT
Digitally signed by DEBORAH BORTOT
Date: 2025.05.31 14:28:24 -04'00'
Deborah Bortot
Chief, Presidential Nominations Branch

Enclosures

★ ★ ★ ★

May 30, 2025

John Havranek
Designated Agency Ethics Official
Department of Homeland Security
2707 Martin Luther King Jr. Ave., SE
Washington, DC, 20528

Dear Mr. Havranek:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Under Secretary for Strategy, Policy, and Plans in the Department of Homeland Security. It is my responsibility to understand and comply with commitments outlined in this agreement.

SECTION 1 – GENERAL COMMITMENTS

As required by the criminal conflicts of interest law at 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the particular matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me:

- Any spouse or minor child of mine;
- Any general partner of a partnership in which I am a limited or general partner;
- Any organization in which I serve as an officer, director, trustee, general partner, or employee, even if uncompensated; and
- Any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

In the event that an actual or potential conflict of interest arises during my appointment, I will consult with an agency ethics official and take the measures necessary to resolve the conflict, such as recusal from the particular matter or divestiture of an asset.

If I rely on a *de minimis* exemption under 5 C.F.R. § 2640.202 with regard to any of my financial interests in securities, I will monitor the value of those interests. If the aggregate value of interests affected by a particular matter increases and exceeds the *de minimis* threshold, I will not participate personally and substantially in the particular matter that to my knowledge has a direct and predictable effect on the interests, unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1).

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the regulatory exemption for diversified

mutual funds and unit investment trusts at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

I will receive a live ethics briefing from a member of the ethics office after my confirmation but not later than 15 days after my appointment pursuant to the ethics program regulation at 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will submit my Certification of Ethics Agreement Compliance which documents my compliance with this ethics agreement.

I will not modify this ethics agreement without your approval and the approval of the U.S. Office of Government Ethics (OGE) pursuant to the ethics agreement requirements contained in the financial disclosure regulation at 5 C.F.R. § 2634.803(a)(4).

SECTION 2 – DIVESTITURES

As soon as practicable but not later than 90 days after my confirmation, I will divest my interests in the following entities:

- Alphabet, Inc. and Alphabet Inc. Class A (GOOG and GOOGL)
- Amazon.com, Inc.
- Amphenol Corp.
- Apple, Inc.
- Applied Materials, Inc.
- AT&T
- Broadcom, Inc.
- Cisco Systems, Inc.
- Intuit, Inc.
- KLA Corp.
- Meta Platforms, Inc. Class A
- Microsoft Corp.
- Netflix, Inc.
- Nvidia Corp.
- Palantir Technologies Inc. Class A
- Salesforce, Inc.
- ServiceNow, Inc.
- Tesla, Inc.
- Texas Instruments, Inc.

With regard to each of these entities, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of the entity until I have divested it, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I have verified that I will be able to carry out the divestitures within the timeframe described above.

I understand that I may be eligible to request a Certificate of Divestiture for qualifying assets and that a Certificate of Divestiture is effective only if obtained prior to divestiture. Regardless of whether I receive a Certificate of Divestiture, I will ensure that all divestitures discussed in this agreement occur within the agreed upon timeframes and that all proceeds are invested in non-conflicting assets. I understand that I must submit my request for a Certificate of Divestiture to allow for adequate time for OGE to process the Certificate of Divestiture and in order to divest assets within the agreed upon timeframe.

I (including my spouse and minor children if applicable) will not repurchase any asset I was required to divest without consulting with my agency ethics official and the U.S. Office of Government Ethics.

SECTION 3 – FORMER EMPLOYER

In January 2025, I resigned from my position with the America First Policy Institute. Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for a period of one year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which I know the America First Policy Institute is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

SECTION 4 – SPOUSE EMPLOYMENT

My spouse is employed by Cooper Carry, in a position for which my spouse receives a fixed annual salary and a bonus that is tied to both individual performance and firm revenue. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of Cooper Carry, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1).

SECTION 5 – PUBLIC POSTING

I have been advised that this ethics agreement and the Certification of Ethics Agreement Compliance will be posted publicly, consistent with the public information law at 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other presidential nominees who file public financial disclosure reports.

Sincerely,

ROBERT T LAW

Digitally signed by ROBERT T LAW
Date: 2025.05.30 19:04:09 -04'00'

Robert T. Law

U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing Questionnaire
For the Nomination of Robert Law
to be Under Secretary for Strategy, Department of Homeland Security

I. Nomination Process and Conflicts of Interest

1. Did the President or anyone else give you specific reasons why the President nominated you to be the Under Secretary for Strategy, and if so, what were they?

   No.

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

   No.

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

   No.

4. If confirmed, do you commit to upholding the Constitution and the rule of law?

   Yes.

5. If the President or anyone acting at the direction of the President or on his behalf asks you to violate the law, will you decline to do so?

   I am confident that President Trump would not ask me to violate the law. If confirmed, I will follow the law.

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

   In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Homeland Security's (DHS) Designated Agency Ethics Official to identify any potential conflicts of interest. Any potential conflicts of interest would be resolved in accordance with the terms of an ethics agreement that I have signed, which has been transmitted to the Department's Designated Agency Ethics Official and has been provided to this Committee. I am not aware of any potential conflicts of interest.

7. Have you or any organization of which you were an officer, director or owner, or have or had a significant financial interest in been the recipient of any Federal grants, loans, or other financial assistance (such as, but not limited to, Paycheck Protection Program Loans, Economic Injury Disaster Loans, Restaurant Revitalization Grants, etc.) within the past 10 years. If so, please list the program, amount, and date of receipt.

No.

8. Please provide the name of any individual, law firm, consulting firm, lobbying firm, public relations firm, or other entity you have formally retained, contracted, or consulted with regarding this nomination, including any amounts paid in fees or otherwise.

Not applicable.

II. Background of the Nominee

9. Why do you want to serve as DHS Under Secretary for Strategy?

I grew up just outside of Washington, D.C. and vividly remember watching the 9/11 terrorist attacks occur on a classroom television. I am proud of my public service and I want to continue serving the American people. It has been an incredible honor to serve at DHS, which Congress created to ensure we never have another 9/11.

I view the Office of Strategy, Policy, and Plans (PLCY) as the central nervous system of the Department that is responsible for developing, coordinating, and implementing all of the policies to protect the homeland. Many of President Trump's top priorities fall under the DHS portfolio and I want to be in a position to deliver those policies to the American people.

If confirmed, I will be blessed to have that opportunity and will work tirelessly every day to ensure the President's homeland security agenda is successful.

10. What specific background, experience, and attributes qualify you to be the Under Secretary for Strategy?

Throughout my professional career, I have almost exclusively held policy jobs, including as the Chief of the Office of Policy & Strategy at U.S. Citizenship and Immigration Services (USCIS) during President Trump's first term. While the Department's portfolio is broader than border security and immigration, I have 13 years of experience and expertise one of the topics of most significance to the President. Having served in President Trump's first term from 2017-2021 at a DHS component, I have first-hand experience of dealing with PLCY, including insight on practices and procedures that require modification to ensure PLCY is supporting the DHS mission.

Prior to returning to DHS as Senior Counselor to the Secretary on January 20, 2025, I was the Director of Homeland Security & Immigration at the America First Policy Institute. In this capacity, I gained further homeland security policy experience including identifying where cyber and AI policies failed the America First test. As the DHS executive lead for transition and the landing team, I was responsible for overseeing the development of all DHS policies, requests for documents, and requests for briefings on the current state of DHS during the transition period.

I am a member of the Virginia bar (inactive or associate status) since 2010 and the District of Columbia bar (active) since 2013, which provides the necessary skills to review, edit, and draft regulations, legislation, and policy documents to ensure they accomplish the President's priorities.

11. Please describe:

    a. Your leadership and management style.

    I subscribe to the servant leadership approach where I invest heavily in my team with the objective of providing opportunities for professional growth. I am always willing to jump in on an assignment or task to produce the best outcome for the organization. I set clear expectations for the quality and timelines of assignments and work directly with staff who do not meet those standards.

    b. Your experience managing personnel.

    Throughout most of my professional career, I have worked in a managerial capacity. As the Chief of the Office of Policy & Strategy at U.S. Citizenship and Immigration Services (USCIS), I oversaw a team of approximately 130 employees and a budget of approximately $24 million annually. This office was organized into eight divisions and comprised mostly of GS-14 and GS-15 professionals that I was responsible for having them develop and implement the regulatory and policy priorities impacting the legal immigration system during President Trump's first term.

    As the Director of the Center for Homeland Security & Immigration at the America First Policy Institute and as the Government Relations Director at the Federation for American Immigration Reform, I managed smaller teams of employees which afforded me the opportunity for more direct engagement for teaching, mentoring, and developing expertise.

    As the lead of the DHS landing team during transition, I managed a large team, including assigning dozens of individuals to particular briefings and establishing documentation procedures to inform policymaking for the administration.

    c. What is the largest number of people who have worked under your supervision?

As the Chief of the Office of Policy & Strategy at USCIS, I oversaw a team of approximately 130 employees.

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

As the Chief of the Office of Policy & Strategy, I streamlined the rulemaking process and was able to produce a remarkable number of regulations that advanced President Trump's first term agenda. I was successful because I provided the various rulemaking teams with clear policy scoping, was decisive when presented with decision-points, managed expectations with the White House and DHS PLCY on timelines, and directly drafted portions of many of the notices of proposed rulemaking and final rules.

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

For much of my career, I failed to delegate tasks because I lacked the confidence that someone else could satisfactorily complete an assignment. This led to me being overworked and overextended. I have since learned how to better delegate by recognizing that the investment I have made in my team members has prepared them for the responsibility of doing work on my behalf.

14. Please give examples of times in your career when you disagreed with your superiors and advocated your position. Describe circumstances in which you were successful and in which you were unsuccessful.

In one instance where I was successful, my supervisor and I disagreed on the prioritization of a project that was important to me which led to an initial under allocation of resources from my perspective. Instead of giving up or getting frustrated, I focused on addressing each point of disagreement with specificity and constructed an evidence-based counterargument. Through this reframing of the issues and the project, the supervisor agreed that this effort should take precedent over competing projects and the needed additional resources were provided.

In one instance where I was unsuccessful, my supervisor and I disagreed on whether a certain contracting service was a worthwhile business expense. I felt strongly that the contract was exorbitantly expensive and would produce minimal return on investment to justify the cost. My supervisor felt otherwise and executed the contract over my counsel. I utilized the contract services but never changed my view that it was an expense with limited utility for the organization.

15. Do you seek out dissenting views and encourage constructive critical dialogue with subordinates? Please provide examples of times in your career when you have done so.

I always seek out a range of views before settling on a policy position. I believe my tenure as the Chief of the Office of Policy & Strategy at USCIS was successful, in part, because I prodded the teams with questions about their recommendations prior to making the final policy decision. In one instance, I scrapped a policy product I was supportive of when the staff convinced me that the proposal could not be implemented because of operational factors I had not considered.

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

Homeland security should not be politically controversial but that is not reality. Every policy that I worked on at USCIS was in the best interest of the country. The difficulty was that President Trump's first term was marred by a mainstream media apparatus that misrepresented his policies, particularly immigration-related changes, to fuel outrage from a certain subset of the American people. Despite the negative stigma that the mainstream media tried to pin on political appointees, I stayed the course and was confident that the policies I was working on were putting the American people first and protecting the homeland.

17. Please describe how you build credibility and trust among staff as a leader.

As I described above about my leadership and management style, I build credibility and trust by leading by example. This includes setting clear expectations, being accessible to resolve confusion or other issues, rolling up my sleeves and doing the work myself at times, and vigorously defending my team in discussions with our stakeholders and partners.

18. During your career, has your conduct as a government employee ever been subject to an investigation or audit by the Office of Special Counsel, Department of Justice, agency Equal Opportunity office or investigator, agency Inspector General, congressional ethics committee, or any other similar federal, state, or local investigative entity? If so, please describe the nature of the allegations/conduct and the outcome(s) of the investigation(s) or audit(s).

No.

19. Please describe the scope of your role as Senior Counselor to the Secretary.

As Senior Counselor to the Secretary, I work as a liaison between the DHS components and headquarters leadership to ensure the Secretary has the information she needs to make informed decisions. In this capacity, I do not have any decision-making authority, but I do relay decisions to component leadership to implement. I am also responsible for reviewing the Department's technical drafting assistance for all legislation that lawmakers submit for feedback.

20. Please describe the scope of your previous role as a senior policy advisor at U.S. Citizenship and Immigration Services (USCIS).

As Senior Policy Advisor from 2017 to 2019, I was the primary counselor to the Chief of the Office of Policy & Strategy and the USCIS Director. My responsibilities included reviewing documents submitted in the clearance process, representing the agency at White House meetings, and working with the policy teams on the regulations, policy documents, and other guidance that USCIS was responsible for developing and implementing.

In January 2019 until January 2021, I was promoted to the role of Chief of the Office of Policy & Strategy. In that role, I oversaw a team of approximately 130 employees and led the agency's policy development. This office was organized into eight divisions and comprised mostly of GS-14 and GS-15 professionals plus a few members of the Senior Executive Service.

III. Role of the Under Secretary for Strategy

21. Please describe your view of the core mission of the Under Secretary for Strategy and what you would consider to be your primary role and responsibilities if confirmed.

I view the Office of Strategy, Policy, and Plans (PLCY) as the central nervous system of the Department that is responsible for developing, coordinating, and implementing all of the policies to protect the homeland. PLCY is uniquely positioned to develop cross-component policies and function as the Secretary and Deputy Secretary's primary resource for all international engagements.

If confirmed, I view the role of Under Secretary as the quarterback responsible for the accomplishing this significant mandate. I believe I will be responsible for communicating White House priorities down to components and reviewing and approving all policies that impact the Department. Ideally, the PLCY office will fill all of the vacant Assistant Secretary positions which will enable me, if confirmed, to give each one general guidance and allow them to manage their own teams in their own mold.

Additionally, I believe the Under Secretary should be capable of filling in for the Secretary or Deputy Secretary, with minimal notice, for all internal and external engagements. This requires having a working understanding of all major policy initiatives and the ability to engage in diplomacy with foreign government officials to represent the United States' interests.

22. Please describe your understanding of what programs, authorities, and policy functions the Office of Strategy, Policy, and Planning manages.

It is my understanding that PLCY is responsible for overseeing the development of all Department-wide policies that derive their authority from the Secretary. In some

instances, components manage the policy development and PLCY serves as quality control/supervisory review before policy documents are submitted to the Secretary for approval. In other instances, PLCY staff manage the entire policymaking process and socialize with components, as needed.

Specifically, it is my understanding that PLCY has historically managed the Visa Waiver Program, DHS's representative on CFIUS and Team Telecom, and ICE Pact. It is also my understanding that PLCY assists in the management of certain aspects of the implementation of the Homeland Security Task Forces that were created from one of President Trump's executive orders. Finally, it is my understanding that PLCY coordinates international information sharing programs and screening and vetting initiatives across the Department.

23. Please describe your understanding of the authorities of the Under Secretary for Strategy and how those authorities facilitate the core mission of the office.

The Under Secretary of Strategy, Policy, and Plans is the Department's senior policymaker. If confirmed, I would oversee an office that has authorization for approximately 270 employees that is currently organized with five policy sub-offices. I also understand that PLCY is responsible for providing the Secretary and Deputy Secretary with briefing materials for international engagements. As Senior Counselor, I have seen many PLCY documents submitted to the Secretary and Deputy Secretary and have been impressed with the variety of issues the office covers. The PLCY Under Secretary is responsible for taking Presidential priorities and converting them into policies that have real impact to the safety and security of Americans.

24. Do you believe the Department has expanded beyond its intended mission when it was created?

Yes. I believe there are several well-documented examples of the Department going off mission, including CISA's suppression of the free speech rights of conservative Americans and the 2024 incident where FEMA employees intentionally bypassed the damaged houses of supporters of President Trump due to political animus.

IV. Policy Questions

COVID-19

25. Will you commit to providing this Committee unredacted copies of all documents in that relate to COVID-19 and/or dual use research of concern?

I do not have direct knowledge of these documents. If confirmed, I will investigate whether the Office of Strategy, Policy, and Plans has responsive documents and will work with the Office of General Counsel to provide what we are able to under the law.

Management, Workforce

26. What do you consider to be the principal challenges in the area of human capital management facing the Under Secretary for Strategy?

The Office of Strategy, Policy, and Plans currently has just one (of five) Assistant Secretary's on board. If confirmed, it will be a top priority to fill these vacancies so that each of the policy sub-components has its day-to-day leader to provide direction and feedback to their respective teams.

27. What measurements would you use to determine whether the DHS office of the Under Secretary for Strategy is successful?

If confirmed, the metric I would use to judge my performance is the number of Presidential policy priorities the office implements. Policies are not self-effectuating and the ability to take a concept and convert it into an implementable policy, especially those that have multiple component equities, is the number one objective of policymakers.

Another measurement I would rely on is the objective enhancement in the quality of policy materials the office produces and the on-time response rate to Secretarial taskings. If the work does not meet the high standards that it should, that is a failure.

28. How will you address the challenge of recruiting, hiring, training, and retaining the necessary personnel?

If confirmed, it will be a top priority of mine to ensure that the PLCY team understands its critical role in accomplishing the President's priorities for the Department. I will also work with the PLCY leadership team to identify opportunities for meritorious employees have advancement opportunities.

If confirmed, I will also prioritize filling critical vacancies and promoting the prominent role that the PLCY office plays at DHS.

29. If confirmed, how will you ensure DHS is positioned to succeed beyond your tenure as Under Secretary for Strategy? What steps will you take to prepare the office for future presidential transitions?

If confirmed, I will meet with the PLCY leadership team to get a full understanding of the practices and procedures currently in place. Where gaps and shortfalls are identified, I will prioritize making the changes necessary so that the office can function smoothly, efficiently, and effectively regardless of who is the Under Secretary.

Having served as the DHS lead for the Trump-Vance transition, I have firsthand experience of the importance of a smooth transition. If confirmed, I will establish clear guidelines for the document production and briefings that will be required during a future presidential transition.

30. Will you consider structural or financial reforms recommended by the Department of Government Efficiency (DOGE)?

It is my understanding that DOGE provides recommendations to DHS leadership but that all decisions are made by leadership. If confirmed, I will review all recommendations that I am presented with and make informed decisions that benefit the Department.

Misinformation, Disinformation, and Tech Censorship

31. Should DHS or any of its components be involved in censoring Americans constitutionally protected speech? Should DHS or any of its components have a role in labeling Americans constitutionally protected speech as misinformation, disinformation, or malinformation?

Neither DHS nor any of its components should censor the constitutionally protected free speech of American citizens.

32. Should CISA or any DHS component work with social media companies to discuss moderating the content of constitutionally protected speech?

There may be instances where CISA or other DHS components legitimately work with social media companies, but I do not believe in censoring the constitutionally protected free speech of American citizens.

33. In *Missouri v. Biden*, the district court pointed out that DHS had outlined its "strategy and priorities" to "target 'inaccurate information' on a wide range of topics, including the origins of the COVID-19 pandemic, the efficacy of COVID-19 vaccines, racial justice, the U.S. withdrawal from Afghanistan, and the return of U.S. Support of Ukraine." Do you believe DHS has constitutional authority to police information stemming from any of these categories? Based on your understanding, where are the limits to what federal agencies can and cannot do regarding protected speech?

I have not read the entire *Missouri v. Biden* opinion, but I do not believe it is appropriate for DHS to regulate the protected free speech of American citizens. If confirmed, I would oppose any policy proposals that purported to do that.

34. A 2023 Brennan Center for Justice report found that DHS used twelve programs to track and monitor political speech protected under the First Amendment made by American citizens. As Under Secretary for Strategy, will you commit to reviewing all DHS

programs and ensuring that the Department does not infringe on the constitutional rights of Americans?

I am not familiar with that report but, if confirmed, I will ensure that all policies issued by the Office of Strategy, Policy, and Plans do not infringe on the constitutional rights of Americans.

35. If confirmed, how would you ensure that DHS fully implements laws governing privacy protections and holds itself to the highest standards for cybersecurity and data security?

If confirmed, I would work with the Office of Privacy, the Office of General Counsel, and senior DHS leadership to ensure the Department's privacy protections are at an appropriately high standard for cybersecurity and data security.

Intelligence & Information Sharing

36. The Office of Intelligence and Analysis (I&A) actions to collect, retain, and disseminate information on U.S. persons has come under scrutiny in recent years. Should DHS I&A continue to conduct domestic intelligence collection on Americans?

I am not familiar with this assertion, but I agree that it is highly concerning if the government is conducting domestic intelligence collection on American citizens. If confirmed, I will work with I&A to ensure that their policies do not infringe on the constitutional rights of the American people.

Preventing Terrorism and Enhancing Security

37. If confirmed, do you commit to ensuring that DHS activities undergo a privacy and civil liberties review before being implemented?

If confirmed, I will work with the Office of General Counsel to ensure that all policies issued by the Office of Strategy, Policy, and Plans comply with any legally applicable privacy and civil liberties requirements.

38. Do you believe that the President has the authority to use the military for domestic law enforcement purposes? If so, please explain the circumstances.

I am generally aware of the concept of Posse Comitatus and the limitations it imposes on the Department of Defense. However, it is my understanding that the U.S. Coast Guard, a component of DHS and also the armed services, does have some domestic law enforcement authority. If confirmed, I will work with the Office of General Counsel and the Department of Justice to gain a deeper understanding of this issue and ensure that DHS policies comply with the law.

Watchlisting and Screening

39. If confirmed, will you work with the Committee to increase transparency and accountability within the Department?

Yes. I know that Secretary Noem is committed to transparency and, if confirmed, I would follow in that mold.

U.S. Secret Service

40. Will you commit to providing the Committee unredacted copies of all requested records related to all assassination attempts against President Trump, all security threats against president trump since 2021, and all assets requested by the Trump campaign and/or Trump USSS detail since 2021?

I know that Secretary Noem is committed to transparency and, if confirmed, I would follow in that mold. It is unclear what responsive documents the Office of Strategy, Policy, and Plans would possess but I will work with counsel to provide what I am legally able to.

Border Security & Immigration

41. Please explain your role in border security and immigration decisions during your time as Senior Counselor to the Secretary.

As Senior Counselor to the Secretary, I work as a liaison between the DHS components and headquarters leadership to ensure the Secretary has the information she needs to make informed decisions. In this capacity, I do not have any decision-making authority, but I do relay decisions to component leadership to implement. I am also responsible for reviewing the Department's technical drafting assistance for all legislation that lawmakers submit for feedback.

As Senior Counselor, some of these lines of efforts have involved border security and immigration.

42. If confirmed, how will you ensure the Department is adhering with the law when conducting border security and immigration actions?

If confirmed, I will work closely with the Office of General Counsel to ensure that all border security and immigration policies are lawful.

FEMA

43. Do you believe it is acceptable to delay or withhold disaster aid based on political affiliation of a survivor or state government, or based on policy disagreements with a state's government?

No.

44. What role do you believe the federal government should play in disaster management as compared to the role of state and local governments?

It is my understanding that the federal government plays a supportive role in disaster relief but that the first responders after a disaster are state and local government actors, including the state National Guard.

Artificial Intelligence (AI)

45. As the Department integrates AI tools into operations, how will you ensure that the privacy, civil rights, and civil liberties of Americans are protected?

AI is an exciting new issue space that has the potential to unlock many advantages for government and private industry. That said, there are understandable concerns with the misapplication of AI. If confirmed, I will work with policy, legal, and operational subject matter experts to assess and develop policies that protect the privacy, and civil rights and civil liberties of Americans.

V. Accountability

Whistleblower Protections

46. Protecting whistleblowers and their confidentiality is of the utmost importance to this Committee.

    a. Please describe any previous experience with handling whistleblower complaints. What steps did you take to ensure those individuals did not face retaliation and that their claims were thoroughly investigated?

    As the Chief of the Office of Policy & Strategy at USCIS, I made sure that staff were aware of whistleblower protections and had the contact information to confidentially file a whistleblower complaint.

    b. If confirmed, what steps will you take to ensure that whistleblower complaints are handled appropriately at DHS?

    If confirmed, I will take a similar approach as described above to ensure staff awareness of whistleblower protections. I will also work with the Office of Inspector General to uncover any policy gaps in the Department's current whistleblower protection procedures.

    c. If confirmed, what steps will you take to ensure that whistleblowers at DHS do not face retaliation and that complaints of retaliation are handled appropriately?

If confirmed, I will work with the Office of Inspector General and the Office of General Counsel to ensure that the Department's whistleblower procedures protect employees from retaliation and that any retaliation is promptly remedied.

Cooperation with Inspectors General

47. Inspectors General (IGs) face unique obstacles as they do their work, including budget challenges and disputes with agency heads over access to information. How do you view DHS's relationship with various Offices of Inspectors General (OIGs)?

The Office of Inspector General plays a critical role in protecting the integrity and legitimacy of the Department. It is my understanding that the Office enjoys autonomy which I agree is needed to ensure investigations are conducted without undue influence.

48. Under what circumstances, if any, do you believe DHS would not be required to provide any OIG with timely access to agency records?

I am not aware of any circumstances where that would be appropriate. If confirmed, I will work with the Inspector General to ensure that office is receiving timely records from the Office of Strategy, Policy, and Plans.

49. If confirmed, do you commit to fully cooperate in a timely manner with any audits, investigations, and other reviews and related requests for information from IGs?

If confirmed, I will cooperate with the Office of Inspector General on any audits, investigations, and other reviews.

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

If confirmed, I would support adoption of Inspector General recommendations or a clear articulation if the Department disagrees with any recommendations.

51. If confirmed, do you commit to allowing the DHS Inspector General to provide any member of the Committee with the unredacted version of any DHS Inspector General report upon request?

If confirmed, I will work with the Inspector General and the Office of General Counsel to ensure that the Committee receives applicable information.

52. Under what circumstances do you believe it is appropriate for the DHS IG to redact OIG reports that are provided to Congress?

If confirmed, I will work with the Inspector General and the Office of General Counsel to ensure that the Committee receives applicable information as appropriate under applicable law.

Cooperation with GAO

53. If confirmed, do you commit without reservation to ensuring GAO receives timely, comprehensive responses to requests for information, including for records, meetings, and information?

If confirmed, I will work with the GAO and the Office of General Counsel to respond to requests for information, including for records, meetings, and information.

54. If confirmed, what steps will you take to ensure DHS and its employees cooperate fully and promptly with GAO requests?

If confirmed, I will work with the GAO as required by law to respond to requests for information, including for records, meetings, and information. I know that Secretary Noem is committed to transparency and, if confirmed, I would follow in that mold.

VI. Relations with Congress

55. Do you agree without reservation to comply with any request or summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

Yes.

56. Do you agree without reservation to make any subordinate official or employee available to appear and testify before, or provide information to, any duly constituted committee of Congress if you are confirmed?

Yes.

57. Do you agree without reservation to comply fully, completely, and promptly to any request for documents, communications, or any other agency material or information from any duly constituted committee of the Congress if you are confirmed?

If confirmed, I will cooperate with congressional oversight, including requests for documents and information.

58. Do you agree without reservation to reply to any reasonable request for documents,

communications, or any other agency material or information from any member of Congress?

If confirmed, I will cooperate with congressional oversight, including requests for documents and information.

59. Do you agree without reservation to reply to any reasonable request for documents, communications, or any other agency material or information from any Member of Congress?

If confirmed, I will cooperate with congressional oversight, including requests for documents and information.

60. If confirmed, how will you make certain that you will respond in a timely manner to Member requests for information?

If confirmed, I will work closely with the Office of Legislative Affairs to ensure the Department is responsive to congressional oversight.

61. If confirmed, will you direct your staff to adopt a presumption of openness where practical, including identifying documents that can and should be proactively released to the public, without requiring a Freedom of Information Act request?

If confirmed, I will direct my staff to cooperate, where appropriate, in the release of documents produced by the Office of Strategy, Policy, and Plans.

62. If confirmed, will you keep this Committee apprised of new information if it materially impacts the accuracy of information your agency's officials have provided us?

Yes.

VII. Assistance

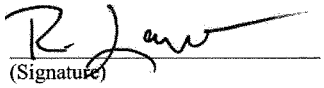
63. Are these answers completely your own? If not, who has provided you with assistance?

Certain DHS staff reviewed my answers and provided feedback, but the answers are my own.

64. Have you consulted with DHS, or any other interested parties? If so, please indicate which entities.

Certain DHS staff reviewed my answers and provided feedback, but the answers are my own.

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



(Signature)

This 29th day of May, 2025

Senator Josh Hawley

Post-Hearing Questions for the Record (QFRs)

June 5, 2025 – Full HSGAC Nominations Hearing

QUESTIONS FOR ROBERT LAW, NOMINEE TO BE UNDER SECRETARY FOR STRATEGY, POLICY, AND PLANS, DEPARTMENT OF HOMELAND SECURITY

1. Will you commit that DHS and all of its components such as CISA will not engage in any activity designed to monitor or censor protected speech by Americans?

   If confirmed, I will work with all necessary DHS components to ensure that the rights of American citizens are protected and work to prevent components from going off mission as we saw with CISA during the previous administration.

2. What concrete measures will you implement, if confirmed, to ensure that CISA's election security activities focus solely on protecting cyber infrastructure – not suppressing political viewpoints or censoring lawful speech about elections?

   If confirmed, I look forward continuing President Trump and Secretary Noem's work to protect Americans' right to free speech by engaging the necessary components and partners within DHS.

Post-Hearing Questions for the Record
Submitted to Robert Law
Senator Gary C. Peters

Nomination of Robert Law to be Under Secretary for Strategy, Policy, & Plans,
Department of Homeland Security
Friday, June 6, 2025

Election Security

1. If confirmed, would you support DHS continuing to work on election security and critical infrastructure issues?

   If confirmed, I look forward to working with the appropriate DHS components to ensure that election security and critical infrastructure policies are implemented within each components' statutory mandate.

2. Do you consider addressing attempts to interfere in our elections by foreign countries part of DHS's mission to protect domestic critical infrastructure?

   If confirmed, I look forward to working with DHS components and this committee to issue policies designed to prevent foreign election interference.

Information Sharing and Privacy

3. Do you intend to make changes to DHS's vetting and screening priorities? If so, what changes are you considering?

   Yes. Pursuant to Executive Order 14161, President Trump has directed DHS to maximize its screening and vetting capabilities, and DHS is fully committed to fulfilling this mandate. If confirmed, I would prioritize policies that advance efforts to expand recurrent vetting processes to protect the homeland and ensure the integrity of the legal immigration system.

4. What are your priorities in negotiating and updating information sharing agreements with foreign countries?

   If confirmed, my priorities are President Trump's priorities for DHS, including issuing any policies relevant to information sharing agreements with foreign countries.

5. Given the requirements of Executive Order 14243, what protections do citizens have to ensure that their data is not used to enable systemic, indiscriminate, or wide-scale monitoring, surveillance, or tracking?

Federal law protects citizens from systemic, indiscriminate, or wide-scale monitoring, surveillance, or tracking. It is my understanding that the Privacy Act requires federal agencies to maintain all information they collect about citizens in a system of records and publish information about these systems of record in the Federal Register. It is also my understanding that DHS abides by the Privacy Act and its requirements.

a. What are appropriate limits in the sharing of data within DHS or between DHS and other agencies or state, local, Tribal, and territorial partners?

It is my understanding that DHS shares data consistent with the Privacy Act. If confirmed, I will work closely with the Office of Privacy and the Office of General Counsel on any policies that involve data sharing.

6. Is the DHS policy on facial recognition and facial capture policy, Directive 026-11, still in effect?

If confirmed, I will prioritize gaining an understanding of Directive 026-11 and assess whether new policies need to be issued.

a. If this policy is still controlling, will you commit to restoring access to the language on your website?

If confirmed, I will work with my office to identify appropriate policies that may be applicable to Directive 026-11.

b. If this policy has been rescinded, will you commit to issuing a similar policy in a timely fashion?

If confirmed, I will work with my office to identify appropriate policies that may be applicable to Directive 026-11.

7. Do you agree with each of following with respect to the Department's use of AI-enabled technologies:

a. U.S. citizens have a right to opt out of non-law enforcement uses of these technologies.

It is my understanding that DHS has implemented opt-out rights on some uses of AI-enabled technologies, such as TSA airport facial identification technology. If confirmed, I would work with my office, the Office of General Counsel, and the Office of Privacy to identify mission-critical uses, and to balance appropriately the use of these technologies.

b. The Department should not use these technologies to profile, target, or discriminate against any individual solely for exercising their Constitutional rights.

It is the policy of DHS to uphold the Constitutional rights.

c. The Department should not use these technologies to enable systemic, indiscriminate, or wide-scale monitoring, surveillance, or tracking.

It is my understanding that DHS complies with all applicable laws.

d. The Department should periodically assess these technologies to ensure that they meet performance goals that are in accordance with International Organization for Standardization/ International Electrotechnical Commission (ISO/IEC) standards and technical guidance issued by National Institute of Standards and Technology (NIST).

It is my understanding that DHS, as the largest law enforcement arm of the United States, is not obligated to meet performance goals of any of the named international organizations. If confirmed, I will work with my office to ensure DHS holds to standards that ensure the efficient and effective operation of the Department.

Immigration and Border Security

8. Can you describe your concerns about the terrorist threat from China, any strategic changes you believe are necessary to address this threat, and what policy you will pursue to address this threat if confirmed?

China presents a complex strategic challenge as it leverages asymmetric tactics – including cyber espionage, the misuse of global infrastructure, and the suppression of dissidents abroad to undermine U.S. interests and global security. If confirmed, I will prioritize the issuance of policies that protect the homeland and the integrity of the legal immigration system from the threat of the Chinese Communist Party.

9. Can you describe your concerns about the terrorist threat from North Korea, any strategic changes you believe are necessary to address this threat, and what policy you will pursue to address this threat if confirmed?

It is my understanding that North Korea has historically posed a more conventional military threat through its nuclear and ballistic missile programs, but present concerns now include its potential sponsor as a facilitator of terrorism through proxy actors, cyber capabilities, and illicit networks. If confirmed, I will prioritize the issuance of policies that protect the homeland and the integrity of the legal immigration system from the threat of the North Korean government.

10. Do you think it is appropriate to have an individual with no experience running an office responsible for preventing terrorism, such as Thomas Fugate, the 22-year-old who is

reportedly running the Center for Prevention Programs and Partnerships (CP3), which is based in the Office of Strategy, Policy, & Plans.

As senior counselor, I do not have supervisory or decision-making responsibilities. If confirmed, I will review all of the sub-offices within the Office of Strategy, Policy, and Plans to ensure they are operating in furtherance of President Trump's policy priorities for DHS.

a. The FY26 congressional budget justification for the Office of the Secretary and Executive Management states that "the Targeted Violence and Terrorism Prevention grant program and its administering office" CP3 were terminated in March 2025. However, there are still employees at CP3 and ongoing implementation of grants. Are you aware of why the document provided to Congress is inaccurate and, if so, can you please clarify?

   It is my understanding that the FY26 congressional budget justification regarding CP3 was written in error, and that the Office of Legislative Affairs has notified the Oversight, Investigations, and Accountability Subcommittee with the House Committee on Homeland Security of the error and provided revised language.

b. Is it your intention to continue CP3's work?

   If confirmed, I will prioritize gaining a better understanding of the role CP3 plays in furthering President Trump's policy priorities for DHS.

c. If so, what are your plans for CP3?

   If confirmed, I will prioritize gaining a better understanding of the role CP3 plays in furthering President Trump's policy priorities for DHS.

d. Do you intend to put someone in charge who has relevant experience and expertise?

   If confirmed, I will review all of the sub-offices within the Office of Strategy, Policy, and Plans to ensure they are operating in furtherance of President Trump's policy priorities for DHS.

11. Is Policy Statement 044-05 (Revision 01), "Update on the Department Policy on the Use of Force" still in effect?

It is my understanding that Policy Statement 044-05 (Revision 01) is currently under DHS review.

a. Do you intend to update or change this policy? If so, what changes are you considering?

It is my understanding that Policy Statement 044-05 (Revision 01) is currently under DHS review.

12. Will you commit to never implementing a family separation policy again and to supporting the full implementation of the *Ms. L v. ICE* settlement agreement, including continuing to reunite children who were separated with their parents?

The Trump Administration has never had a family separation policy. DHS complies with all judicial orders.

13. If confirmed, what policies will you implement to ensure vulnerable populations in CBP custody have adequate care?

If confirmed, I will work closely with CBP to ensure that policies are in place for them to adequately care for vulnerable populations prior to returning them to their home country.

14. Will you put families with young children in detention? If so, on what legal basis?

It is my understanding that family detention of illegal aliens has occurred under administrations of both parties.

15. Is sending people to be detained indefinitely in Salvadoran prisons consistent with our legal and moral obligations to prevent people from being tortured and subjected to human rights violations?

The Department of Homeland Security is committed to upholding its obligations under the Convention Against Torture.

16. What level of proof is sufficient for DHS to identify someone as a known or suspected terrorist?

Identifying terrorists involves a multi-faceted approach that includes intelligence gathering, law enforcement operations, and community engagement. These decisions are made by operators in the field.

FEMA

17. Do you think it is appropriate for FEMA to provide information, including myths and facts about disaster relief to ensure people have the best information to get assistance during and after a disaster? Would you consider this work to counter mis- or disinformation?

I think FEMA plays a supporting role to state and local government for disaster relief, and that public messaging of FEMA's role is consistent with its mission.

18. Neither the President nor the DHS Secretary has the legal or statutory authority to eliminate the Federal Emergency Management Agency (FEMA), only Congress does. What would be DHS's justification for eliminating FEMA absent action by Congress?

It is my understanding that President Trump and Secretary Noem have been clear that FEMA, in its current form, is failing the American people.

19. If you were to make changes to policy impacting FEMA and the federal government's role in emergency management and disaster response, would you advocate for a phased approach, so states have an opportunity to adapt and also to incorporate Congressional and stakeholder input while making changes to federal assistance programs?

If confirmed, I look forward to working with the appropriate DHS components, Congress, and other stakeholders to deliver on the President and Secretary's priorities to protect and support the American people in their greatest time of need following disasters.

Misinformation and Disinformation

20. Please describe to the best of your knowledge, DHS's working definitions of 'misinformation', 'disinformation' and 'protected speech.' Do you believe those definitions need updating? Do you believe DHS needs a department-wide policy or strategy to provide guardrails for any work that touches on potential constitutionally protected speech?

In my role as Senior Counselor, I have not come across formal definitions of these terms as defined by the Department. If confirmed, I would lead the development of policies and strategies that prioritize 1st Amendment rights and do not police speech under the guise of counter-misinformation or counter-disinformation efforts.

Decade of Sports

21. The U.S. will be hosting several international sports events in the coming decade, including the FIFA World Cup in 2026 and Olympic and Paralympic Games in 2028.

    a. If you are confirmed, what steps will you take to ensure the Department is prepared to support our federal, state, and local partners in securing these high-profile events?

    If confirmed, I will work closely with the World Cup Task Force that President Trump established and the DHS Office of Special Events to ensure there are policies in place for these major events to be successful.

    b. How will you ensure timely travel for accredited individuals to the United States as well as expedient entry at ports of entry?

If confirmed, I will prioritize coordination across DHS components to streamline policies that support timely travel and efficient processing of accredited individuals related to global sports. I will also work with the Department of State on any visa issues applicable to these major events.

Senator Richard Blumenthal
Post-Hearing Questions for the Record
Submitted to Robert Law

Nominations Hearing
June 5, 2025

1. In 2018, Congress passed the Foreign Investment Risk Review Modernization Act (FIRRMA) to expand the Council on Foreign Investment in the United States' (CFIUS) jurisdiction and review process.

    a. Do you think the expansion of CFIUS authority under FIRRMA was sufficient?

    The Office of Strategy, Policy, and Plans plays an important role in the CFIUS process. If confirmed, I will prioritize gaining an understanding of whether current authorities are sufficient. If gaps are identified, I will work closely with the Committee on any legislation needed to enhance CFIUS authority.

        i. *If not*, are there additional types of foreign direct investment that should trigger CFIUS review? Please list the specific kinds of direct foreign investment if so.

        If confirmed, I will prioritize gaining an understanding of whether current CFIUS authorities are sufficient. It is my understanding that the Trump Administration welcomes foreign investment but that there must be proper vetting of funding sources to ensure that transactions do not harm national security.

2. In February, President Trump signed a memorandum directing CFIUS to increase scrutiny of Chinese investments in certain strategic areas. If confirmed, how do you plan to implement this memorandum?

    If confirmed, I will work closely with the CFIUS team within the Office of Strategy, Policy, and Plans to understand how properly to assess national security risk to the United States from foreign transactions in light of the America First Investment Policy. President Trump has rightly identified that China poses a heightened risk due to its posture as the United States' geopolitical adversary with intentions to undermine our economic and national security interests. I will implement CFIUS review with an awareness of the underlying heightened risks of Chinese investments to the United States.

3. Do you think CFIUS should apply increased scrutiny to investments from foreign powers other than China? If so, please list the specific countries. If not, please explain how you know existing scrutiny over all foreign countries besides China is sufficient.

    If confirmed, I will work with my office to understand what other countries, in addition to China, merit increased scrutiny. My understanding is that the United

States foreign adversary countries include China, Russia, North Korea, Iran, Cuba, and the Maduro regime in Venezuela.

4. The Office of Strategy, Policy, and Plans oversees trade enforcement and security. If confirmed, please detail the specific steps will you take to ensure that no mechanisms like illegal transshipments or origin washing will be used to evade tariffs?

   It is my understanding that illegal transshipments and origin washing are inconsistent with the law and the President's comprehensive policies properly incentivizing re-domestication of production to the United States. If confirmed, I will work with my office to build a comprehensive enforcement strategy, including partnership with U.S. Customs and Border Protection and any relevant agencies. I will also work with my office to assess potential mechanisms to prevent illegal transshipments or origin washing.

5. The de minimis exemption is an increasingly exploited mechanism used to import fentanyl and precursor chemicals, counterfeit goods, and other illegal items into the United States. U.S Customs and Border Protection has reported that, on average, its officers process more than 4 million de minimis shipments each day.

   a. Do you agree that the de minimis exemption has been used to import fentanyl into the U.S.?

      Yes.

   b. Please list other illegal goods have been imported using the exemption.

      It is my understanding that e-commerce has enabled broader use of the de minimus exemption to import illegal goods into the United States. I understand these illegal goods may include counterfeits in violation of intellectual property rights, safety standards, and U.S. law, including products such as apparel, jewelry, machine parts, and pharmaceuticals. If confirmed, I will work with my office to build policies to oppose this unlawful practice.

   c. On April 2, President Trump signed an executive order to eliminate de minimis treatment of goods from China as of May 2. Please describe the steps you will take, if confirmed, to ensure shippers are not sending packages of goods manufactured in China to the U.S. from other countries to continue utilizing the de minimis exemption?

      If confirmed, I would work to implement policies that further the President's April 2 executive order. I would work with my office and U.S. Customs and Border Protection to identify the best strategies to maximize identification and seizure of illicit goods.

   d. The April 2 executive order calls for eliminating the de minimis exemption for all countries soon as procedures can be enacted to implement this change. If

confirmed, will you implement this?

If confirmed, I will prioritize the issuance of policies applicable to eliminating the de minimis exemption.

i. *If so*, how long will that take?

It is my understanding that the timeframe for implementation will vary depending on many factors. Those factors may include whether a phased or simultaneous approach is determined to be more effective, the total resources provided to DHS for this purpose, and the state of technological tools available, among other things. If confirmed, my office will work diligently to issue policies that further the President's April 2 executive order.

e. With the termination or proposed termination of the de minimis exemption, what information does the United States need about low-value goods to ensure it can properly collect tariffs and conduct risk assessments to undertake effective inspections of low-value packages? In answering, please provide the specific elements of information needed with respect to such packages and how it is to be obtained.

If confirmed, I will prioritize gaining an understanding of how to optimally enforce tariffs and other laws against low-value package importation. It is my understanding that CBP has an extensive history of customs enforcement which may be useful to assess what information the United States needs to collect about low-value goods. If confirmed, my office will work closely with CBP to assess which tools are appropriate and cost-effective to apply to low-value packages to ensure efficient compliance with law.

6. Earlier this year, CBP suspended implementation of a rule that would have required formal entry for goods valued in excess of $250 and subject to temporary tariff modifications, including those in President Trump's April 2 Executive Order.

a. What was the reason for this suspension?

It is my understanding that this suspension provided more time for CBP and importers to enforce the law by implementing procedures for importation of lower value packages in compliance with law.

b. If confirmed, do you intend to restore full implementation of this rule?

i. *If so*, how long will that take?

If confirmed, my office will work diligently to issue policies that further President Trump's priorities for DHS.

Post-Hearing Questions for the Record
Submitted to Robert Law to be Under Secretary for Strategy, Policy, and Plans, U.S. Department of Homeland Security
From Senator John Fetterman

Full Committee Hearing:
"Nominations of
The Honorable Sean Cairncross to be National Cyber Director, Executive Office of the President;
Robert Law to be Under Secretary for Strategy, Policy, and Plans, U.S. Department of Homeland Security;
James Percival to be General Counsel, U.S. Department of Homeland Security;
Kevin Rhodes to be Administrator for Federal Procurement Policy, Office of Management and Budget; and
James Woodruff II to be a Member, Merit Systems Protection Board"

1. The Support Anti-Terrorism by Fostering Effective Technologies Act of 2002 or SAFETY Act incentivizes investments in anti-terrorism technologies through the implementation of an approval system that results in liability protection when certain benchmarks are achieved. During such a dangerous period, it is important that the US-SPP does not lose sight of mechanisms already available within the Department of Homeland Security that create opportunities to secure and support private anti-terrorism investments.

   In order to receive a designation as "certified," "designated," or "developmental testing and evaluation designation" significant review of applications must occur. Any personnel reductions that impact the ability of the SAFETY Act program to review and support participating entities will only disincentivize private investments to keep us safe.

   If confirmed, do you commit to ensuring that the Office of SAFETY Act Implementation (OSAI) is fully functioning and staffed at appropriate levels to carry out its mission efficiently and effectively?

   As I understand it, the Office of the SAFTEY Act resides in DHS's Science and Technology Directorate, an office separate from DHS's Office of Strategy, Policy, and Plans. If confirmed, however, I will work with the Science and Technology Directorate to determine if there are ways in which DHS's Office of Strategy, Policy, and Plans may assist in ensuring that the Office of SAFETY Act is fully functional and staffed at the appropriate levels.

Senator Andy Kim

Post-Hearing Questions for the Record

Nominations of Sean Cairncross Nominee to be National Cyber Director, Executive Office of the President; Robert Law Nominee to be Under Secretary for Strategy, Policy, and Plans, U.S. Department of Homeland Security; James Percival Nominee to be General Counsel, U.S. Department of Homeland Security; Kevin Rhodes, Nominee to be Administrator of Procurement, Office of Management and Budget; James Woodruff II, Nominee to be a Member of the Merit Systems Protection Board

June 5, 2025

Robert Law

1. Do you think it is important to increase the availability of Nonprofit Security Grant Program funding and CISA resources to help combat attacks against houses of worship and other community nonprofits?

   If confirmed, I will prioritize the development of policies that combat attacks against houses of worship.

2. How will you lead strategic planning across the Department to combat targeted violence to faith based and other communities?

   If confirmed, I would take a whole-of-DHS approach to developing strategic plans to combat targeted violence against faith-based and other communities and partner with agencies across the government.

3. The investigation into the 2024 incident in which FEMA employees bypassed the damaged homes of President Trump's supporters, which was completed under this Administration, found that it was an isolated incident. The head of FEMA at the time stated that the investigation 'found no evidence that this was a systemic problem, nor that it was directed by agency or field leadership.' Do you agree with these findings?

   In my role as Senior Counselor to the Secretary, I have not reviewed the investigation's findings.

Post-Hearing Questions for the Record

Submitted to Robert Law, Nominee to be Under Secretary for Strategy, Policy, and Plans at DHS

From Senator Ruben Gallego

"Nominations Hearing"
June 5, 2025

Question 1
Robert Law Nominee for Under Secretary for Strategy, Policy, and Plans at DHS: As Under Secretary for Strategy, Policy, and Plans, one of your primary responsibilities will be to lead Department-wide policy development and implementation. Recently, DHS decided to terminate funding for its Centers of Excellence, including for Arizona State University's Center for Accelerating Operational Efficiency. From a policy perspective, their work has directly supported DHS and led to improved efficiency and effectiveness in stated areas of importance to the administration, such as border security and transportation safety. The recent decision raises concerns about the continuity of vital research and development efforts that align closely with DHS's mission.

Can you state what role—if any—you envision for university-based research partnerships going forward, particularly in areas where these partnerships have already delivered significant results that advance the Trump administration's stated goals? Given the important role you will play in policy formulation, will you commit to working with the Secretary to reconsider this decision?

If confirmed, I will prioritize gaining an understanding of the Centers of Excellence and any role they play within in the Office of Strategy, Policy, and Plans. If confirmed, I will work with the Secretary to implement the President's policy priorities for DHS.

Question 2
Robert Law Nominee for Under Secretary for Strategy, Policy, and Plans at DHS: If confirmed, you will be helping lead formulation and implementation of border and immigration policy. Over the last several years, many of the fixed surveillance towers in Arizona have had problems working due to supply chain and contracting issues. I've heard from agents on the ground that these towers go dark for days at a time, creating glaring situational awareness gaps. This speaks to a larger issue of maintaining and replacing border security technology in a timely manner, which is vital for national security.

What is DHS doing to ensure its technology infrastructure is operational? Will you commit to ensuring these towers return to a high level of operational availability expeditiously?

I am not familiar with the technical issues cited with Arizona border surveillance towers. If confirmed, I will work closely with U.S. Customs and Border Protection, and your office, to ensure they have the policy infrastructure in place to secure the border and protect the homeland.

The Honorable Rand Paul

United States Senate

Washington, DC 20510

The Honorable Gary Peters

United States Senate

Washington, DC 20510

Dear Members of the United States Senate,

We write to you today in support of the nomination of Robert Law as Undersecretary for Policy at the Department of Homeland Security (DHS). His life, work, and record attest that he embodies what a public servant ought to be, and we believe that Congress should confirm him swiftly.

Currently serving as Senior Counselor to the Secretary of Homeland Security, Robert Law has led on key issues ranging from border security, enforcement, and citizenship to broader homeland security priorities such as cybersecurity, artificial intelligence, and counterterrorism—demonstrating his wide-ranging expertise.

For 31 months preceding the start of the second Trump Administration, Robert Law dedicated his extensive experience, proven leadership, and talent as a member of the America First Policy Institute (AFPI), where he championed policies for a stronger border and immigration system. He served as the Director of the Center for Homeland Security and Immigration, bringing critical experience, sound judgment, and a deep understanding of immigration policy. Because of his expertise, AFPI was able to recommend reforms on asylum, deportation, parole abuses, student visa enforcement, legislative border security policies and more. His alignment to America First policies is unquestionable, and his experience at AFPI make him exceptionally qualified to serve in this role at such a critical moment.

Robert Law has long demonstrated his commitment to protecting the interests of the American people and preserving national sovereignty. As the former Chief of the OXice of Policy and Strategy at U.S. Citizenship and Immigration Services (USCIS) during President Trump's first term, he played a central role in shaping and implementing policies that strengthened the integrity of our immigration system. He was instrumental in ensuring that immigration benefits were administered fairly and securely, consistent with the statutory framework established by Congress. His leadership helped root out fraud, improve vetting, and align policy priorities with the needs of American communities.

Before his tenure at USCIS, Robert Law served as Director of Regulatory AXairs and Policy at the Center for Immigration Studies (CIS) and Government Relations Director at the Federation for American Immigration Reform (FAIR). Robert Law's nomination comes at a critical time when DHS must confront growing threats to border security, a crisis of unlawful migration, and ongoing abuse of our asylum system. His clear-eyed approach to policymaking, combined with his deep legal and procedural knowledge, make him uniquely positioned to address these challenges head-on. He understands what is needed to restore order at the border, close loopholes, and promote a system that is both just and secure.

We strongly urge the Senate to confirm Robert Law without delay. His qualifications, integrity, and dedication to the mission of DHS make him the right leader to serve as Undersecretary for Policy. We are confident that he will help steer the department toward a more secure, lawful, and accountable immigration system—one that puts the American people first.

Thank you for your consideration. Please do not hesitate to contact the undersigned organizations for further information or to discuss Mr. Law's qualifications in greater detail.

Sincerely,

Chad Wolf, America First Policy Institute

CC

Greg Sindelar, Texas Public Policy Foundation

Steven Camorata, Center for Immigration Studies

R. J. Hauman, National Immigration Center for Enforcement

Rosemary Jenks, Immigration Accountability Project

Federation for American Immigration Reform

Johnathan Fahey, Former Acting Director of ICE

Mark Morgan, Former Acting Commissioner of US Customs and Border Patrol

Tony Pham, Former Acting Director, U.S. Immigration and Customs Enforcement

Jared Culver, Former DHS

Bob Perez, Former CBP Deputy Commissioner

Emilio Gonzalez, Director of U.S. Citizenship and Immigration Services

Opening Statement of Dr. Kevin Rhodes
Confirmation Hearing for Administrator for Office of Federal Procurement Policy
Office of Management and Budget
Senate Committee on Homeland Security and Government Affairs
June 5, 2025

Mr. Chairman, Ranking Member Peters, and Members of the Committee:

Thank you for the opportunity to appear before you today. I am deeply honored and immensely grateful to President Trump for nominating me to serve as the Administrator for the Office of Federal Procurement Policy. I also want to express my heartfelt gratitude to my wife, Sandra, whose constant support and patience have made it possible for me to be here today. And I would like to take a moment to recognize and honor the brave service men and women whose sacrifices have allowed all of us to serve our country in this capacity.

Throughout my career, I have been fortunate to experience a wide range of opportunities that I believe have prepared me well for this role. I had the privilege to serve our nation for nearly 25 years in the United States Air Force, in roles that demanded both operational leadership and procurement expertise. Over the course of my service, I was honored to lead hundreds of procurement professionals while managing budgets exceeding $2 billion annually across a wide range of complex acquisition programs. I served as Program Manager for Common Avionics, Director of Operations for the KC-46 program, and Director of Acquisition for the White House Military Office, where I had the distinct honor of working directly with three sitting U.S. Presidents.

In these roles, I saw first-hand both the immense capability and the frustrating limitations of our federal procurement system. While we have many dedicated professionals and some world-class programs, the system too often remains burdened by excessive bureaucracy, rigid regulations, and outdated processes that hinder speed, innovation, and competition. While I was privileged to lead on two separate occasions the Department of Defense's best managed program respectively in acquisition and logistics. We must create a culture and system where innovation, speed, and meeting objectives is the norm, not the exception.

Since retiring from the Air Force, I continued to serve in industry as the Executive Vice President of Systecon North America, where I led strategy, government relations, and business operations. This blend of public service and private sector experience has reinforced my conviction that our procurement system must evolve to meet the demands of today's fast-moving technology environment, ensure the best outcomes for taxpayers, and enhance our national security posture.

If confirmed, one of my primary objectives will be to lead the comprehensive and thoughtful Revolutionary Federal Acquisition Regulation (FAR) overall (RFO). The FAR has become an increasingly complicated and inflexible framework that often stifles innovation and limits competition. Earlier this year President Trump rightly called for reducing bureaucracy and eliminating unnecessary regulations that stifle investment and innovation. I am fully committed to executing the President's vision.

A modernized acquisition system must reduce costs, increase speed, and open doors for greater competition. We must make it easier for small businesses, non-traditional vendors, and innovative companies to do business with the federal government. By growing and diversifying our industrial base, we don't just foster competition — we also build resilience into our supply chains, promote innovation, and enhance national security by ensuring that the United States is never overly dependent on limited sources of supply.

At the same time, this transformation must be done responsibly — balancing the need for oversight and accountability with the flexibility necessary to achieve better outcomes. I intend to work closely with Congress, federal agencies, industry partners, and our dedicated acquisition workforce to achieve that balance.

In closing, I want to again thank President Trump for this tremendous honor and my wife Sandra for her constant support. I am deeply humbled by the opportunity to serve, and I am committed to bringing my broad experience — from program offices to the White House, from combat operations to corporate boardrooms — to bear in driving meaningful reform that strengthens our procurement policies, better serves the American taxpayer, and enhances our national security.

Thank you, and I look forward to your questions.

REDACTED

HSGAC BIOGRAPHICAL QUESTIONS FOR EXECUTIVE NOMINEES

1. Basic Biographical Information

Please provide the following information.

Position to Which You Have Been Nominated	
Name of Position	**Date of Nomination**
Administrator, Office of Federal Procurement Policy	April 29, 2025

Current Legal Name			
First Name	**Middle Name**	**Last Name**	**Suffix**
Kevin	**Robert**	**Rhodes**	

Addresses					
Residential Address (do not include street address)			**Office Address** (include street address)		
[redacted]			**Street: 608 17th St NW**		
City: Naples	**State: FL**	**Zip: 34114**	**City:** Washington	**State: DC**	**Zip: 20502**

Other Names Used						
First Name	**Middle Name**	**Last Name**	**Suffix**	Check if Maiden Name	**Name Used From** (Month/Year) (Check box if estimate)	**Name Used To** (Month/Year) (Check box if estimate)
Kevin	Robert	Sandman			**07/1975** Est ☐	**07/1988** Est ☐
					Est ☐	Est ☐

Birth Year and Place	
Year of Birth (Do not include month and day.)	**Place of Birth**
1975	Canton, Ohio

Marital Status					
Check All That Describe Your Current Situation:					
Never Married	**Married**	**Separated**	**Annulled**	**Divorced**	**Widowed**
☐	X	☐	☐	☐	☐

Spouse's Name (current spouse only)			
Spouse's First Name	**Spouse's Middle Name**	**Spouse's Last Name**	**Spouse's Suffix**
Sandra	Denise Sandman	Rhodes	

Spouse's Other Names Used (current spouse only)						
First Name	**Middle Name**	**Last Name**	**Suffix**	Check if Maiden Name	**Name Used From** (Month/Year) (Check box if estimate)	**Name Used To** (Month/Year) (Check box if estimate)
Sandra	Denise	Taylor		X	**10/1969** Est ☐	**10/1990** Est ☐
Sandra	Denise	Pershing			**10/1990** Est ☐	**10/1992** Est ☐
Sandra	Denise	Ruhe			**09/1995**	**07/2002**

Children's Names (if over 18)			
First Name	**Middle Name**	**Last Name**	**Suffix**

2. Education

List all post-secondary schools attended.

Name of School	**Type of School** (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	**Date Began School** (month/year) (check box if estimate)	**Date Ended School** (month/year) (check box if estimate) (check "present" box if still in school)	**Degree**	**Date Awarded**
Walden	University	10/2014 Est ☐	08/2017 Est ☐ Present ☐	Doctorate, BA (DBA)	08/2017
Troy State	University	07/2000 Est X	07/2003 Est X Present ☐	MSM	07/2003
University of Florida	University	07/1993 Est X	08/1997 Est ☐ Present ☐	BA	08/1997
		Est ☐	Est ☐ Present ☐		

3. Employment

(A) List all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

Type of Employment (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other	**Name of Your Employer/ Assigned Duty Station**	**Most Recent Position Title/Rank**	**Location** (City and State only)	**Date Employment Began** (month/year) (check box if estimate)	**Date Employment Ended** (month/year) (check box if estimate) (check "present" box if still employed)
Federal Employee	Executive Office of The President, Office of Management and Budget, Washington, DC	Senior Advisor, SES	Washington, DC	02/2025 Est ☐	Present Est ☐
Federal Contractor	Systecon North America, Juno Beach, Fl	Executive Vice President	Juno Beach, Fl	10/2021 Est ☐	02/2025 Est ☐
Non-Government Employment	EMBR Strategies, LLC	President and CEO	Naples, Fl	07/2023 Est ☐	Present (LLC is inactive while in govt employment) Est
Active Duty Military	USAF, White House Military Office	Director of Acquisition, Colonel	Washington, DC	07/2015 Est ☐	10/2021 Est ☐
Active Duty Military	USAF, Robins AFB	Director of Common Avionics/ML/ Lt Col	Warner Robins, GA	08/2012 Est ☐	07/2015 Est ☐
Active Duty Military	USAF, Wright Patterson AFB	Director of Operations/Lt Col	Dayton, OH	07/2009	08/2012
Active Duty Military	USAF, Pentagon	AF Fellow, Major	Washington, DC	06/2008	07/2009
Active Duty Military	USAF, Rosslyn VA	F-35 Lead PEM, Major	Rosslyn, VA	02/2007	05/2008
Active Duty Military	USAF, Camp Delta, Iraq	QAR, Captain	Al Kut, Iraq	09/2006	02/2007
Active Duty Military	USAF, Rosslyn VA	PEM, Captain	Washington, DC	07/2005	09/2006

Active Duty Military	USAF, Eglin AFB	Executive Officer, Captain	Fort Walton Beach, Fl	07/2003 Est X	07/2005 Est X
Active Duty Military	USAF, MacDill AFB	SAM, SOCOM, Captain	Tampa, Fl	05/2000 Est X	07/2003 Est X
Active Duty Military	USAF, Hanscom AFB	PM, LT	Bedford, MA	10/1998 Est X	05/2000 Est X
Active Duty Military	USAF, Pensacola NAS	Training, LT	Pensacola, NAS	03/1998 Est X	10/1998 Est X
Active Duty Military	USAF, Gainesville Det 150	ADD LT	Gainesville, Fl	08/1997 Est X	03/1998 Est X

(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

Name of Government Entity	**Name of Position**	**Date Service Began** (month/year) (check box if estimate)	**Date Service Ended** (month/year) (check box if estimate) (check "present" box if still serving)
		Est ☐	Est ☐ Present ☐
		Est ☐	Est ☐ Present ☐
		Est ☐	Est ☐ Present ☐

4. Potential Conflict of Interest

(A) **Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.** none

(B) **Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration or execution of law or public policy, other than while in a federal government capacity.** As Executive Vice President of Systecon North America, I worked with our Congressional representative firms to consider studies or funding to support the use of software to improve cost and operational forecasting relating to spares and logistics planning.

5. Honors and Awards

List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.

Numerous military medals and badges including but not limited to and with several awards of many: Defense Superior Service Medal, Joint Meritorious Service Medal, Meritorious Service Medal, Joint Commendation Medal, Commendation Medal, Joint Achievement Medal, Achievement Medal, Global War on Terrorism Medal, Achievement Medal, Joint Meritorious Unit Award, Expert Marksman ribbon, Polish Iraq Campaign Medal, Airborne Qualification, Presidential Service Badge, Air Staff Badge

Additional honors include but not limited to: Honorary Captain El Salvadorian Military, Honorary Civil Engineer USAF, Golden Key Selection for Doctorate, Packard Award for best led program DoD, PBL Award best led program DoD, and FBI Global War on Terror Personal Citation

6. Memberships

List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years.

Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of $1,000 or less, Parent-Teacher Associations or other organizations connected to schools attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam's Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

Name of Organization	Dates of Your Membership (You may approximate.)	Position(s) Held
Project Management Institute	From 17 Sep 2017 until present	Project Management Professional

7. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office? no

Name of Office	Elected/Appointed/ Candidate Only	Year(s) Election Held or Appointment Made	Term of Service (if applicable)

(B) List any offices held in or services rendered to a political party or election committee during the last ten years that you have not listed elsewhere. none

Name of Party/Election Committee	Office/Services Rendered	Responsibilities	Dates of Service

(C) Itemize all individual political contributions of $200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

Name of Recipient	Amount	Year of Contribution

8. Publications and Speeches

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with copies of all listed publications. In lieu of hard copies, electronic copies can be provided via e-mail or other digital format.

Title	Publisher	Date(s) of Publication
Strategies for Improved Earned Value Management Use by Defense Business Leaders	Walden University ScholarWorks	2017

(B) List any formal speeches you have delivered during the last five years and provide the Committee with copies of those speeches relevant to the position for which you have been nominated. Include any testimony to Congress or any other legislative or administrative body. These items can be provided electronically via e-mail or other digital format.

Title/Topic	Place/Audience	Date(s) of Speech

(C) List all speeches and testimony you have delivered in the past ten years, except for those the text of which you are providing to the Committee.

Title	Place/Audience	Date(s) of Speech

9. Criminal History

Since (and including) your 18th birthday, has any of the following happened?

- Have you been issued a summons, citation, or ticket to appear in court in a criminal proceeding against you? (Exclude citations involving traffic infractions where the fine was less than $300 and did not include alcohol or drugs.) no
- Have you been arrested by any police officer, sheriff, marshal or any other type of law enforcement official? no
- Have you been charged, convicted, or sentenced of a crime in any court? no
- Have you been or are you currently on probation or parole? no
- Are you currently on trial or awaiting a trial on criminal charges? no
- To your knowledge, have you ever been the subject or target of a federal, state or local criminal investigation? no

If the answer to any of the questions above is yes, please answer the questions below for each criminal event (citation, arrest, investigation, etc.). If the event was an investigation, where the question below asks for information about the offense, please offer information about the offense under investigation (if known).

A) Date of offense:

   a. Is this an estimate (Yes/No):

B) Description of the specific nature of the offense:

C) Did the offense involve any of the following?
   1) Domestic violence or a crime of violence (such as battery or assault) against your child, dependent, cohabitant, spouse, former spouse, or someone with whom you share a child in common: **Yes / No**
   2) Firearms or explosives: **Yes / No**
   3) Alcohol or drugs: **Yes / No**

D) Location where the offense occurred (city, county, state, zip code, country):

E) Were you arrested, summoned, cited or did you receive a ticket to appear as a result of this offense by any police officer, sheriff, marshal or any other type of law enforcement official: **Yes / No**

   1) Name of the law enforcement agency that arrested/cited/summoned you:

2) Location of the law enforcement agency (city, county, state, zip code, country):

F) As a result of this offense were you charged, convicted, currently awaiting trial, and/or ordered to appear in court in a criminal proceeding against you: **Yes / No**

1) If yes, provide the name of the court and the location of the court (city, county, state, zip code, country):

2) If yes, provide all the charges brought against you for this offense, and the outcome of each charged offense (such as found guilty, found not-guilty, charge dropped or "nolle pros," etc). If you were found guilty of or pleaded guilty to a lesser offense, list separately both the original charge and the lesser offense:

3) If no, provide explanation:

G) Were you sentenced as a result of this offense: **Yes / No**

H) Provide a description of the sentence:

I) Were you sentenced to imprisonment for a term exceeding one year: **Yes / No**

J) Were you incarcerated as a result of that sentence for not less than one year: **Yes / No**

K) If the conviction resulted in imprisonment, provide the dates that you actually were incarcerated:

L) If conviction resulted in probation or parole, provide the dates of probation or parole:

M) Are you currently on trial, awaiting a trial, or awaiting sentencing on criminal charges for this offense: **Yes / No**

N) Provide explanation:

10. Civil Litigation and Administrative or Legislative Proceedings

(A) Since (and including) your 18th birthday, have you been a party to any public record civil court action or administrative or legislative proceeding of any kind that resulted in (1) a finding of wrongdoing against you, or (2) a settlement agreement for you, or some other person or entity, to make a payment to settle allegations against you, or for you to take, or refrain from taking, some action. Do NOT include small claims proceedings. none

Date Claim/Suit Was Filed or Legislative Proceedings Began	Court Name	Name(s) of Principal Parties Involved in Action/Proceeding	Nature of Action/Proceeding	Results of Action/Proceeding

(B) In addition to those listed above, have you or any business of which you were an officer, director or owner ever been involved as a party of interest in any administrative agency proceeding or civil litigation? Please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity. none

Date Claim/Suit Was Filed	Court Name	Name(s) of Principal Parties Involved in Action/Proceeding	Nature of Action/Proceeding	Results of Action/Proceeding

(C) For responses to the previous question, please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

11. Breach of Professional Ethics

(A) Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee, or other professional group? Exclude cases and proceedings already listed. none

Name of Agency/Association/ Committee/Group	Date Citation/Disciplinary Action/Complaint Issued/Initiated	Describe Citation/Disciplinary Action/Complaint	Results of Disciplinary Action/Complaint

(B) Have you ever been fired from a job, quit a job after being told you would be fired, left a job by mutual agreement following charges or allegations of misconduct, left a job by mutual agreement following notice of unsatisfactory performance, or received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as violation of a security policy? no

12. Tax Compliance

(This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

REDACTED

13. Lobbying

In the past ten years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State). no

14. Outside Positions

X See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

For the preceding ten calendar years and the current calendar year, report any positions held, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

Name of Organization	Address of Organization	Type of Organization (corporation, firm, partnership, other business enterprise, other non-profit organization, educational institution)	Position Held	Position Held From (month/year)	Position Held To (month/year)

15. Agreements or Arrangements

X See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

As of the date of filing your OGE Form 278, report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment.

Provide information regarding any agreements or arrangements you have concerning (1) future employment; (2) a leave of absence during your period of Government service; (3) continuation of payments by a former employer other than the United States Government; and (4) continuing participation in an employee welfare or benefit plan maintained by a former employer other than United States Government retirement benefits.

Status and Terms of Any Agreement or Arrangement	Parties	Date (month/year)

16. Additional Financial Data

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

REDACTED

SIGNATURE AND DATE

I hereby state that I have read the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

_____

This _____ day of , 20

REDACTED

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

★

June 1, 2025

The Honorable Rand Paul
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Kevin Rhodes, who has been nominated by President Trump for the position of Administrator, Office of Federal Procurement Policy, Office of Management and Budget.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

DEBORAH BORTOT

Digitally signed by DEBORAH BORTOT
Date: 2025.06.01 14:57:09 -04'00'

Deborah Bortot
Chief, Presidential Nominations Branch

Enclosures

★ ★ ★ ★

May 30, 2025

Jon P. Brazill
Alternate Designated Agency Ethics Official
Office of Management and Budget
725 17th Street N.W.
Washington, DC 20503

Dear Mr. Brazill:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Administrator of the Office of Federal Procurement Policy (OFPP) of the Office of Management and Budget (OMB). It is my responsibility to understand and comply with commitments outlined in this agreement.

SECTION 1 – GENERAL COMMITMENTS

As required by the criminal conflicts of interest law at 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the particular matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me:

- Any spouse or minor child of mine;
- Any general partner of a partnership in which I am a limited or general partner;
- Any organization in which I serve as an officer, director, trustee, general partner, or employee, even if uncompensated; and
- Any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

In the event that an actual or potential conflict of interest arises during my appointment, I will consult with an agency ethics official and take the measures necessary to resolve the conflict, such as recusal from the particular matter or divestiture of an asset.

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the regulatory exemption for diversified mutual funds and unit investment trusts at 5 C.F.R. § 2640.201(a), or obligations of the United States.

If I rely on a *de minimis* exemption under 5 C.F.R. § 2640.202 with regard to any of my financial interests in securities, I will monitor the value of those interests. If the aggregate value of interests affected by a particular matter increases and exceeds the *de minimis* threshold, I will not participate personally and substantially in the particular matter that to my knowledge has a direct and predictable effect on the interests, unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1).

I will receive a live ethics briefing from a member of the ethics office after my confirmation but not later than 15 days after my appointment pursuant to the ethics program regulation at 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will submit my Certification of Ethics Agreement Compliance which documents my compliance with this ethics agreement.

I will not modify this ethics agreement without your approval and the approval of the U.S. Office of Government Ethics (OGE) pursuant to the ethics agreement requirements contained in the financial disclosure regulation at 5 C.F.R. § 2634.803(a)(4).

SECTION 2 – EMBR STRATEGIES LLC

I am the sole proprietor of my consulting firm, which does business as EMBR Strategies LLC. My consulting firm is dormant and has ceased to engage in any business, including the representation of clients. During my appointment to the position of Administrator of OFPP for OMB, the firm will remain dormant and will not advertise. I will not perform any services for the firm, except that I will comply with any court orders or subpoenas and any requirements involving legal filings, taxes, and fees that are necessary to maintain the firm while it is in an inactive status. As the Administrator of OFPP for OMB, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of EMBR Strategies LLC. In addition, pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, I will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

SECTION 3 – RESIGNATIONS

I previously resigned from my positions with the following entities:

- Systecon North America
- Council of Logistics Professionals
- Country Haven Condo Association

Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for a period of one year after my resignation from each of these entities, I will not participate personally and substantially in any particular matter involving specific parties in which I know that entity is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

SECTION 4 – PUBLIC POSTING

I have been advised that this ethics agreement and the Certification of Ethics Agreement Compliance will be posted publicly, consistent with the public information law at U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other presidential nominees who file public financial disclosure reports.

Sincerely,

Dr. Kevin R. Rhodes

U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing Questionnaire
For the Nomination of Kevin Rhodes
to be the Administrator for Federal Procurement Policy, Office of Management and Budget

I. Nomination Process and Conflicts of Interest

1. Did the President or anyone else give you specific reasons why the President nominated you to be the Administrator, and if so, what were they?

   No.

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

   No.

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

   No.

4. If confirmed, do you commit to upholding the Constitution and the rule of law?

   Yes.

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

   No.

6. Have you or any organization of which you were an officer, director or owner, or have or had a significant financial interest in been the recipient of any Federal grants, loans, or other financial assistance (such as, but not limited to, Paycheck Protection Program Loans, Economic Injury Disaster Loans, Restaurant Revitalization Grants, etc.) within the past 10 years. If so, please list the program, amount, and date of receipt.

   No.

7. Please provide the name of any individual, law firm, consulting firm, lobbying firm, public relations firm, or other entity you have formally retained, contracted, or consulted with regarding this nomination, including any amounts paid in fees or otherwise.

None.

8. What steps have you taken to prepare for the role of Administrator at OMB?

During my career in the military, I led acquisition organizations and managed acquisition programs. In doing so, I was exposed to both acquisition and procurement policy from a thought perspective and an execution perspective. I was implementing the policy put in place from the Office of Federal Procurement Policy and the Administrator during my time in the service and also experienced it first hand after retiring and leading a company in the commercial sector. Since my nomination, I have taken a deeper look at how the Administrator of OFPP can influence more positive outcomes for the government and the American taxpayer. I have studied OFPP policy and statues related to the office. In addition, my time at the White House for the last three Administrations as the Director of Acquisition, I believe, will help as it exposed me to OMB and the role the organization has in the government.

II. Background of the Nominee

9. What specific background, experience, and attributes qualify you to be the Administrator?

During my career in the military, I led acquisition organizations and managed acquisition programs. In doing so, I was exposed to both acquisition and procurement policy from a thought perspective and an execution perspective. I was implementing the policy put in place from the Office of Federal Procurement Policy and the Administrator during my time in the service and also experienced it first hand after retiring and leading a company in the commercial sector. I have had to implement and understand the policies put in place from OFPP on "both sides of the coin" in commercial and government sectors and that gives me a unique perspective to understand successful outcomes. In addition, my time at the White House for the last three Administrations as the Director of Acquisition, I believe, will help as it exposed me to OMB and the role the organization has in the government. I also believe an attribute that has helped me be successful is my ability to see the most important aspects of an issue and see through the non-value added items for success. I led the best acquisition program in DoD (Packard Award), the Best Performance Based Logistics (PBL) Program in DoD, and led the company I was at to its most successful year to date.

10. Please describe:

    a. Your leadership and management style.

If describing my style in academic terms I would describe it as transformational. I strive to build and sustain successful organizations long term and will seek the changes to do so. In fundamental terms, my style is to provide clear direction to the people and the organization and the resources to be successful. I look to move obstacles to our collective success. I believe in giving people responsibility and holding them accountable for outcomes.

b. Your experience managing personnel.

I led people most of my career from when I was a Captain in the military until now.

c. What is the largest number of people who have worked under your supervision?

I have led organizations with several hundred people.

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

While I have been fortunate to have several what I would consider great successes, when I was able to get statute passed for our most traumatically wounded service member families so that they could become full time care givers is what I consider my greatest success. This law had immense impact on these families and on the service members who gave so much. Seeing the direct positive impact remains so meaningful to me.

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

I consider my greatest failure to be my inability to reduce redundancy in the military on some of the systems we employ. In particular, as the Common Avionics Program Manager, we had dozens of systems that had come into the inventory that did the same thing such as radios. While I tried to change this, there were many stakeholders and equities that at the time I could not overcome.
I learned an immense amount about remembering there are many with interest in issues of this nature and while on its face it seems like an easy issue to solve, that is not always the case. I learned to consider these additional aspects with issues of this nature.

13. Please give examples of times in your career when you disagreed with your superiors and advocated your position. Describe circumstances in which you were successful and in which you were unsuccessful.

During my time in the service, I disagreed with my senior leadership about the insertion of additional requirements into a contract that was nearly complete in terms of negotiation and award. I was concerned about the cost and timelines but it was decided that the new requirements should be added. As anticipated the delay to contract award was significant and also delayed the overall system delivery.

In a different role, I disagreed with how to handle the insertion of technical certifications into a new system. I believed it should be iterative as opposed to all at once and was able to convince my supervisors this was a better approach. The iterative approach worked well because we could adjust as we learned how the new technical certification affected the system.

14. Do you seek out dissenting views and encourage constructive critical dialogue with subordinates? Please provide examples of times in your career when you have done so.

I seek out dissenting views with subordinates and encourage critical dialogue on a regular basis. I do not believe it does any good to make decisions in an "echo chamber." It is difficult to identify a single instance as this is something I do regularly.

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

I made a politically difficult decision to disagree with the Air Force senior leadership on the Air Force One program. The Air Force was advocating for a cost-plus contract for the new aircraft and I disagreed. I believed and still do that a fixed price contract was in the best interest of the country. The Air Force believed it was easier to negotiate a cost plus and I believed we needed fixed price to hold both the contractor and government responsible.

16. Please describe how you build credibility and trust among staff as a leader.

I do what I say, and say what I will do. I remain transparent and direct. I give clear guidance and empower people to execute with the resources they need. I give responsibility and hold people accountable. I do the same for myself.

17. During your career, has your conduct as a government employee ever been subject to an investigation or audit by the Office of Special Counsel, Department of Justice, agency Equal Opportunity office or investigator, agency Inspector General, a Congressional ethics committee, or any other similar federal, state, or local investigative entity? If so, please describe the nature of the allegations/conduct and the outcome(s) of the investigation(s) or audit(s).

No.

18. Please describe any experience you have related to labor-management relations, working with labor unions, or collective bargaining.

While leading organizations at Warner Robins AFB I worked directly with the labor unions on personnel and organizational issues. My interaction and experiences were positive with the unions in terms of successful outcomes.

19. Please describe your role and responsibilities as a senior advisor at OMB, including the scope of your work.

I have provided advice based on my experience and knowledge on policy issues affecting the government through the management side of OMB.

III. Role of the Administrator

20. Please describe your view of the core mission of the Administrator and what you would consider to be your primary role and responsibilities if confirmed.

The core mission of the Administrator for Federal Procurement Policy is to provide overall guidance and direction to federal agencies to achieve economy, efficiency, and effectiveness in federal procurement. Last year, federal agencies collectively spent more than $750 billion on contracts to support the timely, cost-effective delivery of mission on behalf of our taxpayers. The Administrator must work collaboratively with agency Chief Acquisition Officers and provide clear direction that ensures government-wide policies and execution strategies are helping agencies maximize return from each taxpayer dollar.

21. Please describe your understanding of the authorities of the Administrator and how those authorities facilitate the core mission of the office.

Based on my understanding of the statute that created OFPP, the Administrator is vested with a number of authorities to support the office in promoting economy, efficiency, and effectiveness in federal procurement. These authorities include, among others: (1) maintaining a system of coordinated uniform procurement regulations for executive agencies; (2) establishing criteria and procedures for an effective method of soliciting the viewpoints of interested parties in the development of procurement policies; (3) establishing a system for collecting and developing procurement data; and (4) recommending programs for recruitment, training, development, and performance evaluation of procurement personnel.

Common to each of these authorities is an ability to drive organized activity across the federal enterprise, which is critical to achieving economy and efficiency. For example, leading government-wide efforts to centralize and modernize the management of acquisition data will reduce siloed processes, drive cost and time savings, and support better mission and contract outcomes. Pushing policies that achieve greater use of centralized contracts for common goods and services will allow the Federal Government to send the type of organized demand signals that can build greater opportunity for domestic manufacturing and supply chains. The President has made clear we must increase the speed and effectiveness of the procurement system and these efforts will deliver on that direction.

If confirmed, I will work with the procurement community and Congress in each of these areas to achieve an effective and efficient Federal procurement system that, importantly, is consistent with the President's vision.

22. What do you anticipate will be your greatest challenges as Administrator, and what will be your top priorities? What do you hope to accomplish during your tenure?

Since taking office, the President has provided clear direction to restore common sense to federal procurement and make our buying system world class. If confirmed, my top priority would be implementing the President's vision to remove obstacles to our own success in the acquisition system. We must change how we do business to deliver capability across the government in the most effective and efficient manner possible. We must drive improvement in delivery time and reduce costs. Understanding this is not an easy task for the world's largest buyer; given the breadth and depth of the Federal Government's responsibilities, I will focus efforts to do so. If confirmed, three areas I will focus on to support the President's vision in procurement and codified in Executive Order "Returning Common Sense to Federal Procurement" will include: (1) overhauling the Federal Acquisition Regulation to focus largely on its statutory foundation – potentially eliminating thousands of unnecessary regulatory mandates in favor of innovation, best practices, and commercial buying insight, (2) maximizing reliance on the competitive commercial marketplace and the novelties of private enterprise to provide better, more cost-effective services to taxpayers, and (3) optimizing contract value through smart consolidation of buying activities for common goods and services. Taken together, these directions provide exciting and impactful opportunities for the acquisition community to substantially improve the federal buying experience and the outcomes delivered through federal contracts.

23. How do you view the role of Administrator in shaping policy?

I view the Administrator's key role as developing and articulating the President's overall strategic vision for enabling the Federal Acquisition system to deliver best value to the taxpayer and making sure the federal buying agencies and their contractors are able to use government-wide policies, practices and tools to support mission success. These activities require both external and internal outreach so that the Administrator and the OFPP staff can understand and shape actions around the needs and capabilities of stakeholders.

24. How do you anticipate you will work with the United States DOGE Service?

As I understand, DOGE plays an important role in maximizing governmental efficiency and productivity. If confirmed as Administrator, I will seek to work collaboratively with the members of DOGE who are examining government functions that involve acquisition to make sure they have the information and context they need to effectively root out inefficiencies and make government programs stronger and operations more results-oriented.

IV. Policy Questions

25. What measurements would you use to determine whether OFPP is successful?

President Trump has made it clear that the federal acquisition system must undergo a transformational shift away from burdensome compliance with outdated regulations. Instead, the President has identified an ambitious agenda to ensure commercial purchasing to the maximum extent practicable, to rewrite and streamline the thousands of pages of decades-old regulations, and to harness advances in technology, including AI, to achieve better value for the taxpayer. If confirmed, I would measure the success of OFPP by evaluating performance against these goals.

26. If confirmed, how will you ensure OFPP is positioned to succeed beyond your tenure as Administrator? What steps will you take to prepare the office for future presidential transitions?

If confirmed, a goal is to make sure the changes previously mentioned become "timeless" and outlive me. OFPP has a long tradition as a highly-performing office that is well-situated within OMB to oversee federal procurement policy, consistent with the priorities and direction of any given Administration. The President's vision for procurement reform will position OFPP and all of the agencies for future success by removing the barriers of decades of outdated regulations and leaving in place a responsive system that is well-positioned to take advantage of market developments and respond to future challenges. If confirmed, I will work to implement this vision.

27. What do you consider to be the principal challenges in human capital management facing the OFPP?

I understand that OFPP has a small staff to support the significant and far-reaching work for which the office is responsible. If confirmed, I will work closely with the Director of OMB and the Deputy Director for Management to ensure that the staff are optimally positioned to fulfill their responsibilities.

28. How will you address the challenge of recruiting, hiring, training, and retaining the necessary personnel?

Under President Trump's leadership, OFPP is engaging in a generational change through what OMB is calling the Revolutionary FAR Overhaul. If confirmed, I would look to hire qualified staff that are interested and engaged in that transformational mission. I will seek transformational individuals that want to contribute to our collective success and ask them to help us get better because we have to.

29. If confirmed, how will you ensure a more efficient and productive federal workforce?

If confirmed, I would focus on improving training, and on enabling efficiency through technology.

Our training should ensure that a variety of modern and accessible development tools are available to the acquisition workforce, and I would work to make this part of the Revolutionary FAR Overhaul. We need to do a better job of ensuring that training will

meet people where they are, and teach them in the way they learn.

Enabling the workforce with modern technology tools is another avenue I would pursue to increase efficiency and productivity. I know that some work has already begun in this direction, and I would emphasize and expand that work.

30. If confirmed, do you expect to interact with agency CFOs in your role?

I understand that at some agencies, the Chief Financial Officer also serves as the Chief Acquisition Officer, and, if confirmed, I would expect to interact with those CFOs through the Administrator's role as the chair of the Chief Acquisition Officers Council. The Controller, who leads OMB's Office of Federal Financial Management and chairs the CFO Council, is also a member of OMB's management team, and if confirmed we would collaborate closely to tackle challenges affecting both communities.

31. Do you support greater transparency regarding how federal taxpayer dollars are spent?

I support transparency in government.

32. What role does OMB play regarding the federal government ownership or leasing of buildings?

My understanding is that policies relating to owning or leasing buildings goes beyond the purview of OFPP.

33. Please describe the role technology can play in making the federal government more efficient.

I think harnessing advancements in technology and modernizing our workforce can yield substantial efficiency, both through better training and also through better tools for conducting the day-to-day operations necessary to solicit, award, and manage contracts.

34. Do you consider the reports, analysis and data produced by the Congressional Budget Office to be reliable? If not, why not?

My experience with reports prepared by the Congressional Budget Office is limited.

35. What factors should OMB and OFPP consider when reviewing federal contracts?

If confirmed, advice I provide to the Director of OMB and others will focus on whether federal contracting actions reflect a sound implementation of policy addressing good stewardship of taxpayer dollars. This means effectively describing the government's need, avoiding government-unique requirements when commercial products or services will meet that need, and exercising good business judgment in selecting a vendor.

36. If confirmed, what steps would you take to ensure that federal procurement at agencies is free from conflicts of interest?

I know that the FAR currently contains language addressing conflicts of interest, and my understanding is that the FAR Council has published a proposed rule to update these requirements. If confirmed, I will work to ensure that these changes are implemented, and work with Congress, as appropriate, and the Executive Branch, if any additional areas of concern arise.

V. Accountability

Whistleblower Protections

37. Protecting whistleblowers and their confidentiality is of the utmost importance to this Committee.

a. Please describe any previous experience with handling whistleblower complaints. What steps did you take to ensure those individuals did not face retaliation and that their claims were thoroughly investigated?

Not applicable.

b. If confirmed, what steps will you take to ensure that whistleblower complaints are handled appropriately at OMB?

If confirmed, I look forward to a full briefing on the OMB whistleblower process and understanding my responsibilities to ensure I do my best job in handling any duties about whistleblower complaints at OMB.

c. If confirmed, what steps will you take to ensure that whistleblowers at OMB do not face retaliation, that whistleblower identifiers are protected, and that complaints of retaliation are handled appropriately?

If confirmed, I look forward to a full briefing on the whistleblower process and understanding my responsibilities to ensure I do my best job in handling any duties about whistleblower complaints at OMB.

Cooperation with Inspectors General

38. Inspectors General (IGs) face unique obstacles as they do their work, including budget challenges and disputes with agency heads over access to information. How do you view OMB's relationship with various Offices of Inspectors General (OIGs)?

If confirmed, I look forward to a briefing about the full role and responsibilities of the Administrator to ensure I do my best job in handling the needs of the Inspector General community.

39. Under what circumstances, if any, do you believe OMB would not be required to provide any OIG with timely access to agency records?

If I have the privilege of being confirmed and the issue arose, I would anticipate a full briefing on the matter from the OMB Office of General Counsel.

40. If confirmed, do you commit to fully cooperate in a timely manner with any audits, investigations, and other reviews and related requests for information from IGs?

If I have the privilege of being confirmed and the issue arose, I would anticipate a full briefing on the matter from the OMB Office of General Counsel so as to best respond to any such inquiries.

Cooperation with GAO

41. If confirmed, do you commit without reservation to ensuring GAO receives timely, comprehensive responses to requests for information, including for records, meetings, and information?

Yes, subject to the advice of legal counsel and the direction of the Director.

42. If confirmed, do you commit to fully cooperate in a timely manner with any audits, investigations, and other reviews and related requests for information from GAO?

Yes, subject to the advice of legal counsel and direction of the Director.

43. If confirmed, what steps will you take to ensure OMB and its employees cooperate fully and promptly with GAO requests?

I will conform to the Director's agency-wide policy of being personally apprised of every GAO request.

VI. Relations with Congress

44. Do you agree without reservation to comply with any request or summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

Yes, subject to the advice of legal counsel and direction of the Director.

45. Do you agree without reservation to make any subordinate official or employee available to appear and testify before, or provide information to, any duly constituted committee of Congress if you are confirmed?

Yes, subject to the advice of legal counsel and direction of the Director.

46. Do you agree without reservation to comply fully, completely, and promptly to any request for documents, communications, or any other agency material or information from any duly constituted committee of the Congress if you are confirmed?

Yes, subject to the advice of legal counsel and direction of the Director.

47. Do you agree without reservation to reply to any reasonable request for documents, communications, or any other agency material or information from any Member of Congress?

Yes, subject to the advice of legal counsel and direction of the Director.

48. If confirmed, how will you make certain that you will respond in a timely manner to Member requests for information?

I will conform to the Director's agency-wide policy of being personally apprised of every Member request for information.

49. If confirmed, will you direct your staff to adopt a presumption of openness where practical, including identifying documents that can and should be proactively released to the public, without requiring a Freedom of Information Act request?

Yes, subject to the advice of legal counsel and direction of the Director.

50. If confirmed, will you keep this Committee apprised of new information if it materially impacts the accuracy of information your agency's officials have provided us?

Yes, subject to the advice of legal counsel and direction of the Director.

VII. Assistance

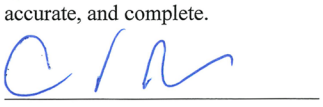
51. Are these answers completely your own? If not, who has provided you with assistance?

Yes.

52. Have you consulted with OMB, or any other interested parties? If so, please indicate which entities.

Yes, I have consulted with OMB staff.

I, KEVIN R RHODES, hereby state that I have read the foregoing Pre-Hearing Questionnaire and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.



(Signature)

This 29 day of MAY, 2025

Senator Josh Hawley

Post-Hearing Questions for the Record (QFRs)

June 5, 2025 – Full HSGAC Nominations Hearing

QUESTIONS FOR KEVIN RHODES, NOMINEE FOR ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY, OFFICE OF MANAGEMENT AND BUDGET

1. Do you believe federal agencies should be procuring goods or services from companies controlled by or connected to hostile foreign governments like China, Russia, or Iran?

   No, I do not believe federal agencies should procure goods or services from hostile foreign governments or companies controlled by such governments.

   a. If confirmed, will you commit to conducting a full review of existing federal procurement regulations and agency waivers to identify instances in which adversary-connected firms are still doing business with the federal government?

      Yes, if confirmed, I will review existing federal procurement regulations and agency waivers to limit and remove the federal government from doing business with our adversaries.

2. If confirmed, what steps will you take to use federal procurement policy to stimulate the American industry?

   The Administration is undertaking numerous actions to ensure that agencies are buying American to the maximum extent practicable, and if confirmed I would work diligently with OMB's Made in America Office and the Federal Acquisition Regulatory Council to implement these actions.

3. What changes to federal procurement policy would make it easier for small businesses to compete with larger contractors?

   Changes to remove unnecessary compliance burdens and to streamline processes for bidding on and receiving awards will make it easier for small businesses and other new, innovative new entrants to participate in the federal acquisition process. If confirmed, I would work to implement the Revolutionary FAR Overhaul initiative that the Office of Management and Budget launched in response to Executive Order 14275 and work with Congress to determine if any statutory changes are necessary to achieve these goals.

Post-Hearing Questions for the Record

Submitted to Kevin Rhodes
Senator Gary C. Peters

Nomination of Kevin Rhodes to be Administrator, Office of Federal Procurement Policy, Office of Management and Budget
Friday, June 6, 2025

1. If confirmed, will you commit to reviewing any federal government's contracts used to procure technology or software to create master databases of Americans' personal data, including any relevant contracts with Palantir for products including Foundry?

   In my understanding, the role of the OFPP Administrator is in overseeing policy development for the federal acquisition system. As far as I am aware, OFPP does not have an oversight role akin to that of agency IGs, GAO, or the courts, and does not have a role in the evaluation of individual agency contracts.

2. If confirmed, will you commit to reviewing and providing the Committee with information about DOGE members' (and individuals involved in implementing DOGE EO's) involvement in federal procurement, including:

   It is my understanding that the role of the OFPP Administrator does not involve oversight of individual procurements. This would also extend to questions about agency personnel and the division of labor within agencies.

   a. The names of DOGE employees working in federal procurement;

   b. The dates of their employment;

   c. The specific contracts they are working on; and

   d. Documentation addressing any possible conflicts of interest.

3. Will you commit to working with my office to enact the S.1956 - *Strengthening Agency Management and Oversight of Software Assets Act* (SAMOSA) to reduce waste in – and increase efficiency and oversight of – software purchases?

   If confirmed, I commit to working with the Federal Chief Information Officer and with Congress to improve federal procurement of software.

4. In 2022, Congress passed my legislation, *Preventing Organizational Conflicts of Interest in Federal Acquisition Act*. Among its requirements, the bill requires the FAR Council to revise the FAR to prevent conflicts of interest in federal contracting. If

confirmed, can you commit to implementing these provisions within 6 months of your confirmation?

If confirmed, I will work with the FAR Council to implement these statutory requirements.

5. Can you describe any experience you have in your prior roles implementing conflict of interest policies in contracting?

In both my prior federal service in the military and in my commercial roles, I have always ensured conflict of interest laws and regulations are followed. I reviewed the contracts under my responsibility in direct and transparent ways to ensure that not even the perception of conflict of interest existed.

6. In addition to ensuring contacting data is publicly available, what other policy actions would you pursue to increase transparency and oversight into federal procurement?

If confirmed, I will work to implement the Administration's priorities to consolidate and centralize common spend wherever suitable and to streamline the FAR on just statutory requirements and non-statutory requirements that are essential to sound procurement (known as the Revolutionary FAR Overhaul). These complementary efforts would serve to further transparency and oversight efforts by eliminating unnecessary compliance burden and allowing agencies to focus on what really matters – ensuring their program offices have what they need to deliver mission for the taxpayer on time and in budget from the best sources.

7. Can you provide specific performance metrics you will use to measure whether the Administration's procurement policies are effective and efficient?

If confirmed, I would evaluate performance against key Administration executive actions to significantly improve stewardship of taxpayer dollars. These include ensuring the purchase of commercial products and services to the maximum extent practicable, making sure we are fully leveraging opportunities to centralize buying for common goods and services that are suitable for centralization, replacing wasteful unnecessary regulations – both at the government-wide and agency levels - with practitioner buying guides, and harnessing advances in technology – all to achieve better value for the taxpayer. I will create metrics that look at performance such as contract award times, contract savings, and competition increases in federal procurement.

8. Do you believe that AI systems procured by DOGE team members since January 20th have to follow federal law and the administration's guidance?

I am not familiar with the specifics of any procurement of AI by DOGE team members, but all applicable law, regulation and administration guidance should be followed in any procurement.

9. Given your current role at the Office of Management and Budget (OMB), are you aware of a new contract approval process known as the Department Efficiency Review (DER)?

   I am not aware of the specifics of any agency-specific contract review processes, but I support agency efforts to ensure that any contracts awarded are necessary and in the best interest of the taxpayer. If confirmed, I will work with the agencies and with Congress to ensure these goals are met.

   a. What agencies have implemented this process and how does it work?

   b. If confirmed, would you support efforts to require that contracts go through the DER?

   c. If confirmed, do you commit to providing this Committee with more information on the DER, including which agencies are currently using this process?

10. Do you believe it is appropriate policy for the federal government to replace federal workers it terminated with contractors that cost more to taxpayers than the cost of employing those federal workers?

    I believe that federal employees and contractors both play an important role in helping agencies meet mission needs. The extent to which work (other than inherently governmental work) is performed by contractors should be based on merit and value for a given circumstance.

    a. If confirmed, do you commit to conducting a review of the cost of using federal contractors for work that was previously done by federal employees?

       If confirmed, I will work to understand what practices and principles agencies are using to ensure that use of contractors is based on merit and value.

11. What specific data and privacy laws and policies are important for the federal government to abide by when entering into contracts that involve the use of government data by a third party, including data with personally identifiable information?

    I am not an expert on privacy or data laws, but I recognize the importance of protecting federal data and ensuring that any use by contractors is limited to appropriate purposes. If confirmed, I would work to ensure these protections remain in federal procurement policy.

12. What do you believe are the biggest challenges facing the Office of Federal Procurement Policy?

The top priority of a public acquisition system is to deliver quality capability to the customer in a timely manner at an affordable cost. This is not always an easy task for the world's largest buyer, given the breadth and depth of the Federal Government's responsibilities. Since taking office, the President has provided clear direction to restore common sense to federal procurement and make our buying system world class. These include overhauling decades of compliance-based, burdensome regulation, refocusing agencies on existing requirements to buy commercial goods and services where possible, and ensuring that our procurement system has access to the best businesses – small and large. Building a long lasting, outcome-based culture that does all of the above is the challenge I will work towards if confirmed.

Senator Richard Blumenthal
Post-Hearing Questions for the Record
Submitted to the Dr. Kevin Rhodes

Nominations Hearing
June 5, 2025

1. President Trump issued Executive Order 14192, Unleashing Prosperity Through Deregulation, earlier this year, directing 10 regulations to be removed for every new federal rule.[1] Please provide greater detail on how you would instruct the office of Federal Procurement Policy to amend the Federal Acquisition Regulation (FAR) in light of the Administration's 10-to-1 deregulation plan.

   If confirmed, I will work closely with the OMB's Office of Information and Regulatory Affairs to ensure the work of the Federal Acquisition Regulatory Council (FAR Council) is aligned with requirements of Executive Order 14192 and the goals of deregulation. The work underway to streamline the 2,000-page Federal Acquisition Regulation back to its statutory roots and those non-regulatory requirements that are essential to sound procurement should reduce significantly the number of costly requirements small and large businesses face in their future federal contracts. This should go a long way towards unleashing prosperity as envisioned by the Order.

2. If confirmed, do you commit to amending the FAR to forbid the consideration of political affiliation in awarding contracts with the federal government?

   The federal acquisition system already prohibits consideration of political affiliation in awarding contracts by ensuring that the evaluation factors by which offerors will be judged are transparent and fairly applied, and by providing multiple avenues of independent review in any situation where these processes are questioned by an unsuccessful bidder. My understanding is that there is also already a statutory prohibition on including any requirements to disclose political contributions as part of the process of applying for a contract.

3. The Revolutionary FAR Overhaul is currently taking place to streamline the FAR. As part of this effort, "helpful non-regulatory content will be moved to new Buying Guides."[2]

   a. Who will the FAR Council consult in developing its informal buying guides, and how will those individuals or entities be selected?

      According to OMB's guidance on the Revolutionary FAR Overhaul (M-25-26), the FAR Council is consulting with agency experts in innovating buying practices (agency acquisition innovation advocates) and agency experts in category

[1] "Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation," https://www.whitehouse.gov/presidential-actions/2025/01/unleashing-prosperity-through-deregulation/.
[2] General Services Administration, Acquisition.gov, "Revolutionary FAR Overhaul," https://www.acquisition.gov/far-overhaul (accessed June 6, 2025).

management to identify practical and manageable pathways to acquisition solutions. I have been impressed to read the positive impacts – in terms of time and cost savings, improved performance, and increased customer satisfaction -- driven by both acquisition innovation and category management over multiple Administrations. I applaud OFPP and the FAR Council for making sure they are coupling their deregulatory activities with buying guides that capture the insights of some of the acquisition workforce's most talented practitioners. This way, the acquisition workforce can use the discretion afforded to them through deregulation to improve the results achieved from federal contracts.

b. Will the buying guides include any rationale for the buying strategies they recommend?

According to the Revolutionary FAR Overhaul website, the goal in developing buying guides is to ensure the acquisition workforce is armed with buying tips and insights from the best practitioners as well as business intelligence from category managers so they can make merit-based, value-driven decisions to get the best possible results from federal contracts. The guides should foster a deliberate and thoughtful approach while encouraging innovation at each step of the process.

i. *If not*, if confirmed, do you commit to including such information?

If confirmed, I will work with the FAR Council to make sure buying guides include the information and context needed for federal buyers to make merit-based, value-driven decisions to get the best results for taxpayers.

c. What steps will you take to document the reasons the FAR Council adopts recommendations in its informal buying guides?

If confirmed, I will work closely with the FAR Council and other members of the Chief Acquisition Officers Council to implement OMB's vision for a "Strategic Acquisition Guidance" platform that allows the acquisition workforce to navigate seamlessly between the streamlined FAR and buying guides filled with strategies, examples, business intelligence and other relevant information buyers need to make the best possible contracting decisions.

4. The FAR Council is currently in the process of overhauling Part 3 of the FAR. If confirmed, do you commit to retaining the whistleblower protections required by statute and implemented in Section 3.903 and 3.905 of the FAR?

Yes. All statutory requirements will be retained as part of the overhaul of the FAR.

Post-Hearing Questions for the Record
Submitted to Kevin Rhodes, Nominee to be Administrator for Federal Procurement Policy, Office of Management and Budget
From Senator John Fetterman

Full Committee Hearing:
"Nominations of
The Honorable Sean Cairncross to be National Cyber Director, Executive Office of the President;
Robert Law to be Under Secretary for Strategy, Policy, and Plans, U.S. Department of Homeland Security;
James Percival to be General Counsel, U.S. Department of Homeland Security;
Kevin Rhodes to be Administrator for Federal Procurement Policy, Office of Management and Budget; and
James Woodruff II to be a Member, Merit Systems Protection Board"

1. The federal government is the largest purchaser of goods and services in the country. Because of this, the federal government wields an incredible amount of economic power and influence, and policies set by the Office of Federal Procurement Policy can promote effective use of taxpayer dollars.
    a. If confirmed, how will you harness this unique buying power to create or maintain jobs in the United States? Explain.

        The best way to create or maintain jobs in the United States is to ensure that we are maximizing purchase of American products and services from American companies. The Administration has expressed its strong intentions in this regard across numerous policy areas, and if confirmed, I would work diligently, in close coordination with OMB's Made in America Office, to implement that work.

    b. Explain your views on applying "Buy America" principles for the following:

        My understanding is that there are contractual requirements based both on country of ownership and also on the domestic content of manufactured products. Without addressing the specifics of each example, I agree that there are some complexities with the implementation of these requirements and, if confirmed, I would work with OMB's Made in America Office to give careful attention to these requirements to ensure that Buy American policies benefit the intended beneficiaries. With each example having different requirements for each country, if confirmed I will ensure all pertinent laws and regulations are followed as well.
        i. American-based companies with foreign ownership;
        ii. Foreign-owned companies that manufacture in the United States;
        iii. American-owned companies that manufacture outside of the United States; and
        iv. Foreign-owned companies that manufacture outside of the United States, but provide products not produced within the U.S.

c. How will the Trump Administration's tariff policies affect the ability of the federal government to (i) procure goods produced outside the U.S., and (ii) be good stewards of taxpayer dollars if the tariffs require the federal government to spend more on certain goods than it previously did when the tariffs were not in place?

The federal acquisition system is designed to ensure that contracts deliver the best value for taxpayers under any given market situation. If confirmed, I will work to ensure our buyers are being trained to understand how to address changes in market conditions to achieve the best deal possible in any given circumstance.

d. How will you work with the Department of Government Efficiency to develop a systematic approach to identifying potentially wasteful contracts rather than arbitrary keyword searches?

I believe that this work is already underway at the agencies, but if confirmed I commit to working across the agencies to promote consistent approaches to the identification of wasteful contracts.

2. Contracts that involve corruption and conflicts of interest are an abuse of taxpayer dollars.
   a. If confirmed, what specific steps will you take to ensure that agencies are evaluating and avoiding contracts that are corrupt or present a conflict of interest or have the appearance of a conflict of interest?

   The Federal Acquisition Regulation (FAR) contains numerous requirements that address both organizational and personal conflicts of interest, and my understanding is that additional work is in process to amend the FAR to incorporate new statutory requirements in this space. If confirmed, I commit to continuing this implementation and ensuring more broadly that our procurement system is rooted in merit-based, value-driven decision-making free from conflicts of interest at all levels.

   b. If confirmed, will you evaluate any federal contracts made since January 20, 2025 with companies owned by, operated by, or affiliated with Elon Musk for corruption or conflicts of interest?
      i. If no, explain.

      In my understanding, the role of the OFPP Administrator is in overseeing policy development for the federal acquisition system. As far as I am aware, OFPP does not have an oversight role akin to that of agency IGs, GAO, or the courts, and does not have a role in the evaluation of individual agency contracts.

      ii. If yes, will you provide a report on your evaluation and findings to the Committee?

c. If you identify corrupt contracts or conflicts of interest arising from the direct actions of the President of the United States:

It is my understanding that OFPP does not have an oversight role in the evaluation of individual agency contracts.

i. How would you work to either end those contracts and mitigate their negative effects on taxpayers? Explain.
ii. Would you report your findings to Congress even if doing so would jeopardize your position?

3. Shared services are a way for multiple agencies and components to take advantage of a single contract for goods or services rather than negotiating individual contracts on behalf of each agency or component. Shared services promote efficient and effective use of taxpayer dollars.
   a. Do you support the use of shared services among multiple agencies and components to save taxpayer dollars and promote efficient federal contracting?

   I firmly believe that consolidating the purchase of common goods and services across the agencies is essential to improving value to the taxpayer, and if confirmed I would work to fully implement the Administration's actions in this space.

   b. Provide a specific example of a successful shared service, and explain, in your view, how it could serve as a model for expanding the use of shared services.

   I think that centralized or consolidated purchasing works best for common goods and services – especially popular commercial off-the-shelf products that are frequently needed and don't require any customization. The President's recent EO on consolidated procurement at GSA for common goods and service such as furniture and computer equipment along with IT services is an example that can be leveraged for future success.

   c. Provide a specific example of an unsuccessful shared service, and explain, in your view, how it could be improved or changed to be more successful.

   In cases where agency needs are complex, or unique to an agency, consolidating purchasing is less effective, as more work needs to go into ensuring that the agency responsible for consolidating the requirements has enough understanding of the need to successfully conduct the acquisition. Those types of buys are often more efficiently conducted by individual agencies so that the buying and requirements offices can work closely together in awarding and managing the contract.

4. The federal government often relies on consulting firms and outside entities to conduct studies, write reports, and provide insights. While some of these firms provide valuable

expertise, there is growing concern that these firms do not provide meaningful work for the price they are paid.

a. What value do these consultants provide to the federal government, in your view?

Consultants can be helpful in giving agencies timely access to specialized expertise that does not exist in the workforce, but too often, these contracts are used indiscriminately for ill-defined tasks and work that either is not needed or could be performed by the workforce. The Federal Government must continue to carefully scrutinize the use of consulting contracts to ensure these firms are providing appropriate value to the taxpayer and fulfilling a legitimate need.

b. If confirmed, would you commit to doing a cost-benefit analysis of the use of consulting firms by federal agencies, and, if necessary, issue updated policies on appropriate use cases for consulting firms?
    i. If yes, will you provide the findings of your analysis to the Committee?

If confirmed, I will work with agencies to review policies and practices related to consulting contracts to ensure these contracts are used in a manner that provides appropriate value to the taxpayer and fulfill a legitimate need. A business case on these consulting contracts at a deeper level is something I would consider and along with sharing results as legally appropriate.

Senator Andy Kim

Post-Hearing Questions for the Record

Nominations of Sean Cairncross Nominee to be National Cyber Director, Executive Office of the President; Robert Law Nominee to be Under Secretary for Strategy, Policy, and Plans, U.S. Department of Homeland Security; James Percival Nominee to be General Counsel, U.S. Department of Homeland Security; Kevin Rhodes, Nominee to be Administrator of Procurement, Office of Management and Budget; James Woodruff II, Nominee to be a Member of the Merit Systems Protection Board

June 5, 2025

Dr. Kevin Rhodes

1. Can you commit to protecting already established and lawful congressional disclosures in any updated Federal Acquisition Regulations (FAR) regulations?

   Yes, I commit to complying with all statutory disclosures and transparency requirements.

2. Do you support the enforcement of conflicts of interest regulations pursuant to Federal Acquisition Regulations?

   Yes, I fully support enforcement of existing conflict of interest statutes and regulations.

3. Do you support the full disclosure of procurement and other government contracts awarded to advisors of the President?

   Yes, I support transparency and disclosure of information about federal contracts as required by law and regulation.

4. As you are rewriting the FAR can you commit to ensuring that regulations around conflicts of interest are not diluted in a way that will give the President and his friends a free pass to taxpayer dollars?

   If confirmed, I commit to ensuring conflict of interest provisions remain, as required by statute, and to ensuring that the award of federal contracts remains merit-based and focused on achieving best value for the taxpayer.

Post-Hearing Questions for the Record

Submitted to Kevin Rhodes, Nominee to be Administrator for Federal Procurement Policy at OMB

From Senator Ruben Gallego

"Nominations Hearing"
June 5, 2025

Question 1

Kevin Rhodes Nominee for Administrator for Federal Procurement Policy at OMB: You have played a central role in the Trump Administration's efforts to overhaul federal procurement policy, including efforts to remove Diversity, Equity, and Inclusion (DEI) considerations from the Federal Acquisition Regulations. Arizona is home to a diverse and growing defense industrial base, including veteran-, minority-, and women-owned small businesses that have long benefited from programs that promote equitable access to federal contracts.

If confirmed, how will you ensure that changes to the acquisition framework do not exclude qualified Arizona-based small businesses—including those owned by veterans and members of underrepresented communities—from competing for and winning federal contracts?

Additionally, how will you define "efficiency" and "competition" in a way that recognizes the full value these businesses contribute to our national security and economic resilience?

If confirmed, I will work to ensure a federal acquisition system that is merit-based and value driven. I will work closely with the FAR Council, the Small Business Administration, agency acquisition executives, Congress, and industry representatives to ensure acquisition policies and principles remain rooted in open competition and fair opportunity, lower barriers to entry for both small and large businesses, and reduce transaction costs to help build the resilience of entities already in the federal marketplace.

Opening Statement of James J. Woodruff II, Nominee for Board Member, Merit Systems Protection Board, Before the Senate Homeland Security and Governmental Affairs Committee

Chairman Paul, Ranking Member Peters, and distinguished members of the Committee: I want to thank you for the honor of appearing before you today. I am honored that President Donald J. Trump nominated me for to fill the position of member of the Merit Systems Protection Board.

I want to thank my family, Stephanie, James, William, and Jack for their love and support on this journey.

I would also like to thank the many leaders of the United States Air Force that have and continue to develop me as a leader and public servant. I would like to specifically thank Col Jesse Hamilton, Lt Col Matthew Ramage-White, Lt Col Ryan Johnson, and Lt Col Ian Phillips for preparing me for leadership at the next level.

If it had not been for the Air Force, I would not have gained the eight years of federal civil service employment law experience that I now have. It was being ordered to active duty in 2016 that began this journey. Effective 1 December 2016, I was assigned to the civil litigation directorate where I advised commanders from locations around the world on employment law matters. I was also tasked with litigating cases on behalf of the Department of the Air Force before the Merit Systems Protection Board and the Equal Employment Opportunity Commission. The tour at the directorate ended in December 2019 but the experience and knowledge gained continued to be put to use as I advised commanders on employment issues at the 920 Rescue Wing, the United States Air Force Warfare Center, the 11th Wing, and the Pentagon.

If confirmed, I look forward to the opportunity to work closely with the other Board member, Henry Kerner, to protect the federal civil services' merit-based system.

Thank you, and I am happy to answer any of the Committee's questions.

REDACTED

HSGAC BIOGRAPHICAL QUESTIONS FOR EXECUTIVE NOMINEES

1. Basic Biographical Information

Please provide the following information.

Position to Which You Have Been Nominated	
Name of Position	**Date of Nomination**
Member, Merit Systems Protection Board	**March 24, 2025**

Current Legal Name			
First Name	**Middle Name**	**Last Name**	**Suffix**
James	**Joseph**	**Woodruff**	**II**

Addresses					
Residential Address (do not include street address)			**Office Address** (include street address)		
[redacted]			**Street:** **N/A**		
City: **Ponte Vedra**	**State:** **FL**	**Zip:** **32081**	**City:** **N/A**	**State:** **N/A**	**Zip:** **N/A**

Other Names Used						
First Name	**Middle Name**	**Last Name**	**Suffix**	Check if Maiden Name	**Name Used From** (Month/Year) (Check box if estimate)	**Name Used To** (Month/Year) (Check box if estimate)
Woody	N/A	N/A	N/A		**12/2019** **Est** **X**	**Present** **Est** ☐
					Est ☐	**Est** ☐

Birth Year and Place	
Year of Birth (Do not include month and day.)	**Place of Birth**
1975	Los Angeles, CA

Marital Status					
Check All That Describe Your Current Situation:					
Never Married	**Married**	**Separated**	**Annulled**	**Divorced**	**Widowed**
☐	**X**	☐	☐	☐	☐

Spouse's Name (current spouse only)			
Spouse's First Name	**Spouse's Middle Name**	**Spouse's Last Name**	**Spouse's Suffix**
Stephanie	Kathleen	Woodruff	

Spouse's Other Names Used (current spouse only)						
First Name	**Middle Name**	**Last Name**	**Suffix**	Check if Maiden Name	**Name Used From** (Month/Year) (Check box if estimate)	**Name Used To** (Month/Year) (Check box if estimate)
Stephanie	Kathleen	Kaylor			**Est** ☐	**Est** ☐
Stephanie	Kathleen	Sandman		X	**Est** ☐	**Est** ☐ **January 2013**

Children's Names (if over 18)			
First Name	**Middle Name**	**Last Name**	**Suffix**
N/A	**N/A**	**N/A**	**N/A**

2. Education

List all post-secondary schools attended.

Name of School	**Type of School** (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	**Date Began School** (month/year) (check box if estimate)	**Date Ended School** (month/year) (check box if estimate) (check "present" box if still in school)	**Degree**	**Date Awarded**
Hartnell College	College	**05/1991** **Est** X	**08/1991** **Est** X **Present** □	N/A	N/A
Texas A&M University	University	08/1993 **Est** □	05/1998 **Est** □ **Present** □	BS	5/1998
Lamar University	University	08/1995 **Est** □	08/1997 **Est** X **Present** □	N/A	N/A
South Texas College of Law	College	08/1998 **Est** □	05/2001 **Est** □ **Present** □	JD	05/2001
Air University	University	07/2017 **Est** X	12/2018 **Est** □ **Present** □	MMA OS	12/2018
University of Missouri	University	08/2020 **Est** X	09/2020 Est X Present □	N/A	N/A
Harvard Extension School	Extension	08/2022 **Est** □	**Est** □ **Present** X	N/A	N/A

3. Employment

(A) List all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

Type of Employment (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other	**Name of Your Employer/ Assigned Duty Station**	**Most Recent Position Title/Rank**	**Location** (City and State only)	**Date Employment Began** (month/year) (check box if estimate)	**Date Employment Ended** (month/year) (check box if estimate) (check "present" box if still employed)
Other Federal Employment	Board of Veterans Appeals (Ponte Vedra, FL)	GS-12	Ponte Vedra, FL	05/2023 Est □	Present Est □
Reserve Military	920 Rescue Wing (Patrick SFB, FL)	Major	Patrick SFB, FL	12/2019 Est □	Present Est □
Non-Government Employment	Quintairos, Prieto, Wood & Boyer (Jacksonville, FL)	Partner	Jacksonville, FL	4/2021 Est □	06/2021 Est □
Other Federal Employment	U.S. Occupational Safety and Health Review Commission (Ponte Vedra, FL)	Counsel to Commissioner GS-15	Washington, D.C.	2/2021 Est □	3/2021 Est □
Other Federal Employment	U.S. Occupational Safety and Health Review Commission (Ponte Vedra, FL)	Chief Counsel to the Chairman SES	Washington, D.C.	7/2020 Est □	2/2021 Est □
Non-Government Employment	Cole, Scott & Kissane, P.A.(Jacksonville, FL)	Associate	Jacksonville, FL	12/2019 Est □	07/2020 Est □
Active Military	Air Force Legal Operations Agency	Captain	Joint Base Andrews, MD	12/2016 Est □	12/2019 Est □
Reserve Military	United States Air Force Warfare Center (Nellis AFB, NV)	Captain	Nellis AFB, NV	04/2011 Est X	11/2016 Est X

Non-Government Employment	Wells Fargo Bank, N.A. (Las Vegas, NV)	Assistant Vice President and Trust Officer	Las Vegas, NV	06/2012 Est □	07/2015 Est □
Non-Government Employment	Florida Coastal School of Law (Jacksonville, FL)	Assistant Professor of Lawyering Process	Jacksonville, FL	08/2006 Est X	07/2013 Est X
Non-Government Employment	The Woodruff Law Firm	Attorney	Atlantic Beach, FL	08/2005 Est X	08/2011 Est X
Non-Government Employment	Farah & Farah	Associate	Jacksonville, FL	10/2004 Est X	08/2005 Est X
Non-Government Employment	Solo Practice	Attorney	Houston, TX	08/2002 Est X	10/2004 Est X
Non-Government Employment	Tucker, Tauntun, Snuder & Slade	Associate	Houston, TX	10/2001 Est X	08/2002 Est X
Non-Government Employment	South Texas College of Law (Houston, TX)	Editor-in-Chief	Houston, TX	08/2000 Est X	05/2001 Est X
State Government (Non-Federal Employment)	Texas A&M Universtiy (Galveston, TX)	Writer (Nautulus) Student Newspaper	Galveston, TX	08/1997 Est X	04/1998 Est X
Non-Government Employment	Camelot Music	Sales Representative (seasonal)	College Station, TX	11/1994 Est X	12/1994 Est X
Non-Government Employment	Nederland Independent School District (Nederland, TX)	Swimming Instructor	Nederland, TX	05/1993 Est X	07/1993 Est X
Non-Government Employment	Mr. Deli (Port Neches, TX)	Waiter	Port Neches, TX	05/1996 Est X	07/1996 Est X
Non-Government Employment	Pompano Club (Port Neches, TX)	Lifeguard	Port Neches, TX	05/1993 Est X	07/1993 Est X

(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

Name of Government Entity	**Name of Position**	**Date Service Began** (month/year)	**Date Service Ended** (month/year) (check box if estimate) (check

		(check box if estimate)	"present" box if still serving)
Atlantic Beach Arts, Recreation, and Culture Committee	Member	Est 04/2003. X	Est Present 05/2004 X □
		Est □	Est Present □ □
		Est □	Est Present □ □

4. Potential Conflict of Interest

(A) Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

None.

(B) Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration or execution of law or public policy, other than while in a federal government capacity.

None.

5. Honors and Awards

List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.

Meritorious Achievement Medal (with Oak Leaf Cluster)
Meritorious Achievement Medal
Air Force Commendation Medal (with Oak Leaf Cluster)
Air Force Commendation Medal
AFLOA CGO of the Quarter (1st Quarter)
JAC CGO of the Quarter (1st, 2nd, and 3rd Quarters)
11 WG Wing Staff FGO of the Quarter
Chester James Taylor Memorial Award for Writing Excellence (2001)

6. Memberships

List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years.

Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of $1,000 or less, Parent-Teacher Associations or other organizations connected to schools attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam's Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

Name of Organization	Dates of Your Membership (You may approximate.)	Position(s) Held
Knights of Columbus	2017 – Present	Indoor Guard, Membership Director, Member
Ancient Order of Hibernians	2018 – Present	Member
Republican National Lawyers Association	2011-Present	Member, Life Member
Federalist Society	2011-2022 (?)	Member, Chapter President (Jacksonville, FL)
American Marketing Association	2022-2023	Member
Porsche Club of America	2005 - Present	Member
Scouting America	2023-Present	Den Leader, Assistant Den Leader

7. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?

Name of Office	Elected/Appointed/ Candidate Only	Year(s) Election Held or Appointment Made	Term of Service (if applicable)
Chief Counsel to the Chairman	Appointed	2020	Term of Chairman

Counsel to Commissioner	Appointed	2021	Term of Commissioner

(B) List any offices held in or services rendered to a political party or election committee during the last ten years that you have not listed elsewhere.

Name of Party/Election Committee	Office/Services Rendered	Responsibilities	Dates of Service
N/A	N/A	N/A	N/A

(C) Itemize all individual political contributions of $200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

Name of Recipient	Amount	Year of Contribution
N/A	N/A	N/A

8. Publications and Speeches

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with copies of all listed publications. In lieu of hard copies, electronic copies can be provided via e-mail or other digital format.

Title	Publisher	Date(s) of Publication
Gone Fishin': Federal Personnel Records and the Privacy Act	THE REPORTER: EDUCATION AND OUTRACH FOR THE JUDGE ADVOCATE GENERAL'S CORPS	2019
NEVADA JURY INSTRUCTIONS: CIVIL	Supreme Court of Nevada	2018
Finding the Smoke after the Fire: Recent Developments Regarding Preliminary Hearings	THE REPORTER: EDUCATION AND OUTRACH FOR THE JUDGE ADVOCATE GENERAL'S CORPS,	2017
God & Man in the Military: Military Commanders and the First Amendment	THE REPORTER: EDUCATION AND OUTRACH FOR THE JUDGE ADVOCATE GENERAL'S CORPS,	2015
How to Conduct Free Legal Research: A System for Getting Actionable and Reliable Results when Conducting Legal Research	Amazon	2015
Freedom of Speech & Election Day: Thou Doth Protest Too Much	Mercer Law Review	2014
The Prosecution of Piracy Under the Offenses Clause	Cardozo Law Review, De Novo	2012
Pirate Defined	Coastal Law Magazine	2011
Where the Wild Things Are: The Polling Place, Voter Intimidation, and the First Amendmen	Louisville Law Review	2011
The Use and Enforcement of Arbitration Agreements in U.S. Courts with a Focus on the Western Hemisphere,	Currents: International Trade Law Journal	2002

Merchants, Traders, and Pirates: The Birth of the Admiralty Clause	Tulane Maritime Law Journal	2002
Maquiladora Liability in Texas Courts	Corporate Counsel Review	2000
Does International Trade Really Trump Environmental Law? A Maritime Perspective	Currents: International Trade Law Journal	2000
Various student newspaper articles (I do not remember titles)	Nautulus (Texas A&M University – Galveston Student Newspaper)	~1997-1998

(B) List any formal speeches you have delivered during the last five years and provide the Committee with copies of those speeches relevant to the position for which you have been nominated. Include any testimony to Congress or any other legislative or administrative body. These items can be provided electronically via e-mail or other digital format.

Title/Topic	Place/Audience	Date(s) of Speech
N/A	N/A	N/A

(C) List all speeches and testimony you have delivered in the past ten years, except for those the text of which you are providing to the Committee.

Title	Place/Audience	Date(s) of Speech
N/A	N/A	N/A

9. Criminal History

Since (and including) your 18th birthday, has any of the following happened?

- Have you been issued a summons, citation, or ticket to appear in court in a criminal proceeding against you? (Exclude citations involving traffic infractions where the fine was less than $300 and did not include alcohol or drugs.)

  No.

- Have you been arrested by any police officer, sheriff, marshal or any other type of law enforcement official?

  No.

- Have you been charged, convicted, or sentenced of a crime in any court?

  No.

- Have you been or are you currently on probation or parole?

  No.

- Are you currently on trial or awaiting a trial on criminal charges?

  No.

- To your knowledge, have you ever been the subject or target of a federal, state or local criminal investigation?

  No.

If the answer to any of the questions above is yes, please answer the questions below for each criminal event (citation, arrest, investigation, etc.). If the event was an investigation, where the question below asks for information about the offense, please offer information about the offense under investigation (if known).

A) Date of offense:

   a. Is this an estimate (Yes/No):

B) Description of the specific nature of the offense:

C) Did the offense involve any of the following?
   1) Domestic violence or a crime of violence (such as battery or assault) against your child, dependent, cohabitant, spouse, former spouse, or someone with whom you share a child in common: **Yes / No**
   2) Firearms or explosives: **Yes / No**
   3) Alcohol or drugs: **Yes / No**

D) Location where the offense occurred (city, county, state, zip code, country):

E) Were you arrested, summoned, cited or did you receive a ticket to appear as a result of this offense by any police officer, sheriff, marshal or any other type of law enforcement official: **Yes / No**

   1) Name of the law enforcement agency that arrested/cited/summoned you:

   2) Location of the law enforcement agency (city, county, state, zip code, country):

F) As a result of this offense were you charged, convicted, currently awaiting trial, and/or ordered to appear in court in a criminal proceeding against you: **Yes / No**

   1) If yes, provide the name of the court and the location of the court (city, county, state, zip code, country):

   2) If yes, provide all the charges brought against you for this offense, and the outcome of each charged offense (such as found guilty, found not-guilty, charge dropped or "nolle pros," etc). If you were found guilty of or pleaded guilty to a lesser offense, list separately both the original charge and the lesser offense:

   3) If no, provide explanation:

G) Were you sentenced as a result of this offense: **Yes / No**

H) Provide a description of the sentence:

I) Were you sentenced to imprisonment for a term exceeding one year: **Yes / No**

J) Were you incarcerated as a result of that sentence for not less than one year: **Yes / No**

K) If the conviction resulted in imprisonment, provide the dates that you actually were incarcerated:

L) If conviction resulted in probation or parole, provide the dates of probation or parole:

M) Are you currently on trial, awaiting a trial, or awaiting sentencing on criminal charges for this offense: **Yes / No**

N) Provide explanation:

10. Civil Litigation and Administrative or Legislative Proceedings

(A) Since (and including) your 18th birthday, have you been a party to any public record civil court action or administrative or legislative proceeding of any kind that resulted in (1) a finding of wrongdoing against you, or (2) a settlement agreement for you, or some other person or entity, to make a payment to settle allegations against you, or for you to take, or refrain from taking, some action. Do NOT include small claims proceedings. No.

Date Claim/Suit Was Filed or Legislative Proceedings Began	Court Name	Name(s) of Principal Parties Involved in Action/Proceeding	Nature of Action/Proceeding	Results of Action/Proceeding
N/A	N/A	N/A	N/A	N/A

(B) In addition to those listed above, have you or any business of which you were an officer, director or owner ever been involved as a party of interest in any administrative agency proceeding or civil litigation? Please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity. No.

Date Claim/Suit Was Filed	Court Name	Name(s) of Principal Parties Involved in Action/Proceeding	Nature of Action/Proceeding	Results of Action/Proceeding
N/A	N/A	N/A	N/A	N/A

(C) For responses to the previous question, please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

11. Breach of Professional Ethics

(A) Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee, or other professional group? Exclude cases and proceedings already listed. No.

Name of Agency/Association/ Committee/Group	Date Citation/Disciplinary Action/Complaint Issued/Initiated	Describe Citation/Disciplinary Action/Complaint	Results of Disciplinary Action/Complaint
N/A	N/A	N/A	N/A

(B) Have you ever been fired from a job, quit a job after being told you would be fired, left a job by mutual agreement following charges or allegations of misconduct, left a job by mutual agreement following notice of unsatisfactory performance, or received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as violation of a security policy?

No.

12. Tax Compliance

(This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

REDACTED

13. Lobbying

In the past ten years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State). No.

14. Outside Positions

X See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

For the preceding ten calendar years and the current calendar year, report any positions held, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

Name of Organization	Address of Organization	Type of Organization (corporation, firm, partnership, other business enterprise,	Position Held	Position Held From (month/year)	Position Held To (month/year)

		other non-profit organization, educational institution)			

15. Agreements or Arrangements

X See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

As of the date of filing your OGE Form 278, report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment.

Provide information regarding any agreements or arrangements you have concerning (1) future employment; (2) a leave of absence during your period of Government service; (3) continuation of payments by a former employer other than the United States Government; and (4) continuing participation in an employee welfare or benefit plan maintained by a former employer other than United States Government retirement benefits.

Status and Terms of Any Agreement or Arrangement	Parties	Date (month/year)

16. Additional Financial Data

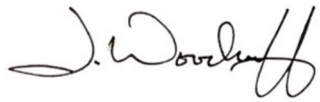
All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

REDACTED

SIGNATURE AND DATE

I hereby state that I have read the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.



This 30 day of May, 2025

REDACTED

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

★

June 4, 2025

The Honorable Rand Paul
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by James Woodruff, who has been nominated by President Trump for the position of Member, Merit Systems Protection Board.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

HEATHER JONES

Digitally signed by HEATHER JONES
Date: 2025.06.04 12:10:04 -04'00'

Heather Jones
Senior Counsel for Financial Disclosure

Enclosures

June 4, 2025

Allison Boyle
Designated Agency Ethics Official
U.S. Merit Systems Protection Board
1615 M Street, N.W.
Washington, DC 20419

Dear Ms. Boyle:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Member of the Merit Systems Protection Board. It is my responsibility to understand and comply with commitments outlined in this agreement.

SECTION 1 – GENERAL COMMITMENTS

As required by the criminal conflicts of interest law at 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the particular matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me:

- Any spouse or minor child of mine;
- Any general partner of a partnership in which I am a limited or general partner;
- Any organization in which I serve as an officer, director, trustee, general partner, or employee, even if uncompensated; and
- Any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

In the event that an actual or potential conflict of interest arises during my appointment, I will consult with an agency ethics official and take the measures necessary to resolve the conflict, such as recusal from the particular matter or divestiture of an asset.

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the regulatory exemption for diversified mutual funds and unit investment trusts at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

I will receive a live ethics briefing from a member of the ethics office after my confirmation but not later than 15 days after my appointment pursuant to the ethics program

regulation at 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will submit my Certification of Ethics Agreement Compliance which documents my compliance with this ethics agreement.

I will not modify this ethics agreement without your approval and the approval of the U.S. Office of Government Ethics pursuant to the ethics agreement requirements contained in the financial disclosure regulation at 5 C.F.R. § 2634.803(a)(4).

SECTION 2 – PRIOR PARTICIPATION IN PARTY MATTERS AS A FEDERAL EMPLOYEE

I am an employee in the United States Department of Veterans Affairs ("DVA"). Although the impartiality provisions of 5 C.F.R. § 2635.502 do not apply to other federal agencies, I have agreed that, for the duration of my appointment as Member, I will not participate personally and substantially in any particular matter involving specific parties in which I know I previously participated at the Department of Veterans Affairs, unless I am first authorized to participate, using the factors in 5 C.F.R. § 2635.502(d).

I currently serve in the United States Air Force where I am a Deputy Staff Judge Advocate. Although the impartiality provisions of 5 C.F.R. § 2635.502 do not apply to other federal agencies, I have agreed that, for the duration of my appointment as Member, I will not participate personally and substantially in any particular matter involving specific parties in which I know I previously participated in this capacity, or in which I have reason to know I might participate in the future in this capacity, unless I am first authorized to participate, using the factors in 5 C.F.R. § 2635.502(d).

SECTION 3 – ST. FRANCIS SCHOOL OF LAW

Upon confirmation, I will resign from my position with the St. Francis School of Law. Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for a period of one year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which I know the St. Francis School of Law is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

SECTION 4 – PUBLIC POSTING

I have been advised that this ethics agreement and the Certification of Ethics Agreement Compliance will be posted publicly, consistent with the public information law at 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,

James Woodruff

U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing Questionnaire
For the Nomination of James Woodruff, II
to be Member, Merit Systems Protection Board

I. Nomination Process and Conflicts of Interest

1. **Did the President or anyone else give you specific reasons why the President nominated you to be an MSPB Member, and if so, what were they?**

   No.

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

   No.

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

   No.

4. **If confirmed, do you commit to upholding the Constitution and the rule of law?**

   Yes.

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

   No.

6. **Have you or any organization of which you were an officer, director or owner, or have or had a significant financial interest in been the recipient of any Federal grants, loans, or other financial assistance (such as, but not limited to, Paycheck Protection Program Loans, Economic Injury Disaster Loans, Restaurant Revitalization Grants, etc.) within the past 10 years. If so, please list the program, amount, and date of receipt.**

   No.

7. **Please provide the name of any individual, law firm, consulting firm, lobbying firm, public relations firm, or other entity you have formally retained, contracted, or consulted with regarding this nomination, including any amounts paid in fees or otherwise.**

None.

8. **What steps have you taken to prepare for the role of an MSPB Member?**

I practiced before the MSPB for approximately three years and advised on federal employment matters at the 11th Wing then located at Andrews Air Force Base (AFB) to include the Pentagon from mid-April 2024 until the end of March 2025.

9. **Have you ever represented a party in a matter before or involving the MSPB? If so, please describe the matter(s) and the nature of the representation and how many cases have you argued before the MSPB?**

I have represented the Department of the Air Force before the MSPB as a Judge Advocate in the United States Air Force Reserve. Cases argued before the Board appears to be 10 from a Lexis+ search but the number is higher as counsel does not appear be properly listed in Lexis. I do not have an independent record of cases. The matters argued involved disciplinary actions, reorganizations, and whistleblower complaints.

II. Background of the Nominee

10. **Why do you want to serve as an MSPB Member?**

I believe that an efficient government workforce is necessary to protect taxpayers' interests and ensuring and that the merit principles if properly applied ensure this efficiency.

11. **What specific background, experience, and attributes qualify you to be an MSPB Member?**

I spent approximately three years advising management on employment law issues across the Department of the Air Force and litigating claims before the MSPB and EEOC. After that tour, I continued to advise clients on employment law matters in private practice as well as the Air Force when on active duty.

12. **Please describe:**

a. **Your leadership and management style.**
b. Leading by teaching. I believe that an organization should be led in such a manner that those being led develop the skills to execute the mission in a degraded environment were access to higher leadership become restricted or impossible. To do this, I take pride in ensuring those I lead understand why we are doing specific tasks

and what is necessary to complete those tasks. **Your experience managing personnel.**

My most recent experience managing military and civilian personnel involved running the civil law section of the 11 Wing. In that role, I oversaw the work of 1 civilian attorney, 1 military attorney, 1 military paralegal, and up to 2 interns. Prior experience has involved overseeing the legal work of up to 2 associates, assisting the Chairman of the U.S. Occupational Safety and Health Review Commission oversee the running of small federal Agency, and serving as Deputy Staff Judge Advocate at the 920th Rescue Wing as well as other special missions with the military.

c. **What is the largest number of people who have worked under your supervision?**

My most recent supervision would have been over 5 individuals. My largest number of people would have been somewhere around 14 during law school when I was editor-in-chief of the International Trade Law Journal.

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

My greatest successes as a leader have been watching my team learn to operate independently. While at the 11thWing, I had a new civilian employee, a new judge advocate, and a paralegal who was new to civil law. I worked with each individually to build their confidence and to generate work product after sufficient input from specific clients. Within a matter of months, I was able to see them develop and become competent counselors who could provide counsel to the highest levels of Air Force leadership regardless of issue.

14. **What would you consider your greatest failure as a leader? What lessons did you take away from that experience?**

Insufficient communication. When I was leading the South Texas College of Law Trade Law Journal, I did not communicate with most of my team outside of a monthly team meeting. This was a mistake. If I had more frequently spoken with my notes and articles editors the three issues we were able to produce would have been completed in a shorter time period with less errors. The lack of communication led to a lack of empowerment of my team that resulted in more work for me.

15. **Please give examples of times in your career when you disagreed with your superiors and advocated your position. Describe circumstances in which you were successful and in which you were unsuccessful.**

Many of these experiences are covered by attorney-client or attorney-work product privilege. Outside of those experiences, I have advocated for a change in meeting structure within the Cub Scout Pack in which I served as a den leader. I had argued for fewer meetings with a focus on achieving projects during the time rather than acting as an award presentation ceremony as was the custom as the kids would become bored and order difficult to maintain. The team decided to maintain the status quo and I continued to support that decision through the remainder of the year.

I also advocated for a change in the discharge process procedure at the 920th Rescue Wing wherein the discharge process would be handled by a Wing or Group executive officer and a judge advocate general (JAG) from start to finish. This argument led to such a process being implemented and a 20+ case backlog was resolved within four months.

16. **Do you seek out dissenting views and encourage constructive critical dialogue with subordinates? Please provide examples of times in your career when you have done so.**

I find dissenting views to be refreshing as they demonstrate a level of trust within a team. For instance, when I was contemplating how to update the discharge process at the 920 Rescue Wing, I presented my plan to various mission partners and took their feedback. There are often things that one does not think of when creating the first iterations of a new process.

17. **Please list and describe examples of when you made politically difficult choices that you thought were in the best interest of the country or an organization.**

Many of these situations are covered by the Attorney-Client Privilege. Outside of that privilege, when working in finance one of my team members came to me and complained of a new directive. I took that complaint to upper management and was able to get the directive withdrawn. That directive had originated from a popular manager within the organization.

18. **Please describe how you build credibility and trust among staff as a leader.**

I have built credibility and trust among staff by being easily approachable and ensuring my staff's issues are resolved quickly.

19. **Please describe any experience you have related to:**

a. **Human capital management or implementing companywide human resources policies.**

I worked with Air Force Personnel Cente (AFPC) while at Air Force Legal Operations Agency (AFLOA) to provide feedback during the updating of new regulations that covered federal civilian employment within the Air Force.

b. **Cybersecurity or information security management.**

I have had to handle classified information while at the 920th Rescue Wing AFLOA at Patrick AFB in Florida, and Air Forces Central Command (AFCENT) in order to complete my duties. As such, we are restricted in the use of outside devices and the risk those pose. I have also received annual training in cybersecurity and information security every year since 2011.

c. **Acquisitions, contract management, and the development of requirements.**

I have reviewed contracts as Chief of Contract Law at the United States Air Force Warfare Center and as Chief of Civil Law at the 11th Wing. In both roles, I had to advise on acquisitions, contraction management, and contract contests or protests.

d. **Labor-management relations, working with labor unions, or collective bargaining.**

I have some experience with labor-management relations as I was a bargaining unit employee at the Board of Veterans Appeals and have advised management on union relations matters while serving tours with the Air Force.

20. **During your career, has your conduct as a government employee ever been subject to an investigation or audit by the Office of Special Counsel, Department of Justice, Equal Opportunity office or investigator, agency Inspector General, Congressional ethics committee, or any other similar federal, state, or local investigative entity? If so, please describe the nature of the allegations/conduct and the outcome(s) of the investigation(s) or audit(s).**

Not to my knowledge.

III. Role of the MSPB Member

21. **Please describe your view of the core mission of the MSPB and what you would consider to be your primary role and responsibilities if confirmed.**

To ensure merit system principles are complied with in the federal civil service. My primary role and responsibilities would be to issue decisions based on appeals from initial decisions. The other key role would be to ensure OPM regulations follow merit system principles.

22. **Please describe your understanding of the authorities of a Member and how those authorities facilitate the core mission of the office.**

A Member is tasked with not only writing decision based on issues appealed from the AJ, but also to review personnel regulations promulgated by OPM to ensure compliance with merit systems principles.

23. **How do you anticipate you will work with the United States DOGE Service?**

I would work with DOGE to ensure process simplification and efficiency is improved and implemented in a manner that is easy to follow.

IV. Policy Questions

MSPB Management and Workforce

24. **What do you consider to be the principal challenges in the area of human capital management facing MSPB?**

As I am not a member of the MSPB, I do not have access to information to make such a determination at this time.

25. **What measurements would you use to determine whether the MSPB is successful?**

Time from appeal or complaint until resolution of claim. Speed of finalization helps both the employee and the Agency.

26. **How will you address the challenge of recruiting, hiring, training, and retaining the necessary personnel?**

As I am not a member of the MSPB, I do not have access to information to make such a determination at this time.

27. **If confirmed, how will you ensure MSPB is positioned to succeed beyond your tenure as a Member? What steps will you take to prepare the office for future presidential transitions?**

By focusing on building simplified processes and automating processes where possible.

28. **If confirmed, what steps will you take to determine if MSPB and any offices or programs within MSPB have the resources necessary to effectively carry out the mission?**

Working with the Acting Chairman/Head of Agency, I will work with department heads to determine what their current status is with regard to case handling or research and personnel levels. I will then meet with individuals at all levels of the process to see what works and what doesn't. This may require having management go through the process of personally working the specific matters they generally oversee in order to build a better understanding of frustration points that need to be corrected.

29. **What functions of MSPB do you think should be expanded, consolidated, or eliminated? What factors will you consider when analyzing what functions should be expanded, consolidated, or eliminated?**

As I am not a member of the MSPB, I do not have access to information to make such a determination at this time.

Governmentwide Management and Workforce

30. **President Trump has begun an ambitious agenda to reshape the federal workforce. What role do you see MSPB playing in that agenda?**

That it is done in accordance with Merit System Principles.

31. **Do you believe the public and Members of Congress should have visibility into the processes that agencies use to hire and fire personnel?**

Yes.

32. **How do you define "merit" for purposes of evaluating an employee's performance and for hiring purposes?**

Merit is an individual's abilities, knowledge, skills, and experience.

33. **What role do you think alternative dispute resolution options should play in the MSPB process?**

It should be used in a manner for management and the employee to reach an agreement beneficial to both parties.

Emerging Technology, Information Technology, and Cybersecurity

34. **How will you ensure that MSPB properly handles classified or sensitive information?**

Ensure annual training is accomplished. Other than that, as I am not currently a member of the MSPB I do not have access to the information necessary to determine their current information security protocols.

35. **If confirmed, how will you implement technological advances like artificial intelligence to support MSPB's mission?**

I am not sure what MSPB currently does with AI. My experience is that AI can be a benefit to a legal operation if properly vetted and used by those already familiar with the area of law.

36. **If confirmed, do you commit to ensuring that MSPB uses artificial intelligence transparently?**

Yes.

V. Accountability

Whistleblower Protections

37. **Protecting whistleblowers and their confidentiality is of the utmost importance to this Committee.**

a. **Please describe any previous experience with handling whistleblower complaints. What steps did you take to ensure those individuals did not face retaliation and that their claims were thoroughly investigated?**

I have litigated whistleblower complaints brought against the Department of the Air Force in cases of retaliatory termination. I have also worked with OSC to collect information on behalf of the Department of the Air Force in an alleged retaliatory termination.

b. **If confirmed, what steps will you take to ensure that whistleblower complaints are handled appropriately at MSPB?**

I will ensure that I am kept apprised of the complaint and reassign the manager in question if necessary.

c. **If confirmed, what steps will you take to ensure that whistleblowers at MSPB do not face retaliation, that whistleblower identifiers are protected, and that complaints of retaliation are handled appropriately?**

I will work with the general counsel and Employee-Management Relations specialists to ensure whistleblowers are protected.

Cooperation with Inspectors General

38. **Inspectors General (IGs) face unique obstacles as they do their work, including budget challenges and disputes with agency heads over access to information. How do you view MSPB's relationship with various Offices of Inspectors General (OIGs)?**

The MSPB is an independent agency. As such, if OIGs need information any passing of such will be provided in accordance with the applicable laws or regulations.

39. **Under what circumstances, if any, do you believe MSPB would not be required to provide any OIG with timely access to agency records?**

If OIG is determined to be abusing its authority, engaging in discrimination, or violating other laws or regulations.

40. **If confirmed, do you commit to fully cooperate in a timely manner with any audits, investigations, and other reviews and related requests for information from IGs?**

Yes.

Cooperation with GAO

41. **If confirmed, do you commit without reservation to ensuring GAO receives timely, comprehensive responses to requests for information, including for records, meetings, and information?**

Yes.

42. **If confirmed, do you commit to fully cooperate in a timely manner with any audits, investigations, and other reviews and related requests for information from GAO**?

Yes.

If confirmed, what steps will you take to ensure MSPB and its employees cooperate fully and promptly with GAO requests?

Yes.

VI. Relations with Congress

43. **If confirmed, will you commit to ensuring your agency maintains communication with Congressional offices?**

I do.

44. **Do you agree without reservation to comply with any request or summons to appear and testify before any duly constituted committee of Congress if you are confirmed?**

I do.

45. **Do you agree without reservation to make any subordinate official or employee available to appear and testify before, or provide information to, any duly constituted committee of Congress if you are confirmed?**

I do.

46. **Do you agree without reservation to comply fully, completely, and promptly to any request for documents, communications, or any other agency material or information from any duly constituted committee of the Congress if you are confirmed?**

I do.

47. **Do you agree without reservation to reply to any reasonable request for documents, communications, or any other agency material or information from members of Congress?**

I do.

48. **Do you agree without reservation to reply to any reasonable request for documents, communications, or any other agency material or information from any Member of Congress?**

I do.

49. **If confirmed, how will you make certain that you will respond in a timely manner to Member requests for information?**

I will work with the staff to ensure requests for information are given priority and responded to in a reasonable time.

50. **If confirmed, will you direct your staff to adopt a presumption of openness where practical, including identifying documents that can and should be proactively released to the public, without requiring a Freedom of Information Act request?**

I will.

51. **If confirmed, will you keep this Committee apprised of new information if it materially impacts the accuracy of information your agency's officials have provided us?**

I will.

VII. Assistance

52. **Are these answers completely your own? If not, who has provided you with assistance?**

Yes.

53. **Have you consulted with MSPB, or any other interested parties? If so, please indicate which entities.**

I have consulted with the MSPB staff.

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



_____
(Signature)

This 30th day May, 2025

Senator Josh Hawley

Post-Hearing Questions for the Record (QFRs)

June 5, 2025 – Full HSGAC Nominations Hearing

QUESTIONS FOR JAMES WOODRUFF II, NOMINEE TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD

1. **Do you believe that merit is the best way to ensure the hiring of quality candidates?**

   I do.

2. **Does the consideration of DEI in personnel decisions align with merit system principles?**

   It would be inappropriate for me, as a pending nominee, to comment on a matter that could be the subject of pending or future litigation or review before the Merit Systems Protection Board.

3. **If confirmed, what steps would you take to properly implement whistleblower protections and ensure that allegations of retaliation are handled appropriately?**

   If confirmed, I would ensure that cases regarding whistleblower protections are given high priority and handled according to the law.

Post-Hearing Questions for the Record
Submitted to James Woodruff
Senator Gary C. Peters

Nomination of James Woodruff to be a Member, Merit Systems Protections Board
Friday, June 6, 2025

1. Do you support the arguments made by the MSPB in its fiscal year 2026 budget request that it needs a higher budget level than the President's proposed 10% cut to the MSPB? Why or why not?

I have reviewed the budget, but I have very limited knowledge of the current case and related personnel issues within the MSPB. Upon getting additional information, I can properly weigh the arguments made by the MSPB supporting the 2026 budget request in comparison to the President's proposed 10% cut.

2. What processes do you intend to automate at the MSPB, if confirmed?

a. Do you intend to use AI to automate these processes?

I am interested in AI automating the customer service side of the MSPB providing an interactive chat experience to assist litigants through the process. I am also interested in using AI to optimize workflow to include classification, hearing scheduling, and document production.

b. How would you budget for the necessary IT changes to enable this automation?

This is something that will need to be determined during the research process which will include collaboration with other judicial and quasi-judicial bodies to determine an adequate cost structure for relevant services.

3. Do you commit to ending your income from the Deferred Resignation Program should the Senate confirm your nomination to the MSPB?

If confirmed, I do.

a. When would be your last day of pay from the Deferred Resignation Program relative to the confirmation process?

If confirmed, the last day of pay would be the day prior to my swearing in to the position. This would be completed according to the terms of the DRP agreement which requires the Secretary of the VA to approve the earlier resignation date.

Senator Richard Blumenthal
Post-Hearing Questions for the Record
Submitted to James Woodruff II

Nominations Hearing
June 5, 2025

1. **You have held various positions within the government and military.**

   a. **How would you describe the people you worked with in these positions?**

   I have found that the people I worked with in the government and military have been a variety of personalities. I find those in uniformed service as mission driven. I find those within government to be pleasant once a connection is made on the personal level.

   b. **How would you describe the employees of the civil service in general?**

   A collection of various personalities and temperaments similar to what you find outside the civil service.

2. **You have spent the last two years working at the Board of Veterans Appeals (BVA). As you know, decisions from the BVA can take a very long time, sometimes over a year, and the BVA has an estimated backlog of over 200,000 appeals.**

   a. **What best practices have you learned from the BVA that you will bring to the MSPB, if confirmed, to ensure cases are completed accurately and within the proper time frame?**

   I have found that the use of standardized decision language based on cases that have survived appeal provides a quicker response, more predictable, and accurate decision process by a judicial body.

   b. **According to the Government Accountability Office, the U.S. Court of Appeals for Veterans Claims found that 80 percent of appealed decisions lacked adequate explanation. What will you do differently at the MSPB to improve on such a record?**

   It is difficult to compare the VA disability appeal process to that of the MSPB as there are various complexities to the disability process that do not exist within the MSPB. The disability process can involve medical records from the Veteran's life back to birth and the need to collect documents from various government agencies and non-government actors. The MSPB does not have these difficulties in most cases as matters appealed tend to have a much shorter finite temporal period in which the matters at issue occurred and a limited number of witnesses and documents that will arise from the one agency.

i. How will you ensure a better error-free rate?

Similar to the Board of Veterans Appeals, the MSPB has a group that audits decisions at some frequency. To improve the error-free rate the decision documents used will be standardized, if not already the case. I would also look to collaborate with other judicial bodies to learn their best practices.

3. Recent reporting has revealed that new hiring guidelines introduced by the Trump Administration include questions assessing a candidate's alignment with the president's policies and executive orders. The second merit system principle states, "All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation."

a. Please describe how questions about loyalty violate the second merit principle.

It would be inappropriate for me, as a pending nominee, to comment on a matter that could be the subject of pending or future litigation or review before the Merit Systems Protection Board.

b. If confirmed, do you commit to upholding the second merit principle?

Yes.

c. If confirmed, do you commit to upholding all nine merit principles?

Yes.

4. The administration has proposed reclassifying tens of thousands of civil service roles into a new 'Schedule Policy/Career' category. Do you believe this reclassification is consistent with the Merit System Principles? Please explain why or why not.

It would be inappropriate for me, as a pending nominee, to comment on a matter that could be the subject of pending or future litigation or review before the Merit Systems Protection Board.

5. Earlier this year, the Trump Administration dismissed more than seventeen inspectors general without the required congressional notice. If confirmed, how would you ensure that intimidation or unlawful removal of inspectors general does not undermine whistleblower protections or otherwise violate the merit system principles?

It would be inappropriate for me, as a pending nominee, to comment on a matter that could be the subject of pending or future litigation or review before the Merit Systems Protection Board.

6. **Executive Order 14284, *Strengthening Probationary Periods in the Federal Service*, instructed federal agencies to disregard as inoperative 5 C.F.R. Part 315, including the role of the Merit Systems Protection Board (MSPB) to review agency terminations of probationary employees. In your prehearing questionnaire, you said MSPB's role is to "ensure merit system principles are complied with in the federal civil service." Given this, what effects do you foresee Executive Order 14284 having on the federal government's ability to protect employees from partisan political discrimination in employment?**

   It would be inappropriate for me, as a pending nominee, to comment on a matter that could be the subject of pending or future litigation or review before the Merit Systems Protection Board.

7. **The Office of Special Counsel (OSC) recently said that despite probationary employees not having full appeal rights to the MSPB, they are still protected under the prohibited personnel practices statutes. Given that agencies sometimes treat probationary status as a shield to terminate employees without due process, how will you, if confirmed, ensure the MSPB takes OSC's guidance seriously when evaluating allegations of retaliation or political discrimination involving probationary employees?**

   It would be inappropriate for me, as a pending nominee, to comment on a matter that could be the subject of pending or future litigation or review before the Merit Systems Protection Board.

8. **Please describe how your role in the MSPB will help protect whistleblowers from retaliation.**

   My role in the MSPB would ensure whistleblowers are protected from retaliation by reviewing cases on appeal to ensure they were properly decided.

9. **How will you ensure your decisions regarding hiring or firing and whistleblower retaliation cases remain objective and insulated from partisan influence?**

   I would ensure my decisions remain objective and insulated from partisan influence by evaluating every case according to the Constitution, relevant statutes, relevant regulations, and the precedents set by the MSPB and higher courts.

10. **Under 5 U.S.C. § 1214, the MSPB can grant a 45-day stay when employees face imminent retaliation. And in some cases, a whistleblower with an individual right of**

action can present a *prima facie* case to the MSPB showing whistleblower reprisal.

a. If confirmed, do you commit to voting for a stay in *prima facie* cases that demonstrate a preponderance of evidence showing whistleblower reprisal?

It would be inappropriate for me, as a pending nominee, to comment on a matter that could be the subject of pending or future litigation or review before the Merit Systems Protection Board.

b. Will you decide on stay motions within statutorily required deadlines regardless of docket pressure?

Yes.

11. In the past, the MSPB's tradition has been to reject and remand whistleblowing cases in which Administrative Judges err. However, civil society monitors report that when this happens, many Administrative Judges simply re-issue the same decision and send it back, creating years of delay and needless costs.

a. Please describe any specific reforms you have considered to break this cycle.

The cycle you describe appears to be the standard appellate review cycle followed by judicial bodies across the United States.

i. *If none*, if confirmed, do you commit to implementing reforms to address this harmful cycle?

I am always open to working with others to implement changes that improve processes.

12. Hearings at the MSPB are first conducted at the Administrative Judge level. According to research from the nonpartisan Government Accountability Project, Administrative Judges rule against whistleblowers 95 to 98 percent of the time.

a. Are you satisfied with this record? Please explain why or why not.

The OSC is the first required step in a whistleblower case prior to it reaching the MSPB. The OSC has authority to investigate and settle such cases. As such, I would anticipate that OSC would keep the strong cases and resolve those while leaving the weaker cases for the MSPB to handle leading to the resulting decision percentages by MSPB Administrative Judges.

b. If confirmed, how will you ensure that whistleblowers can find justice at the Administrative Judge level?

I believe they do find justice at the Administrative Judge level.

13. *Chambers v. Department of the Interior* and *Whitmore v. Department of Labor* provide important mandates for the strict application of the "clear and convincing evidence" standard in agency justifications for personnel actions. Specifically, *Chambers* reaffirmed that public safety disclosures to the media can constitute protected whistleblowing under the Whistleblower Protection Act, and that agencies bear the high burden of proving, by clear and convincing evidence, that they would have taken the same personnel action in the absence of the protected disclosure. *Whitmore* established a rigorous three-part test to guide the application of this standard in whistleblower retaliation cases.

a.* Do you support the precedent established in *Chambers v. Department of the Interior?

The MSPB is bound by this precedent as the case was decided by the Federal Circuit.

b. Do you support the precedent established in *Whitmore v. Department of Labor?*

The MSPB is bound by this precedent as the case was decided by the Federal Circuit.

c. Do you support the application of all other precedents of the Merit System Protection Board?

I do.

14. On June 3, 2025, the Office of Personnel Management (OPM) proposed a rule expanding its authority to remove employees for any post-employment misconduct under its own suitability and fitness regulations. In the proposed rule, OPM states that they anticipate this rule's "impact to MSPB to be neutral." [1] They reason this by stating "Any removal action on an employee for post-appointment conduct currently processed under Chapter 75 that results in an appeal to MSPB and might be processed instead as a suitability action will still likely result in an appeal to MSPB." However, OPM's stated need for this rule is to "improve the efficiency, rigor, and timeliness by which OPM and agencies vet individuals for risk to the integrity and efficiency of the service." If the goal of this rule is to fast-track – and essentially circumvent – agency discretion with regard to retaining or removing employees, do you agree with OPM's assessment that this will have no impact on the MSPB broadly?

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[1] Office of Personnel Management, Suitability and Fitness Actions Based on Post-Appointment Conduct, 90 Fed. Reg. 23467 (proposed June 3, 2025) (to be codified at 5 C.F.R. pt. 731), RIN 3206-AO84, Docket No. 2025-10067. https://www.federalregister.gov/documents/2025/06/03/2025-10067/suitability-and-fitness.

It would be inappropriate for me, as a pending nominee, to comment on a matter that could be the subject of pending or future litigation or review before the Merit Systems Protection Board.

Post-Hearing Questions for the Record
Submitted to James Woodruff II, Nominee to be a Member, Merit Systems Protection Board
From Senator John Fetterman

Full Committee Hearing:
"Nominations of
The Honorable Sean Cairncross to be National Cyber Director, Executive Office of the President;
Robert Law to be Under Secretary for Strategy, Policy, and Plans, U.S. Department of Homeland Security;
James Percival to be General Counsel, U.S. Department of Homeland Security;
Kevin Rhodes to be Administrator for Federal Procurement Policy, Office of Management and Budget; and
James Woodruff II to be a Member, Merit Systems Protection Board"

1. **The Merit Systems Protection Board serves and makes decisions independent from the President and his agenda. Under several of the merit system principles, civil servants are also expected to do their work free from political coercion or bias to best serve the American people.**

   a. **If confirmed, how will you work to maintain your independence and the independence of the Board?**

   I have exercised independence in the performance of my duties while on active and inactive duty with the United States Air Force since 2011. This has included ensuring that undue command influence does not interfere with the deliberative process of a panel in courts-martial or administrative boards.

   Similarly, when serving as an Article 32 Officer, I have been required to make evidentiary findings and suggestions in cases that have included politically sensitive matters. When serving in such capacity, I did not allow the prevailing political winds to affect my judgment in the execution of those duties.

   b. **If confirmed, how will you address cases that involve alleged political coercion or retaliation against career civil servants who upheld their oath to the Constitution rather than follow an unlawful order from the President or a political appointee?**

   I would first determine if the President's or political appointee's order was unlawful as the threshold question. This is a similar approach that I have taken when advising commanders regarding orders they have provided to their troops or when the issue

arises in Article 138, the Uniform Code of Military Justice (UCMJ), or Abuse of Authority cases.

2. **In your pre-hearing questionnaire, you stated that inefficiency is a top challenge facing the federal workforce today. Using the federal workforce in an efficient and effective way is a merit system principle.**

   a. **Please further explain how inefficiency is a top challenge facing the federal workforce by providing specific, publicly-reported examples (not personal anecdotes).**

   While I have a fair amount of experience dealing with government inefficiency as I have had to undergo Lean Six Sigma Green Belt training in order to improve efficiencies, I will limit my comments to a few of those publicly-reported. Fairly recent examples are:

   (1) The double billing of Medicaid by two or more states for the same individual;

   (2) The various issues in the disability rating process for disabled Veterans to obtain ratings cumulating in a September 2023 report that after appeal to the hearing docket the average was 972 days to decision just post appeal.

   (3) The length of time it takes from federal employee misconduct to final disciplinary action.

   b. **What are some ways that the Board can encourage agencies to increase the efficient and effective use of their workforce without reductions in force or removals?**

   It would be inappropriate for me, as a pending nominee, to comment on a matter that could be the subject of pending or future litigation or review before the Merit Systems Protection Board.

   c. **In your view, is telework or remote work compatible with an efficient and effective federal workforce? Explain.**

It would be inappropriate for me, as a pending nominee, to comment on a matter that could be the subject of pending or future litigation or review before the Merit Systems Protection Board.

d. **Is requiring remote working federal employees to return to the office where they do not have a desk/workspace or appropriate equipment to do their jobs an efficient and effective use of the federal workforce? Explain.**

It would be inappropriate for me, as a pending nominee, to comment on a matter that could be the subject of pending or future litigation or review before the Merit Systems Protection Board.

e. **Is putting federal employees on indefinite administrative leave an efficient and effective use of the federal workforce? Explain.**

It would be inappropriate for me, as a pending nominee, to comment on a matter that could be the subject of pending or future litigation or review before the Merit Systems Protection Board.

3. **The Trump Administration has taken several actions against federal employees in the name of increasing efficiency and effectiveness of federal agencies.**

a. **Provide an example of an action by the Administration that affected federal employees (and, if it faced a legal challenge, was upheld by a court on the merits) that you believe demonstrates an embrace of the efficient and effective use of the federal workforce under the merit system principles. Explain your reasoning.**

It would be inappropriate for me, as a pending nominee, to comment on a matter that could be the subject of pending or future litigation or review before the Merit Systems Protection Board.

b. **Provide an example of an action by the Administration that affected federal employees (regardless of any pending legal action) that you believe violated the efficiency and effectiveness principle. Explain your reasoning.**

It would be inappropriate for me, as a pending nominee, to comment on a matter that could be the subject of pending or future litigation or review before the Merit Systems Protection Board.

4. **The second merit system principle states that all employees and applicants for federal employment should receive fair and equitable treatment without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or disability.**

   a. **In your view, is this an example of a diversity, equity, and inclusion (DEI) policy or program? Explain.**

   It would be inappropriate for me, as a pending nominee, to comment on a matter that could be the subject of pending or future litigation or review before the Merit Systems Protection Board.

   b. **In your view, does the Trump Administration's proposal to establish Schedule P/C (*see* 90 Fed. Reg. 17182) violate this merit system principle? Explain.**

   No. The P/C role's hiring process would still be subject to the rules regarding protected class discrimination in the workplace. Similarly, with regard to political affiliation, there are members of all political parties that hold a diverse number of views on policy matters that do not align with the prescriptive political party classification of a specific party.

Senator Andy Kim

Post-Hearing Questions for the Record

Nominations of Sean Cairncross Nominee to be National Cyber Director, Executive Office of the President; Robert Law Nominee to be Under Secretary for Strategy, Policy, and Plans, U.S. Department of Homeland Security; James Percival Nominee to be General Counsel, U.S. Department of Homeland Security; Kevin Rhodes, Nominee to be Administrator of Procurement, Office of Management and Budget; James Woodruff II, Nominee to be a Member of the Merit Systems Protection Board

June 5, 2025

James Woodruff II

1. **In a 2023 recording, Russell Vought, the current OMB Director, stated, "We want the bureaucrats to be traumatically affected. When they wake up in the morning, we want them to not want to go to work because they are increasingly viewed as villains." He further went on to say, "We want to put them in trauma." Do you hold the same views of federal employees, as expressed by OMB Director Russell Vought?**

   I do not hold the view that federal employees should be traumatized.

2. **Are you able to commit to the fair adjudication of claims brought before the MSPB while serving under an administration that has articulated negative views and distrust of federal employees?**

   I have always treated federal employees fairly in the advisement of management, the defense of Agency actions before administrative bodies, and the advising of non-management employees.

Post-Hearing Questions for the Record

Submitted to James Woodruff II, Nominee to be a member of the Merit Systems Protection Board (MSPB)

From Senator Ruben Gallego

"Nominations Hearing"
June 5, 2025

Question 1

James Woodruff II Nominee for Member of the Merit Systems Protection Board: The Merit Systems Protection Board plays a critical role in protecting federal employees from prohibited personnel practices, including retaliation against whistleblowers and politically motivated hiring or firing.

As someone who has served both in the military and as a political appointee, how will you approach your role on the MSPB to ensure fair treatment of federal workers, uphold merit-based hiring, and protect the civil service from politicization?

If confirmed, I will approach my role as a defender of the merit systems principles. That means basing decisions on the laws regarding the federal civil service. By basing decisions on the law, I can ensure that federal workers, to include management, will receive fair treatment.

United States Senate Committee on Homeland Security and Governmental Affairs
June 5, 2025
Statement of James H. Percival
Nominee for General Counsel, Department of Homeland Security (DHS)

Chairman Paul, Ranking Member Peters, and distinguished members of this committee, thank you for the opportunity to present testimony regarding my pending nomination to serve as the next General Counsel of the Department of Homeland Security. It is an honor to appear before this esteemed committee. My six children are here with me today. I am hoping to raise them with the same abiding love that my wife and I have for this country and for its Constitution, and I consider it a great privilege for them to watch their father participate in a critical feature of that Constitution, the advice and consent process. I take this process very seriously, and I know this Committee does as well.

In that spirit, I hope to continue the productive dialogue I have had with many of you prior to today, and I look forward to continuing that conversation.

I want to first thank President Donald J. Trump for the trust he has placed in me through this nomination. The Department of Homeland Security is a critical agency for implementing the President's agenda, and every person I have met whom the President selected to serve in this agency has been a person of incredible skill and character. I am honored to be considered in such company. In that same vein, I would also like to thank Secretary Kristi Noem for her incredible support through this process and for her outstanding leadership of the Department of Homeland Security. I think everyone is impressed with how much the Department has accomplished in such a short time, and if confirmed, I look forward to supporting the Department's mission.

I want to acknowledge and thank my family, friends, and mentors for getting me this far. I don't have time to thank them all, but I want to thank in particular Senator Moody, who was my boss and mentor for the last six years and without whom I would not be sitting before this committee.

I want to thank my darling wife who has supported me and my career in public service even when it meant barely affording to raise six children. She understands what it means to feel called to serve your country, and she has never balked at the sacrifices we have had to make as a family in order to do that.

Finally, I want to thank God, who has been faithful in good times and bad, and who I rely on for every breath I take on this earth.

Over the last four years, I served in State government in Florida, where I saw firsthand the problems the American people face when the Department of Homeland Security is off mission. We saw unchecked illegal immigration in the State of Florida, we saw FEMA employees skipping the homes of hurricane victims because of their political affiliation, and we saw the Secret Service fail to adequately protect a former President and major party nominee. All of these

things happened in the State of Florida while I served in State government, and all of them had significant impacts on me personally in that role.

As a result of this experience, when I received the call asking if I was interested in serving as General Counsel, it was an easy choice. The Department under the previous Administration needed to be steered in a different direction. I believed Kristi Noem, under President Trump's leadership, was the person to fix the Department, and that has proved true since January 20.

I view the role of the General Counsel as limited. The attorneys in the federal government were not on the ballot. The President and his policy makers are the proper officials to make policy decisions for the federal government. The role of a General Counsel is to provide excellent, accurate legal advice free from political bias or motivation. If confirmed, that is what I would do.

I thank this esteemed committee again for its attention to this confirmation process and I welcome your questions.

REDACTED

HSGAC BIOGRAPHICAL QUESTIONS FOR EXECUTIVE NOMINEES

1. Basic Biographical Information

Please provide the following information.

Position to Which You Have Been Nominated	
Name of Position	**Date of Nomination**
General Counsel, Department of Homeland Security	March 10, 2025

Current Legal Name			
First Name	**Middle Name**	**Last Name**	**Suffix**
James	Hamilton	Percival	II

Addresses					
Residential Address (do not include street address)			**Office Address** (include street address)		
[redacted]			**Street:** 2707 Martin Luther King Jr Ave SE		
City: Tallahassee	**State:** FL	**Zip:** 32312	**City:** Washington	**State:** DC	**Zip:** 20528

Other Names Used						
First Name	**Middle Name**	**Last Name**	**Suffix**	Check if Maiden Name	**Name Used From** (Month/Year) (Check box if estimate)	**Name Used To** (Month/Year) (Check box if estimate)
Jimmy	N/A	N/A			Whole Life **Est** ☐	**Est** ☐

Birth Year and Place	
Year of Birth (Do not include month and day.)	**Place of Birth**
1986	Torrance, CA

Marital Status					
Check All That Describe Your Current Situation:					
Never Married	**Married**	**Separated**	**Annulled**	**Divorced**	**Widowed**
☐	**X**	☐	☐	☐	☐

Spouse's Name (current spouse only)			
Spouse's First Name	**Spouse's Middle Name**	**Spouse's Last Name**	**Spouse's Suffix**
Emily	Cecilia	Percival	

Spouse's Other Names Used (current spouse only)						
First Name	**Middle Name**	**Last Name**	**Suffix**	Check if Maiden Name	**Name Used From** (Month/Year) (Check box if estimate)	**Name Used To** (Month/Year) (Check box if estimate)
Emily	Cecilia	O'Keefe		X	03/1990 **Est** ☐	10/2015 **Est** ☐

Children's Names (if over 18)			
First Name	**Middle Name**	**Last Name**	**Suffix**
N/A			

2. Education

List all post-secondary schools attended.

Name of School	**Type of School** (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	**Date Began School** (month/year) (check box if estimate)	**Date Ended School** (month/year) (check box if estimate) (check "present" box if still in school)	**Degree**	**Date Awarded**
University of California Santa Barbara	University	09/2004 Est ☐	06/2008 Est ☐ Present ☐	BA	06/2008
University of Virginia	Law School	08/2010 Est ☐	05/2013 Est ☐ Present ☐	JD	05/2013

3. Employment

(A) List all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

Type of Employment (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other	**Name of Your Employer/ Assigned Duty Station**	**Most Recent Position Title/Rank**	**Location** (City and State only)	**Date Employment Began** (month/year) (check box if estimate)	**Date Employment Ended** (month/year) (check box if estimate) (check "present" box if still employed)
Unemployment (full time student)	N/A	N/A	Santa Barbara, CA	05/2004 Est ☐	06/2008 Est ☐
Non-Government	Watsonville Law Center	Administrative Assistant	Watsonville, CA	06/2008 Est ☐	12/2008 Est ☐

Non-Government	Santa Cruz Surgery Center	Administrative Assistant	Santa Cruz, CA	08/2008 Est ☐	12/2008 Est ☐
State Government	Pajaro Valley Unified School District	Substitute Teacher	Watsonville, CA	01/2009 Est ☐	01/2010 Est ☐
Non-Government	Youth With a Mission	Missionary	Corrientes, Argentina	01/2010 Est ☐	07/2010 Est ☐
Unemployment (full time student)	N/A	N/A	Charlottesville, VA	07/2010	01/2011
Non-Government	Watsonville Law Center	Legal Intern	Watsonville, CA	01/2011	01/2011
Unemployment (full time student)	N/A	N/A	Charlottesville, VA	01/2011	06/2011
Non-Government	Alliance Defending Freedom	Blackstone Fellow	Phoenix, AZ	06/2011	08/2011
Unemployment (full time student)	N/A	N/A	Charlottesville, VA	08/2011	05/2012
Non-Government	Cleary Gottlieb Steen & Hamilton	Summer Associate	Washington, DC	05/2012	08/2012
Unemployment (full time student)	N/A	N/A	Charlottesville, VA	08/2012	05/2013
Non-Government	Alliance Defending Freedom	Blackstone Mentor	Phoenix, AZ	05/2013	08/2013
Unemployment	N/A	N/A	Watsonville, CA	08/2013	10/2013
Non-Government	Cleary Gottlieb Steen & Hamilton	Associate	Washington, DC	10/2013	08/2014
Other Federal Employment	Eleventh Circuit Court of Appeals	Law Clerk	Mobile, AL	08/2014	08/2015
Unemployment	N/A	N/A	Jacksonville, FL	08/2015	10/2015
Non-Government	Cleary Gottlieb Steen & Hamilton	Associate	Washington, DC	10/2015	07/2017
Other Federal Employment	Department of Justice	Counsel	Washington, DC	07/2017	10/2018

Other Federal Employment	Department of Justice	Senior Counsel	Washington, DC	10/2018	02/2019
State Government	Florida Attorney General's Office	Deputy Solicitor General	Tallahassee, FL	02/2019	02/2020
State Government	Florida Attorney General's Office	Chief Deputy Solicitor General	Tallahassee, FL	02/2020	02/2021
State Government	Florida Attorney General's Office	Deputy Attorney General of Legal Policy	Tallahassee, FL	02/2021	02/2023
State Government	Florida Attorney General's Office	Chief of Staff	Tallahassee, FL	02/2023	01/2025
State Government	Florida State University College of Law	Adjunct Professor	Tallahassee, FL	01/2023	05/2023
Other Federal Employment	Department of Homeland Security	Senior Counselor to the Secretary	Washington, DC	01/2025	Present

(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

Name of Government Entity	**Name of Position**	**Date Service Began** (month/year) (check box if estimate)	**Date Service Ended** (month/year) (check box if estimate) (check "present" box if still serving)
First District Court of Appeal Judicial Nominating Commission	Commissioner	09/2022 Est ☐	01/2025 Est ☐ Present ☐
State Retirement Commission	Commissioner	03/2024 Est ☐	01/2025 Est ☐ Present ☐

4. Potential Conflict of Interest

(A) Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

While at the Florida Attorney General's Office, my employer had significant litigation against the Department of Homeland Security. Much of this litigation focused on immigration matters, though the State of Florida also had some litigation with FEMA in light of the significant role

FEMA plays in that State. Some of that litigation is still pending. I am ethically screened from those matters in my current role at the Department.

Additionally, in connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Homeland Security's Ethics officials to identify any potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I will sign and transmit to the Department's Designated Agency Ethics Official, which will be provided to this Committee. I am not aware of any other potential conflicts of interest beyond what I noted above.

(B) Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration or execution of law or public policy, other than while in a federal government capacity.

As Chief of Staff of the Florida Attorney General's Office, the Director of Legislative Affairs reported directly to me. Our office—typically through the Director and not me personally—engaged on a variety of legislation to promote the interests of the Florida Attorney General.

5. Honors and Awards

List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.

I was Order of the Coif in law school, meaning I was in the top 10% of my class.

6. Memberships

List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years.

Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of $1,000 or less, Parent-Teacher Associations or other organizations connected to schools attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam's Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

Name of Organization	Dates of Your Membership (You may approximate.)	Position(s) Held
Federalist Society	08/2010 – Present	Board Member of the Florida Young Lawyer's Chapter

California State Bar	12/2013 – Present	License to practice law (inactive status)
District of Columbia Bar	05/2015 – Present	License to practice law (inactive status)
McLean Presbyterian Church	07/2017 – 02/2019	Church Member
Wildwood Church	02/2019 – Present	Church Member
Florida State Bar	05/2019 – Present	License to practice law
The Teneo Network	06/2023 – Present	Member

7. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?

Name of Office	Elected/Appointed/ Candidate Only	Year(s) Election Held or Appointment Made	Term of Service (if applicable)
N/A			

(B) List any offices held in or services rendered to a political party or election committee during the last ten years that you have not listed elsewhere.

Name of Party/Election Committee	Office/Services Rendered	Responsibilities	Dates of Service
N/A			

(C) Itemize all individual political contributions of $200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

Name of Recipient	Amount	Year of Contribution

Donald J. Trump	$250	2024
Rick Scott	$250	2024
Ashley Moody	$300	2024
Ron DeSantis	$700	2023
Florida Voters Against Extremism	$250	2024
Isaac Montilla	$250	2024

8. Publications and Speeches

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with copies of all listed publications. In lieu of hard copies, electronic copies can be provided via e-mail or other digital format.

Title	Publisher	Date(s) of Publication
N/A		

(B) List any formal speeches you have delivered during the last five years and provide the Committee with copies of those speeches relevant to the position for which you have been nominated. Include any testimony to Congress or any other legislative or administrative body. These items can be provided electronically via e-mail or other digital format.

Title/Topic	Place/Audience	Date(s) of Speech
N/A		

(C) List all speeches and testimony you have delivered in the past ten years, except for those the text of which you are providing to the Committee.

Title	Place/Audience	Date(s) of Speech

SCOTUS after the Barrett Confirmation	Federalist Society, Lake Buena Vista, CA	1/30/2021
Career Opportunities in the Public Interest Litigation	Federalist Society, Lake Buena Vista, CA	2/4/2023

In addition, I have on occasion participated in panel discussions at events related to legal issues or career development. I had no prepared remarks.

9. Criminal History

Since (and including) your 18th birthday, has any of the following happened?

- Have you been issued a summons, citation, or ticket to appear in court in a criminal proceeding against you? (Exclude citations involving traffic infractions where the fine was less than $300 and did not include alcohol or drugs.

  No.

- Have you been arrested by any police officer, sheriff, marshal or any other type of law enforcement official?

  No.

- Have you been charged, convicted, or sentenced of a crime in any court?

  No.

- Have you been or are you currently on probation or parole?

  No.

- Are you currently on trial or awaiting a trial on criminal charges?

  No.

- To your knowledge, have you ever been the subject or target of a federal, state or local criminal investigation?

  No.

If the answer to any of the questions above is yes, please answer the questions below for each criminal event (citation, arrest, investigation, etc.). If the event was an investigation, where the question below asks for information about the offense, please offer information about the offense under investigation (if known).

A) Date of offense:

a. Is this an estimate (Yes/No):

B) Description of the specific nature of the offense:

C) Did the offense involve any of the following?
   1) Domestic violence or a crime of violence (such as battery or assault) against your child, dependent, cohabitant, spouse, former spouse, or someone with whom you share a child in common: **Yes / No**
   2) Firearms or explosives: **Yes / No**
   3) Alcohol or drugs: **Yes / No**

D) Location where the offense occurred (city, county, state, zip code, country):

E) Were you arrested, summoned, cited or did you receive a ticket to appear as a result of this offense by any police officer, sheriff, marshal or any other type of law enforcement official: **Yes / No**

   1) Name of the law enforcement agency that arrested/cited/summoned you:

   2) Location of the law enforcement agency (city, county, state, zip code, country):

F) As a result of this offense were you charged, convicted, currently awaiting trial, and/or ordered to appear in court in a criminal proceeding against you: **Yes / No**

   1) If yes, provide the name of the court and the location of the court (city, county, state, zip code, country):

   2) If yes, provide all the charges brought against you for this offense, and the outcome of each charged offense (such as found guilty, found not-guilty, charge dropped or "nolle pros," etc). If you were found guilty of or pleaded guilty to a lesser offense, list separately both the original charge and the lesser offense:

   3) If no, provide explanation:

G) Were you sentenced as a result of this offense: **Yes / No**

H) Provide a description of the sentence:

I) Were you sentenced to imprisonment for a term exceeding one year: **Yes / No**

J) Were you incarcerated as a result of that sentence for not less than one year: **Yes / No**

K) If the conviction resulted in imprisonment, provide the dates that you actually were incarcerated:

L) If conviction resulted in probation or parole, provide the dates of probation or parole:

M) Are you currently on trial, awaiting a trial, or awaiting sentencing on criminal charges for this offense: **Yes / No**

N) Provide explanation:

10. Civil Litigation and Administrative or Legislative Proceedings

(A) Since (and including) your 18th birthday, have you been a party to any public record civil court action or administrative or legislative proceeding of any kind that resulted in (1) a finding of wrongdoing against you, or (2) a settlement agreement for you, or some other person or entity, to make a payment to settle allegations against you, or for you to take, or refrain from taking, some action. Do NOT include small claims proceedings.

No.

Date Claim/Suit Was Filed or Legislative Proceedings Began	Court Name	Name(s) of Principal Parties Involved in Action/Proceeding	Nature of Action/Proceeding	Results of Action/Proceeding
N/A				

(B) In addition to those listed above, have you or any business of which you were an officer, director or owner ever been involved as a party of interest in any administrative agency proceeding or civil litigation? Please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

No.

Date Claim/Suit Was Filed	Court Name	Name(s) of Principal Parties Involved in Action/Proceeding	Nature of Action/Proceeding	Results of Action/Proceeding
N/A				

(C) For responses to the previous question, please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

N/A.

11. Breach of Professional Ethics

(A) Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee, or other professional group? Exclude cases and proceedings already listed.

No.

Name of Agency/Association/ Committee/Group	Date Citation/Disciplinary Action/Complaint Issued/Initiated	Describe Citation/Disciplinary Action/Complaint	Results of Disciplinary Action/Complaint
N/A			

(B) Have you ever been fired from a job, quit a job after being told you would be fired, left a job by mutual agreement following charges or allegations of misconduct, left a job by mutual agreement following notice of unsatisfactory performance, or received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as violation of a security policy?

No.

12. Tax Compliance

(This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

REDACTED

13. Lobbying

In the past ten years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State).

No.

14. Outside Positions

X See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

For the preceding ten calendar years and the current calendar year, report any positions held, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

Name of Organization	Address of Organization	Type of Organization (corporation, firm, partnership, other business enterprise,	Position Held	Position Held From (month/year)	Position Held To (month/year)

		other non-profit organization, educational institution)			
N/A					

15. Agreements or Arrangements

X See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

As of the date of filing your OGE Form 278, report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment.

Provide information regarding any agreements or arrangements you have concerning (1) future employment; (2) a leave of absence during your period of Government service; (3) continuation of payments by a former employer other than the United States Government; and (4) continuing participation in an employee welfare or benefit plan maintained by a former employer other than United States Government retirement benefits.

Status and Terms of Any Agreement or Arrangement	Parties	Date (month/year)
N/A		

16. Additional Financial Data

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

REDACTED

SIGNATURE AND DATE

I hereby state that I have read the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.



This 4th **day of** April, 2025

250

REDACTED

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

April 7, 2025

The Honorable Rand Paul
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by James Percival, who has been nominated by President Trump for the position of General Counsel, Department of Homeland Security.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

SETH JAFFE Digitally signed by SETH JAFFE Date: 2025.04.07 16:25:58 -04'00'

Seth Jaffe
Chief, Ethics Law and Policy Branch

Enclosures REDACTED

April 7, 2025

Mr. John Havranek
Designated Agency Ethics Official
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave., SE
Washington, DC 20528

Dear Mr. Havranek:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of General Counsel of the Department of Homeland Security. It is my responsibility to understand and comply with commitments outlined in this agreement.

SECTION 1 – GENERAL COMMITMENTS

As required by the criminal conflicts of interest law at 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the particular matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me:

- Any spouse or minor child of mine;
- Any general partner of a partnership in which I am a limited or general partner;
- Any organization in which I serve as an officer, director, trustee, general partner, or employee, even if uncompensated; and
- Any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

In the event that an actual or potential conflict of interest arises during my appointment, I will consult with an agency ethics official and take the measures necessary to resolve the conflict, such as recusal from the particular matter or divestiture of an asset.

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the regulatory exemption for diversified mutual funds and unit investment trusts at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

I will receive a live ethics briefing from a member of the ethics office after my confirmation but not later than 15 days after my appointment pursuant to the ethics program regulation at 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will submit my Certification of Ethics Agreement Compliance which documents my compliance with this ethics agreement.

I will not modify this ethics agreement without your approval and the approval of the U.S. Office of Government Ethics (OGE) pursuant to the ethics agreement requirements contained in the financial disclosure regulation at 5 C.F.R. § 2634.803(a)(4).

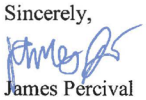
SECTION 2 – STATE OF FLORIDA

I resigned from my position as Chief of Staff of the Florida Office of the Attorney General in January 2025. For a period of one year after my resignation, I will have a "covered relationship" under the impartiality regulation at 5 C.F.R. § 2635.502 with the State of Florida. My spouse also works for the State Board of Administration. Due to my current duties as Senior Advisor and Senior Counselor to the Secretary, and pursuant to 5 C.F.R. § 2635.502(d), I received written authorization to participate personally and substantially in particular matters involving specific parties in which I know the State of Florida is a party or represents a party. However, I understand that my authorization does not allow me to participate personally and substantially in any current litigation activities involving the State of Florida if I personally worked on litigation related to the same matter while serving in the Florida Office of the Attorney General, or on specific party matters in which the State Board of Administration of Florida is a party or represents a party. Upon confirmation, I will seek a similar authorization to enable me to effectively fulfill my duties as General Counsel. Until such an authorization is granted, I will recuse pursuant to the impartiality regulation at 5 C.F.R. § 2635.502.

SECTION 3 – PUBLIC POSTING

I have been advised that this ethics agreement and the Certification of Ethics Agreement Compliance will be posted publicly, consistent with the public information law at 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other presidential nominees who file public financial disclosure reports.

Sincerely,



James Percival

U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing Questionnaire
For the Nomination of James Percival
to be General Counsel, Department of Homeland Security

I. Nomination Process and Conflicts of Interest

1. Did the President or anyone else give you specific reasons why the President nominated you to be the General Counsel, and if so, what were they?

   No.

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

   No.

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

   No.

4. If confirmed, do you commit to upholding the Constitution and the rule of law?

   Yes.

5. If the President or anyone acting at the direction of the President or on his behalf asks you to violate the law, will you decline to do so?

   I reject the premise of this question. The President would never ask me to violate the law. If confirmed, I will follow the law.

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

   In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Homeland Security's (DHS) Designated Agency Ethics Official to identify any potential conflicts of interest. Any potential conflicts of interest would be resolved in accordance with the terms of an ethics agreement that I have signed, which has been transmitted to the Department's Designated Agency Ethics Official and has been provided to this Committee. I am not aware of any other potential conflicts of interest.

7. Have you or any organization of which you were an officer, director or owner, or have or had a significant financial interest in been the recipient of any Federal grants, loans, or other financial assistance (such as, but not limited to, Paycheck Protection Program Loans, Economic Injury Disaster Loans, Restaurant Revitalization Grants, etc.) within the past 10 years. If so, please list the program, amount, and date of receipt.

As a former employee of the Florida Attorney General, I am aware that the State receives significant Federal financial assistance, but I am not aware of the details.

8. Please provide the name of any individual, law firm, consulting firm, lobbying firm, public relations firm, or other entity you have formally retained, contracted, or consulted with regarding this nomination, including any amounts paid in fees or otherwise.

None.

II. Background of the Nominee

9. Why do you want to serve as DHS General Counsel?

I have spent most of my legal career in public service. I have great admiration for the work that DHS does keeping the American people safe. I remember exactly where I was on September 11, 2001, when I learned of the terrorist attacks. I believe very much in the idea of having a dedicated homeland security agency that focuses on a variety of threats to the homeland, from border security to emergency preparedness.

Furthermore, when I served in the Department of Justice (DOJ), DHS was one of my most frequent clients. I know the DHS Office of the General Counsel to be filled with skilled lawyers of high integrity, and it would be an honor to work with them.

Finally, DHS is a critical agency for implementing President Trump's agenda. It would be a huge honor to provide legal advice in connection with that.

10. What specific background, experience, and attributes qualify you to be the General Counsel?

- **I attended law school at the University of Virginia, where I was on the managing board of the Virginia Law Review. After law school, I worked for three years at a global law firm and clerked on the U.S. Court of Appeals for the Eleventh Circuit.**
- **Since gaining that valuable experience, I have worked in public service for law enforcement agencies. I have worked on immigration, emergency preparedness, national security, law enforcement, and constitutional matters during my career. I have also litigated both *on behalf of* and *against* DHS in court on countless occasions.**

- **My most recent position before joining DHS was as Chief of Staff to the Florida Attorney General. Florida is the third largest State in the union, and I worked with then Attorney General Moody to run an office of over a thousand employees.**
- **I am currently an active member of the Florida bar, an inactive member of the District of Columbia and California bars, and I am admitted to practice at the U.S. Supreme Court, the Ninth Circuit, the Eleventh Circuit, and a variety of federal district courts.**
- **I have been practicing law for nearly 12 years.**

11. Please describe:

a. Your leadership and management style.

I believe in leading by example. It is important to show people that you do not think that rolling up your sleeves and getting to work is beneath you. I also believe in accountability. If people do not think they will be accountable, it leads to bad habits. I also believe in forgiveness and second chances, especially for people who own their mistakes and seek to do better. Communication is key.

b. Your experience managing personnel.

At DOJ, I worked in the Associate Attorney General's Office. My role there was to manage the Federal Programs Branch and the Office of Immigration Litigation, two of the most significant civil litigating components at DOJ. During that time, I had many pressing responsibilities and was responsible for managing a high volume of attorneys.

After that, I served as Deputy Solicitor General of Florida. From that position, I was promoted to management roles three times. First, I was promoted to Chief Deputy Solicitor General, where I helped the Solicitor General manage the premier legal office in the State of Florida. From there, I was promoted to be Deputy Attorney General of Legal Policy. In that position, I was a key advisor to then Attorney General Moody and helped formulate the legal policy for the agency and ensure it was implemented across the over 1,000 employees. Finally, I was promoted to Chief of Staff, which made me responsible for helping manage the entire agency.

c. What is the largest number of people who have worked under your supervision?

While I shared management responsibilities with the Attorney General herself and with the Chief Deputy Attorney General, as Chief of Staff I supervised over 1,000 employees.

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

When I first joined the Solicitor General's Office in Florida, it was a small office with a small footprint. It did not have the gravitas that such a large State should have as compared to other State Solicitor General's Offices. By the time I left, the Florida Solicitor General's Office was one of the most respected in the country, frequently leading large coalitions of States in important litigation and in amicus brief filings in the U.S. Supreme Court. This was made possible by growing the office, recruiting better leaders, and changing some of the work we were doing. One thing I focused on in particular was making sure all the briefs we filed met high standards of quality. I am proud of what we did to grow that office.

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

At times in my career, I have not been a good delegator. I have since learned that delegating is necessary for the professional development of your employees, even if you think it is faster to do it yourself. Over time, those employees get more skilled, and then delegating becomes more beneficial. But you have to put in the investment.

As one example, I used to prefer to do first drafts of complaints myself because I liked them drafted a certain way. I soon realized that this was wasting a lot of time and not utilizing the people who worked for me. After I delegated the responsibility, I took the time to provide edits and feedback on the first few drafts. After that, the people who worked for me became very skilled at drafting complaints. I saved myself time in the long run, and the people who worked for me grew professionally.

14. Please give examples of times in your career when you disagreed with your superiors and advocated your position. Describe circumstances in which you were successful and in which you were unsuccessful.

In one case my supervisor did not believe the legal arguments in a particular case on medical treatment policies. I believed we had successful arguments and pushed for an appeal. To advocate for my position, I drafted my superior an outline laying out how the brief would read and why we were likely to prevail. This took many hours of my time, but I believed strongly in my position. The supervisor found my outline persuasive and decided to authorize the appeal. We ended up appealing and winning that case in the appellate court.

In another case earlier in my career, I believed there were constitutional arguments we should be making in a commercial dispute. It seemed unorthodox to many because it was a dispute between businesses, but I believed there were live constitutional issues. I was unable to prevail on my superiors. While I believed strongly in my position and advocated for it, I ultimately understood the view of my superiors that the unorthodox nature of that strategy made it risky. We ended up winning the case on other grounds. I learned a lot from the experience, including the need to look at things from a practical perspective in addition to a technical legal perspective.

15. Do you seek out dissenting views and encourage constructive critical dialogue with subordinates? Please provide examples of times in your career when you have done so.

I always encourage and seek out critical views before developing a legal position. It is my view that the whole office should engage in robust debate before a decision is made. If a person is not prepared to defend their position, it probably is not a very good position.

In one a situation I wanted to move for additional discovery against a particular defendant after discovery had closed. After considerable debate in the office, I strongly favored reopening discovery and even wrote the draft motion. Ultimately, my subordinates convinced me that the approach was unlikely to be successful. They explained to me in particular the weaknesses in my argument and what the opposition brief was likely to say. After careful consideration, I decided they had the better view, and I followed their advice.

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

I have frequently advised agency heads and other senior political officials when a politically expedient option is not legally viable or presents high litigation risk. In one case in particular, I recommended a settlement that was politically unpalatable. I recommended it because I believed the Constitution did not support the agency's position. The agency I was advising ultimately took my advice and settled the case.

In another case, I believed certain grant recipients under investigation were actually complying with all terms and conditions. As a result, I recommended ending the investigation, and the agency followed my advice.

17. Please describe how you build credibility and trust among staff as a leader.

The way I build credibility and trust is by making expectations clear and then standing by staff. If people have clear guidelines about what is expected of them, and if they know leadership will have their back so long as they follow those guidelines, employees have a high degree of trust in their supervisors. Another important thing is rolling up your sleeves and doing tough work rather than just barking orders at people.

18. During your career, has your conduct as a government employee ever been subject to an investigation or audit by the Office of Special Counsel, Department of Justice, agency Equal Opportunity office or investigator, agency Inspector General, congressional ethics committee, or any other similar federal, state, or local investigative entity? If so, please describe the nature of the allegations/conduct and the outcome(s) of the investigation(s) or audit(s).

No.

19. Please describe the scope of your role as Senior Counselor to the Secretary.

In my role as a Senior Counselor to the Secretary, I facilitate information flow between the operational Components and the agency leadership. My role is to primarily gather information from the operational Components, communicate that to leadership for decisions, and then communicate those decisions back down to the operational Components. I am also responsible for tracking the performance of operational Components and making sure they implement the instructions. In my current position, I do not have any decision-making authority but serve as an intermediary. Several DHS staff members exercise similar functions, and I work closely with them.

III. Role of the General Counsel

20. Please describe your view of the core mission of the General Counsel and what you would consider to be your primary role and responsibilities if confirmed.

The primary role of the General Counsel is to advise agency leadership about their legal requirements and responsibilities and to lead and empower the talented employees of the Office of the General Counsel to do their jobs. It is not the role of any attorney to make policy decisions. Attorneys provide advice. If confirmed, I would always try to give the most accurate advice rather than slant that advice based on what the person wants to hear or based on policy goals.

21. Please describe your understanding of the authorities of the General Counsel and how those authorities facilitate the core mission of the office.

The General Counsel is the chief legal officer of DHS. He or she oversees all of the Office of the General Counsel attorneys as well as the attorneys in each operational Component. In my current role, I have watched from afar the extraordinary work attorneys of DHS do every day. DHS employees working on policy and operational missions want and need legal advice to know how to follow the law. The General Counsel's role is to make sure DHS personnel have the necessary information, including the appropriate legal advice, to do their job and support the critical missions of DHS that protect the American public.

22. Do you believe the Department has expanded beyond its intended mission when it was created?

Yes. For example, I do not believe DHS should be focused on censoring Americans on social media. If confirmed, I would seek to focus DHS on following and enforcing the law and keeping Americans safe.

23. If you are confirmed, how will you communicate legal counsel to agency leadership?

Discussions with leaders to better understand their matters and possible legal aspects is vital to my approach. In terms of communication style, I would remind policy makers of the differences between a legal decision and a policy decision. For example, I might advise that under the law you cannot do A or B, but you can do C, D, or E. Then, it is the policy maker's job to choose between those options.

IV. Policy Questions

COVID-19

24. Will you commit to providing this Committee unredacted copies of all documents in that relate to COVID-19 and/or dual use research of concern?

While I am not read in on this specific matter, I know the Secretary is committed to transparency with this Committee and my advice will always reflect that commitment. If confirmed, I am happy to review this matter with the very capable attorneys at DHS.

Management, Workforce

25. What do you consider to be the principal challenges in the area of human capital management facing the General Counsel?

In government, like in many organizations, there are some attorneys who are overworked and underappreciated, and there are others who are not pulling their weight. That can be difficult to navigate because managers always want to send work to the hardest working and best performing attorneys. If confirmed, I would work to bring the underutilized attorneys up to speed, and I would work to make overworked attorneys feel more appreciated.

26. What measurements would you use to determine whether the DHS Office of General Counsel is successful?

If confirmed, the most important measures to me would be compliance with the law and client satisfaction. Sometimes attorneys have to deliver unwelcome information or advice, but I have found that if you explain your position with respect and listen to your clients, they really appreciate diligent attorney work.

I would also look at whether we are retaining employees and recruiting good talent, if confirmed.

27. How will you address the challenge of recruiting, hiring, training, and retaining the necessary personnel?

If confirmed, I would work to make employees feel appreciated. I would also work to make sure junior attorneys feel like they are being mentored and being afforded opportunities.

From a recruiting perspective, I would dedicate the time and effort to communications and outreach to possible applicants on the importance of working at DHS and public service.

28. If confirmed, how will you ensure DHS is positioned to succeed beyond your tenure as General Counsel? What steps will you take to prepare the office for future presidential transitions?

If confirmed, I would assess current practices and policies to determine what is working and what needs to change, and then work to put those changes in place to set up the office to succeed, regardless of who is leading the office in the future.

Regarding transition, attorney retention is a critical part of a smooth transition.

29. Will you consider structural or financial reforms recommended by the Department of Government Efficiency (DOGE)?

My understanding of DOGE is that it makes recommendations, but DHS leadership ultimately decides what actions to take. I would never rule out any recommendation before I review it, but I would also never commit to follow a recommendation without reviewing it. If confirmed, I would fairly assess recommendations, including the legal sufficiency of the recommendation, regardless of the source.

Misinformation, Disinformation, and Tech Censorship

30. Should DHS or any of its components be involved in censoring Americans constitutionally protected speech? Should DHS or any of its components have a role in labeling Americans constitutionally protected speech as misinformation, disinformation, or malinformation?

I do not believe DHS should censor Americans' constitutionally protected speech.

31. Should CISA or any DHS component work with social media companies to discuss moderating the content of constitutionally protected speech?

If confirmed as General Counsel, my responsibility would be to advise DHS leaders on the law. I believe in the importance of every American to exercise their First Amendment rights.

32. In *Missouri v. Biden*, the district court pointed out that DHS had outlined its "strategy and priorities" to "target 'inaccurate information' on a wide range of topics, including the origins of the COVID-19 pandemic, the efficacy of COVID-19 vaccines, racial justice,

the U.S. withdrawal from Afghanistan, and the return of U.S. Support of Ukraine." Do you believe DHS has constitutional authority to police information stemming from any of these categories? Based on your understanding, where are the limits to what federal agencies can and cannot do regarding protected speech?

The Department must comply with the Constitution and the laws when working to achieve its mission. I am generally aware of the facts of *Missouri v. Biden* and if confirmed, I would advise leaders that the Department should not regulate protected speech.

33. A 2023 Brennan Center for Justice report found that DHS used twelve programs to track and monitor political speech protected under the First Amendment made by American citizens. As General Counsel, will you commit to reviewing all DHS programs and ensuring that the Department does not infringe on the constitutional rights of Americans?

If confirmed, I would work with DHS leaders, employees, and the attorneys in the Department to make sure DHS does not infringe on the constitutional rights of Americans.

34. If confirmed, how would you ensure that DHS fully implements laws governing privacy protections and holds itself to the highest standards for cybersecurity and data security?

If confirmed, I would work with DHS leaders and attorneys to review DHS's privacy practices and policies. I would seek to ensure the Department's policies are compliant with the law and meet a high standard of public trust on privacy matters, while ensuring mission effectiveness.

Intelligence & Information Sharing

35. The Office of Intelligence and Analysis (I&A) actions to collect, retain, and disseminate information on U.S. persons has come under scrutiny in recent years. Should DHS I&A continue to conduct domestic intelligence collection on Americans?

While I have not been briefed on the specifics of this matter, I agree that domestic intelligence collection on Americans presents concerns. If confirmed, I would work with DHS I&A to ensure Americans' constitutional rights are respected.

Preventing Terrorism and Enhancing Security

36. If confirmed, do you commit to ensuring that DHS activities undergo a privacy and civil liberties review before being implemented?

If confirmed, I would work with the capable attorneys at DHS to ensure that DHS activities comply with privacy and civil liberties legal requirements.

37. Do you believe that the President has the authority to use the military for domestic law enforcement purposes? If so, please explain the circumstances.

The Department of Defense's military forces are covered by the Posse Comitatus Act. I am generally aware of that law, but I have not studied it closely. The U.S. Coast Guard, the only military branch within the Department, is authorized by law to perform law enforcement functions. If confirmed, I commit to gaining a better understanding of the differences in these legal authorities and any exceptions where the President can deploy the military for law enforcement purposes.

U.S. Secret Service

38. Will you commit to providing the Committee unredacted copies of all requested records related to all assassination attempts against President Trump, all security threats against President Trump since 2021, and all assets requested by the Trump campaign and/or Trump USSS detail since 2021?

If confirmed, in accordance with relevant guidance from DOJ, I agree to comply with any reasonable request for information from any duly constituted committee of Congress. I would certainly commit to working with the Secretary who strongly favors transparency.

Border Security & Immigration

39. Please explain your role in border security and immigration decisions during your time as Senior Counselor to the Secretary.

In my role as a Senior Counselor to the Secretary, I facilitate information flow between the operational Components and the agency leadership. My role is to primarily gather information from the operational Components, communicate that to leadership for decisions, and then communicate those decisions back down to the operational Components. I am also responsible for tracking the performance of operational Components and making sure they implement the instructions. In my current position, I do not have any decision-making authority.

During my time as Senior Counselor, some of these activities have involved border security and immigration decisions.

40. If confirmed, how will you ensure the Department is adhering with the law when conducting border security and immigration actions?

If confirmed, I would work with the relevant immigration operational Components' leaders and the attorneys working within them to make sure the agents and officers in the field have clear legal guidance.

FEMA

41. Do you believe it is acceptable to delay or withhold disaster aid based on political affiliation of a survivor or state government, or based on policy disagreements with a state's government?

No.

U.S. Coast Guard

42. Following the conclusion of its investigation, Operation Fouled Anchor, leadership of the U.S. Coast Guard decided not to disclose its findings to Congress. In your role as General Counsel, how would you advise components on disclosures to Congress?

The Secretary favors transparency. If confirmed, I would advise her and other DHS officials accordingly.

Artificial Intelligence (AI)

43. As the Department integrates AI tools into operations, how will you ensure that the privacy, civil rights, and civil liberties of Americans are protected?

AI presents a unique set of challenges, but it is also an important tool. If confirmed, I would work diligently to ensure Americans' rights are protected. This would include working closely with the relevant leaders in DHS to better understand the challenges presented by AI and the efforts DHS is taking to protect privacy, civil rights, and civil liberties.

V. Accountability

Whistleblower Protections

44. Protecting whistleblowers and their confidentiality is of the utmost importance to this Committee.

    a. Please describe any previous experience with handling whistleblower complaints. What steps did you take to ensure those individuals did not face retaliation and that their claims were thoroughly investigated?

    In my previous role as Chief of Staff to the Florida Attorney General, I often worked with our Inspector General on these matters. Most important, I have respected and provided support to the Inspector General to independently investigate allegations.

    b. If confirmed, what steps will you take to ensure that whistleblower complaints are handled appropriately at DHS?

If confirmed, I would work to ensure our employees follow all legal requirements and work with the Office of Inspector General (OIG) or the Office of Special Counsel (OSC) under applicable laws and Department directives.

c. If confirmed, what steps will you take to ensure that whistleblowers at DHS do not face retaliation and that complaints of retaliation are handled appropriately?

If confirmed, I commit to reviewing current practices and would work to ensure our employees follow all legal requirements and work with the OIG or the OSC under applicable laws and Department directives.

Cooperation with Inspectors General

45. Inspectors General (IGs) face unique obstacles as they do their work, including budget challenges and disputes with agency heads over access to information. How do you view DHS's relationship with various Offices of Inspectors General (OIGs)?

I believe that the OIG has an important role in protecting the integrity of DHS. If confirmed, I would work appropriately with our Inspector General to respect their autonomy to conduct objective audits and investigations that make sure DHS's mission is fulfilled.

46. Under what circumstances, if any, do you believe DHS would not be required to provide any OIG with timely access to agency records?

I am not aware of any such circumstances. If confirmed, I commit to ensuring that the OIG receives access as appropriate under applicable laws. Additionally, if confirmed, I commit to meeting the DHS Inspector General to ensure open communication and support for the DHS mission.

47. If confirmed, do you commit to fully cooperate in a timely manner with any audits, investigations, and other reviews and related requests for information from IGs?

If confirmed, I would work with our OIG as required by law to cooperate with audits, investigations, and other reviews and related requests for information.

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

If confirmed, I would advise that OIG recommendations be adopted or that any disagreements be clearly communicated and justified.

49. If confirmed, do you commit to allowing the DHS Inspector General to provide any member of the Committee with the unredacted version of any DHS Inspector General report upon request?

If confirmed, I commit to working with Department leaders and the OIG to ensure that Congress receives information as appropriate under applicable laws. I know the Secretary favors transparency with Congress.

50. Under what circumstances do you believe it is appropriate for the DHS IG to redact OIG reports that are provided to Congress?

If confirmed, I commit to working with Department leaders and the OIG to ensure that Congress receives information as appropriate under applicable laws.

Cooperation with GAO

51. If confirmed, do you commit without reservation to ensuring GAO receives timely, comprehensive responses to requests for information, including for records, meetings, and information?

If confirmed, I would work with GAO as required by law to respond to requests for information, including for records, meetings, and information.

52. If confirmed, what steps will you take to ensure DHS and its employees cooperate fully and promptly with GAO requests?

If confirmed, I would work with GAO as required by law to respond to requests for information, including for records, meetings, and information. I would also emphasize the Secretary's strong preference for transparency and advise DHS officials accordingly.

VI. Relations with Congress

53. Do you agree without reservation to comply with any request or summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

Yes.

54. Do you agree without reservation to make any subordinate official or employee available to appear and testify before, or provide information to, any duly constituted committee of Congress if you are confirmed?

Yes.

55. Do you agree without reservation to comply fully, completely, and promptly to any request for documents, communications, or any other agency material or information

from any duly constituted committee of the Congress if you are confirmed?

If confirmed, I commit to cooperating with congressional oversight requests for information and documents.

56. Do you agree without reservation to reply to any reasonable request for documents, communications, or any other agency material or information from any member of Congress

If confirmed, I commit to cooperating with congressional oversight requests for information and documents.

57. If confirmed, how will you make certain that you will respond in a timely manner to Member requests for information?

If confirmed, I would work closely with the DHS Office of Legislative Affairs and other senior DHS leaders to make sure congressional matters receive the attention they deserve.

58. If confirmed, will you direct your staff to adopt a presumption of openness where practical, including identifying documents that can and should be proactively released to the public, without requiring a Freedom of Information Act request?

If confirmed, I would direct my staff to be open, where appropriate, in the release of information. I understand that the Secretary broadly favors transparency with the public.

59. If confirmed, will you keep this Committee apprised of new information if it materially impacts the accuracy of information your agency's officials have provided us?

Yes.

VII. Assistance

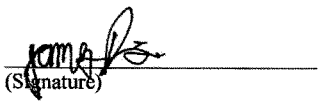
60. Are these answers completely your own? If not, who has provided you with assistance?

Yes, the answers are my own and I drafted them myself and have received comment from appropriate DHS staff that I was free to accept or reject.

61. Have you consulted with DHS, or any other interested parties? If so, please indicate which entities.

I presented this questionnaire to DHS officials who provided guidance to ensure my answers were responsive and met the intent. I was free to accept or reject their guidance.

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



(Signature)

This 9th day of May, 2025

Senator Josh Hawley

Post-Hearing Questions for the Record (QFRs)

June 5, 2025 – Full HSGAC Nominations Hearing

QUESTIONS FOR JAMES PERCIVAL, NOMINEE TO BE GENERAL COUNSEL, DEPARTMENT OF HOMELAND SECURITY

1. How have nationwide injunctions kept the Department of Homeland Security from implementing President Trump's commonsense immigration policies?

Nationwide injunctions allow a single district judge to set policy for the Executive Branch. As a result, they encourage rampant forum shopping. Take two recent examples. This Administration rescinded Temporary Protected Status for Venezuela and the CHNV Parole Program. Both rescissions were put on hold for a significant period of time by district judges. Ultimately, the Supreme Court ruled 8-1 and 7-2 that these two district judges were wrong. Yet the Trump Administration will never get this time back to implement these policies.

Post-Hearing Questions for the Record
Submitted to James Percival
Senator Gary C. Peters

Nomination of James Percival to be General Counsel, Department of Homeland Security
Friday, June 6, 2025

Background

1. Will you commit to making decisions based on the law, evidence, and the best interests of the country, even if it means going against pressure from the President or senior administration officials?

   If confirmed, I would follow the law. I do not expect pressure from the President or senior officials to do otherwise.

2. Your FBI background check revealed that your license was suspended for either personal injury or property damage. Can you please elaborate on this, including:

   a. The date of the suspension

   b. The date of reinstatement

   c. Reasons for suspension

   d. Any and all documents pertaining to this incident that you can provide

   I am not aware that my license was ever suspended, and I am not sure what circumstance this question refers to.

3. In your role as Senior Counselor to the Secretary, did you work with the National Incident Command Center? If so, please describe the scope of work.

   It is possible in my four months at DHS that I spoke with someone at the National Incident Command Center, but I have no specific recollection of doing so.

Use of Military in Border Security

4. If National Guard troops are deployed in joint DHS-Department of Defense (DoD) operations and are reporting to or supervised by both DoD and DHS, will you commit to providing details of:

   a. Lines of authority (command)

   b. Specific tasking of DoD and DHS personnel by department

c. Training provided to DoD personnel

If confirmed, I will work with this body to provide transparency and respond to oversight requests.

5. Under existing Memorandums of Agreement (MOA) with Texas and Florida National Guard, are state troops supervised by U.S. Immigration and Customs Enforcement (ICE)?

In my role as Senior Counselor, I am generally aware that 287(g) agreements involve supervision by ICE. Section 287(g) says that these officers are "subject to the direction and supervision" of DHS.

a. Is this the model for future DoD-DHS joint operations?

In my role as Senior Counselor, I am not aware of what the model is for future DOD-DHS joint operations. Another available legal authority might be 8 U.S.C. 1103(a)(6), which allows the DHS Secretary to "confer or impose upon any employee of the United States" certain authorities under certain circumstances.

b. If confirmed, do you commit to providing further information on this matter?

If confirmed, I will work with this body to provide transparency and respond to oversight requests.

6. Do you believe that the 287(g) authority gives the federal government the ability to send National Guards troops into a state, without that state governor's consent?

Section 287(g) of the Immigration and Nationality Act specifically authorizes "the transportation of . . . aliens across State lines" in certain circumstances.

a. Under what legal circumstances could a state send troops to a neighboring state?

See above.

b. Can state National Guard participate in intra-state operations and if so, under what authority?

Intrastate operations would be operations within one state. To perform immigration functions, this would generally require a 287(g) agreement.

7. For DoD civilians detailed to DHS to support its operations at the southern border and with internal immigration:

a. Will they be delegated authorities as "immigration officers" under the INA and if so, are there any limits to the activities they can undertake?

My general understanding is that, when a federal employee is detailed to another agency, the employee can exercise the authorities of the host agency.

b. Can troops conduct arrests as immigration officers?

If a person acts as an ICE employee that person can engage in activities authorized for ICE employees.

c. What training will they receive, and which entity will provide the training?

If a person acts as an ICE employee, I would expect that person to receive ICE training.

d. What is the duration of the agreement between DHS and DoD for civilian employees to be tasked?

In my role as Senior Counselor, I am not aware of this fact.

e. If confirmed, do you commit to providing further information on this matter?

If confirmed, I will work with this body to provide transparency and respond to oversight requests.

8. Can you explain your position on if the provisions within section 287(g) of the INA would allow for National Guard deployment funded through federal DoD funding?

My general understanding is that it would depend if a National Guard officer were in state status or federal status. In order to act under 287(g), the person would generally be in state status. My general understanding is that the States pay when National Guard acts under state status.

a. Who will pay for the National Guard if they operate under 287(g) agreements?

See above.

9. Will the over 20,000 National Guard (NG) troops that DHS has reportedly requested assistance from be under DHS supervision or DoD?

My general understanding is that a state status National Guard officer would work under DHS supervision pursuant to Section 287(g).

a. Will these troops be subject to their state NG rules on use of force or ICE's?

According to Section 287(g), officers acting under that authority must do so "consistent with State and local law."

b. If state NG troops are involved in detention, what detention standards apply?

Assuming "involved in detention" means National Guard officers acting with a 287(g) agreement are detaining aliens on behalf of ICE, I would expect ICE standards to apply. In my role as Senior Counselor, however, I do not know the specific facts.

c. If state NG troops are involved in transportation, what rules and guidelines apply for those operations?

In my role as Senior Counselor, I am not aware what rules and guidelines govern transportation.

d. Will ICE agents accompany state NG on their operations?

My general understanding is that officers acting under 287(g) authority work closely with ICE.

e. For purposes of indemnification, are NG troops under federal authority in these operations?

According to Section 287(g), "[a]n officer or employee of a State or political subdivision of a State acting under color of authority under this subsection, or any agreement entered into under this subsection, shall be considered to be acting under color of Federal authority for purposes of determining the liability, and immunity from suit, of the officer or employee in a civil action brought under Federal or State law."

f. Who will conduct training and provide oversight for state NG troops? Are troops paid for this training time? By whom?

In my role as Senior Counselor, I am not aware of these facts.

g. What is the duration of the agreement between DHS and DoD for national guard support?

In my role as Senior Counselor, I am not aware of these facts.

h. If confirmed, do you commit to providing further information on this matter?

If confirmed, I will work with this body to provide transparency and respond to oversight requests.

Student Visas

10. Is it appropriate for the Administration to terminate the visas of students who appear in the National Criminal Information Center database without fully investigating criminal complaints or verifying the outcome of court cases?

    The authority to terminate visas belongs to the Department of State. If confirmed, my focus will be on advising DHS officials on DHS authorities.

11. What is the Department's justification for allowing the State Department and DHS to remove status of non-citizens for participating in activities protected by the First Amendment?

    The authority to revoke status on national security grounds belongs to the Department of State. If confirmed, my focus will be on advising DHS officials on DHS authorities.

12. Under what authority, if any, can DHS require universities to provide the names of individuals who participated in First Amendment protected activities?

    In my role as Senior Counselor, I have not been materially involved in this matter. My general understanding is that DHS is authorized to supervise the programs that allow universities to host foreign students.

13. Is it a conflict of interest for an agency political appointee to have ongoing financial ties to a company their agency is currently contracting with?

    If confirmed, I will follow all conflict of interest statutes and regulations.

14. If confirmed, what do you believe is your role in protecting DHS from violations of the Anti-Deficiency Act? Do you have any concerns with current ICE spending?

    In my role as Senior Counselor, I am not aware of the specifics of ICE's spending. If confirmed, I will advise DHS components to follow all applicable laws.

Court Orders

15. Why did the Department violate the federal court in Massachusetts order when it attempted to deport six people to South Sudan (*D.V.D. v. DHS)*?

    My general understanding is that DHS followed the court order in *DVD* but that the court added additional requirements unforeseen by DHS.

16. The Supreme Court required the Administration to facilitate the return of Kilmar Abrego Garcia (*Noem v. Abrego Garcia).* Please explain why the Administration violated this order.

    Mr. Abrego Garcia was returned to the United States on June 6, 2025.

FEMA

17. Neither the President nor the DHS Secretary has the legal or statutory authority to eliminate the Federal Emergency Management Agency (FEMA), only Congress does. What would be DHS's justification for eliminating FEMA absent action by Congress?

    If confirmed, I will work with the President, the Secretary, and Congress to determine how to execute on decisions the President makes with respect to FEMA.

18. Please provide the statutory authority under which FEMA has cancelled the Building Resilient Infrastructure and Communities (BRIC) program, including the FY 2020-2023 grant awards which were appropriated in the Infrastructure Investment and Jobs Act.

    In my role as Senior Counselor, I am not aware of the specifics of this situation. I am generally aware of the Impoundment Control Act. I understand that DHS is following this law, and other laws, and if confirmed I would follow the law.

19. Do you commit that DHS will obligate and expend the congressionally appropriated funds to the BRIC program, pursuant to DHS's legal obligations?

    In my role as Senior Counselor, I am not aware of the specifics of this situation. I am generally aware of the Impoundment Control Act. I understand that DHS is following this law, and other laws, and if confirmed I would follow the law.

    a. If not, please provide an explanation of DHS's authority to impound congressionally appropriated funds without following the procedure outlined under the Impoundment Control Act for the Executive Branch to propose rescissions of congressionally appropriated funding.

       N/A.

    b. Do you commit that DHS will honor its prior commitments to recipients of the FY2020-2023 BRIC grant awards and ensure that they get the funds to complete their projects?

       In my role as Senior Counselor, I am not aware of the specifics of this situation. I am generally aware of the Impoundment Control Act. I understand that DHS is following this law, and other laws, and if confirmed I would follow the law.

Management and Structure

20. Are there components in DHS that are conducting duplicative activities to other agencies that can be eliminated? If so, what are they?

If confirmed, my focus will be on providing legal advice. This is a question that should be resolved by operational and policymaking officials.

21. If confirmed, would you allow the work of advisory committees that were terminated under a January 20 memo from Acting DHS Secretary Huffman to continue until new members are seated?

My general understanding is that Acting Secretary Huffman eliminated the membership of these committees but did not eliminate the committee itself to the extent any committee is legally required.

a. Under what authority can the Department cease the operations of advisory committees that are required through legislation?

See above response.

b. To what extent where you involved in the formulation of this memo?

I did not draft this memo. I was likely aware of the memo in my role as Senior Counselor, but I do not recall any specifics.

22. In response to cost overruns and multiple missed deadlines, the previous Administration transferred responsibility for acquisition of and transition to the HART database from the IDENT database to the Office of the Chief Information Officer (OCIO).

a. What steps will you take to ensure that the information in the HART database is secure and used only for authorized purposes?

If confirmed, I will work with appropriate components to make sure DHS follows its legal obligations.

23. If confirmed, what changes are you considering regarding the current structure and resources of the DHS Office of General Counsel?

If confirmed, I will evaluate the structure of the Office of General Counsel and determine appropriate next steps. I do not currently have plans to make structural changes.

24. Do you believe any DHS components have strayed from their core missions?

Yes.

a. If yes, which ones and which ways?

I believe that CISA strayed from its core mission by focusing on censoring First Amendment activity. I believe that FEMA strayed from its core mission by

discriminating based on political affiliation and by funding illegal immigration through the Shelter and Services Program. I believe that the immigration components strayed from their core missions by allowing unchecked illegal immigration. I believe the Secret Service strayed from its core mission by failing to protect the President.

b. What do you plan to do as General Counsel to address what you see as this straying from core missions?

If confirmed, I would work with components to make sure they understand their mandate and authorities granted by Congress and advise them to stay within their authorities.

25. Do sexual assault and sexual harassment prevention-related programs fall under the activities order to stop or close in Executive Order (EO) 14148 and EO 14151?

In my role as Senior Counselor, I am not aware of the specifics of these Executive Orders. If confirmed, I am happy to work with you on these important matters.

a. Are reasonable accommodations a form of Diversity, Equity, Inclusion and Accessibility (DEIA)?

In my role as Senior Counselor, I am not aware of the specifics of these Executive Orders. If confirmed, I am happy to work with you on these important matters.

Immigration and Border Security

26. Will you commit to never implementing a family separation policy again and to supporting the full implementation of the *Ms. L v. ICE* settlement agreement, including continuing to reunite children who were separated with their parents?

My general understanding is that DHS never had a family separation policy. I also understand that family unity is the policy of this Administration.

27. Please identify which agencies and components currently have the authority to issue orders of removal.

Orders of removal are generally issued by immigration judges in the Department of Justice, except in special cases like expedited removal, administrative removal, and non-Title 8 authorities like the Alien Enemies Act. Sometimes an order of removal can be entered by an Article III judge, for example, as part of a guilty plea.

28. Please identify which agencies and components currently have the authority to parole detained individuals out of DHS custody.

In my role as Senior Advisor, I do not have specific knowledge on this matter. My general understanding, however, is that ICE, CBP, and USCIS exercise parole authority.

29. Will you put families with young children in detention? If so, on what legal basis?

Under the current legal framework, the *Flores* consent decree places significant limits on family detention.

30. Is sending people to be detained indefinitely in Salvadoran prisons consistent with our legal and moral obligations to prevent people from being tortured and subjected to human rights violations?

I am not aware that any individuals detained in El Salvador have been subject to torture or other human rights violations.

31. What level of proof is sufficient for DHS to identify someone as a known or suspected terrorist?

This depends significantly on what the purpose is. For civil immigration enforcement, for example, the required showing is lower than for a criminal conviction.

32. What is the maximum time frame during which a child can be held in Customs and Border Protection (CBP) Office of Field Operations custody?

In my role as Senior Counselor, I am not aware of the specifics of this issue. I am generally aware of the rules for unaccompanied alien children in 8 U.S.C. 1232 and of the requirements of the *Flores* consent decree.

Trade

33. Given the removal of the de minimis exemption from Chinese imports, and the current volume of these shipments, do you feel CBP will be able to sufficiently enforce U.S. trade laws? If not, what additional tools and resources will CBP require to do so?

My general understanding is that CBP is successfully enforcing U.S. law. If confirmed, I would work with CBP to make sure it understands its legal obligations and has the necessary resources to comply.

34. Does the *International Emergency Economic Powers Act* grant the President the authority to impose tariffs?

In my view, yes, though I know this is currently subject to litigation.

Privacy, Technology, Civil Rights and Civil Liberties

35. Were you part of the decision to terminate all but the Senior Executive Service employees of the DHS Office of Civil Rights and Civil Liberties (CRCL)?

I am generally aware that some CRCL employees were subject to a reduction in force. I was not materially involved in this decision.

a. Do you believe the CRCL office is aligned with the Department's mission?

I understand that CRCL performs certain statutorily required functions. The Department's mission includes following laws passed by Congress.

b. Would you advise the Secretary that she has authority to terminate all of the employees of an office that is carrying out statutorily mandated responsibilities?

If confirmed, I would advise the Secretary to follow the law including performing any statutorily mandated functions.

c. If so, under what authorities?

N/A.

d. How will the eventual 20 to 30 people contemplated in the plan provided to the court to restructure the CRCL Office be able to handle all of the Office's statutory responsibilities?

I have not been materially involved in this matter and so cannot speak to the specifics. I am aware that there has been litigation on this matter and that DHS has been successful in that litigation.

e. Whose responsibility is it to ensure that all of those statutory responsibilities are implemented?

The head of the CRCL Office.

f. Do you believe that DHS does not have to address any recommendations from the Government Accountability Office (GAO) related to recommendations from the CRCL office because DHS claims it is reorganizing that office?

I am not aware whether DHS is claiming to reorganize that office, and I am not aware of the GAO related facts described above. If confirmed, I am happy to work with you on this important matter.

g. Are you aware that under the Homeland Security Act of 2004, one of the Department's missions is to "ensure that the civil rights and civil liberties of persons

are not diminished by efforts, activities, and programs aimed at securing the homeland"?

I believe you are referring to 6 U.S.C. 111(b)(1)(G). If confirmed, I would follow all applicant laws.

36. Is the CRCL portal is still open for people to file complaints – including Prison Rape Elimination Act complaints?

I am not aware of the specifics of this matter. If confirmed, I would follow all applicable laws.

a. If so, then who is reading and responding to those complaints?

I am not aware of the specifics of this matter. If confirmed, I would follow all applicable laws.

b. If confirmed, what will you do with CRCL investigations that have not been completed?

My understanding is that CRCL has not been eliminated. I also understand that, by law, CRCL and the Office of General Counsel must remain separate. As such, if confirmed, I would not perform any CRCL investigations.

c. Do you know who is fulfilling their statutory responsibilities?

My understanding is that CRCL has not been eliminated.

37. CRCL staff were responsible for drafting Final Agency Decisions for formal Equal Employment Opportunity (EEO) complaints.

a. With the gutting of CRCL, how will are EEO complaints being adjudicated?

My understanding is that CRCL has not been eliminated.

b. How will those legal obligations be fulfilled?

My understanding is that CRCL has not been eliminated.

c. How would the Office of General Counsel plan to defend DHS's absence of Final Agency Decision writers in the DC district court?

My understanding is that CRCL has not been eliminated.

38. Is the DHS policy on facial recognition and facial capture policy, Directive 026-11, still in effect? If so, will you commit to posting it on the DHS website?

I am not aware of the specifics of this policy. If confirmed, I am happy to work with you on this important matter.

39. Do you agree with each of following with respect to the Department's use of AI-enabled technologies:

    a. U.S. citizens have a right to opt out of non-law enforcement uses of these technologies.

       Without more facts, it is hard for me to know whether this statement is categorically true. For example, AI is sometimes used to provide real time customer support on a website. I am generally supportive of opt out options.

    b. The Department should not use these technologies to profile, target, or discriminate against any individual solely for exercising their Constitutional rights.

       The Department should never violate the Constitution.

    c. The Department should not use these technologies to enable systemic, indiscriminate, or wide-scale monitoring, surveillance, or tracking.

       The Department should never violate the Constitution.

    d. The Department should periodically assess these technologies to ensure that they meet performance goals that are in accordance with International Organization for Standardization/ International Electrotechnical Commission (ISO/IEC) standards and technical guidance issued by National Institute of Standards and Technology (NIST).

       I am not familiar with these standards, but if confirmed, I would support DHS assessing its programs to make sure they meet its goals.

40. To your knowledge, are DHS employees' communications being monitored and, if so, is AI involved in this monitoring?

    I am not aware that DHS employees' communications are being monitored.

41. Do you have legal concerns with the Department using a massive database of Americans' and immigrants' personal data to surveil Americans and conduct immigration enforcement?

    I believe that all DHS activities should conform to the Constitution.

    a. Are there types of commercially available data you do not believe the Department can or should use?

       I believe DHS should follow all applicable laws with respect to data use.

b. Do you believe there is a limit for how much data an employee or database should have access to?

I believe DHS should follow all applicable laws with respect to data access.

c. What are appropriate limits in the sharing of data within DHS or between DHS and other agencies or state, local, Tribal, and territorial partners?

DHS data sharing should comply with applicable laws and regulations, should promote compliance by DHS partners, and should appropriately protect privacy interests.

42. What measures will you implement to ensure the Department is respecting privacy, and not, for instance, posting and promoting documents that include names and sensitive information of US citizens and children?

If confirmed, I will follow applicable laws, which already protect the privacy of U.S. citizens and children.

a. What authorities allow the Department to publicly release sensitive personal information of U.S. citizens on its website, on social media, or in statements by Department officials?

I am aware of the requirements of federal law, including the Privacy Act. If confirmed, I would follow applicable laws.

b. Do you believe it is appropriate for the Department to post a document on a public website that includes the home address of a U.S. citizen?

I am aware of the requirements of federal law, including the Privacy Act. If confirmed, I would follow applicable laws.

43. Have you been involved in decisions related to the use polygraph examinations to determine the disclosure of operational information outside of DHS? If so:

I am aware that polygraphs may be used for people with security clearances who leak sensitive information. In my role as Senior Counselor, I do not have the authority to order a person to take a polygraph nor am I qualified to conduct a polygraph myself.

a. What instructions were provided to components or offices regarding the use of polygraph examinations to determine the disclosure of operational information outside of DHS?

In my role as Senior Counselor, I have not given instructions regarding polygraph examinations.

b. What components and offices were subject to polygraph examinations?

I am aware of certain polygraph examinations, which have been publicly reported. I do not have specific knowledge of components or offices other than what has been reported publicly.

c. What guidance was provided to components or offices conducting polygraph examinations, and the examiners, related to ensuring the rights of and protections for employees to make legally protected disclosures of information. If you have not been involved, what guidance do you think should be given?

In my role as Senior Counselor, I have not given instructions regarding polygraph examinations. If confirmed, I would advise individuals conducting polygraphs to honor applicable legal rights, protections, and obligations.

Coast Guard

44. What is your view of proposals to remove the U.S. Coast Guard from the Department of Homeland Security?

If confirmed, I would focus on providing legal advice to DHS. Decisions like this should be made by policymakers.

45. Do you think there should be a senior political appointee at the U.S. Coast Guard, equivalent to a military service Secretary?

If confirmed, I would focus on providing legal advice to DHS. Decisions like this should be made by policymakers.

a. If so, how would this position fit with the existing command and control structure?

N/A.

b. If not, why not?

N/A.

Senator Richard Blumenthal
Post-Hearing Questions for the Record
Submitted to James Percival

Nominations Hearing
June 5, 2025

1. Currently DHS is being sued over a variety of actions in multiple jurisdictions. For example, on May 13, 2025, a coalition of 20 state attorneys general, including the Attorney General of Connecticut, sued the Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA) for the issuance of new rules requiring states and cities that receive grants for disaster preparation and recovery to adhere to the Trump administration's immigration agenda or risk losing such funds.[1]

   If confirmed, you'll be responsible for advising the department on any court orders that are issued in this case. I understand that litigation in this case is ongoing. I am not asking you to opine on the merits or discuss legal theories. If the District Court rules against DHS and FEMA in this case, will you advise Secretary Noem and DHS to obey that ruling?

   Parties subject to the lawful jurisdiction of the court are generally bound by orders of the court.

2. On May 21, 2025, The New York Times reported on your involvement in communications with agency officials at the Department of Justice and the Department of State regarding Kilmar Armando Abrego Garcia and his illegal removal to El Salvador.[2] A number of statements are attributed to you in that reporting. I would note that confidentiality of such communications has already been breached by their leak and viewership by third parties eliminating any use of privilege.

   a. Did you write to your colleagues on March 28, 2025, regarding the illegal removal to El Salvador of Kilmar Armando Abrego Garcia that you were "working to fix it so he doesn't need to be returned to the U.S."?

      i. Please specify what was meant by this statement.

      I made this statement before the court ordered his return. At the time, we were exploring whether there were legally available options to avoid returning him to the U.S. As it turned out, he is statutorily ineligible for the relief he obtained—called withholding of removal—given his membership in a foreign terrorist organization. Despite this

[1] *State of Illinois v. Federal Emergency Management Agency*, 1:25-cv-00206, (D.R.I.)
[2] Hamed Aleaziz and Alan Feuer, *How Trump Officials Debated Handling of the Abrego Garcia Case: 'Keep Him Where He Is"*, The New York Times, (May 21, 2025), available at: https://www.nytimes.com/2025/05/21/us/politics/trump-abrego-garcia-el-salvador-deportation.html.

fact, DHS is in full compliance with the court's order.

ii. If you dispute writing this statement, please furnish an accurate copy of your statements.

N/A.

b. Did you write to your colleagues at DHS on March 30, 2025, that the illegal removal of Abrego Garcia was an "administrative error…not that we should say publicly"?

This is an excerpt from an email I sent to our Office of Public Affairs. When I referred to his removal as an "administrative error" I was not yet aware that he was ineligible for withholding of removal. Whenever I email operational details to that office, I try to inform them whether information can be made public or whether it is operationally sensitive. At the time, I did not know whether that information was appropriate for disclosure.

i. If you dispute writing this statement, please furnish an accurate copy of your statements.

N/A.

c. Did you ask your colleagues at DHS if the DHS spokeswoman had been informed about the "comms implications" of the Abrego Garcia case?

Again, this is an excerpt. I always seek to keep the Office of Public Affairs apprised of important developments.

i. If you dispute writing this statement, please furnish an accurate copy of your statements.

N/A

d. Did you write to your colleagues at DHS and suggest that the Justice Department's response in court regarding Abrego Garcia "would be much better if we could own that we made a mistake"?

Again, this is an excerpt. At the time I sent this statement, I did not know that Abrego Garcia was ineligible for withholding of removal.

i. If you dispute writing this statement, please furnish an accurate copy of your statements.

N/A

e. Did the Administration make an administrative error in illegally removing Abrego Garcia to El Salvador?

Given the information I now possess—specifically, that Abrego Garcia was ineligible for withholding of removal—I would choose different words to describe his situation. Regardless, DHS has complied with the court order and facilitated Abrego Garcia's return to the United States.

3. On April 18, 2025, noncitizens detained by the Government of the United States were served with notices of Alien Enemies Act removals and told they were going to be removed that evening or the next day without any information as to how they could exercise their due process rights to contest such a removal.[3]

a. Do you agree that noncitizens removed under the Alien Enemies Act are legally afforded a degree of due process?

The writ of habeas corpus is available for aliens designated under the Alien Enemies Act to challenge that designation.

i. *If not*, please explain why not.

b. Do you agree with the Supreme Court's ruling in A.A.R.P. v. Donald Trump, that the degree of due process afforded to the above-mentioned noncitizens was insufficient?[4]

Supreme Court rulings are the law of the land. If confirmed, I would follow the law.

i. *If not*, please explain why not.

4. Of the hundreds of men illegally removed to El Salvador on March 15, 2025, reporting indicates that the majority had no criminal record and over 50 entered the United States legally, some as refugees, without ever violating immigration law.[5] Do you agree that refugees are entitled to a heightened standard of due process even under expedited removal, including the right to bring a lawsuit challenging their expedited removal order?

Under expedited removal, aliens seeking protection are subject to screening standards and a review process. They are generally not entitled to bring a lawsuit challenging their expedited removal in federal court.

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[3] *A.A.R.P. v. Donald Trump*, 605 U.S. ___ (May 16, 2025).
[4] *Id.* (per curiam) ("notice roughly 24 hours before removal, devoid of information about how to exercise due process rights to contest that removal, surely does not pass muster…. we decide today only that the detainees are entitled to more notice than was given on April 18.").
[5] David J. Bier, *50+ Venezuelans Imprisoned in El Salvador Came to US Legally, Never Violated Immigration Law*, Cato Institute, (May 19, 2025), https://www.cato.org/blog/50-venezuelans-imprisoned-el-salvador-came-us-legally-never-violated-immigration-law.

a. *If not*, please explain why not.

See above.

b. If you dispute the accuracy of such reporting please furnish the following information for each noncitizen removed to El Salvador on March 15, 2025:

i. Full Name;
ii. Criminal charge and whether such charge resulted in conviction;
iii. Provision of the Immigration and Nationality Act (INA) used to justify removal;
iv. Type of Immigrant or Non-Immigrant Status, as defined by the INA, at time of removal; and
v. Whether the noncitizen was lawfully admitted into the United States at a port of entry.

In my role as Senior Counselor, I do not have personal knowledge of the criminal records of all the aliens removed under the Alien Enemies Act. I would note, however, that as a general matter a *domestic* criminal record is a bad way to determine if a *foreign citizen* is dangerous.

5. In your pre-hearing questionnaire, you answered "No" when asked: "Do you believe it is acceptable to delay or withhold disaster aid based on political affiliation of a survivor or state government, or based on policy disagreements with a state's governor?" It is widely reported that in September 2020, President Trump ignored a request from the Federal Emergency Management Agency (FEMA) to aid in wildfire recovery in Washington State because of political disputes with Washington's then-Governor Jay Inslee. FEMA found that the damage from the wildfires surpassed the federal threshold for aid, yet President Trump refused to grant the declaration. A staffer for a Republican member of Congress whose district was damaged by the fires told the press at the time that the "holdup is now the relationship between the president and Gov. Inslee."[6]

a. Do you agree with President Trump's decision to ignore FEMA's recommendation to issue a disaster declaration under the Stafford Act in Washington State in 2020?

I have no knowledge whether that report is accurate. Based on what I know about the President, I have reservations about its accuracy.

b. If confirmed, if you become aware of situations where President Trump is delaying or denying FEMA aid or otherwise discriminating in the provision of government services based on political affiliations – or any basis other than merit – do you commit to advising Secretary Noem and anyone else within the

[6] Thomas Frank and Scott Waldman, "'Outrageous Abuse of Power': Trump Spurned Disaster Pleas Amid Feud with Governor," *Politico*, October 25, 2024, https://www.politico.com/news/2024/10/25/trump-ignored-disaster-aid-request-from-democratic-governor-00185542.

Department of Homeland Security to stand up to such an action and expeditiously act on disaster declarations?

If confirmed, I would advise the Secretary not to politicize disaster relief. I do not believe the President would do so.

6. The Federal Emergency Management Agency (FEMA) plays a critical role in helping states and communities respond to, and recover from, disasters. Both President Trump[7] and Secretary Noem[8] have called for the elimination of FEMA – a statutorily-constituted agency.

    a. Do you believe FEMA should be eliminated?

    I believe that FEMA has failed the American people—for example, by skipping the homes of Trump supporters in my home State—and I support the President's position that FEMA needs to be reevaluated.

    b. Do you believe that the President has the authority to close a statutorily constituted agency?

        i. *If so*, what statute gives the President this authority?

    If confirmed, I would study what authority is available to achieve the President's directives with respect to FEMA. I would always recommend that the President and the Secretary follow the law, as I know they would.

7. Congress codified the rights of federal employees to organize and collectively bargain as part of the Civil Service Reform Act of 1978. In your pre-hearing questionnaire, you said the law generally allowed federal employees to collectively bargain "but there are several exceptions."

    a. Do you support the right of workers, including federal employees, to organize and collectively bargain?

    If confirmed, I would follow the laws passed by Congress.

        i. If the answer is not simply "Yes," please explain the circumstances under which you do not support such rights.

        N/A.

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[7] Elyse Perlmutter-Gumbiner, Vaughn Hillyard, and Alexandra Marquez, "Trump Floats Overhauling or Eliminating FEMA while Touring Hurricane Damage in North Carolina," *NBC News*, January 24, 2025, https://www.nbcnews.com/politics/white-house/trump-floats-overhauling-eliminating-fema-rcna189157.
[8] Rachel Frazin, "Noem Says She Plans to 'Eliminate FEMA,'" *The Hill*, March 25, 2025, https://thehill.com/policy/energy-environment/5213057-noem-plans-eliminate-fema/.

b. If confirmed, do you agree not to interfere in organizing attempts by any eligible DHS employee?

If confirmed, I would follow the laws passed by Congress.

c. If confirmed, do you commit to honoring all existing collective bargaining agreements covering DHS employees?

If confirmed, I would follow the laws passed by Congress.

d. If confirmed, do you commit that you will not terminate any collective bargaining agreement that includes DHS employees?

If confirmed, I would follow the laws passed by Congress.

8. The federal civil service is governed by nine merit system principles, or basic standards for management of the executive branch workforce, and fourteen prohibited personnel practices. Congress codified these principles and prohibited personnel practices through the Civil Service Reform Act of 1978.

a. Do you agree the merit system principles are critical to maintaining our nation's nonpartisan federal civil service?

I believe that is a question for Congress. If confirmed, I would follow the laws passed by Congress.

b. The administration has proposed reclassifying tens of thousands of civil service roles into a new 'Schedule Policy/Career' category. Do you believe this reclassification is consistent with the Merit System Principles? Please explain why or why not.

I am not aware of the facts and law surrounding this issue. If confirmed, I would follow the law.

c. If confirmed, if the Merit Systems Protection Board rules against the Department of Homeland Security, do you commit to abiding by its decision and implementing without delay any orders from its decision?

Parties subject to the lawful jurisdiction of the court are generally bound by orders of the court.

Post-Hearing Questions for the Record
Submitted to James Percival, Nominee to be General Counsel, U.S. Department of Homeland Security
From Senator John Fetterman

Full Committee Hearing:
"Nominations of
The Honorable Sean Cairncross to be National Cyber Director, Executive Office of the President;
Robert Law to be Under Secretary for Strategy, Policy, and Plans, U.S. Department of Homeland Security;
James Percival to be General Counsel, U.S. Department of Homeland Security;
Kevin Rhodes to be Administrator for Federal Procurement Policy, Office of Management and Budget; and
James Woodruff II to be a Member, Merit Systems Protection Board"

1. DHS, like any other agency, does not just carry out its own laws, but must abide by government-wide mandates as well. These include protecting collective bargaining and whistleblower rights of employees, adhering to the Administrative Procedure Act to write regulations, and distributing funds as Congress dictates through the appropriations process.
    a. Do you commit to ensuring that DHS is in full compliance with the following laws? Yes or no.
        i. 5 U.S.C. 7101 et seq. (Labor-Management Relations)
        ii. 5 U.S.C. 501 et seq. (Administrative Procedure)
        iii. 2 U.S.C. 682-688 (Impoundment Control)
        iv. 5 U.S.C. 2302 (Prohibited Personnel Practices, specifically 2302(b)(8) regarding whistleblower retaliation)

If confirmed, I would follow the laws passed by Congress.

Senator Andy Kim

Post-Hearing Questions for the Record

Nominations of Sean Cairncross Nominee to be National Cyber Director, Executive Office of the President; Robert Law Nominee to be Under Secretary for Strategy, Policy, and Plans, U.S. Department of Homeland Security; James Percival Nominee to be General Counsel, U.S. Department of Homeland Security; Kevin Rhodes, Nominee to be Administrator of Procurement, Office of Management and Budget; James Woodruff II, Nominee to be a Member of the Merit Systems Protection Board

June 5, 2025

James Percival

1. ICE requires its own privacy release form to be signed by the individual if a congressional office wishes to offer casework services to constituents and will not accept the standard congressional casework form that is accepted by the rest of the federal government. Detainees are also supposed to be able to request the ICE form from the law library in the facility, but my staff has found that most times, the form is unavailable. Will you commit to this Committee that you will ensure that the privacy release form is readily available in all ICE facility law libraries and to directing ICE to examine why it needs a distinct privacy form, and report the agency's reasoning back to this Committee?

   In my role as Senior Counselor, I am not aware of this issue, and I do not know whether the General Counsel would have authority over this matter or not. If confirmed, I am happy to further investigate this issue and work with your office on it.

2. If confirmed, do you commit to the fair and timely administration of disaster aid for everyone, regardless of political affiliation or disagreements between the federal government and state leaders?

   If confirmed, I would advise the Secretary not to politicize disaster aid. I do not believe that she or the President would do so.

3. The investigation into the 2024 incident in which FEMA employees bypassed the damaged homes of President Trump's supporters, which was completed under this Administration, found that it was an isolated incident. The head of FEMA at the time stated that the investigation 'found no evidence that this was a systemic problem, nor that it was directed by agency or field leadership.' Do you agree with these findings?

In my experience, a bare statement from a person implicated in misconduct that no misconduct occurred is not a sufficient basis to reach a firm conclusion.

Post-Hearing Questions for the Record

Submitted to James Percival, Nominee to be General Counsel at DHS

From Senator Ruben Gallego

"Nominations Hearing"
June 5, 2025

Question 1
James Percival Nominee for General Counsel at DHS: Throughout the last few months, we have witnessed increasing political attacks on the judiciary and a disturbing erosion of respect for constitutional checks and balances—often led or enabled by officials in the Trump administration. This includes public efforts to delegitimize courts, ignore lawful rulings, and politicize the Department of Justice.

Given your prior senior roles in both the Florida Attorney General's Office and the U.S. Department of Justice, how will you demonstrate a commitment to upholding the Constitution, the rule of law, and the independence of the judiciary—particularly when doing so may conflict with the preferences or political interests of those in power?

If confirmed, I would follow the law. Parties subject to the lawful jurisdiction of the court are generally bound by orders of the court. In my role as Senior Counselor, I swore an oath to support and defend the Constitution. If confirmed, I would take that oath again and act consistent with it.

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