

## Hearing Transcript

### Senate Homeland Security and Governmental Affairs Committee Hearing on the Nomination of Gen. John Kelly to be Homeland Security Secretary

January 10, 2017

JOHNSON:

This hearing of the Senate Committee on Homeland Security and Governmental Affairs is -- is called to order.

I want to welcome General Kelly, his family. His wife, and daughter and son-in-law are here. And I'll not steal your thunder. I'll let you introduce them in your -- in your opening remarks.

I'd certainly like to welcome Secretary Gates. A real honor and privilege to have met you and -- and to have you introducing General Kelly.

I do want to welcome our new members. They're not all here, but we do have Senator Hassan from New Hampshire, Senator Harris from California, Senator Hoeven from North Dakota, and we have Senator Daines from Montana who's joined our committee. Really want to welcome all of you.

And I want to welcome the members of the audience, which is a good time to issue a warning. I know we have (ph) first a confirmation hearing earlier this -- this morning. Those disruptions, those will not be tolerated.

I want to remind the audience members that disruption of congressional business is not -- is not just unfair, but those who wish to watch this hearing is a violation of law and a criminal offense. The Capitol police are authorized to immediately remove any individual who disrupts these proceedings, and we will restore order. So again that's the fair warning.

I want the audience members to -- and I want everybody here in America to witness this confirmation hearings and -- and the -- and certainly the display of a fine -- fine American.

It is an honor for me to preside -- here's -- we have Senator Harris from California. Welcome.

It's an honor for me to preside as chairman of this committee for my second Congress, and certainly this is the first hearing of the full committee of the 115th Congress. This -- this committee has just a history of bipartisanship. When I joined the Senate six years ago, Senator Collins provided that leadership. Then it was Senator Carper as chairman and Senator Coburn. Last -- last Congress is myself and Senator Carper. And now I'm -- I'm happy to welcome our -- my new Ranking Member, Senator McCaskill from Missouri.

Just as an example of our bipartisan cooperation, in the last Congress, this committee passed 83 pieces of legislation of the Committee. Fifty-six of those pieces of legislation were passed on the Senate, 49 were signed into law, and some relatively significant pieces of legislation.

The way we've done that is by concentrating on areas of agreement. And what we first and foremost agree on as members of this committee, I think the witnesses, I think members of the audience is Americans -- we all share the same goal. We all want a safe, a prosperous and secure America.

And in this Committee, we established a number of the -- established a mission statement. It's pretty simple -- to enhance the economic and national security of America. We established four goals for the homeland security side, various security. We held 18 -- or we held 19 hearings, trips, one down to Central America where General Kelly escorted some Guatemalans.

Cybersecurity, protection of critical infrastructure, combating Islamic terror. And the fifth goal really was working with Secretary Johnson to make sure he fulfill his mission of keeping his nation safe. And, of course, the quadrennial review completed in 2014 for Department of Homeland Security mirrors those goals and those parties, those missions. And so that is why we (inaudible) to cooperate and achieve those kind of bipartisan results and that's something we're looking forward to.

General Kelly, I know you got some extraordinary people here. They're going to be introducing you, so I won't steal their thunder. But just to say that, I think, you know, you are just an extraordinary individual, a great American who has served thankfully and sacrificed mightily for this nation -- you and your family. It's a family affair. And we -- we recognize that.

Four-star general, a gold star parent, your experience as head of Southern Command with the threats this nation faces, our unsecured border, you fully understand what the causation of that is, what the root causes are.

As head of Southern Command, in many respects, you've served as America's chief diplomat to the region. You (inaudible) job, and so I can't think of a more qualified individual at this point in time to serve as a -- as the fifth secretary of Homeland Security. So I just want to personally thank you for your past service, your past sacrifice and your willingness to answer the call one more time for -- for America.

So again thank you. I think it's incumbent on this Committee and I think it's incumbent on the United States Senate to recognize how important it is for any president to be able to set-up and establish their National Security team from day one.

It's really what happened in 2009 with Secretary Napolitano. I think that's exactly what should happen with General Kelly as the Senate hopefully will confirm General Kelly on the first day of the administration.

There are a number of written statements provided to this Committee, which I would ask to be entered into the record together with my written opening statement, without -- without objection.

I will also say because I'm sure we'll have great attendance, we have Senator Hassan or -- Hassan here, I appreciate -- you know, you certainly joining this Committee.

I could either go five-minute rounds, too quick -- we can go full seven, but then I think I'll go full seven. But we want to really discipline that, so watch the time, be -- asking questions not beyond that. And General Kelly has also agreed to look at that, so every Senator can have a chance at asking questions.

And with that, I'm happy to turn it over and welcome my new Ranking Member, Senator McCaskill.

MCCASKILL:

Thank you, Chairman Johnson.

Today's hearing is the first full committee hearing of the new Congress and the Committee's first hearing of one of President-elect's -- Trump's nominees. I welcome a working relationship with you. We have worked together before in a subcommittee, and I know we have many areas of agreement and just a few of disagreement. But I'm confident we can work past those and do some good work on behalf of the American people and especially in the area of aggressive oversight of our government.

As members of this Committee and the Senate, we have a constitutional obligation to review the nominations made by the President and consent to their appointment. We're not here to participate in a partisan or political exercise; we are here to fulfill the Senate's constitutional obligation as part of the orderly transfer of power to a new administration.

General Kelly has answered all of the Committee's advance questions and has provided all the information required for this -- for us to hold this hearing.

I can't say how grateful I am that that -- that occurred. It was going to be an awkward moment when I was going to have to object to this hearing because the Office of Government Ethics or the FBI check had not been completed, but I'm pleased to report that all of those are completed, and I've had a chance to review all of that information.

And I'm very appreciative of that, Mr. Chairman.

Welcome, General Kelly. Thank you for your service to this country, and most importantly, thank you for being willing to serve again. It's very important that people stand up when their country calls. And I appreciate your willingness to do that.

You have been asked to serve as the fifth Secretary of Homeland Security. The Department of Homeland Security has tremendous responsibility to protect our homeland, its people and its infrastructure. At this moment in our history, I cannot emphasize enough the need to protect our critical infrastructure whether it's electric grids, public transportation or power plants. We need to understand what steps you will take to defend that infrastructure against intrusion and harm.

Our intelligence community of which DHS is a vital part of is among the finest in the world. I would argue it is the finest in the world. It is made up of dedicated public servants, including members of our military.

In order for these people to do their job of protecting Americans in an increasingly challenging environment, they need the support of our government all the way to the top. I want to understand whether you will take intelligence seriously and engage with the people whose job it is to give us good information so that we can make better decisions, and it's -- so the President-elect can make better decisions.

In their answers to the Committee's questions before this hearing, you said that drug demand in the United States is causing much of the violence in Central and South America. And if this violence is the major reason for the large number of people moving illegally from that area to the United States, the issues underlying border security are complex. But one thing is clear, many of the people coming across the border aren't trying to sneak in under defense or evade the Border Patrol. They are seeking refuge from the incredible violence in their home countries. I know that your experience in SOUTHCOM will help you in developing a comprehensive inclusive approach to addressing immigration and border issues.

I was also encouraged to see you discuss the necessity of engaging law enforcement, medical treatment and rehabilitation, and local communities in a comprehensive drug demand reduction campaign that includes the opioid epidemic as a big driver of heroin use. If you are confirmed, I hope that this will remain at the top of your priority list.

Another major component of protecting the homeland is the Department's counterterrorism efforts, efforts that you are very familiar with with your experience as an important leader in our military. In today's environment, effective counterterrorism efforts require using existing and new technology as well as other tools to counter-evolving adversaries across shifting geographic borders.

I plan to ask how you will address this challenge in new and innovative ways. I also hope that you employ the same thoughtful and multi-faceted approach to counterterrorism as in your proposal to address the challenges at our border.

Recent events have shown us that terrorism has many faces. We have to get at root causes of extremism and also must ensure that people in our communities feel empowered to report concerns. I hope to hear from you today that you understand that in our fight against violent extremism, it's not singular in its focus and that you will fight against any narrative that encourages committing crimes against any Americans based on hate or country of origin.

As members of this committee, we also have a constitutional responsibility to conduct oversight of taxpayer dollars. This is one of my favorite areas. I can tell you right now that if you are confirmed, when you come before Congress to seek funds, you've got to be prepared to answer some tough questions. I particularly is going -- I'm going to continue to be interested in contracting

and cost-benefit analyses. I'm going to want to see independent government cost estimates, performance plans and real metrics. Decisions must be made on facts and data.

I expect someone with your experience to be a strong leader, but even the best-managed federal agency has waste, fraud and abuse. I believe that whistleblowers are essential to good government, and I have made it one of my missions to expand and enhance protections for them. I want to make sure that you understand the open lines of communication, responsiveness to employee concerns, and a swift response to retaliation are things I expect from agency leadership. I also encourage any whistleblowers to contact my office if they have information to report.

I believe you will also take seriously the role of congressional oversight in your new role. I am glad that you have already agreed to work with me as Ranking Member of this committee because we have a lot of work to do. If you are confirmed, I will look forward to building a strong working relationship with you.

Our country is facing a difficult time, and we have difficult problems to solve. The Department of Homeland Security needs good management and strong leadership. In your responses to the questionnaire in our meeting before this hearing, you said that one of your greatest strengths as a leader is "speaking truth to power."

General Kelly, I can't tell you how that was music to my ears. I believe very much in that principle, and I think that we all anticipate that you will need it in your next job, where you will have the responsibility and the obligation to speak truth to the commander-in-chief, who has used some of his most extreme and divisive rhetoric about issues under the Department of Homeland Security's jurisdiction.

Given your experience, I expect you to be up to that challenge. And I think if they're backing down, you will probably hear from me. I thank you for being here today and I look forward to your testimony.

JOHNSON:

Thanks, Senator McCaskill.

We have three distinguished individuals making introductions for General Kelly. We'll start with Senator McCain who -- who -- who needs no introduction.

Senator McCain?

MCCAIN:

But he enjoys it.

(LAUGHTER)

JOHNSON:

He didn't have anything written up.

(LAUGHTER)

MCCAIN:

Thank you, Mr. Chairman, Ranking Member McCaskill, Members of the Committee. It's an honor to say a few words in support of General John Kelly's nomination to be the next Secretary of Homeland Security.

He's an excellent choice, superbly well-qualified for the position and a person of the highest integrity. The American people are fortunate that a man of his caliber is again willing to serve them in an important office after having already devoted many decades of his life to the distinguished service of our country.

When he retired from his last command -- commander of the U.S. Southern Command -- General Kelly was the longest serving Marine Corps general still on active-duty, having worn the uniform for almost a half a century. He was the longest serving active-duty general in Marine Corps history. I believe and, in fact, I think he was the second longest-serving general officer in the entire Armed Forces. Only the late General John Vessey, also an officer of the highest integrity and selfless devotion to duty served longer -- 46 years -- to General Kelly's 45.

When he was nearing the end of his tour as SOUTHCOM commander and approaching retirement, he said in an interview that, quote, "his greatest fear was that I'd be offered another job."

Mr. Chairman, I have no doubt whatsoever that General Kelly's statement was entirely sincere. Those of us who have had the privilege of knowing General Kelly for a while, who have heard him testified before our committees and paid attention to his answers to our questions know that John Kelly says what he believes to be the truth always no matter the inconvenience it might cause him. Speaking truth to power is something he's renowned for and know less for his respect for the chain of command.

Secretary Gates who is here, one of our great leaders, will mention his relationship with him when they served together.

If anyone has earned a peaceful retirement from public duty, it's General Kelly, but he is a patriot always. And like Jack Vessey, his peer in the length of active-duty service, he doesn't refuse his country's call.

President Reagan calls General Vessey out of retirement to serve as a special emissary to Vietnam to get an accounting for Americans missing from the war. President-elect Trump has asked General Kelly to lead the Department of Homeland Security and help keep the American people safe from those who wish us harm. His work is obviously well-qualified for. He served three tours of duty in Iraq. It was a key figure in helping sustain the on-bar awakening that with the surge turned

around a war that we were near to losing. In that role, he learned the value of developing local relationships based on mutual respect, a lesson that served him well in future commands.

As SOUTHCOM Commander, General Kelly was highly regarded for the skill and success he had developed in close relation, working relationships with the civilian and military leaders of Latin America and the Caribbean. Many of those leaders continue consider him a friend. They all respect him.

Even more important for his pending assignment, General Kelly has extensive experience with many of the challenges await him as Homeland Security secretary. The threats to our security posed by drugs and violence that make their way into our country across our southern border and the potential for developing strains of Islamic extremism in the hemisphere (inaudible) terrorist attacks here. He's the right man to meet these and the many other challenges awaiting him.

General Kelly isn't -- I'm sorry to say -- a graduate of the United States Naval Academy. It might surprise the Committee that I don't find that lack of credential disqualifying. I barely graduated from the place myself, but he has more impressive credentials. He enlisted in the United States Marine Corps.

General Kelly came from modest beginnings as do most enlisted men and women on our Armed Services. He's the proud son of his working class family in the great city of Boston.

In conversations with me, he's recalled the childhood friends he's lost to the scourge of drug abuse. Before he went to college, he volunteered to risk his life and limb in an infantry company of the Second Marine Division. He was a sergeant when he left the corps and a second lieutenant when he returned to it four years later. What followed was an exemplary career with many challenging assignments and quite a few very dangerous ones to which he gave every measure of his talent, discipline, courage and love of country.

General Kelly has sacrificed a great deal for his country more than most. And in every day of his service, he knew and respected and remains in awe of the courage and dedication of the men and women enlisted and officers who stand in harm's way so that the rest of us can pursue our aspirations and live our peaceful lives without fear of the terrorists they face for our sake.

Should he be confirmed as he deserves to be, I'm confident he will be. He will be entitled to the Appalachian quote, "Be honorable." A few cabinet secretaries will have deserved it more. I endorse his nomination wholeheartedly with gratitude for his willingness to serve and for the honor of introducing him to you today.

JOHNSON:

Thanks, Senator McCain.

We're going to move the microphone there. Our next distinguished guest offering introduction will be Senator Carper who also (inaudible) introduction.

Oh, that works.

CARPER:

Mr. Chairman, I'm happy to yield to Secretary Gates. In fact, I'd like to do that if you don't mind. Thank you for the courtesy.

JOHNSON:

OK. Our -- our next guest then is Secretary Robert Gates. Secretary Gates, the former secretary of Defense and former director of Central Intelligence. Secretary Gates led the Department of Defense from 2006 to 2011.

Prior to this, Secretary Gates served as the president of Texas A&M University from 2002 to 2006. Secretary Gates began his career as an officer in the United States Air Force and joined the Central Intelligence Agency in 1966. He served 26 years with the CIA and is the only career CIA officer to rise from the entry-level employee to director, the position he held from 1991 to 1993.

Secretary Gates has earned numerous honors and distinctions during his career, including the National Security Medal, the Presidential Citizen's Medal, the National Intelligence Distinguished Service Medal twice, and a Distinguished Intelligence Medal, which is the CIA's highest award three times.

Welcome, Secretary Gates. It is an honor to have you here today to introduce General Kelly.

Secretary Gates?

GATES:

Thank you, Chairman Johnson, Ranking Member McCaskill, distinguished Members of the Committee on Homeland Security and Government Affairs. It gives me great pleasure to introduce my friend and former colleague John F. Kelly as the president's nominee to be the next secretary of Homeland Security.

In today's world, the Department of Homeland Security is much like a combat command, perhaps the most complex such command defending our nation and our people. Among its diverse responsibilities are protecting us from terrorism, guarding our borders and coasts, deciding who gets into the country, protecting our transportation networks and infrastructure, defense against cyber attacks and providing help when disaster strikes. I can't think of no one more qualified, more familiar with these threats and challenges or better prepared to lead our homeland defense than John Kelly.

The Department of Homeland Security, as this Committee well knows, is a complicated mix of multiple agencies and organizations with different cultures and histories. Yet, as commander of Southern Command, General Kelly has successfully managed relationships and partnerships with seven different cabinet departments and, in all, more than 20 civilian organizations.

Leading a combatant command these days requires managing multiple domestic and foreign relationships, and General Kelly did so with great skill and success. I am confident he would do so as well as secretary of Homeland Security.

In addition, as senior military assistant to two secretaries of Defense, John successfully helped lead the largest and most complex organization in the country. He was invaluable to me and to Leon Panetta in helping break down bureaucratic barriers to cooperation and in holding senior officials accountable for decisions and for performance. And the needs of the troops on the front lines were always foremost for him.

Of special importance to this committee, John Kelly was twice assigned as Marine Corps liaison to the Congress, the second time as the commandant's senior legislative assistant. As a result, he has a deep understanding of the legislative process and especially of the need to be responsive to Congress and to have a relationship of openness and trust.

In terms of skills and experience, General Kelly is, in my view, superbly qualified to serve as secretary. But it is John's character and values that truly set him apart.

To put it quite simply, he has one of the finest people I have ever known. I would trust him with my life and indeed many others, mainly young marines literally have done so. And how often is it that a tough commander genuinely is beloved by his troops?

Integrity and word and deed is a source of moral authority, and it is moral authority that moves people to follow a leader even at personal risk and sacrifice. John Kelly is a man of great moral authority.

If he is confirmed, the professionals throughout the Department of Homeland Security will realize that their new secretary cares about each and every one of them, and he will do everything in his power to protect and support them and to get them what they need to do their jobs -- protecting all of us.

I commend the President-elect for nominating General Kelly for this position because, as I know firsthand, John is a straight talking, candid, courageous leader who will say exactly what he thinks. His values are a reflection of America's best values, and he will not disappoint.

Over a military career spanning more than 40 years, John Kelly and his family have sacrificed much serving our country. And yet, here he is, willing to serve again.

It is with great pride that I introduce him to you today. Thank you.

JOHNSON:

Thanks, Secretary Gates.

Senator Carper?

CARPER:

Thanks -- thanks, Mr. Chairman. And I want to thank you. I want to thank and congratulate our -- our new ranking member, Claire -- Claire McCaskill and see all of my colleagues from this point of view. It's good to see you all up there.

It's a privilege to join Senator McCain with whom I serve during the Vietnam War. And I would just say from -- from -- from my vantage point, John, you're a hero and I'm proud to serve with you and proud to know you today, and to sit with you today.

Secretary Gates, you're one of the finest secretary of Defense we've ever had. And I am honored to be with you today as well.

We're introducing a man, as you know, who needs little introduction to this -- to this Committee, General John Kelly -- John Francis Kelly; and to welcome his wife Karen and their daughter Kathleen (ph) and her husband Jake sitting behind us to this confirmation hearing.

Karen, I said to your husband yesterday, given all the years that he served and you've allowed him to serve for you, no purgatory, straight to heaven. And so thank you for continuing to share with us an extraordinary man.

Created about a -- a dozen or so years ago, the Department of Homeland Security's 240,000 employees get up every day. They go to work. They go to protect our homeland, and all of us who are privileged to live here.

Almost every month for the past four years, I've gone to the Senate floor, some of my colleagues know, to talk about the remarkable work that they do for all of us. They respond to devastating hurricanes, saving lives and helping people put their lives back together. They protect us from cyber attacks and help secure thousands of miles of our country's borders to the north and to the south, to the east and to the west.

They expedite the movement of billions of dollars with commerce every day, all intercepting drugs and disrupting human smuggling and trafficking rings. They keep us safe when we fly to sometimes not so friendly skies of this country and this world. They protect presidents and vice presidents and their families as well as candidates for these offices. The leaders have scores of other nations who come here. They do all of this and a whole lot more oftentimes without a word of thanks.

General John Kelly is an exceptionally well-qualified nominee to hear -- to lead the Department of Homeland Security as you've heard. If confirmed, he would succeed another exceptional leader, Secretary Jeh Johnson.

Jeh Johnson, who with the help of his leadership team, this Committee in Congress, has begun, I think, a remarkable transformation of the department who's badly needed is much welcome.

I found over my lifetime that the key to success of any organization where there's military, government, business or whatever is success of any organization have been a part of have witnessed his almost always enlightened leadership.

John Kelly is a leader. He is humble, not haughty. He has the heart of a servant. He understands that his job -- has been and will be -- to serve, not be served. He leads by example.

With General John Kelly, it's not do as I say, but do as I do. He has the courage to stay out of step with everyone else who's marching to the wrong tune. He surrounds himself the best people he can find. And when his team does well, he gives them the credit. And when the team falls short, he takes the blame.

He doesn't believe in raising himself up by pushing other people down. He is a purveyor of hope and consistently appeals to people's better angels. Throughout John Kelly's 45 years of military service in the Marine Corps, he has sought to do what is right, not what is easier or expedient.

He embraces the golden rule -- treating other people that he would want the way he'd want to be treated. He looks at adversity. He sees opportunity. He believes that in everything we do, we can do better. He's tenacious. There is no quit in this man. And when he knows he is right, he doesn't give up.

When we met in my office yesterday, General Kelly spoke of the importance of addressing the root causes of some of the problems and challenges that we face as a nation, not just the symptoms of those problems.

As an example, he cited the transformation of Colombia from an almost failed nation 20 years ago to a far different one today and a valued ally and trading partner of ours.

He also spoke of our addiction to drugs and how that's the root of -- the root cause of much of the violence and lawlessness in countries like Honduras, and Guatemala and El Salvador. And while he spoke thoughtfully and creatively of ways to better secure our southern border with Mexico, for example, he understands that those steps need to be coupled with others embodied in the Alliance for Prosperity adopted by Honduras, Guatemala, El Salvador, supported by the U.S. much as we support the Plan Colombia for two decades.

And finally, General Kelly understands the importance of working cooperatively with the Congress. And Secretary Gates has given us a couple of explanations of why that might be the case with two of your tours here in Capitol Hill. But I think you understand the importance of work especially with this Committee.

And General Kelly may not always tell us what we want to hear in this room or outside of it, but he will always tell us what we need to hear. And what is needed here reminded people he leads the Department of Homeland Security to quote, "just use some common sense," the way my dad used to remind my sister and me when we were young. In short, he will provide the leadership that will enable the Department of Homeland Security to continue the transformation its begun.

In doing so, he will make us safer as a nation even as he makes us prouder as a country of the team that I hope he'll be confirmed to lead.

Thank you for your willingness to do this and to my colleagues for welcoming him and giving me this opportunity to speak truth to power. Thank you.

JOHNSON:

Thanks, Senator Carper.

General Kelly, it is the tradition of this committee to swear in witnesses, so if you please stand and raise your right hand?

Do you swear that the testimony you will give before this committee will be truth, the whole truth and nothing but the truth so help you God? Please be seated.

General Kelly?

KELLY:

Mr. Chairman, Ranking Member McCaskill, distinguished Senators of the Committee, please accept my thanks, my deep appreciation for considering my nomination to lead the men and women of the United States Department of Homeland Security.

Senators McCain, Carper, Secretary Gates, thank you for taking the time to be here on my behalf and for your very, very kind words.

My wife and family have already been introduced, but I'll say it again. My wife Karen is with me here today. She is my hero. She's put up with more, in our 40 years, of marriage than you could ever imagine. And my daughter Kathleen (ph) is here as well and her recent husband, Jake -- Lance Corporal United States Marine Corps retired, Jake Fox (ph), another American hero.

I thank them for their service, for their sacrifice.

Over the past 45 years, I've been privileged to serve my country as both an enlisted Marine, as an officer. I have led platoons through divisions in corps, held senior command positions in Iraq, served as the Combatant Commander of the United States Southern Command, and as Secretary Gates mentioned, as the senior military assistant to two of my heroes -- Secretaries Gates and Panetta.

I have worked across the inter-agency. I've worked with our allies, the private sector and independent experts to identify innovative and comprehensive solutions to current and emerging threats. These assignments -- while varied -- shared the common characteristics of working within and leading large, complex, and very diverse multi-missioned organizations, while under great pressure to produce results.

I am humbled once again to be called to serve, this time with the wonderful men and women of the Department of Homeland Security. As a nation, we are reminded almost daily that the threats to our homeland have not receded in any way. The challenges to our way of life have not diminished.

As I solemnly swore before my God when I entered the Marine Corps, if confirmed, I will faithfully support and defend the Constitution of the United States against all enemies foreign and domestic -- every second of every day.

I believe in America and the principles upon which our country and way of life are guaranteed. I believe in respect, tolerance and diversity of opinion. I have a profound respect for the law and will always strive to uphold it. I have never had a problem speaking truth to power, and I firmly believe that those in power deserve full candor and my honest assessment and recommendations.

I also value people that work for me, speaking truth to power. I love my country, and I will do everything within my power to preserve our liberty, enforce our laws, and protect our citizens. I recognize the many challenges facing the Department -- and should I be confirmed -- I look forward to partnering with you to protect the homeland.

Sir, I look forward to discussing the future of the Department and answering the Committee's questions. Thanks so very much.

JOHNSON:

Thank you, General Kelly.

Again, I want to remind the members I'm going to limit questions to seven minutes, and I'm going to be very disciplined in maintaining the seven minutes.

There are questions that -- that I will ask and then I'll reserve the rest of my time and defer to Senator McCain or Chairman McCain, who I know has limited time. But let me start with three questions.

General Kelly, is there anything you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated?

KELLY:

There is nothing, sir.

JOHNSON:

Do you know of anything -- personal or otherwise -- that would in any way prevent you from fully and honorably discharging the responsibilities of the office to which you have been nominated?

KELLY:

There is nothing, Senator.

JOHNSON:

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

KELLY:

I do.

JOHNSON:

Thank you.

Senator McCain?

MCCAIN:

General, as you know, we passed legislation on the defense bill prohibiting torture including water boarding. Do you intend to follow that law?

KELLY:

Absolutely, Senator.

MCCAIN:

And what is your personal view of water boarding and other forms of torture?

KELLY:

Senator, I don't think we should ever come close to crossing a line that is beyond we, as Americans, would expect to follow in terms of interrogation techniques.

MCCAIN:

That would be basically the Geneva Conventions.

KELLY:

Absolutely, yes, sir.

MCCAIN:

Thank you. You know, there's an epidemic in this country and it's opioids. And it's coming from Mexico, manufactured in Mexico and regrettably according to information that I have, a lot of it is coming across the Arizona-Mexico border into Phoenix, Arizona and being distributed nationwide. And as you well know, we are experiencing a dramatic increase in deaths from overdose. And that is taking place amongst many older Americans that have turned from OxyContin and other substances.

In fact, former governor of New Hampshire will testify here, I think, of the -- of the really severe aspects of this what many have called an epidemic. I'm very interested in your views and taking in to fundamental economics that if there's a demand, there's going to be a supply. But what -- what is your view of that situation, General?

KELLY:

Senator, I think I'd start up by saying it's amazing to me, but I just found out very recently that an old friend who's not so old, 62 years old just -- just -- after a very successful life just overdosed on heroin. And I think to your point, it's cheaper, more available in many ways than some of the opioids since she could not apparently get a prescription for it. She thought she needed. But the point is that most Americans don't realize it, but an awful lot -- 100% of the heroin that we consume in the United States is, in fact, produced in Mexico and it's creeping down now into Central America.

They have responded -- the cartels, the networks have responded to the demand, so instead of Asia and South Asia, it now is all produced here in -- in the Western Hemisphere. Poppies have grown in countries as far as south now as Guatemala, a little bit in Colombia, although they're getting after it. But is all produced here.

An awful lot of the opioids, what looks like pharmaceuticals, are actually produced again in Mexico and, in part, up here through -- through the border.

And, of course, part of the problem, I think -- and this is, I think, would be outside my particular area if confirmed, but part of the problem is we have -- are a very overly medicated society, huge amounts of opioids are prescribed legally for things that in the -- in the past would probably not receive that level of medication. So the point is huge, huge problem, getting worse, and the profits are just unbelievable to the cartels that control the whole marketing and transport.

MCCAIN:

There's been a great deal of conversation about building a wall. And it's been my experience that we needed to have barriers, but building a wall is not the way to prevent the flow of drugs or people illegally across our border. I think it requires ranging from drones to towers, to use of some of the technological advantages that -- that we have. If you just very briefly tell us what you think is necessary to have a secure border.

KELLY:

Yes, Senator. A -- a physical barrier in and of itself certainly, as a military person that understands defense and defenses, physical barrier in and of itself will not do the job. There has to be really a layered defense.

If you are to build a wall from the Pacific to the Gulf of Mexico, you'd still have to back that wall up with patrolling by human beings, by sensors, by observation devices. But as I've said to many of the senators present, and I've said, I think, for three years, really I -- I believe the defense of the southwest border really starts about 1,500 miles south, and that is partnering with some great countries as far as south as Peru really that are very cooperative with us in terms of getting after the drug production and transport, very, very good with us.

To include Mexico, we could have better partnerships, so I think we can work closer with them. We can give them more of what they need. We certainly share intel with them now, information with them now.

We have legal attaches in many of the -- many of our embassies and they developed unbelievable amounts of...

MCCAIN:

I don't mean to interrupt.

KELLY:

I'm sorry.

MCCAIN:

But isn't it technology that would help us secure the border as much as anything else? I'm talking about surveillance. I'm talking about capabilities to intercept, but not to just sit there. In other words, the kind of -- frankly, the kind of border security that we see in Israel.

KELLY:

Technology would be a big part of it, yes, Senator.

MCCAIN:

And that technology would be -- would that be drones of each towers?

KELLY:

Observation devices.

MCCAIN:

What are they?

KELLY:

You know, the aerostats, observation devices mounted in, you know, certain terrain features, UAVs for sure, sensors in places perhaps that the wall can't be built or it won't be built in -- you know, anytime soon in terms of the (inaudible) over that project. But yes, sir.

MCCAIN:

Finally, the morale of our Border Patrol is not real good. And I think you know from your leadership experiences that if the morale of your force is not good, then it's hard to get the mission accomplished. And I hope -- I know you're aware of that and I hope you'll spend some time with these really outstanding men and women who are doing arduous work sometimes under very, very difficult conditions.

It gets very hot on the (inaudible) Arizona border, as you know, so there is morale problems there. A lot of it has to do where they think they're not -- not given the capabilities to do their -- to do their job as they think they can do it most efficiently. And I know you'll be focusing a lot of attention on that.

KELLY:

I will, Senator.

JOHNSON:

Senator McCaskill?

MCCASKILL:

General Kelly, on Friday, the Office of Director National Intelligence released a declassified report on the assessment of Russian activities and intentions in our recent election. I'm going to quote from the report for the record.

"Russian efforts to influence the 2016 U.S. presidential election represent the most recent expression of Moscow's long-standing desire to undermine the U.S.-led liberal democratic order, but these activities demonstrated a significant escalation in directness, level of activity and scope of effort compared to previous operations. We assess Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the U.S. presidential election. Russia's goals were to undermine public faith in the U.S. democratic process, denigrate Secretary Clinton, and harm her electability and potential presidency. We further assess Putin and the Russian Government developed a clear preference for President-elect Trump. We have high confidence in these judgments."

General Kelly, do you accept the conclusions of the intelligence community regarding Russian interference in our election?

KELLY:

With -- with high confidence.

MCCASKILL:

On border security, I think that Secretary -- Senator McCain covered a lot of this. I want to point out that the budget we now have annually on border security equals the combined budgets of FBI, ATF, DEA, Secret Service, U.S. Marshals plus the entire New York Police Department budget as \$19 billion in fiscal year 2016.

And in fiscal year 2016, we had 331,000 people apprehended at the border. Almost 50 percent of those turned themselves in. In other words, all the border security agents in the world, all the fences in the world wouldn't have made any difference because they said, "Hey, take us, we're here. We want asylum."

So, I guess, my question to you is do you have it on your agenda to examine the spending priorities of that \$19 billion and look at the efficacy of every place we're spending that money. And most importantly, how will you address the fact that almost half of the people coming to the border right now that we're apprehending are not trying to evade detection, they're just trying to find some place safe.

KELLY:

On -- on the first question, Senator, anytime I've ever taken over a new organization, certainly I go top to bottom and -- and look real hard at how we're doing business. Clearly, people that would have come before me if I'm confirmed, many -- all did a great job -- Secretary Johnson and others. But my -- my typical approach is do a top to bottom assessment. I certainly will do that.

On the asylum issue, I -- I believe I'm confident that most of the people that are coming up here from certainly Central America are coming here for two reasons -- one -- or three probably -- one -- the first is it is very unsafe. They're the most -- some of the most dangerous countries on the planet, and that's unfortunate. Not a lot -- because of that, not only because of that, but a lot of social issues are a lack of economic development.

And then finally, they are very confident. If they pay the money, get on the network, they will get to the United States and they will be, in their view at least, unlikely that they'll be going to Honduras, Guatemala -- other countries like that.

MCCASKILL:

I'll look forward to your assessment. And -- and I know we talked in my office about the drug cartels and what big role they have in the people showing up seeking asylum because most of the

violence is attributable to that as opposed to DACA or any other pronouncements or policies of the Obama administration.

The last thing I want to mention to you is that the enhancements on electronic system for travel authorization. I think people don't realize I'm aware of a situation recently where because of the electronic enhancements, we were able to stop someone from coming to America that was coming from a visa waiver country to South America and then was planning on coming to America and doing us harm, and we were able to stop that travel.

In fact, since February of 2016, 40,000 individuals have been denied visa-free travel due to the enhancements that have been put in place. Along with that is we tried to do pre-clearance in various countries around the world so that we are checking people before they get on the plane with maybe someone who would call it extreme vetting. That is now going on across the globe.

Have you had a chance to look at that? And do you believe that -- I mean, because that's really the border that I'm most worried about in terms of our safety. Our people traveling here from visa waiver countries with an eye towards doing our country harm and our ability to stop them.

KELLY:

Senator, I think that the visa waiver countries clearly are countries that have at least law enforcement and information systems in place that we have confidence in fact. Nothing is perfect. Many other countries, as you know, don't have nearly that kind of system in place. And consequently we wouldn't have the confidence there, but nothing is perfect.

Many countries again are high degree of -- of confidence that their citizens that come here would not cause problems, but, you know, ever vigilant. And in those countries that don't have the systems in place, I think we'll -- we somehow have to convince ourselves that everyone coming here we have a reasonable expectation that they won't do us harm, whether it's crime or terrorism or...

MCCASKILL:

Some of the enhancements that have been put in place are -- or you're a member of global entry program, have you traveled to or have been prisoned in Iraq, Syria, Iran, Sudan -- Sudan, Yemen, Somalia or Libya on or after March 1, 2011? Other questions that are part of this. Do you believe it's important that we expand this program, the enhancements and the pre-clearance program?

KELLY:

I think it's a good idea. I don't know exactly the details of it, but it would appear to me that's a good idea. But again we have to have confidence in the information that we're getting onsite to prevent people that would come here to do us harm.

MCCASKILL:

Great. Thank you, Mr. Chairman.

JOHNSON:

Senator McCaskill, I noticed our next new member showing up, so Senator Hoeven, welcome to the Committee. Appreciate -- now I gave up my question slot to Senator -- to Chairman McCain. I know Chairman Enzi also is managing some activity on the floor, so I'll defer to Chairman Enzi, and then we'll get back on schedule.

ENZI:

I thank -- thank the chairman. I do need to go back to the -- to the floor, and I do appreciate the chance that I had to meet with General Kelly.

In my early days here in -- in the Senate, there was a change in the makeup of the majority, and we became the minority and it created a little problem of vacancy in the Foreign Relations Committee, and I happen to get that Foreign Relations Committee spot. And they had to redo all the committees. There is one committee that apparently nobody wanted because I became the ranking member on it.

(LAUGHTER)

That was just shortly before 9/11. So right after that, I had a lot of people saying, "So how did the new guy get the anti-terrorism committee?" I was even on a United Nations Committee that was supposed to find the bad guys. And I guess, it was fortunate or maybe unfortunate that just about all of us were accountants, so what we did was follow the money. And we got 130 countries involved in, and several of them found the bad guys and prosecuted the bad guys and, in some cases, executed the bad guys. And it was effective until they figured out what were doing.

You're going to have a huge role in the anti-terrorism area. I think we spent \$46 billion on your budget. And we got to be sure we're finding the bad guys, and I'd be interested in any approaches that you'd be doing to effectively spend that money and develop policy that will -- that will help us.

KELLY:

To the degree that I'm familiar with what's going on already, I think anytime that we can work with partners overseas, and again we have representatives, we -- meaning the United States -- law enforcement agency people, intel people and most -- of the most important countries in this regard around the world in our embassies, and they really do have pretty good -- they have very, very good relationships generally speaking with the local law enforcement, local intel people.

I think anything we can do to, you know, get into that level of -- I know in Southern Command, as an example, most of the intel -- the most usable intel I got -- I used tended to come from the -- the CIA -- not CIA, FBI and the DEA representatives on our embassies. But anything we can do, you

know, kind of enhance the information sharing within the law, of course, between other countries and ourselves and certainly within our own interagency.

You know, we -- we're -- we've gotten much better at it since 9/11 in terms of information sharing. One of the things I definitely will get into, if confirmed, is to find out how well that's going domestically because we have -- the Department has some responsibilities in terms of information sharing.

We have an awful lot of great systems in place. I'm not sure because I don't know if they're all talking to each other and sharing in a way that they should be.

ENZI:

I'm glad you mentioned that because one of my -- my pet peeves has been that for people coming into the country legally that we -- we -- we check them in on a series of computers and we check them out on a series of computers but I'm not sure that we ever got the computers connected so that we could know who was here and who wasn't here. I think the most effective enforcement is if we find them as soon as their visa runs out. So I hope that you'd put that on your list of things maybe to do.

Recently, I was flying back to Wyoming and the person sitting next to me was a member of the Border Patrol. And he didn't -- didn't know that I was a -- a senator, but I was very curious about how things were going. He had just been to a training session, and he had been doing it for quite a while. And he was pretty depressed. I would say he had low morale, told me that they could -- they could do a lot of things, but because there's rampant law breaking along the border, and he felt that orders from Washington kind of tied his hands that they couldn't respond effectively.

As -- as a commander, I know you relied on your officers and your troops, and you developed plans and you executed missions and -- and some very difficult situations for keeping the morale of the people run to you going.

Have -- have you developed any, any plans for how you're going to check on the Border Patrol and see if there's some morale things that could be changed?

KELLY:

Yes, sir. One of the things I have always done to learn from some of the finest leaders, I think certainly in the U.S. military, you got to get out and about. You're going to get out and figuratively speaking kick the tires, look around. Interesting, you should make that point.

I was -- just prior to my leaving active-duty, because I work so closely with Homeland Security and law enforcement, even though Mexico was not in my area of interest, I took a trip up to El Paso in uniform and just went to the port of entry and met -- and then met with some officers there and just to thank them and to tell them from my position in the south they were doing a great job.

I met with some of the Border -- Border Patrol folks, same thing. And when you say things like "listen, just how are things going, you know, pull out a tape recorder because you're going to find out. That's, I think, a very, very important way to find out about things. Encourage people and speak truth to power from the bottom up.

And certainly, anytime a whistleblower calls in and makes a -- makes an accusation or makes a comment, it's very definitely worth listening. So that's how I do business. Sometimes you get an earful and wish you hadn't ask a question, but you should always asked the question.

ENZI:

I'd appreciate that. I used to be in small business, and sitting in an office didn't solve all the problems you had. You get out and see what was happening. Thank you for your answers, and my time is about to expire.

Thank you, Mr. Chairman.

JOHNSON:

Thank you, Senator Enzi.

Senator Carper?

CARPER:

Thanks, thanks so much. A quick one. We talked a little bit about this when you visited with me in -- in my office this week. But there is a unit within the Department of Homeland Security that goes by an acronym, and the acronym is NPPD. And we talked about -- people say, what is that? What is that -- what does that represent? There's a lot of confusion and not much understanding. As it turns out, it refers to cyber security and refers to infrastructure protection. And it's an agency that's supposed to do both of those. But just by hearing the name you'd never know. Any thoughts on that?

KELLY:

Well, when I looked at the org chart, maybe one of the first questions I had was what does that block do. So I agree, I mean, I think it's a name change, not always important. It might be in this case. It's been brought up to me, Senator, a number of times. You did obviously, but other people within the organization and not within Homeland Security. I have not spoken to anyone in Homeland Security right now because of the MOU, but people have brought it up to me, past -- past members of Homeland Security. So as we talked in your office or we'll take a look -- look at that upfront.

CARPER:

OK. Thanks so much. The -- when I was station -- a Navy station for a while in San Diego and -- and would venture down into Mexico, and there was a time when people went back and forth between Southern California and Mexico rather easily. And there's a time when there's a huge amount of illegal immigration with Mexico into the U.S. I'm told that today there are more Mexicans going back into Mexico. They're under our Mexicans coming into -- to United States. And why do you suppose that is? And are there any lessons from that development that might be applicable for the immigration of people, large immigration for people from Honduras, Guatemala and El Salvador.

KELLY:

It's a great question. The -- I have a great deal of experience in Central America. I hold the people to ourselves in a very, very high regard. And I understand I think and empathize with their problem.

They -- they for the most part don't want to come up and leave their homes and families, but there isn't an awful lot of economic opportunity for them there and is certainly a level of violence that, in our country, we couldn't imagine.

Honduras, is an example when I took over in Southern Command was the most violent plan by U.N. numbers, most violent country on the planet, 91 deaths per 100,000. By contrast, our country is about five, so a lot of good work down there, not always perfect, but the president has -- has taken that down by a third, still horrific levels of violence. But my people is they don't -- most of the time don't come here for any other purpose than to have some economic opportunity and to -- and escape violence.

My view -- and I stated this for three years when I was at Southern Command, certainly when I testified before this Committee in April, my view is if we can help them get -- if we can help them by reducing our drug demand, which is the fundamental problem of many of their problems. By reducing our drug demand by the same -- at the same time helping them improve their police, their militaries are actually pretty good. Human rights is, you know, very much part of the way they operate.

And if we improve the violent -- the situation of violence then my belief is investment would come, and if so there'd be economic opportunity there. The three countries in the northern tier -- El Salvador, Guatemala and Honduras -- have banded together and developed their own approach called the -- the name escapes me -- but...

CARPER:

Alliance for Prosperity.

KELLY:

...Alliance for Prosperity, that we helped them develop, and so they're putting their own money against it. And they really seek foreign investment, not money from the United States, but investment maybe from the United States. So I think if we were to do that for them, there'd be a

lot and, frankly, they will tell you, as long as the migrants leave Honduras or wherever, and generally speaking get into the United States easily, safely and don't come back, there's going to be a draw, so we have to get our arms, I think, around those three factors.

CARPER:

When we were together the other day, we talked about Colombia and how 20 years ago, (inaudible) a gunman rounded up the Supreme Court of Colombia. They took them into a room and they shot them all to death.

And today, Colombia is not a perfect nation, but it's a much different nation and a strong partner of ours -- strong trading partners of ours and are fairly vibrant to democracy. None of us are perfect.

But what -- I like to say in plain Colombia, which was -- a number of people who worked on that -- certainly President Clinton, Joe Biden was in -- I think the chairman (inaudible) the Foreign Relations Committee. But I describe plain Colombia and also the Alliance for Prosperity, which is developed by Honduras, Guatemala and El Salvador as I call it the Home Depot Plan. And, you know, Home Depot, in their advertising, they say, "You can do it. We can help."

In this case, Colombia, you can do it, we can help and we have. Honduras, Guatemala and El Salvador, you can do it. In this case, we're permitted to do that. We have committed so far when you're funding. And the President Obama has asked, Vice President Biden has asked for a second time. Do you have any -- any thoughts along those lines?

KELLY:

You know, Senator, anytime someone tells me -- and a lot of people tell me -- have told me, I reference back to my time in Southern Command, that tells me that the Central American republics cannot be helped. You know, parts of Mexico cannot be helped. I said, "Look at Colombia." They're -- they -- Colombia has run those exact same place 20 years ago, looking in -- looking into the abyss.

They made some fundamental changes to where the -- how they did business, how they allowed their military to operate, and they are today exporters of what we called when I was in South America, exporters of -- of security. And by that, I mean, they go out and help other countries in the region, particularly in the Central American (inaudible) help them help themselves.

There are best friends, in my view, in -- in Latin America, and they are already stepping up to help and would like to do more.

You know, the Alliance for Prosperity, when we were helping them -- my -- my original thinking was let's call this "Plan Central America" like Plan Colombia and -- and Plan Colombia really came out of this institution -- out of the Congress, and -- and then the Clinton administration picked up on it, and it worked. Four cents on the dollar, U.S. money, all the rest of it was paid for by the Colombians.

But back to the Plan Central America, there were people in the interagency that didn't think that we should do that, so we went up with the Alliance for Prosperity. You know, it rose by any other name. It's kind of the same thing.

CARPER:

All right. Thanks so much.

JOHNSON:

Thanks, Senator Carper.

Senator Portman, just for other senators, it's going to be Portman, Tester, Daines, Peters, Harris, Paul, Hassan, Lankford, and I believe it's Heitkamp and Hoeven, but we'll figure out. That's -- that's the order.

Senator Portman?

(UNKNOWN)

Hello?

PORTMAN:

Thanks, Mr. Chairman.

General Kelly, first let me echo the comments of others to thank you for your remarkable 4-1/2 decades of service to our country and the sacrifices your family has made. I'm particularly appreciative of your wife, Karen, who apparently told you that you had to answer the call once again. And we have seen with the introductions today that you're likely to be confirmed, and I'm just delighted that you're willing to serve.

I do have three areas of inquiry I'd like to touch on, and we talked about some of this in our meeting.

The first is your management challenge. You said you have been a member of some large complex organizations. This will be the most complex...

KELLY:

Yeah.

PORTMAN:

...and the largest, and it's 240,000 employees. When you look at it, there are probably, you know, 20 major offices or departments within it. And as you know, I was part of the select committee now as to put this together after 9/11 knowing that the left hand didn't know what the right hand

was doing. We had to protect the country. But frankly, I've been frustrated by the lack of progress and having a department work is -- is one. And it's been mentioned the morale problems, but there's a lack of coordination in -- in many people's eyes, some inefficiencies.

So the first question I would ask here really is -- is a management question. What are the three things that you would intend to do to help make the department work more effectively to protect us?

KELLY:

The first thing, I mean, you -- I'm sure you've already -- you are aware I know that the unit of effort that Secretary Johnson has embarked upon, you know, the -- the taking a look around -- at the other bureaucracies, and I don't mean that in a negative way at all.

The other way -- the way that other departments work, I know -- I know the Senate is very aware of the fact that the -- the -- the Department of Defense is a better place today than it was 30 years ago before Goldwater-Nichols. And -- and people of my rank -- I wasn't -- that wasn't my fault at the time, but people of my rank fought tooth and nail against the Congress for 30 years. Ultimately, laws -- laws were passed, Goldwater-Nichols. And we have become a better place because we've knocked on a lot of the rice bowls, got people talking to each other. Yes, you know, the marines still are the best, but the other services are pretty good, too.

But, you know, we all have our traditions and -- and ways of thinking and doing business. And we didn't have to give that up when we went to jointness. I think there's -- there's a place for that, and that I'm going to -- I know that Secretary Johnson has already done that. I'm going to get smart about that as fast as I can. I think as -- as much as we can draw -- I mean, the mission is Homeland Security. That's a -- that's a mission, I believe. Everyone can get behind. Just like DOD, the mission is to defend the nation abroad primarily.

I don't know if there's been enough of that, but I believe even though there's very separate groups within us, Homeland Security, if -- if -- if everyone can understand first and foremost, we protect the nation and then we do that in different ways much like DOD, I think it would go a long way to bring in the -- the department together, much of Senator -- Secretary Johnson has begun. And then as -- just other things, I mean, I have some of the senators and others have recommended to be some -- some organizational changes, personnel changes, not individual people but, you know, why has this person got this many under secretary's assistance. Take a look at all of that.

To Senator McCaskill's point, there's probably efficiencies there and the savings there. And I -- I commit to the Committee for sure. I'll look at that.

PORTMAN:

We will appreciate that. And our review, I think, is -- is always a good idea, which as you said, when you come into a new place. But particularly with agency as complex as this one, one subset let me ask you about is intelligence. I'm also concerned about redundancies in our intelligence community.

There's 17 intelligence agencies in the government if you count them all. Two of them reside at the Department of Homeland Security, one is Coast Guard Intelligence. But the others is Office of Intelligence and Analysis. And, you know, frankly again I -- I have not been as impressed as I hope I would be with their mission, which is really to fuse intelligence from all the different sources together to be able to better protect the country and including a private sector, a liaison to help with infrastructure. They are supposed to track terrorists and their networks, assess risks and so on.

What's your sense of that entity and do you think it could be improved?

KELLY:

I think everything can be improved and what I have learned, and once again, Senator, we are -- I have been restricted from actually dealing with Homeland Security, but what I get from the transition team and others that have worked with Homeland Security is that that could be better.

The information sharing within the organization and even out to law enforcement, but again, it's way high on -- way up on the list in terms of things to look at.

PORTMAN:

How about fusion centers? In all of our states, we have fusion centers now. Are they effective? Are they redundant? Should they be wound down? Should they be reinforced? What's your sense about the fusion centers that are working?

KELLY:

Depending on who has talked to me about them, they are effective and they are redundant. So again...

PORTMAN:

And I think frankly, even with our states, we might find that some are more effective than others. I would hope you would also -- and you have talked about in review to take a look at those...

KELLY:

Yes sir.

PORTMAN:

fusion centers and be sure they are doing the job they should be doing. My sense is, they were also supposed to compile information and intelligence is sometimes -- because classified intelligence is difficult to compile if you're not within the -- deeper in the community. Sometimes, it's being

done by other entities and there's not information being provided to some of our first responders, but I would love to have your assessment on that once you have had the chance to be on the ground.

The final question I have is about the drug issue and as you have heard earlier, this is an epidemic you and I have talked about. I loved your testimony before the committee last year. I talked to you about that and I have complimented you and the committee since then on that because you focused on the demand side.

And I'm a strong believer that until we deal with prevention and education better and treatment and recovery, it's going to be very difficult to stop, to slow drugs. They will find other ways to do it.

On the other hand, almost unimpeded now across the southern border. As you say, almost all the heroin is produced -- it's consumed here and in Mexico, as well as many of the drugs. So two questions, one -- what would you do to increase that apprehension? You mentioned in the intra-addiction earlier and pushing back beyond the border? And second, we have legislation called the Stop Act, which is intended to deal with this issue offentanyl and carfentanil which is a synthetic heroin, really the next wave we're seeing in our communities.

That mostly comes by mail and some of it actually from Mexico. Also, it comes from China directly and sometimes mixed with heroin in Mexico and brought back in a drug form, but it's not taken by packages across the border physically. It goes through the US mail system. We have tried to work with Customs and Border Protection on this, as well as DEA. And I just wonder if you had any sense of that issue, what you would do and just your general thoughts on intra-addiction.

KELLY:

I believe in addiction, it starts in -- and I have thought cocaine or whatever. It starts really where it is produced. The Colombians do use that example again, do tremendous work in terms of eradicating coca and destroying labs and that kind of thing. Tremendous work in taking huge tonnages off the flow with very, very few naval assets.

And I use Coast Guard there as well, very, very few naval assets. SOUTHCOM and my information is at least a year old, but -- or at a year old, but SOUTHCOM gets a couple of hundred tons a year and the beauty of it down there is you get in one ton, two-ton, three-ton lots.

Once it gets ashore and it starts -- it's right up to the network, you know, a big take at the Southwest border of say cocaine or something like that might be five, 10, 15 kilos, so I think if we could do more with our partners, the problems is, again, not to harp on the demand thing, but if we were to block the network so nothing could get through the Southwest border, the so-called balloon effect, they would find other ways around it.

The profits are so outrageous, that is why I believe it's all about the demand.

PORTMAN:

Thank you, General. I appreciate it.

JOHNSON:

Senator Tester.

TESTER:

Thank you, Mr. Chairman and Ranking Member McCaskill and General Kelly, thank you for being here and thank you for putting yourself up for this. First things if first, I want to thank your family for sharing you with us one more time.

I very much appreciate your guys' commitment to this because it's oftentimes not easy in these jobs. They are oftentimes not easy and this is one of those jobs that's not easy. So thank you and General Kelly, thank you as Senator McCaskill said, forgetting your ethics report and your background complete your pre-questionnaire and your financials. I appreciate that very much also.

Your job is a big one and I know from our meeting in my office and I want to thank you for your direct answer of the questions we talked about there and today too. We talked about border security. We hear a lot about the Southern border which is critically important. The Northern border with the 540-mile border with Montana alone with one national park bordering Canada and an Indian reservation bordering Canada and three more -- and there are three Indian reservations within a 100 miles of Canada.

It adds to the complexity, but I think you have got a grasp of that. I am going to start out a little parochial, but I am going to take it to the bigger issue. We talked about a port north of Plentywood that DHS wanted to close the 24-hour port. It was my belief that this port was critical for border security on the northern border because it was a port with a long distance between the other 24-hour on the east and the west.

What is your view with border security as it applies to not only the folks that are on patrol, but the folks who are in the ports?

KELLY:

Well, sir I think it's -- you know, it's clearly a balance. I mean, we can't stop the normal flow of commerce in just legal people, by the same token that we have got to do better at finding or closing the border to the things that we don't want to come in. I am not as familiar nearly as we discussed with the issues of the northern border, but as I promised you in your office the other day, I will be very quick to come up on that and perhaps even during the summer visit your state...

TESTER:

I'll take you up on that and we will make sure we don't get you into North Dakota because that will give you the wrong impression. Look, and we'll follow up on that, but there are Grande Lakes, Stoneguard and Granzaser (ph) that are critically important. There are efforts to be made with the

local farmers and ranchers that live on that border and I need to get you there, so, actually you can talk to those folks because they are not paid by you or us, but still an important part of the overall structure of Homeland Security.

We will talk about immigration for a second. When you were in my office, you said what I have thought for a long time and that is that we made folks jump through hoops to get the visa and then after they come in the country, we would never tell them to head home. How do you anticipate to make it work when those visas expire? To be able to notify those folks that it's time to head back.

KELLY:

To the degree that I have been in discussions on this point, apparently, we don't have a particularly good system to kind of alert when the day after someone's visa expires, we don't have a very good system to say this person's visa expired and to share that information whether it's with you know, within the Department for sure and then local law enforcement and it's not until as you know, Senator, people get caught doing something wrong, speeding or something like that that they get caught which would showcase this person.

TESTER:

That's right.

KELLY:

So the discussions I have had is that we have got to do better with the systems first of all alerting us that someone has stayed past and then as appropriate, perhaps send someone to their house or their last known residence and ask them why they haven't departed yet.

But the other issue as I have been briefed and this is kind of hard, but you know, as you know when people -- when non-citizens come in, we record them. When they go out by air, commercial air, we record them leaving. What we don't do very well apparently is at the ground entrances, so I will look into that as well.

TESTER:

While I appreciate any work you can do on that because I think that would help solve -- not all, but certainly a fair amount of the problem. The real ID is something that has been of controversy in the state of Montana since my days back in the state legislature which is over 10 years ago now.

For the time being, DHS has waived part of the law requiring construction of the link nationwide database required by the law. I know Senator Paul is also concerned about this. What are your plans to implement the real ID issue as it applies to states like Montana that don't really want to see this nationwide database?

KELLY:

Well, as the Senator knows...

TESTER:

And still keep our country safe.

KELLY:

Right, right.

TESTER:

It's tough not too.

KELLY:

As the Senator knows, it is in the law. It is my understanding that the secretary has some elbow room in terms of waiving it. I'd like to think that -- and I'm not completely you know kind of conversant with it, but I would like to think that in the small number of states that have not met the...

TESTER:

Yes.

KELLY:

You know, the point at which they have safe ID cards, I'd like to you know, maybe work with this -- no, absolutely work with the states to find out way ahead what we can do to come into an agreement. There's always the possibility of additional time waivers, but I would like to work with the states on that, Senator.

TESTER:

OK. Thank you. In your particular case, this is a big department. It's got a lot of different arms sticking out there, and your deputies are going to be really, really, really important.

KELLY:

Right.

TESTER:

What are you going to be looking for, for your deputy secretaries?

KELLY:

For anyone that works, I think for the federal government, but certainly, at the senior level, people that are first of all, they know what they are doing. Understand the importance of following the law and understanding the importance of taking care of their people. To Senator McCaskill's point again, people that will listen to their subordinates when there are suggestions of how to do business better, listen to their subordinates when there are more serious problems and not retaliate against anyone when they come up and raise issues.

TESTER:

OK. Last question, very quickly. What is your highest priority when you are considering anti-terror efforts?

KELLY:

Stopping them somewhere well away from our country.

TESTER:

Very good. Thank you, General.

KELLY:

Sir.

JOHNSON:

Thank you, Senator Tester. One thing you will know, General Kelly, the northern border is very well represented on this committee, sometimes, a duplicate. Next is, Senator Daines.

DAINES:

Thank you, Mr. Chairman. General Kelly, it was truly an honor to have you in the office yesterday. Thank you for considering coming to Montana. We will take a look at that northern border and as the Chairman just mentioned, I just counted heads here, Mr. Chairman. Eight out of 15 members of this committee actually have a northern border.

Just two of a southern border and that's not to say the southern border is not important, but this committee will also not forget about that important northern border. I also want to thank your family.

As a son of a marine, I wish my dad would be very proud if he were here knowing that we're having this conversation. So thank you for your service. My family sleeps better at night knowing that a four-star general, a marine no less is leading the Department of Homeland Security. So thank you and thank you very much, Karen and to the rest of the family for allowing the General to continue his service to our country.

General Kelly, as we discussed yesterday, I spent 28 years in the private sector before I came to the Hill ten years with a global cloud computing company. We face cyber threats daily. The customers expected their data to be secure. We delivered our data and it was never compromised and then I came to the Federal Government, became an employee of the Federal Government, elected at Congress in 2012 and lo and behold, you got the same letter that I got in terms of our information being compromised as federal employees because of a cyber breach.

The internet is a great tool for creativity, for communication, for commerce, but it has also become a tool for bad actors engaging in fraud, identity theft, piracy, terrorist propaganda, and espionage.

As Secretary, how will you counter these cyber threats to protect nation and our families?

KELLY:

Well, obviously Senator, I have confirmed, I mean, I will get deep into it and in my job as a military person, I understand cyber out there and know what our capabilities are. The US capabilities out there. I also know that you know, three or four or five years ago, we talked about the United States would not have a peer competitor in cyber for 20 years or 25 years. Now, we know that we have some pretty darn close to peer competitors.

You know, I was watching something that Secretary Ash Carter started when he first took over at the Defense Department. He started to reach out to the commercial world -- Silicon Valley -- that kind of thing to engage them as opposed to perhaps, or at least to get, you know, get a report card on how we are doing within the federal government to develop.

But there's unbelievable, obviously talent out there in the civilian sector and I think at this point in time, everyone realizes that it's in everyone's interest whether it's personal security or corporate security, certainly US security, everyone realizes I think that working together makes an awful lot of sense.

There are clearly privacy issues and those kinds of things that can be you know, the law that could be -- would always have to be followed, but I think just more cooperation amongst the private sector and in the federal sector, the state sector. I think that would go a long way to it, but again, I think Ash Carter was on to something in a big way when he started to reach out to the commercial world.

DAINES:

Thank you, I want to turn the attention back to that northern border discussion we had earlier. Agriculture is our largest economic driver in a state like Montana. Canada is our largest export market. We want to make sure, certainly farmers and ranchers do not want disruptions as we go north and south here as it relates to commerce.

But this 5,500-mile long border that we have in the northern border, we know there is a lot of bad actors out there. They view that northern border as very much a soft underside and frankly, with

the current administration, we have had some challenges with insufficient staffing to make sure that we're protected there at the north.

As the Secretary, how would you increase Customs and Border Protection officer recruiting, retention and mitigate some of the staffing shortages without reducing services?

KELLY:

You know, Senator, I think not -- in the world I came from, there was a time where back right in Vietnam period where we couldn't recruit or retain good service members mostly because of the morale, mostly because of when other young men and women talked to their brothers, older brothers, saying, "Should I join the Armed Forces?" "No, it's not worth it."

So an awful lot of the retention and recruiting problem comes as a result of the morale problem within the Department.

I was just talking to a couple of gentlemen a little earlier who said that they have been lifelong members of the Federal law enforcement world, but would not recommend their sons or daughters join up. I have a very good friend -- well, I'll end it there and just say morale -- the best recruiters in the organization are the people that are already in the organization.

If they have value or have a sense that people value what they do, that there is a future, that there is upward mobility, that you get a fair shake no matter who you are in terms of advancement that turns recruitment and retention around, but what I hear mostly is we're not appreciated and we're not allowed to do our jobs, so we would take a long hard look at that right away.

DAINES:

Thank you, General Kelly. Yesterday, we discussed the government earning the trust of the people. DHS, Citizenship and Immigration Services, they play a critical role in vetting refugees. This has become a talk of conversation across our country as well as in Montana, long before they reach US soil, in interviews, background checks, collecting biometric data abroad and so forth. How can the American people regain trust that any future refugee will not be a risk to our families, and what we do when to ensure that their comprehensive background check is completed?

KELLY:

One of the problems I think, and with many of our refugees is they come in from countries obviously that are dysfunctional and I think many American citizens feel that if you are taking in people from a country that simply has no law enforcement bureaucracy, they clearly don't have things like the FBI and Homeland Security, how can you guarantee? There is no guarantee.

You can't guarantee 100% and if you are taking in the large numbers of people, or any people from places where you really can't vet them very well, I guess, you do the best you can.

DAINES:

And lastly, you talk about telling truth to power. How has this integrity served you in making tough decisions as a leader?

KELLY:

It has made it easy actually. I have -- as Secretary Gates said, it's a moral responsibility. It's what you do and if you don't, I found if you don't, organizations like the United States Senate and House figure very quickly that what they are getting from a witness is not straight and it certainly kind of marginalizes you, so I think truth to power is the way to go.

DAINES:

Thank you, General Kelly.

JOHNSON:

Senator Peters.

PETERS:

Thank you, Mr. Chairman. John Kelly, wonderful to have you here and I will join everyone else in thanking you for your service and certainly for your family's service as well. It is truly a family affair -- public service and particularly for your many years in the US Marine Corps, so I appreciate your patriotism and sacrifice.

I also want to say it's good to see you again. I had the privilege of being with you in Guatemala earlier -- or probably midyear last year as part of the Committee trip and had the benefit of your briefings and I actually had the benefit of being on the border between Guatemala and Mexico and talking about some of the issues related to immigration from that country and from Latin America as well, and it is certainly very refreshing to see the director or a nominee for Director of Homeland Security as someone who has been on the front line in dealing with those issues.

And I also appreciate from your briefings the fact that you understand that this is an incredibly complex issue. It can't be solved simply by building a wall. It requires a much more thoughtful approach and I am confident, based on your experience and your statements that you bring that to the office.

I wanted to pick up on what Senator Daines have talked about in regards to cyber security as we talked about in our previous conversation, I believe that without question, the number one national security threat to us is cyber, not only the Russian attacks which you have addressed earlier in the hearing here, but attacks that are occurring on a daily basis.

And as you know, a person or entity trying to use cyber to attack us often looks for the weakest link and that weakest link tends to be entities like small businesses or perhaps local governments,

or state governments that don't have the same kind of cyber protections that we may have at the federal level, although that is certainly open for attack as well as we have seen from the past.

But last Congress, I joined Senator Vitter in introducing the small business cyber security improvement act and it was part of the 2017 NDAA authorization and is now a law that will require the SBA and the DHS to develop a small business development center for cyber strategy and just what are kind of your thoughts on your support of that endeavor and how you see the DHS working particularly with small business owners who don't have the resources to have elaborate defenses to protect themselves as well as protect larger networks.

KELLY:

Well, Senator, you know -- as you know, part of the mission is to protect the dot gov of DHS -- protected dot gov nets and to work with the commercial world and since it is part of the mission, again, I don't know the level of effectiveness, I suspect I know Jay Johnson, a good friend is -- has this on his scope. I don't know to the degree how successful we're being, but he started for sure this process of -- and I will continue it.

PETERS:

Right, well, I appreciate that. The other -- and I have some direct questions that I would like to ask that are very important to folks in my state. As we spoke about earlier, I represent a very large Arab American, Muslim American community in the state of Michigan, one of the largest communities outside the Middle East, largest community in the United States and based on comments made by the President elect, I will tell you there is a great deal of fear in the community, a great deal of unease about what the future means for them under the new administration and certainly, the Department of Homeland Security is a place where they have particular anxiety.

So I was curious to your position on a couple of things. First off, do you agree that putting mosques under generalized surveillance and establishing a Muslim database, two proposals that were discussed by President elect Trump would raise serious constitutional issues under the Free Exercise Clause of the First Amendment and the Equal Protection Clause of the Fifth and Fourteenth Amendments?

KELLY:

I'm not a lawyer, but to the degree I understand those laws, yes, sir.

PETERS:

Will you commit to ensuring that religion does not become a basis for US counterterrorism or law enforcement policy, particularly as it relates to the targeting of individuals with ancestry from Muslim majority countries?

KELLY:

I don't think it's ever appropriate to focus on something like religion as the only factor, so yes, sir.

PETERS:

And do you believe that non-citizen Muslims, people of Arab or people of South Asian decent should have to register with the government and if so, for what purpose would the program be used?

KELLY:

I know there was some program some years ago where they had this on the books, I know it's no longer on the books and I -- unless, obviously, it would have to be legal, but unless there was some really compelling reason, but so yes, sir, I'd agree.

PETERS:

I think the program is the NCR program that you are talking about that began in 2002 and it was supposedly to catch terrorists. It existed for a number of years and never had any impact whatsoever and so it sounds as if you would not be supportive of bringing that back. Good.

The last question is the Supreme Court case *Korematsu v. the United States* was a landmark case, addressing the constitutionality of Executive Order 9066, which ordered Japanese Americans into internment camps during World War II regardless of their citizenship. Do you agree that the Supreme Court decision in *Korematsu* does not provide a legitimate precedent for internment or special registration of individuals who are Muslim or within ancestry from Muslim majority countries?

KELLY:

I do. I don't agree with registering people based on ethnic or religion or anything like that. So I think, I would agree with the Supreme Court.

PETERS:

Right.

KELLY:

Again, not a lawyer here, so.

PETERS:

Right, I understand. Well, I appreciate those responses. And maybe just in follow up and I know we talked about this in our meeting earlier, but if you could let the Committee how do you approach communities in this country who are made up primarily of Arab American, Muslim Americans

from your past experience, how do you see your role as Homeland Security Director in reaching out to those communities and making them part of a solution?

KELLY:

Very briefly, as we discussed in the office, Senator. Our success in Iraq, certainly my time in Iraq was because I outreached with people across the spectrum of society, all of whom were Muslim following the Islamic faith. Obviously, the men, the clerics, the communities, the way we won certainly in my part of Iraq was we outreached to people, convinced them that we were there for good and not evil. That we were there to protect them and to help them and overnight almost, with the awakening and other things that I won't go into, but I mean, it was the thing that gave us success -- outreach to the community and touching everybody in the community and gaining their trust.

I know Senator Johnson does that. I certainly will continue that. I look forward to continuing that.

PETERS:

Well, I appreciate those responses, General and if confirmed, we'd love to host you at the Detroit area with a community that would be very eager to meet you and certainly needs reassurance from someone in that position.

KELLY:

Look forward to it, Senator.

PETERS:

Thank you.

JOHNSON:

Senator Harris.

HARRIS:

Thank you, Chairman Johnson and Ranking Member McCaskill. General, thank you for your longstanding service and sacrifice and to your family as well. I would like to ask you a few questions starting with the deferred action for childhood arrivals, also known as DACA.

Hundreds of thousands of DACA recipients around the country are afraid right now for what this incoming administration might do to them and also what it might do to their unauthorized family members. In order to receive DACA, these young people submitted extensive paperwork to the Federal Government including detailed information regarding themselves and their loved ones.

They also had to qualify as you know for the program and in qualifying, each person's case was reviewed and determined on a case by case basis. The young person must have not been convicted of a felony or a significant misdemeanor or three or more misdemeanors. The young person must also be deemed to pose a threat to national security or public safety. The young person must currently be in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development certificate, also known as GED, and/or have been honorably discharged as a veteran of the Coast Guard or Armed Forces of the United States.

Among other things, DACA applicants must submit proof of identity, proof of time and admission in the United States, proof of relevant student, school completion or military status and biometric information. As part of the DACA application process, we conduct biometric and biographic background checks against a variety of databases maintained by DHS and other federal agencies.

If a DACA applicant knowingly makes a misrepresentation or fails to disclose facts in an effort to obtain DACA, it is a felony and the applicant will be treated as an immigration enforcement priority to the fullest extent permitted by law and be subject to criminal prosecution and/or removal from the United States. This means obviously that applicants to DACA know that if they are not giving us the whole truth about their story, they are putting a target on their own backs.

At the time the Department of Homeland Security assured them that it would follow its longstanding practice of not using such information for law enforcement purposes except in very limited circumstances, these young people are now worried that the information that they provided in good faith to our government, may now be used to track them down and lead to their removal.

So my question is, do you agree that under DACA, we have -- and those young people have relied by hundreds of thousands of them have relied on our representations, do you agree with that?

That we would not use this information against them?

KELLY:

The entire development of immigration policy is ongoing right now in terms of the upcoming administration. I have not been involved in those discussions. If confirmed, I think I know I will be involved in those discussions. I think there are -- there is a wide -- there is a big spectrum of people who need to be dealt with in terms of deportation...

HARRIS:

I am speaking specifically of DACA...

KELLY:

And those categories would be prioritized. I would guess, I am not part of the process right now, I would guess that this category might not be the highest priority for removal. I promise you, Senator that I will be involved in the discussion.

HARRIS:

I'd like that you would read or become familiar with a document issued by the US Citizenship and Immigration Services. Its frequently asked questions brochure. Question number 20. The question is, "If my case is referred to ICE for immigration enforcement purposes or I receive an MTA, will information related to my family members and guardians also be referred to ICE for immigration enforcement purposes." The answer according to this document is that if the case is referred to ICE for purposes of immigration enforcement where they receive an MTA information related to their family members, that is contained in their request will not be referred to ICE.

Are you willing to maintain that policy of not referring that information to ICE?

KELLY:

I would definitely look very long and hard at the document. I am not familiar. I do not know right now where the upcoming administration is going with this, I will be part of that. I can tell you, Senator, I promise you that I will keep a very open mind as we look at this topic.

HARRIS:

Are you familiar that under predecessors, the Director of Homeland Security made the decision and issued the information to the troops. It was not the President. Are you familiar with that?

KELLY:

Yes, ma'am.

HARRIS:

And do you agree that many of these young people who were brought here as children and only know America as their home?

KELLY:

Many of them are in that category.

HARRIS:

And do you agree that they are now studying at colleges and universities and graduate schools across our country? Some are working in Fortune 100 companies, major institutions and businesses both small and large?

KELLY:

I am aware that some are, yes.

HARRIS:

And do you intend then to use the limited law enforcement resources of DHS to remove them from the country?

KELLY:

I will follow the law, but again, I go back to the -- we have a limited capacity to execute the law, so we would certainly look at the highest priority activities and -- but I will follow the law to the extent that I can execute the law if that makes sense.

HARRIS:

Well, I know as a career prosecutor, I was formerly Attorney General of California and before that, the District Attorney elected two terms in office that we, in law enforcement have limited resources.

I am interested in knowing from your perspective where the students and the young people who applied and were eligible for DACA, where they would fall on your list of priorities in terms of the limited law enforcement resources that you have or would have if confirmed.

KELLY:

I think law abiding individuals would in my mind with limited assets to execute the law would probably not be at the top of the list.

HARRIS:

And would agree that state and local law enforcement agencies are uniquely situated to protect the public safety of their own communities?

KELLY:

I would agree with that.

HARRIS:

And are you aware that state and local law enforcement leaders across the country have publicly stated that they depend on the cooperation of immigrant communities to protect criminal activity and to come forward as witnesses to crime?

KELLY:

I have read that.

HARRIS:

And are you aware that there has been in the past, when the government has applied indiscriminate immigration sweeps, many local law enforcement agencies have been concerned and have complained that there has been a decrease in immigrants reporting crimes against themselves or others?

KELLY:

I was not aware of that.

HARRIS:

Will you make it your priority to become aware of the impact on immigrant communities in terms of their reluctance to report crimes against themselves, their family members or others when they are concerned the DHS may direct sweeps against entire immigrant communities?

KELLY:

You have my commitment. I will get briefed on this. Again, I fall back on really the law will guide me if confirmed in everything that I do.

HARRIS:

And I would encourage that not only the law, but how it will practically apply in the streets in terms of the perception of the interpretation of the law to those immigrant communities and what we all want to do in ensuring that all victims of crimes, regardless of their document status are protected and that they receive justice in the court of law.

KELLY:

Acknowledged.

HARRIS:

Thank you.

KELLY:

Yes.

JOHNSON:

Thank you, Senator Harris. Senator Paul?

PAUL:

General Kelly, congratulations and I want to join in also thanking you for your service and your family's sacrifice in defense for our country.

The position you are up for Homeland Security is obviously to defend the homeland, to defend the country, but the oath you take is actually to defend the Constitution. That's the oath we take. It's the oath you also took in the military as well and I think there is an important distinction because it doesn't mean we want security at all cost, we want security in order to have our liberty.

So liberty is an important part of this.

There have been times in our history when I think we let fear sort of overcome our ability or our desire to defend the Constitution. In the Civil War, we suspended habeas corpus. We kept people without -- in detention without trial, without legal access. We arrested 3,000 editors during the World War II, 100,000 Japanese were detained.

We sort of let our fervor or our fear somehow replace our oath, you know, to defend our liberty, to defend the Constitution. We have on the books and we passed about five years ago a law that says that an American citizen can be indefinitely detained. Not an American citizen overseas, not someone captured in Syria in a battlefield, someone captured in the United States and accused of terrorism, accused of terrorism can be kept indefinitely. They could be sent to Guantanamo Bay, or they could be sent to a variety of places that has never been used and this President has said he wouldn't use it.

But he signed it anyway, much to the chagrin of some of us. But it is on the books, and I guess, my question to you would be, do you think we can adequately arrest people in our country who are you know, somehow a threat to our homeland security. Do you think the constitution could be good enough? That due process and our courts of law in our country would work or would you think, you know, they are going to have to be times when we're just going to have to detain people without trial?

KELLY:

I am pretty committed to the Constitution. I was not aware of the large surprises being put and I think we have enough laws to help us out in that regard.

PAUL:

I think it's important and you know, obviously, the future is unknown, but you and I have talked about it in the office, if something terrible happens, we need people in places of leadership that don't let us succumb to our emotions on our fear, whether they are rational fears of others or whatever they are that the law is incredibly important and that's what you know, our soldiers, you know, sacrifice so much for.

With regards to how do we collect data on people to protect ourselves? Once again, is this idea -- well, are we so fearful we are going to collect data on everybody?

There have been instances when we have. For example, we have had bulk collection of everyone's phone records. Now, some will argue the technical part of the Fourth Amendment is well your phone records are not really protected. Some of us will argue, well they should be protected. But is this debate we're having? But it's also a debate about sort of how you come to security in our country.

Can we come to security by individually going after suspects or for people for whom we are suspicious of or should we have blanket surveillance of everyone, which means we have to give up according to some of us, liberty and privacy.

And I will give you a specific example of this, because this comes from the Homeland Security.

A couple of years ago, they decided they would use license plate screeners and apparently, they are very rapid and they can collect hundreds and hundreds, if not thousands of license plates an hour. But they decided they would go to a gun show. Why this particularly concerns me is, you could also conceive the people at a gun show is exercising some sort of freedom of speech or some sort of ideological belief by being at a gun show.

Not just wanting to buy a gun, but actually defending their Second Amendment right to buy a gun.

What alarms me is that if we are going to scan license plates at a gun show that we might go to a pro-life rally or a pro-abortion rally depending on who is in charge. I don't want the government scanning people's license plates. I don't want them covering and getting all of our data just so we can possibly be saved some day from something. I want the individual to be protected.

But I am not against Homeland Security going after individuals and digging as deep as you want with the proper process. So what I would ask you is your opinion on how do we defend the country? Can we do it with the traditions of looking at individuals for whom we have suspicion or are we going to have to collect all of these data and give up our privacy in the process?

KELLY:

Senator, I would go with the traditional route. The scanning of the license plates -- I mean, maybe a reason, I can't think of one right now but I am not for the collection or the mass collection of data on people. I would go the other way.

PAUL:

And this is an amazing amount of information we can look at. If you had all of the information of everyone's Visa purchases in the country, there is no end, but realize that this is a big part of what your job is as people are going to be coming to you saying, protect us. We want to be safe.

But at the same time, what are we willing to give up? Can we keep what we actually believe in what we are as a people, the freedom that you were committed as a soldier and I hope you will keep that in mind.

KELLY:

Yes, sir.

PAUL:

Thank you.

JOHNSON:

Thank you, Senator Paul. Senator Hassan.

HASSAN:

Well, thank you Chairman Johnson and Ranking Member McCaskill. I look forward to working with both of you and General Kelly, thank you so much for being here today, for your service, to your family, I echo the thanks you have heard today for your service and sacrifice.

We are very, very grateful.

I wanted to just start by asking a question on cyber security that has kind of hit my neck of the woods a little bit in the last couple of weeks. Two weeks ago, the Washington Post reported that a hacking group connected with the Russian government managed to infiltrate the Burlington Electric Power Company in Vermont and New Hampshire and Vermont as you know have many shared utility connections along the border between the two states.

I think we all agree that foreign infiltration into our utility infrastructure into any other infrastructure is unacceptable and with DHS being responsible for securing critical infrastructure from both physical and cyber-attack, I am just curious about what steps you think DHS needs to be taking to prevent cyber-attacks on critical infrastructure and confronting foreign nation's cyber espionage efforts.

KELLY:

I mean, the best thing we could do obviously is just outreach to everybody whether its power plants or other commercial interest. The problem as we discussed is just it's constant, it's relentless. It is from nation states. It is from mafia type organizations, and it's just from vandals.

But I think the solution is, A) outreach to provide or offer the protections that exist now and then, I mean, the threat changes so rapidly we cannot keep up with them. We have to find a way, I think, to keep up with it.

HASSAN:

Yes. Thank you. There have been a lot of discussion among committee members about the opioid, heroin and fentanyl crisis which is devastating all of our states, but New Hampshire has been particularly hard hit.

And there have been excellent discussion I thought about issues on the southern border concerning the fentanyl crisis, in particular too because that's really changing the way drug dealers are operating the east with which fentanyl can be made. The profit margins are huge and the addictive nature of fentanyl is even greater than other opioids.

But one of the things that I am heartened by is your focus on the demand side of this crisis and it would be, I think heartening to the people of my state and our country if you can commit on behalf of DHS, should you be confirmed, to partner with this committee with governors around the country to really look at the overprescribing of opioids in this country and treat it as a security threat that it is, is that something you can work with us on and commit to?

KELLY:

I look forward to that, Senator.

HASSAN:

OK. Thank you. I will add to the northern border chorus by the way, just to say, don't forget us. And lastly, I wanted to focus on one other issue concerning terrorism. Certainly, we are all concerned about the terrorism that is a threat from faraway places. And earlier in your testimony, you indicated that one of your goals would be to keep the terrorists as far away from the United States soil as possible.

But the nature of the threat is always changing, always evolving and of late, I think we all agree that there has just been a disturbing rise in homegrown terrorism and no matter how secure our borders are, terrorist groups like ISIS and Al-Qaida certainly we know use the internet to encourage and inspire troubled Americans to carry out violence at home.

So how do we go about tackling that particular challenge and what partners will be most valuable for DHS and the American people in this fight?

KELLY:

Tough problem to say the least and as I have discussed with a number of senators, I think it really does start with families and with churches, synagogues, mosques, you know the homegrown, if you will, terrorists, not just ISIS inspired. I mean, there are some pretty grim other groups of other nationalities if you will, you know, White Supremists, that kind of thing, but I really do believe it starts with people, parents understanding what is going on in the bedroom when their son or daughter is in there on the internet all the time.

You know, we kind of worry about that they are on inappropriate porn sites or something, but the fact is, that I think that is where it starts in many ways. Who knows why they get this effective

with the country, but that they get on those nets, those websites and it poisons their mind, I think and I think in the churches and synagogues, whatever -- people hear them talking and should turn them in or should at least be concerned, talk to their parents.

I am reminded of a young -- I think it was a young woman down in the south who was getting radicalized clearly and her parents noticed it and turned her in to the police. By the same token, there are other examples to where people knew that people were getting radicalized. I think the San Bernardino couple, but people are afraid to raise a red flag because they thought, A) maybe they will do something to me, and B) maybe I will be legally you know, held accountable. Legally, in the sense with lawsuit or something like that.

But it starts there.

Clearly, our law enforcement professionals then -- a role, but it is a really, really tough nut to crack. I think to the senator's question about engagement with some of the you know, parts of America that have a lot of Arab Americans and Islamic Americans so that they feel as though they can report and not be afraid, but I think if we are going to get this problem at all, it is really energizing communities and families to keep an eye out for the tell-tale signs and then to seek help before it gets out of hand.

And as I say, in that case that I know of in the south, just before it really got out of hand, they turned the daughter in. It is an act of love to get her help or to get them help. So that is where I am on it, Senator.

HASSAN:

Thank you very much and again, thank you for your service.

KELLY:

Yes ma'am.

JOHNSON:

Thanks, Senator Hassan. You may have not been here quite when I welcomed everybody, but again, welcome to the Committee. I certainly enjoyed our phone call and we look forward to working with you.

Senator Lankford.

LANKFORD:

General Kelly, thanks again for your service. You have done a remarkable job in your career for the nation and I appreciate you stepping back out again and for your family and for all the step out with you, it's a tremendous asset to the nation.

You know full well when you were asked by the President elect to do this that every time there is a problem at an airport or every time there is a shooting, if there are two people across the border, whether north or south, somebody is going to call your phone and say what's not working.

So I appreciate you engaging in to do that. Let me give you a couple of other optimistic pieces as well as you scan what is happening. We release every year a fumble's report and try to identify different areas, and as you know, DHS has been a major area for morale that's been discussed several times.

Let me give you a couple of other pieces of good news. GAO's 2015 review of 22 major acquisition programs at DHS found that only two of the 22 were actually on track. The Inspector General, the DHS and their report found that the DHS's major acquisition programs continue to cost more than expected, take longer to deploy than planned and deliver less capability than promised.

DHS was also identified and has been identified by GAO, now for 13 years, not getting up to speed on its human resources programs. We have now spent \$180 million over 13 years just to get an HR program working at DHS. While we have all talked often about some of the issues at the border, which are serious, there are some internal things that are undone.

And so while you are focusing on some of these other areas, I would encourage you to assign a deputy to finish the unfinished product of how we handle acquisitions, the cost overruns and how we handle HR within DHS.

KELLY:

If confirmed, I have my work cut out for me obviously.

LANKFORD:

Yes, sir.

KELLY:

There are some great people in the organization. I hope to retain some of them or to hire others that have been involved in Homeland Security and I think this is also part of Jay Johnson's, you know, the unity of effort. He has looked into other parts of our bureaucracy and said, "How do they do it?" No one is perfect, but how do they do it?

We have to build probably an acquisition force in DHS. We don't have the same kind of acquisition capability as say DOD does, not perfect to say the least, but yes, sir. You have my commitment.

LANKFORD:

Yes, thank you. Let's talk about a couple of things that have been touched on a little bit before. There is an ongoing conversation obviously about cyber and cyber-attacks into the United States, so two specific areas I want to bring up with you.

One is jurisdictional. This committee obviously is very engaged in cyber as a Homeland Security issue, Armed Forces is obviously very involved in that and what is happening with cyber issues, as well as intel. What I am looking for is some cooperation in a sense of this is not going to be a jurisdictional fight and so no one does it.

But how do we actually build a sense of teamwork and cooperation in our army services, intel, in DHS and so we can build a real sense of a cyber-doctrine.

A cyber-doctrine and how we are going to respond to cyber-attacks has been discussed now for a decade and it's been met to death basically in one meeting after another, but no set of decisions on that.

Help me understand how we get to a decision and move on in cooperation with other entities?

KELLY:

I think you would agree, Senator. The worse thing that this city oftentimes deals with is a stovepipe mentality in the rice bowl.

Some people in my view, if confirmed and the way I have operated, I have no rice bowl. If I have to give something up, or go across town to someone else's meeting, I will do that to improve whatever it is we are trying to improve.

There is unbelievably talented people in the US government and across the bureaucracies, but my sense is that there is just not enough interaction. Obviously, we can't do certain things because of laws and -- but laws can be changed if need be, but I think there is a -- 10 years ago when we started talking about this, we were probably a little bit ahead of the problem and 10 years later, we're behind the problem now.

I think probably now is the time to act.

I mean, I think we very, very easily could suffer a catastrophic -- a seriously catastrophic cyber-event because we didn't do our jobs as, well, as the US government and I think it's probably right now, there is an awareness that it is time to sit down and work these things out.

And again, I think the commercial world of the civilian world is as much a player in this as the Federal Government is.

LANKFORD:

And I would tell you, this Committee is eager to have a partner in that to be able to discuss what needs to be done legislatively. There are -- at times, we will have administrative witnesses here that will say, I can't really give a recommendation to you when we know the administration officials deal with it all the time. They know the barriers and the issues they face.

We need some good cooperation from people to be able to sit down with us and to say, here is what we are bumping up against.

Two of the quick areas on this. One of them is working with cities that don't want to cooperate on the issue of immigration. Sanctuary cities that have determined, we do not want the Federal Government dealing with individuals that are clearly in the United States illegally and have a criminal record.

What are your thoughts on those?

KELLY:

Well, I think as a public servant, if confirmed, I don't think I have the authority to pick and choose what laws need to be followed. I think, in a lot of ways, dangerous to think that you can pick and choose which laws. I understand maybe the perspective of some of the local leaders, but I do think the law is the law and I think the law has to be followed.

LANKFORD:

Yes, sir. I would agree. Let me bring up one last thing with you as well and it's something you and I have talked about before and that's the northern triangle and our good relationship with El Salvador, Honduras and Guatemala and some of their leaders that are really doing a remarkable turnaround.

We spoke about Guatemala and the new president, Jimmy Morales and Thelma Aldana, the Attorney General there and the remarkable work that they are doing. What practically can we do as a nation to help them as we deal with cocaine use for instance? Around 90% of the cocaine that comes to the United States touches soil first in Guatemala.

So what can we do to be able to partner with them to deal with the intra-addiction efforts?

KELLY:

Stop the demand.

LANKFORD:

That's a big one.

KELLY:

If we stop the demand, this would -- you are never going to get to zero and we have talked about this obviously, you never get to zero, but stopping the demand and we just don't have and never have had a truly comprehensive demand reduction that goes everything from you know, law enforcement, treatment, rehabilitation, intra-addiction of large amounts of drug as it is in the flow,

working with our partners down south. It is never -- we have never had a real serious public campaign here in the United States.

I testified in this room in April and had some real experts up here about behavior modifications, tobacco, mothers against drunk driving type campaigns, you never get to zero.

But we have to get -- we have to get the -- we have to reduce the amount of drugs used. Forty seven thousand Americans died last year from drug overdoses, you know, cost American \$250 billion. We have got to do something.

LANKFORD:

I would agree. Thank you.

JOHNSON:

Thank you, Senator Lankford. Now back to the northern border. Senator Heitkamp.

HEITKAMP:

I deserve that. There's a lot of critics to the northern border here. I am just kind of rapidly go through a number of things that you and I talked about that you know our great interest in and I think Senator Tester hit on the recruitment, so did Senator Daines, absolutely critical. We think that DHS has begun a process that can actually result in some successes. Please stay on top of that.

We absolutely have to give these folks help and it's not fair what's happening to a lot of our border patrol agents, Customs and Border Protection who are told literally they cannot move home to other parts of the country or transfer, you are going to lose those folks to other federal agencies who will in fact give them an opportunity to move. So it is critical that we pay attention to the workforce.

Northern border passed the bill, signed the bill. We look forward to your analysis, putting your touch on the northern border challenges and issues and greatly, greatly interested in how that whole thing comes out.

Cyber-security, I join Senator Lankford in saying, we hear it coming at us from all different directions. I think historically, the intel committee has kind of taken a little jurisdiction there and we don't want to stovepipe or rice bowl, I think you were saying, rice bowl, that's a new one to me. We don't want to silo these issues.

We want -- we want DHS to assert their important role in cyber-security.

Human trafficking. We just did a hearing this morning for the permanent subcommittee on investigations with back pages. It is a scourge. Obviously, you know that the blue campaign is working to train officers, has been absolutely a critical resource for people in my state as we confront the area of human trafficking. Please look at that program. I think there are improvements

that can be made, but I will tell you that your officers and investigators within DHS have been critical in advancing the cause of protecting children in this country.

Something that I don't think has been raised here which is first responders. I challenge you to take a look at what is happening with volunteer fire departments. The vast majority of area in this country, the fire protection comes from volunteers. Maybe there is a professional or a paid staff person, but the volunteers provide that service. Having a hard time recruiting volunteers, some of that goes to equipment. Some of that goes to just losing a culture of volunteerism. Somebody else is going to do it.

I think it is critical that you assert your role and going to ask that you pay attention to our response act which just passed that would take a look at FEMA's role in training people especially as it relates to hazardous and flammable material on the rails.

I think Senator Hassan was hitting on something very critical on the anti-radicalization. Have you had a chance to visit with the folks within DHS who are working on that program and evaluate what you think of that program and how you change the current program that they have?

KELLY:

I have not. We -- because of the ingoing outgoing MOU, memorandum of understanding, we have -- we can't directly touch, but I am in there if confirmed.

HEITKAMP:

I just really believe that it is critical that you bring the expertise of your service historically to that effort. I think that it is a little late in coming but I think it can be a force for good and I think it is critically important there is also some local grants to communities who want to bring a collaborative nature, bring people together, build those relationships that hopefully will number one, prevent radicalization but certainly report it as a front-line effort.

You know, the motto, "See something, say something," if the community does not feel appreciated and respected, or is afraid to report something for fear that it will come back to them, that you are not going to get the intel that you need.

I want to spend just a little bit of time talking about the northern triangle. I like to tell and I would -- I think I should tell your wife the excuse he gave me as you no longer wanted him underfoot. I don't know. But we're extraordinarily grateful and you must be extraordinarily proud both that his daughter and his wife, this is a remarkable public servant.

But one of the reasons why I believe that DHS won the Cabinet lottery and you can tell from perhaps, this love fest that we are having with you today is that -- is that you have such a breadth of experience in an area that is very challenging to our southern border and really our entire border security. Your work at SOUTHCOM is critical. You told me that very many of those Latin American leaders called you and were very excited. That gives us a real opportunity.

But one of the things that I think we have missed as we look at the rush of children to the border is the opportunity that we have to work with organizations like the organization of American States and UNHCR who are trying to deal with the people fleeing violence in those communities and in those countries, and refugee in place by helping Belize, by helping Nicaragua, by helping Southern Mexico, by helping Costa Rica who has taken a fair number of these refugees into their community.

Have you had a chance to take a look at those efforts regionally to look at helping people out of violence, but also then stabilizing communities and are you at all concerned about blanket statements about nation building and whether that is going to restrict or in any way hamstring your ability to bring a different perspective to the northern triangle?

KELLY:

Senator, first thing I would offer, when in SOUTHCOM and from my entire career, every discussion really began and ended with human rights and the discussion of human rights. I have a very good relationship up here in Washington and every country, every time I visited a country, I would make it a point to meet with the local human rights groups because you get a far different view of what is needed, what the real conditions are from the local human rights people.

I would make the same comment about the churches -- church leadership in that part of the world, of course, it's overwhelmingly Roman Catholic with a very sizable evangelical Christian work -- I have met with those people. Oftentimes, maybe most of the time, the NGOs and organizations like that have a very, very good -- a better view and they -- a way ahead that's worth listening to. I spend an awful lot of time with them, so I am totally --

But at the end of the day, really, to use an overused term, it's really improving the security on the ground and investment. Not just more money to you know, investment monitored in the right way by the right organizations. The Inter-American Development Bank is a particularly good one in that part of the world. I am not suggesting we give them money. I am suggesting, we rely on them to tell us how we invest that money.

But it is a tough, tough problem and it comes back to the incredible profits that flow out of our country because of the use of drugs. You know, the average American who uses drugs just say recreationally, does not think there is anything wrong with it, the Latinos will tell you this, because of your recreational use or your abuse, thousands and thousands of Latinos die every year that shouldn't die.

And I just wish we had a campaign to make people understand that there is no such thing as a nonviolent use of drugs.

HEITKAMP:

Thank you so much and again, thank you so much to your family and to you, for your long service and your continued service to our country.

KELLY:

Thank you, ma'am.

JOHNSON:

Senator Hoeven.

HOEVEN:

Thank you, Mr. Chairman. I was presiding on the floor from three to four, so one of the good things about coming late is that we get to hear all the testimony and the answers to the questions. One of the bad things is you end up last in line, but it is again, I want to add my thanks to you for your service, for your service in the military and for your willingness to serve again and your family too.

And you bring great experience.

Thanks for coming by the office today and engaging in conversation about this important position. You know, I kind of want to start off, I come from the funding side, so I have chaired the Appropriations Committee for Homeland Security for the last two years, and particularly in terms of results, so talk to me, if you would for a minute about how do we make sure that we have secured the border and we are measuring results so that we know exactly what is going on and then we communicate those results to the people of the country so they understand what is going on.

KELLY:

Well, I think the two things, Senator that -- two ways to measure it would be and my law enforcement friends tell me that if you -- in the case of drugs that come in, and the three, and frankly, I am not arguing for legalization of marijuana here, I am just saying that the only drugs I have really ever concerned myself with at SOUTHCOM are the three hard drugs. All the marijuana flow that we saw was coming from some of the Caribbean Islands south.

So I just focused on the hard drugs.

They will tell you that if you have an effective law enforcement strategy, I would argue border strategy, you will start to see the cost of drugs go up. They are dirt cheap now, but kind of a supply and demand thing. If you can reduce the availability and that's one way to -- the street price of drugs, you know it's interesting a kilo -- retail kilo, not street value cut down, but a kilo in Washington DC here cost about \$40,000.00. A kilo in most of the rest of the world cost about a quarter of a million dollars and that's because of the business aspect to the movement.

But the point is, the law enforcement people say if you see the price going up, then you are doing something right. And in terms of the illegal movement of people, fewer people come in. You know, it's in a way, it is anyone's guess how many -- you know, there is a certain number that we pick up, but it's anyone's guess how many actually get through, but you know, I think there's some

pretty good metrics that you could use, a range of people that get through, a range of people that are being processed in the legal deportation route.

But I think those two things, how many you are actually grabbing at the border would be one metric, how many -- internally, how many people are apprehended and enter the process of deportation, or at least the legal process and then the price of drugs. I think those would be pretty good metrics.

HOEVEN:

So you are willing to commit to provide those metrics so that we truly have an understanding of what is going on at the border, both the southern border and the northern border, but then also our international airports and seaports, the issue of visa overstays. The work we need to do to make sure that e-verify is mandatory so we truly have an understanding of who is coming, who is coming in, who is being detained at the border and what is the resolution of someone that is detained.

I mean, you committed to providing those statistics so we all have a common understanding of what's factually going on.

KELLY:

I am certainly committed, Senator. But I think also, if confirmed, I am going to get into how accurate the numbers are in the first place. You know, we are working with numbers. If you talk to people about the amount of cocaine as an example that is produced in the three countries that produce it, you know, you have -- the spectrum is like this. I am told that you know, 200 tons at the most, but I have got 200 tons last -- or my last year at SOUTHCOM.

The Colombians have got 158 tons or something like that. So there are wild estimates as to what the numbers are, whether it is people, whether it is drugs. So yes, the commitment is there and also a commitment to try to get -- much of this data comes from the DEA, FBI, to try to close together and come up with better numbers, so we really know what we are dealing with.

But yes, sir, you have my commitment.

HOEVEN:

How do you make sure you secure the border? Talk in terms of the wall, in terms of technology, in terms people. How do you make sure we have a secure border?

KELLY:

Perhaps, the most important thing right now as I have heard, and again, this is not briefed out of Homeland Security. We are not talking to them right now. But anecdotally, but it is a lot of anecdotal is allowing the great men and women that are in the law enforcement business of DHS particularly down in the border, allow them to do the job according to the law.

I had an interesting experience just a few months ago. I was down on the border in El Paso. Off active duty, working for the Department of Defense down there looking at some things, and I was talking to some border patrol men and women, five of them on the border and maybe 200 yards down, there is a big fence there. Call it a wall, I mean, it's pretty substantial. It's not a chain link fence, it's 18-foot tall and pretty seriously constructed.

But it's our -- you know, half a dozen or so people jumped over the fence and I am standing there just expecting the officers to jump in their cars, put their lights on and dash down there, and they said, what's the use? I was surprised. That's not good for morale.

So I think the number one thing right now would be in accordance with the law, let the people who are tasked to protect the border do their job.

HOEVEN:

So the need to really empower the people, Customs and Border Patrol?

KELLY:

I mean, the laws are there as I understand it. No one says the laws aren't there that I talked to. Again, very anecdotal, kicking the tires, but it's -- we ought to be allowed to do our job.

HOEVEN:

Touch for a minute on UAS -- Unmanned Aerial Systems -- both in terms of using them on the border as part of the technology effort, but then also counteracting them. Defense in terms of, you know, other countries or penetration by other technologies.

KELLY:

Well, I think -- you know, the beauty of the UAS is, you know, they are low maintenance, low -- relatively low cost and they don't get tired. They don't complain. There is no one riding them around. It's pretty good stuff.

One of the things I did in Central America was encourage. They thought they needed Air Forces. They don't Air Force, they can't afford them and we got them going down the route of looking at UASs. It's a relatively cheap solution for observation purposes.

The other part of your question about the opposition...

HOEVEN:

Counteracting. One of the things that we have done is set up test sites to develop UAS. We are using them on the border. We need to do more of that, but then we also need to have the ability to counteract any type of UAS coming in or penetrating our system or creating a security breach.

KELLY:

Well, one of the things -- I haven't been briefed in any way or any discussions on their use, say the cartels use of UASs, but they do use the ultralights to cross the border. That's another problem. They are very hard to detect.

But again, there are ways to pick these things up. I am not completely conversant on the technologies that they use to go after these ultralight aircraft, but we will be, if confirmed.

HOEVEN:

Thank you, Mr. Chairman. I appreciate it very much. And again, General, thanks to you for your service.

KELLY:

Thank you.

HOEVEN:

For your willingness to serve again.

JOHNSON:

Thank you, Senator Hoeven, and again, welcome to both you and Senator Harris. Appreciate you asking some great questions.

I think what you just witnessed here, General Kelly is what, certainly I have experienced in my six years on this committee. A committee of people that again, we share the same goal as you do. You know, we share your mission, keeping this nation safe and prosperous and secure.

And we don't do show trials here. We treat witnesses with respect. I reserved my question time, but the committee members asked a lot of great questions, so I won't hold you any further. Just last couple of points, every one of these hearings that we hold from my standpoint is all about laying out a reality.

Try and describe a problem, try and go to the root cause, just lay out the reality of the situation. I think, the reality that we exposed in this hearing is that, as Senator Heitkamp alluded to, we have the pleasure, the privilege and the honor of holding a hearing to confirm an extraordinary American.

Somebody that we are all incredibly appreciative of the fact that you are willing to answer the call one more time, your family is willing to support you, so again, I want to thank you. I want to thank Karen and Kathleen and Jake, your son, John who couldn't attend, just thank you for serving. Our commitment to you is we want to help you succeed in your commission, in your mission, and we made that same commitment to Secretary Jay Johnson and I want to wish him well. I think we all

have a great deal of respect for the job he did. He led the effort, the unity of effort and I appreciate the fact and your answers. You also are committed to that unity of effort and I think it's extremely important.

I just spoke with Senator McCaskill, we would kind of like to see a unity of your responsibility reporting to Congress as well. I know it's a real snarl here, all of these agencies with different committees. We will do what we can to try and at least streamline that so you can concentrate on your important mission of keeping this nation safe and secure.

So again, I just want to thank you for your willingness to serve. General Kelly has made financial disclosures and provided responses, biographical and pre-hearing questions submitted by this committee. Without objection, this information we made part of the hearing record with the exception of the financial data which are on file and available for public inspection in the committee offices.

This hearing record will remain open until 5 p.m. tomorrow, January 11th for the submission of statements and questions for the record. This hearing is adjourned.