



**Homeland
Security**

Privacy Office, Mail Stop 0655

August 8, 2023

SENT BY ELECTRONIC MAIL TO: foia@americanoversight.org

Mehreen Rasheed
American Oversight
1030 15th Street, NW
Suite B255
Washington, DC 20005

Re: 2020-HQFO-00482

Dear Ms. Rasheed:

This is the electronic final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated January 27, 2020, and received by this office on January 27, 2020. You are seeking final decision memoranda, directives, or policy interpretations or guidance signed, approved, or otherwise adopted by Acting Secretary Wolf. This request includes any document establishing, modifying, clarifying, or rescinding any DHS policy, legal or policy interpretation, or practice, whether presented as a memorandum, letter, guidance document, or in any other form, excluding USCG and CFIUS memos per amended request on February 2, 2023. (Date Range for Record Search: From 11/13/2019 To 1/27/2020).

A search of Office of the Executive Secretariat (ESEC) for documents responsive to your request produced a total of 71 pages. I have considered the foreseeable harm standard when reviewing the record set and have applied the FOIA exemptions as required by the statute and the Attorney General's guidance.¹ Of those pages, I have determined that portions of 59 pages are partially releasable, and 12 pages are withheld in pursuant to Title 5 U.S.C. § 552: (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E).

Enclosed are 59 pages with certain information withheld as described below:

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, we determined that portions of the responsive documents qualify for protection under the following privilege(s):

¹ Department of Justice (DOJ), "Freedom of Information Act Guidelines," March 15, 2022, <https://www.justice.gov/ag/page/file/1483516/download>.

- **Deliberative Process Privilege**

The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

- **Attorney-Client Privilege**

The attorney-client privilege protects confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice. It applies to facts divulged by a client to his attorney, and encompasses any opinions given by an attorney to his client based upon, and thus reflecting, those facts, as well as communications between attorneys that reflect client-supplied information. The attorney-client privilege is not limited to the context of litigation.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

Exemption 7(C) protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information.

Exemption 7(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. I determined that disclosure of law enforcement information could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

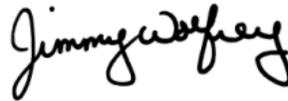
You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter, to: Privacy Office, Attn: FOIA Appeals, U.S. Department of Homeland Security, 2707 Martin

Luther King Jr. Avenue, SE, Mail Stop 0655, Washington, D.C. 20528-0655, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.5(e)(2). Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS FOIA regulations are available at www.dhs.gov/foia.

You may contact the DHS FOIA Public Liaison at 202-343-1743 for any further assistance and to discuss any aspect of your request. You may also contact OGIS at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you need to contact our office again about this matter, please refer to 2020-HQFO-00482. This office can be reached at FOIA@HQ.DHS.GOV or call 202-343-1743 or toll free 1-866-431-0486.

Sincerely,

A handwritten signature in black ink that reads "Jimmy Wolfrey". The signature is written in a cursive, flowing style.

Jimmy Wolfrey
Senior Director, FOIA Operations and Management

Enclosure(s): Responsive Documents, 59 pages

Decision Document

USCIS Notice: Registration Requirement for Petitioners Seeking to File H-1B Petitions on Behalf of Cap-Subject Aliens

(b)(6)

Sign and approve submission to the *Federal Register* for publication.

Do not sign and disapprove submission to the *Federal Register* for publication.

Modify per further instructions.

Needs discussion.

1/5/2020

Date.



Homeland
Security

DEC 05 2019

DECISION

MEMORANDUM FOR THE ACTING SECRETARY

FROM:

James W. McCament

(b)(6)

Senior Official Performing the Duties of the Under Secretary
Office for Strategy, Policy, and Plans

SUBJECT:

Delegation to the Under Secretary for Strategy, Policy, and Plans

Purpose: To request that you approve the Delegation to the Under Secretary for Strategy, Policy, and Plans. This request was reviewed and approved by then-Acting Deputy Secretary Pekoske on October 25, 2019. However, then-Acting Secretary McAleenan did not provide final approval before the end of his tenure.

Timeliness: There is significant interest in the completion of the delegation of authority from both congressional committees and the Government Accountability Office.

Background or Context: The Office of Strategy, Policy, and Plans (PLCY) submits for final approval its first ever office-wide delegation. Presently, PLCY operates under a disparate series of one-off delegations addressing some, but not all, of its mission area responsibilities. This delegation, submitted for your approval, would consolidate and replace the one-off delegations and address other mission areas not currently covered by a delegation.¹ This effort further responds to your directive for PLCY to finalize its office-wide delegation.²

PLCY submitted its delegation for DHS clearance through the delegations and directives management process and received comments and feedback from 32 components and offices. The overwhelming majority of the responses were favorable with 26 offices and components concurring either outright or with minor comments. Six components and offices did not concur with aspects of the delegation but PLCY and the Office of the General Counsel (OGC) were able to work through most of the underlying issues and achieve consensus with 5 of the non-concurring offices. (b)(5)

¹ The Office of Strategy, Policy, and Plans was formally codified in statute with the enactment of the National Defense Authorization Act for Fiscal Year 2017, Pub. L. 114-328, Div. A, Title XIX, § 1902(a), Dec. 23, 2016 (6 U.S.C. § 346).

² Finalizing the PLCY delegation also would satisfy a GAO recommendation from a recent audit on PLCY's roles and responsibilities.

Subject: Delegation to the Under Secretary for Strategy, Policy, and Plans
Page 3

(b)(5)

Attachment: Draft Delegation 23000

⁶ Other department delegations include general reservations similar to the one included in the PLCY delegation *See e.g.*, DHS Delegation 08503 issued August 10, 2012, Delegation to the Under Secretary for Intelligence and Analysis/Chief Intelligence Officer (“To the extent that the authorities delegated herein are also necessary and appropriate to support the discharge of other Department responsibilities and are separately delegated to other Department officials, this delegation is non-exclusive.”).

⁷ *See* DHS Directive 041-02 (issued August 20, 2012), delegating authorities to the Assistant Secretary for International Affairs, which was issued after the I&A delegation and does not contain the I&A requested carve-out language.

⁸ In conversations with I&A, they confirmed that the lack of the carve-out reference to their authorities regarding international agreements and arrangements has not caused any problems regarding the coordination or execution of such agreements and arrangements.

Subject: Delegation to the Under Secretary for Strategy, Policy, and Plans

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Recommendation for the Acting Deputy Secretary: For the reasons stated, PLCY respectfully recommends (b)(6)

Approve/date _____ Disapprove/date _____

Modify/date _____ Needs discussion/date _____

Recommendation for the Acting Secretary: For the reasons stated, PLCY respectfully (b)(6) that you approve the attached delegation as written.

Approve/date _____ Disapprove/date _____

Modify/date _____ Needs discussion/date _____

DEC 09 2019

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



Homeland Security

November 13, 2019

MEMORANDUM FOR: Kenneth Cuccinelli
Principal Deputy Director
United States Citizenship and Immigration Services

Randolph D. Alles
Senior Official Performing the Duties of the Under Secretary for
Management

Frank DiFalco
Acting Director, Office of Operations Coordination and
Planning

FROM: Chad F. Wolf
Acting Secretary

(b)(6)

SUBJECT: Amendment to the Order of Succession for the Deputy Secretary

Pursuant to Paragraph II.K of Department of Homeland Security (DHS) Delegation No. 0106, *DHS Orders of Succession and Delegations of Authority for Named Positions*, I am exercising my reserved right to re-designate the order of succession for the Deputy Secretary of Homeland Security. Effective at 6:00 am on Sunday, November 17, 2019, I hereby re-designate the order of succession for the Deputy Secretary as follows and direct that Annex B of DHS Delegation No. 00106 be modified accordingly:

1. Deputy Secretary
2. Under Secretary for Management
3. Principal Deputy Director, U.S. Citizenship and Immigration Services
4. Administrator of the Transportation Security Administration
5. Administrator of the Federal Emergency Management Agency
6. Director of the Cybersecurity and Infrastructure Security Agency
7. Under Secretary for Science and Technology
8. Under Secretary for Intelligence and Analysis
9. Commissioner of U.S. Customs and Border Protection
10. Director of U.S. Immigration and Customs Enforcement
11. Director of U.S. Citizenship and Immigration Services
12. Under Secretary for Strategy, Policy, and Plans
13. General Counsel

www.dhs.gov

DHS-20-0092-A-000005

14. Deputy Under Secretary for Management
15. Deputy Commissioner of U.S. Customs and Border Protection
16. Deputy Administrator of the Transportation Security Administration
17. Deputy Director of U.S. Immigration and Customs Enforcement
18. Deputy Director of U.S. Citizenship and Immigration Services
19. Director of the Federal Law Enforcement Training Centers

Accordingly, because the Under Secretary for Management position is vacant, effective at 6:00 am on Sunday, November 17, 2019, I direct that Kenneth Cuccinelli, Principal Deputy Director, U.S. Citizenship and Immigration Services, will serve as the Senior Official Performing the Duties of the Deputy Secretary in accordance with Annex B of DHS Delegation No. 00106.

I further direct that DHS Delegation No. 0110, *Delegation to the Senior Official Performing the Duties of the Deputy Secretary*, (revised January 31, 2019), be cancelled.

cc: Kenneth Cuccinelli, Principal Deputy Director, USCIS
Joseph B. Maher, Acting General Counsel
Brandon Wales, Acting Chief of Staff



Homeland Security

ACTION

MEMORANDUM FOR THE ACTING SECRETARY

FROM:

Gary Rasicot

Acting Assistant Secretary

(b)(6)

SUBJECT:

Notice to Congress of New Securing the Cities Program Jurisdictions

Purpose: This memorandum seeks your signature on attached letters to notify Congressional committees of new Securing the Cities (STC) Program jurisdictions.

Timeliness: December 31, 2019. CWMD's implementation of the STC Program for FY 2019 and FY 2020 cannot proceed without this notification.

Signature Level Justification: Section 1928 (c)(2) of the Countering Weapons of Mass Destruction Act of 2018, Pub. L. No. 115-387, December 21, 2018, requires the Secretary to notify House and Senate authorizing and appropriating committees of the designation of new jurisdictions.

Background/Context: The first attachment signed on October 29, 2019, designated eleven high-risk urban areas as eligible for STC Program participation under the Homeland Security Act of 2002, as amended by the Countering Weapons of Mass Destruction Act of 2018. Six of these cities (Atlanta, Denver, Miami, Phoenix, San Francisco, and Seattle) are new cities requiring Congressional notification prior to their designation. The attached letters accomplish this notification.

Attachments: A/S1 signed Action Memo 10-29-2019

Draft Letter to House Committee on Appropriations Chairwoman Nita Lowey

Draft Letter to House on Appropriations Ranking Member Kay Granger

Draft Letter to House Committee on Homeland Security Chairman Bennie Thompson

Draft Letter to House Committee on Homeland Security Ranking Member Mike Rogers

Draft Letter to Senate Committee on Homeland Security and Governmental Affairs

Chairman Ron Johnson

Draft Letter to Senate Committee on Homeland Security and Governmental Affairs

Ranking Member Gary Peters

Draft Letter to Senate Committee on Appropriations Chairman Richard Shelby

Draft Letter to Senate Committee on Appropriations Ranking Member Patrick Leahy

Recommendation: Sign the attached letters of newly eligible STC cities to House and Senate authorizing and appropriating committees.

Subject: Notice to Congress of new Securing the Cities Program Designations

Page 2

(b)(6)

Approve/date _____

Disapprove/date _____

Modify/date **JAN 05 2020**

Needs discussion/date _____

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director
20 Massachusetts Avenue, NW
Washington DC, 20529



U.S. Citizenship
and Immigration
Services

November 20, 2019

DECISION

MEMORANDUM FOR THE ACTING SECRETARY

FROM:

James W. McCament
Deputy Under Secretary for Strategy, Policy and Plans

(b)(6)

Mark R. Koumans
Acting Director

(b)(6)

SUBJECT:

Disclosure of Asylum-Related Information to the U.S. Census
Bureau

Purpose: The President, with E.O. 13880, dated July 11, 2019, directed all Federal Government agencies to provide information requested by the United States Census Bureau (USCB) to assist in its determination of the number of citizens and non-citizens in the United States, including by providing access to any administrative records that may be useful in accomplishing this objective.¹ The President further directed that this order be implemented in a manner consistent with applicable law, including federal laws protecting information privacy. To share asylum and refugee-related information² with USCB in accordance with E.O. 13880, a Secretarial waiver pursuant to 8 C.F.R. §

¹ See Exec. Order No. 13880, Collecting Information About Citizenship Status in Connection With the Decennial Census, 84 Fed. Reg. 33821 (July 11, 2019).

² Protected information includes information contained in, or pertaining to, an asylum application, as well as information related to credible fear determinations pursuant to 8 C.F.R. § 208.30, reasonable fear determinations pursuant to 8 C.F.R. § 208.31, and requests for withholding of removal pursuant to 8 C.F.R. § 1208.16. As a matter of policy, refugee applications are treated in the same manner. 8 C.F.R. § 208.6 reads in relevant part:

(a) Information contained in or pertaining to any asylum application . . . [or] records pertaining to any credible fear determination . . . [or] records pertaining to any reasonable fear determination . . . shall not be disclosed without the written consent of the applicant, except as permitted by this section or at the discretion of the [Secretary of the Department of Homeland Security].

(b) The confidentiality of other records kept by the [Department of Homeland Security] . . . that indicate that a specific alien has applied for asylum, received a credible fear or reasonable fear interview, or received a credible fear or reasonable fear review shall

208.6(a) is required. This memorandum requests that you exercise your authority under 8 C.F.R. § 208.6(a) to share asylum and refugee-related information with USCB for this purpose.

Timeliness: USCIS and PLCY request your approval by November 22, 2019. USCB has requested this data by December 31, 2019. USCIS requires approximately four weeks to conduct research and compile data to provide to USCB. Approval of this waiver will authorize USCIS to collect the necessary data.

Signature Level Justification: 8 C.F.R. § 208.6 requires the Secretary of Homeland Security written consent to release information pertaining to asylum applications, credible fear determinations, reasonable fear determinations, and requests for withholding of removal.

Background: With limited exceptions, 8 C.F.R. § 208.6 prohibits the disclosure of information contained in, or pertaining to, asylum applications, credible fear determinations, reasonable fear determinations, and requests for withholding of removal. As a matter of policy, refugee applications are treated in the same manner. The purpose of this prohibition is to safeguard information that, if disclosed publicly, could subject the claimant to retaliatory measures by government authorities or non-state actors in the event the claimant is repatriated, or endanger the security of the claimant's family members or associates who may still be residing in the country of origin. Additionally, in some circumstances, public disclosure of asylum or refugee-related information might give rise to a plausible protection claim where one would not otherwise exist. The regulation, however, permits the release of such information at the discretion of the Secretary of Homeland Security.³

There are several exceptions to the general nondisclosure rule, which are enumerated in a separate section of the regulation. *See* 8 C.F.R. § 208.6(c). But these exceptions generally relate to the release of the information to U.S. Government officials in connection with the adjudication of the claim; law enforcement investigations; and the defense of civil actions arising out of the adjudication of asylum applications. The regulation does not prohibit the disclosure of anonymized asylum or refugee-related for statistical purposes. The Department of Homeland Security (DHS) currently has an agreement to share anonymized data with the USCB and has done so in the past. However, to carry out the objective of E.O. 13880, USCB will need certain Personally Identifiable Information (PII) to compare and link information sent by DHS to other records in its possession. USCB will assign unique identifiers to PII provided by DHS for use in its analysis.⁴ Specifically, the DHS-provided PII will be anonymized using Protected Information Keys to be used in the analysis carried out. USCB

also be protected from disclosure. The [Department of Homeland Security] will coordinate with the Department of State to ensure that the confidentiality of those records is maintained if they are transmitted to Department of State offices in other countries.

³ By operation of section 1512(d) of the Homeland Security Act of 2002, the Attorney General's authority under 8 C.F.R. § 208.6(a) to authorize disclosure of confidential asylum information held by the former United States Immigration and Naturalization Service—and now held by DHS—was transferred to the Secretary of Homeland Security.

⁴ See <https://www.census.gov/about/adrm/linkage/technical-documentation/processing-de-identification.html>

When the DHS data is transmitted to the U.S. Census Bureau, it will be initially accessible to a small staff responsible for, among other things, conducting quality control checks. This is done in a secured physical environment on a highly restricted computing cluster behind the U.S. Census Bureau's firewall. After initial processes are completed, the DHS-provided data will be assigned a unique identifier and the Personally Identifiable Information (PII) will be anonymized using Protected Identification Keys (PIKs). The anonymized PII will be compared to other data held by the U.S. Census Bureau in carrying out its analysis.

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will report its findings only in an anonymized fashion. It is the USCB's need for PII in the analysis required by E.O. 13380 that necessitates this waiver.

DHS and USCB are negotiating a memorandum of understanding⁵ (MOU) to set forth terms and conditions for the sharing of information with the U.S. Census Bureau pursuant to Executive Order 13380. This MOU will be signed by the DHS Deputy Under Secretary for Strategy, Policy, and Plans, and the U.S. Census Bureau Chief of the Economic Reimbursable Surveys Division. As you will not be signing the MOU, you are signing this exercise of the Secretarial waiver authority under 8 C.F.R. § 208.6(a) separately to authorize the sharing set forth in the MOU.

Recognizing the sensitive nature of asylum and refugee-related information and that unauthorized release of such information may place an asylum seeker or refugee applicant, as well as his or her family members or associates, at risk of serious harm, and given the heightened privacy interests implicated in asylum and refugee-related information and the Department's general policy on asylum and refugee confidentiality, the MOU contains appropriate safeguards against the unauthorized release of the shared information to third parties. The MOU specifies that the information provided by DHS will be used in only accordance with the purposes specified therein, and that any information shared is accessed only by authorized USCB personnel and those working with USCB who have Special Sworn Status. Access to the data will be limited to the minimum number of individuals with a need to know. Additionally, the MOU does not authorize further dissemination of information (including asylum or refugee-related information) that is not statistical in nature beyond those authorized to receive it in the MOU. USCB is required to provide adequate safeguards for the data shared to guard against unauthorized disclosure of asylum or refugee-related information. USCB is expected to safeguard any asylum and refugee-related information in a manner consistent with its existing privacy policies, to include the heightened privacy protections mandated in its authorizing statute.⁶ If an unauthorized disclosure of asylum or refugee-related information shared by DHS pursuant to the MOU should occur, the USCB is to notify DHS as soon as is practicable, but no later than 24 hours after it becomes aware of the unauthorized disclosure.

The MOU is consistent with DHS Management Directive 047-01 on Privacy Policy and Compliance, and does not in any way affect the application of information and privacy laws, such as the Privacy Act of 1974, which may limit the disclosure of information described therein. In particular, restrictions under the Privacy Act apply to information regarding lawful permanent residents and U.S. citizens⁷. To the extent that the asylum and refugee-related information described in the MOU pertains to persons described in the Privacy Act, such information shall only be disclosed in a

⁵ See "Memorandum Of Understanding Between the United States Department of Commerce, U.S. Census Bureau, and the United States Department of Homeland Security Regarding the Transfer of Immigration and Citizenship Related Data."

⁶ The MOU provides that the U.S. Census Bureau, to the extent provided by law, will maintain the confidentiality of the data in accordance with the provisions of 13 U.S.C. § 9 *Information as confidential, exception*, and 5 U.S.C. § 552(a) (the Privacy Act).

⁷ The Privacy Act contains a statutory exception that provides for the disclosure of Privacy Act covered information "to the Bureau of Census for purposes of planning or carrying out a census or survey or related activity pursuant to provision of Title 12." 5 U.S.C. § 552 a)(4)

PRE-DECISIONAL/DELIBERATIVE

manner consistent with the Privacy Act. For individuals not protected by the Privacy Act, the Department adheres to the Federal Information Practice Principles as a matter of policy.⁸

The waiver authority under 8 C.F.R. § 208.6(a), has been exercised previously to allow the routine and/or systematic sharing of asylum and refugee-related information with certain foreign governments, and with U.S. intelligence and counterterrorism agencies. In 2003, Secretary Ridge authorized the sharing of information protected under 8 C.F.R. § 208.6 with Citizenship and Immigration Canada under the Statement of Mutual Understanding between Citizenship and Immigration Canada, the U.S. Immigration and Naturalization Service, and the Department of State, and its accompanying Asylum Annex.⁹ In 2010, Secretary Napolitano authorized the sharing of information protected by 8 C.F.R. § 208.6 with foreign governments participating in the Five Country Conference.¹⁰ In 2016, Secretary Johnson authorized the sharing of information protected by 8 C.F.R. § 208.6 with the governments of Australia, New Zealand, Canada, and the United Kingdom under newly negotiated bilateral agreements allowing the sharing of information for immigration, visa, nationality, and border security purposes.¹¹

In 2007, Secretary Chertoff authorized the sharing of asylum and refugee-related information with the U.S. Intelligence Community and other agencies of the U.S. having counterterrorism functions.¹² The 2007 authorization was amended and updated with additional authorizations by Secretary Napolitano in 2011 and 2013.¹³

These authorizations allowed the sharing of information pursuant to the terms of the MOU between the National Counterterrorism Center¹⁴ and the Terrorist Screening Center.

⁸ DHS Privacy Policy Guidance Memorandum No. 2017-01, *DHS Privacy Guidance Regarding the Collection Use and Retention and Dissemination of Personally Identifiable Information*, dated April 27, 2017.

⁹ See Memorandum relating to the Disclosure of Asylum-Related Information to Citizenship and Immigration Canada, HQIAO 12/12.8, dated July 28, 2003; Statement of Mutual Understanding on Information Sharing Among the Department of Citizenship and Immigration Canada (CIS) and the U.S. Immigration and Naturalization Service (INS) and the U.S. Department of State (DOS), signed Feb. 19, 2003; the Annex Regarding the Sharing of Information on Asylum and Refugee Status Claims to the Statement of Mutual Understanding on Information Sharing, signed August 15, 2003.

¹⁰ See Decision Memorandum "Disclosure of Asylum-Related Information to the Foreign Government Participants in the Five Country Conference," signed March 26, 2010. The authorization applied to the sharing of information with Australia, New Zealand, Canada, and the United Kingdom under the High Value Data Sharing Protocol pilot.

¹¹ See Decision Memorandum "Disclosure of Asylum-Related Information to the Foreign Government Participants in the Five Country Conference," signed November 2, 2016.

¹² See Memorandum "Disclosure of Asylum-Related Information to U.S. Intelligence and Counterterrorism Agencies," dated April 18, 2007.

¹³ See "Disclosure of Asylum and Refugee-Related Information to U.S. Intelligence and Counterterrorism Agencies Pursuant to 8 C.F.R. § 208.6(a) Addendum to 2007 Secretary Chertoff Memo," dated August 25, 2011, and "Policy Statement Regarding the Disclosure of Asylum and Refugee-Related Information to United States Intelligence and Counterterrorism Agencies," dated July 8, 2013. These authorizations were superseded by Delegation 8505, Delegation of Authority to Disclose Asylum and Refugee Information, dated June 22, 2015, which delegated the authority to disclose this information for intelligence and counterterrorism purposes to the Undersecretary of Intelligence and Analysis; the Director of USCIS; the Commissioner of Customs and Border Protection; the Assistant Secretary of Immigration and Customs Enforcement; and the Director of Operations Coordination. This Delegation was accompanied by Directive 262-02, Disclosure of Asylum or Refugee Information for Intelligence and Counterterrorism Purposes, dated November 15, 2016, and Instruction 262-02-001, Disclosure of Asylum or Refugee Information for Intelligence and Counterterrorism Purposes, dated November 21, 2016.

¹⁴ See, e.g., Memorandum of Understanding Between the Department of Homeland Security and the National Counterterrorism Center Regarding the Refugees, Asylum, and Parole System, June 28, 2011, and the Memorandum of Agreement Between the Department of Homeland Security and the National Counterterrorism Center Regarding Pilots for NCTC Support to USCIS Screening

~~PRE-DECISIONAL/DELIBERATIVE~~

Through this memo, USCIS and DHS Policy request authorization for disclosure of asylum and refugee-related information to the U.S. Census Bureau pursuant to the memorandum of understanding that is being finalized.

of Applications for Immigration Benefits, August 30, 2011; the Memorandum of Agreement Between the Department of Homeland Security and the National Counterterrorism Center Concerning Bulk Data Transfers, June 1, 2016; and the Memorandum of Understanding Among the U.S. Department of Homeland Security, the Terrorist Screening Center, and the Federal Bureau of Investigation Regarding the Screening of Current and Prior Applicants for Immigration Benefits, signed April 12, 2007.

~~PRE-DECISIONAL/DELIBERATIVE~~

Recommendation: USCIS and DHS Policy recommend authorizing the disclosure of asylum and refugee-related information pursuant to the MOU between DHS and USCB. Such authorization would allow DHS and USCB to exchange asylum and refugee-related information as required by E.O. 13380 without compromising the policy considerations underlying 8 CFR § 208.6 and the Department's Privacy Act policy.

Approve/date (b)(6) *12/29/19* Disapprove/date _____
Modify/date *0* _____ Needs discussion/date _____

Attachments:

- 1) E.D.13880, Collecting Information About Citizenship Status in Connection With the Decennial Census, 84 Fed. Reg. 33821 (July 11, 2019)
- 2) 8 C.F.R. § 208.6



November 27, 2019

DECISION

MEMORANDUM FOR THE ACTING SECRETARY

FROM: Christopher C. Krebs
Director

(b)(6)

SUBJECT: **Renewal of the Charter for the National Infrastructure Advisory Council**

Purpose: This memorandum requests your approval of the renewed charter for the National Infrastructure Advisory Council (NIAC). Although the President authorized the continuance of the NIAC through September 30, 2021, in Executive Order 13811, dated September 27, 2019 the council must renew its charter, which expires November 30, 2019, in accordance with the Federal Advisory Committee Act.

Timeliness: Request immediate transmission. The Council's Charter must be signed by S1 and filed by November 30, 2019 under the Federal Advisory Committee Act (FACA).

Signature Level Justification: The Secretary of Homeland Security has the authority to approve the NIAC Charter.

Background: The Presidential advisory committee was established by the provisions of Executive Order 13231, as amended by Executive Orders 13286, 13385, and 13811, in accordance, with the provisions of the Federal Advisory Committee Act (FACA) (Title 5 United States Code, Appendix 2) on October 16, 2001. The NIAC advises the President and the Secretary of Homeland Security on issues related to the security and resilience of the nation's critical infrastructure sectors and their functional systems, physical assets and cyber networks. Per the FACA, the NIAC charter is renewed every two years upon authorization of the continuation of the Council by the President.

The proposed Charter reaffirms the relationship between the NIAC, the President, and the Secretary of Homeland Security and the requirement for appointed members to have experience equivalent to that of a chief executive of an organization. Additionally, in keeping with Executive Order 13811, the proposed Charter remains unchanged and continues under the same operating budget of \$650,000 per year. There are no proposed revisions to the approved 2015 Charter because the Charter document must directly align with the provisions of Executive Order 13231, as amended by Executive Orders 13286, 13385, and 13811.

Subject: Renewal of the Charter for the National Infrastructure Advisory Council
Page 2

Attachments:

1. Executive Order 13811 dated September 27, 2019
2. 2019 NIAC Charter
3. 2019 NIAC By-Laws
4. 2019 NIAC Balanced Membership Plan

Subject: Renewal of the Charter for the National Infrastructure Advisory Council

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Recommendation: Recommend the approval of the attached renewal of the charter for the NIAC.

Approve/date (b)(6) Disapprove/date _____
Modify/date _____ **DEC 0 4 2019** Needs discussion/date _____



Homeland Security

December 2, 2019

MEMORANDUM FOR: DHS LEADERSHIP

FROM: Chad F. Wolf (b)(6)
Acting Secretary

SUBJECT: **DHS Regulatory Policy Officer and Regulatory Reform Officer**

Promulgating regulations is a critical legal mechanism for the Department to effectuate the Administration's policy goals. The Department has been very productive in drafting and publishing regulations over the past three years. At the same time, streamlining the regulatory process through the Department and the interagency is an area of potential improvement.

Two regulatory Executive Orders require the head of each department to designate a Regulatory Policy Officer (RPO) and a Regulatory Reform Officer (RRO) to oversee the regulatory process and implementation of regulatory reform initiatives. Therefore, per section 6(a)(2) of Executive Order 12866, Regulatory Planning and Review, I hereby designate the Senior Official Performing the Duties of Deputy Secretary Ken Cuccinelli as the RPO for the Department. Likewise, I hereby designate Acting Deputy Secretary Cuccinelli as the RRO for the Department, per section 2 of Executive Order 13777, Enforcing the Regulatory Reform Agenda.

Acting Deputy Secretary Cuccinelli has successfully accelerated a number of regulatory items through the DHS and OIRA process as Acting Director of USCIS. I expect him to continue to streamline the drafting and clearing of effective, innovative, and minimally burdensome regulations throughout the Department and the interagency process, working with OIRA. Per both Executive Orders, Acting Deputy Secretary Cuccinelli will report to me as the Department head in both of these regulatory officer roles.

In the upcoming weeks, I have instructed Acting Deputy Secretary Cuccinelli to update the status of all regulations advancing within the Department. We will actively manage workflows to avoid conflicts and complete our work as efficiently as possible.

www.dhs.gov

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

January 5, 2020

MEMORANDUM FOR DISTRIBUTION

FROM:

Chad F. Wolf
Acting Secretary

(b)(6)

SUBJECT:

Fiscal Years 2022-2026 Resource Planning Guidance

I am pleased to issue the Fiscal Years (FY) 2022-2026 Resource Planning Guidance (RPG) which contains DHS leadership's priority resource allocation and analytical Guidance. This document delivers actionable and resource-informed direction which serves as the capstone to the Department's Planning Phase of the Planning, Programming, Budgeting & Execution (PPBE) cycle, informing development of DHS Component FY2022-2026 Resource Allocation Plans, the DHS FY2022-2026 Program and Budget Review and the DHS Future Years Homeland Security Program.

Through your leadership and the diligence of your staffs, the Department continues to make progress in maturing our PPBE system under the Unity of Effort Initiative. We will continue to build upon the successes of previous years by using this document to implement recent DHS leadership priorities in signed strategies, policy memoranda, implementation plans, and frameworks, as well as enduring White House, Congressional and DHS priorities.

We must continue to work together as a unified Department to meet the challenges posed by budgetary limitations and to carry out our firm commitment to the American public to secure the Homeland. Due to the critical nature of this work, I am tasking the Deputy's Management Action Group to serve as the primary oversight body to review implementation of the RPG.

Attachment

Distribution:

Chief of Staff
Under Secretary for Management
Under Secretary for Strategy, Policy, and Plans
Under Secretary for National Protection and Programs Directorate
Under Secretary for Science and Technology
Under Secretary for Office of Intelligence and Analysis
Commandant, U.S. Coast Guard
Commissioner, U.S. Customs and Border Protection
Administrator, Federal Emergency Management Agency
Administrator, Transportation Security Administration
Director, U.S. Secret Service
Director, U.S. Immigration and Customs Enforcement
Director, U.S. Citizenship and Immigration Services
Assistant Secretary for Countering Weapons of Mass Destruction
Assistant Secretary for Legislative Affairs
Assistant Secretary for Office of Partnership and Engagement
Assistant Secretary for Public Affairs
Director, Domestic Nuclear Detection Office
Director, Federal Law Enforcement Training Centers
Director, Office of Operations Coordination
General Counsel
Executive Secretary
Inspector General
Military Advisor to the Secretary
Director, Joint Requirements Council
Officer for Civil Rights and Civil Liberties
Chief Privacy Officer
U.S. Citizenship and Immigration Services Ombudsman
Director, Joint Task Force – West
Director, Joint Task Force – East
Director, Joint Task Force – Investigations

DEC 12 2019



Homeland
Security

ACTION

MEMORANDUM FOR THE ACTING SECRETARY

FROM: James W. McCament (b)(6)
Senior Official Performing the Duties of the Under Secretary
Office of Strategy, Policy, and Plans

SUBJECT: **Fiscal Years 2022-2026 Resource Planning Guidance**

Purpose: To obtain your approval of the Fiscal Years (FY) 2022-2026 Resource Planning Guidance (RPG).

Timeliness: Approval and release of the RPG by mid-December 2019 will provide the Components the necessary time to develop their resource allocation plans. You will have an opportunity to issue any supplemental resource guidance in early spring.

Background: The Office of Strategy, Policy and Plans (PLCY), in coordination with the Chief Financial Officer, is responsible for leading the Planning Phase of the Department's resource allocation process, called Planning, Programming, Budgeting, and Execution. The RPG is the Secretary-approved capstone document of the Planning Phase. This cycle's RPG provides resource direction that accounts for the latest DHS strategies, implementation plans, policy memorandums, and frameworks signed by the Acting Secretary since 2018, as well as other White House, Congressional, and DHS guidance. Additionally, the RPG formally tasks this year's DMAG Analytic Agenda which directs in-depth analysis in support of a variety of Departmental decision-making processes.

Signature Level Justification: The RPG provides the Secretary's Priority Mission and Support Investments to Components for development of their FY 2022-2026 Resource Allocation Plans, which will be submitted to DHS Headquarters in spring 2020. The priorities contained in the RPG were discussed and decided upon by the Deputy's Management Action Group (DMAG).

Attachments:

1. September 30, 2019 DMAG Summary of Conclusions
2. Memorandum: Fiscal Years 2022-2026 Resource Planning Guidance
3. Fiscal Years 2022-2026 Resource Planning Guidance

Subject: Fiscal Years 2022-2026 Resource Planning Guidance

Page 2

Recommendation: PLCY requests your approval and dissemination of the attached FY 2022-2026 Resource Planning Guidance via Executive Secretariat channels.

Approve/date (b)(6) Disapprove/date _____
Modify/date _____ Needs/discussion/date _____



Homeland Security

December 13, 2019

MEMORANDUM FOR DIRECTOR, U.S. SECRET SERVICE

FROM: Chad F. Wolf
Acting Secretary

(b)(6)

SUBJECT: **Authorization to Conduct Counter-Unmanned Aircraft System Activities in Support of the President's Attendance at the Army-Navy Game in Pennsylvania**

Pursuant to the authority granted under section 1602 of the Federal Aviation Administration Authorization Act of 2018, Pub. L. No. 115-254, 132 Stat. 3186, 3552-29 (2018) (codified at 6 U.S.C. § 124n) (the "Act"), I hereby authorize officers and employees of the United States Secret Service ("USSS") with assigned duties that include the security and protection of people, facilities, or assets, to take the actions, authorized by the Act, that are necessary to mitigate a credible threat that an unmanned aircraft or unmanned aircraft system (collectively "UAS") poses to the safety or security of the **President at the Army-Navy Game at Lincoln Financial Field, in Philadelphia, Pennsylvania, on December 14, 2019.** The specific actions that I am authorizing are described in the USSS's policies, concept of operations ("CONOPs"), and Presidential Protection at the Army-Navy Operations Plan (OPLAN), and are in accordance with the Act, the Policy Guidance dated September 10, 2019, and other controlling legal authority and guidance.

Designation of the 2019 Army-Navy Game as a Covered Facility or Asset

I hereby designate the **Army-Navy Game** as a "covered facility or asset," under 6 U.S.C. §124n(k)(3), in order to protect the President while he is in attendance at this event. The Army-Navy Game will take place in the United States, and directly relates to the missions authorized to be performed by the Department pertaining to protection operations pursuant to 18 U.S.C. § 3056(a), pursuant to 6 U.S.C. § 124n(k)(3)(C)(i)(III), which is identified by the Act as high-risk and a potential target for unlawful UAS activity. After completing a risk-based assessment in coordination with the Secretary of Transportation as reflected in the attached coordination letter, I have designated the Army-Navy Game when the President is present, as a covered facility or asset.



Homeland
Security

DEC 12 2019

ACTION

MEMORANDUM FOR THE ACTING SECRETARY

FROM:

(b)(6)

James W. McCament
Senior Official Performing the Duties of Under Secretary
Office of Strategy, Policy, and Plans

SUBJECT:

**Letter Authorizing DHS Actions to Counter Unmanned Aircraft
Systems at the Army-Navy Game**

Purpose: To obtain your approval of and signature on the memorandum at Tab A, formally authorizing the U.S. Secret Service (USSS) to conduct counter-unmanned aircraft systems (C-UAS) activities at the Army-Navy game at Lincoln Financial Field, in Philadelphia, PA, on December 14, 2019.

Timeliness: To facilitate the timely deployment of relevant C-UAS personnel and equipment to this venue, I request approval/signature of the memorandum by Friday, December 13, 2019.

Background: The *Preventing Emerging Threats Act of 2018* (the "Act"), codified in 6 U.S.C. §124n, provides the Department of Homeland Security (DHS) with the authority to take protective measures that are necessary to mitigate a credible threat that an unmanned aircraft system (UAS) poses to the safety or security of a facility or asset related to an authorized DHS mission. In order for a DHS Component to engage in C-UAS activities pursuant to the Act, the DHS Secretary must first designate a "covered facility or asset," and grant authority to the Component to conduct actions to mitigate a credible UAS threat to the covered facility or asset. Currently, the USSS, U.S. Customs and Border Protection, and the U.S. Coast Guard possess C-UAS capabilities.

The memorandum for your signature designates the December 14, 2019 Army-Navy game as a covered facility or asset due to the President's scheduled attendance. The memorandum also grants authority to USSS to conduct C-UAS activities at that site on that date.

As directed in the C-UAS guidance of September 10, 2019, USSS completed a Risk-Based Assessment through the coordination process with the Federal Aviation Administration (FAA). The coordination memorandum documents the coordination between USSS and FAA as required by the Act.

Subject: Authorizing DHS Actions to Counter Unmanned Aircraft Systems

Page 2

The current Department Use of Force policy does not address C-UAS operations. However, your authorization of C-UAS actions for this event will include authorization for the associated use of force taken by the USSS operators.

Coordination: The C-UAS Program Management Office (PMO), a directorate within my office, is responsible for coordinating the Department's C-UAS activities. The C-UAS PMO has coordinated the recommended action with USSS and OGC.

Attachments:

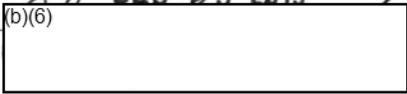
Tab A: Memorandum for Signature

Tab B: Coordination Memorandum

Subject: Authorizing DHS Actions to Counter Unmanned Aircraft Systems

Page 3

Recommendation: PLCY requests your approval of the memorandum at attachment A, and subsequent dissemination to USSS.

Approve/date DEC 13 2019  Approve/date _____
Modify/date _____ Needs discussion/date _____

Decision Document

USCIS Notice of Proposed Rulemaking: Collection and Use of Biometrics by U.S. Citizenship and Immigration Services

(b)(6)



Approve submission of the rule to the Office of Management and Budget (OMB) for review.

Disapprove submission to OMB.

Modify per further instructions.

Needs discussion.

DEC 27 2019

Date.



Homeland Security

*Privileged Attorney-Client Communication
Deliberative and Pre-decisional*

MEMORANDUM FOR THE ACTING SECRETARY

DEC 23 2019

THROUGH: Kenneth T. Cuccinelli II
SENIOR OFFICIAL PERFORMING THE DUTIES OF
THE DEPUTY SECRETARY

FROM: George Fishman (b)(6)
DEPUTY GENERAL COUNSEL

Christina E. McDonald (b)(6)
ASSOCIATE GENERAL COUNSEL FOR
REGULATORY AFFAIRS

SUBJECT: Revision to DHS Notice: Identification of Foreign
Countries Whose Nationals Are Eligible to Participate in
the H-2A and H-2B Nonimmigrant Worker Programs

This memorandum supersedes our regulatory package and legal memorandum of December 5, 2019. The DHS Office of Policy (PLCY) has revised the accompanying notice and requests your approval to submit the revised notice to OMB. PLCY also requests your signature on the notice, so that PLCY can publish the notice in the *Federal Register* following OMB review.

The revised notice would maintain the status quo from the 2019 notice. Although PLCY initially recommended removing several countries from the respective lists, PLCY revised its recommendation in light of concerns raised by the Department of State regarding CBP overstay rate data on which these recommendations were based. PLCY believes the concerns have merit. In light of the need to publish this notice by the January 17, 2020 deadline, PLCY advises against changes to the list that rely on the CBP data.

In addition to discussions with CBP, PLCY has spoken with the embassies of the countries that would have been affected by the initial recommendation. The conversations have yielded further considerations that PLCY believes are relevant to the U.S. interest and support maintaining the status quo. PLCY has notified component leadership and EOP policy staff of the revisions.

Maintaining the status quo would significantly reduce litigation risk. No challenges have been brought against the 2019 list, and OGC believes the likelihood of challenge to an identical 2020 list would therefore be very low.

We recommend that you sign the attached notice, approve its submission to OMB, and approve its publication in the *Federal Register* following OMB clearance. We attached a separate decision document.

Decision Document

Revised DHS Notice: Identification of Foreign Countries Whose Nationals Are Eligible to Participate in the H-2A and H-2B Nonimmigrant Worker Programs

(b)(6)

Sign the notice, approve its submission to the Office of Management and Budget (OMB), and approve its publication in the *Federal Register*.

Disapprove submission of the notice to OMB and disapprove publication of the notice in the *Federal Register*.

Modify per further instructions.

Needs discussion.

DEC 23 2019

Date



October 28, 2019

DECISION

MEMORANDUM FOR THE ACTING SECRETARY

FROM: Christopher C. Krebs
Director

(b)(6)

SUBJECT: **Request for Acting Secretary Signature on the 2019 Federal Radionavigation Plan**

Purpose: Obtain Acting Secretary signature on the 2019 RFP.

Timeliness: The Federal Radionavigation Plan (FRP) is required by law to be updated every two years. The current plan was signed in November of 2017. Delays in publication will not have operational impacts.

Signature Level Justification: The plan needs to be signed by the Secretaries of the Homeland Security, Transportation and Defense. The Departments of Transportation and Defense are concurrently coordinating Secretary signatures to enable publication in November 2019.

Context: The FRP is the official source of positioning, navigation, and timing (PNT) policy and planning for the Federal Government. It is required by Title 10 United States Code, Section 2281. The FRP is prepared jointly by the Departments of Defense (DoD), Homeland Security (DHS), and Transportation (DOT), with the assistance of other government agencies.

The purpose of the FRP is to describe the U.S. Government's (USG) roles, responsibilities, and policies applicable to PNT systems. It describes PNT user requirements, operating plans, and a national architecture that serves as a framework to advance USG provided PNT systems.

Attached is the proposed 2019 FRP (attachments 2). The document contains no substantive changes in PNT policy or planning. Changes to the DHS structure, to include the formation of the Cybersecurity and Infrastructure Security Agency (CISA) and National Risk Management Center are now reflected in the document.

Once signed, the document will become public and serve as a reference point for public and private sector consumers of PNT.

Subject: Request for Acting Secretary Signature on the 2019 Federal Radionavigation Plan

Page 2

Attachments:

1. Draft Renewal for Signature (Word)
2. Draft Renewal for Signature (.pdf)
3. DHS-CRM
4. Previous FRP (.pdf)

Subject: Request for Acting Secretary Signature on the 2019 Federal Radionavigation Plan

Page 3

Recommendation: I recommend that the Acting Secretary sign the FRP renewal on page iii of Attachment 2.

(b)(6)

Approve/date _____

Disapprove/date _____

DEC 02 2019

Modify/date _____

Needs discussion/date _____



Homeland Security

MEMORANDUM FOR THE ACTING SECRETARY

FROM: R. D. Alles (b)(6) 1-9-19
Deputy Under Secretary for Management

SUBJECT: **Home-to-Work Authorizations (Workflow #1190242)**

Purpose: To obtain your approval for select positions to utilize home-to-work transportation when necessary in the performance of law enforcement or field work activities. This package does not address home-to-work transportation authorizations for officials serving in the capacities of the Deputy Secretary, Commissioner of the Customs and Border Protection (CBP), Director of Immigration and Customs Enforcement, Director of Citizenship and Immigration Services, and Administrator of Federal Emergency Management Agency granted under Presidential authority, or the Commandant of the U.S. Coast Guard or several U.S. Citizenship and Immigration Service employees who are authorized home-to-work transportation under separate statutory authority. The Office of the Inspector General will submit a home-to-work transportation authorization request separately.

Context: Title 31 U.S. Code § 1344 provides that you may authorize, in writing, transportation between an individual's residence and their place of employment when such travel is (1) required for the performance of field work, pursuant to applicable regulations, or (2) essential for the safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties.

In December 2013, the Office of the Inspector General (OIG) released its final report, "*DHS Home-to-Work Transportation*." The report stated that the Department had not ensured that home-to-work transportation participants complied with eligibility requirements or that all use of home-to-work transportation was authorized and/or justified. Further, the report indicated that the Department did not have reliable and accurate data to make informed decisions about the use of home-to-work transportation.

Since the OIG report, the Management Directorate (MGMT), the Office of the General Counsel (OGC), and Components have engaged in an extensive and collaborative effort to address OIG's findings and recommendations. Home-to-work transportation requirements were evaluated on a position-by-position basis, and Component heads approved and certified their home-to-work transportation requirements. Additionally, the Office of the Chief Readiness Support Officer (OCRSO) instituted a system to collect, track, analyze, and monitor Departmental use of home-to-work transportation.

Home-to-Work Authorizations (Workflow #1190242)

Page 2

On June 8, 2015, then Secretary Johnson approved 16,935 positions to use home-to-work transportation for a period of one year. At the same time, OCRSO required Components to begin reporting their home-to-work transportation utilization data on a quarterly basis. Then, on October 7, 2016, the Secretary approved 20,429 positions to use home-to-work transportation for a period of one year. On October 5, 2017, then Acting Secretary Duke approved a 90-day extension to all current home-to-work transportation authorizations due to Component submission delays caused by the active hurricane season.

On January 12, 2018, then Secretary Nielsen approved 27,622 home-to-work transportation authorizations for a period of two years. As in the previous requests, Component heads reviewed, approved, and certified their Component's home-to-work transportation requirements. This year, Components submitted home-to-work transportation requests for 28,925 positions--representing a 4.7 percent increase over previous authorizations. The preponderance of these increases is due to anticipated hiring by U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement over the next two years as mandated by Presidential Executive Orders.

New categories of authorizations this year are as follows: CBP requests 754 new authorizations for individuals in the Special Operations Group (SOG). SOG members include emergency technicians, paramedics, technical rope rescue, swift water rescue, search and rescue, dive recovery operations, armed subject and tactical tracking, and tactical medical operations. CBP also requests eight new authorizations for positions in the newly-established Confidential Human Source division. The Office of the Chief Security Officer requests seven new authorizations for criminal investigators who are directly responsible for receiving and investigating allegations of criminal activity or misconduct relating to DHS programs and operations.

MGMT and OGC conducted an extensive review of this year's Component requests for home-to-work transportation. MGMT analyzed each Component's self-reported home-to-work transportation utilization data from the past two years. This analysis revealed that approval of a finite number of home-to-work transportation authorizations did not result in an equal number of vehicles being driven home by Department personnel. Rather, the data shows that the Department utilized an average of 43 percent, or 11,940 of 27,622 home-to-work authorizations per quarter during Fiscal Years 2018 and 2019. This is an indicator that Department leadership is ensuring that home-to-work transportation is only being used in situations where its use is essential.

Additionally, the increase in home-to-work transportation authorization requests neither represents a request nor generates a need to increase the number of motor vehicles. Instead, the increased authorizations will provide Component managers with a larger pool of home-to-work authorized positions that may be rotated in and out of demanding duties that require use of home-to-work transportation.

Timeliness: A decision is requested as soon as possible as the current authorizations expire on January 12, 2020.

Home-to-Work Authorizations (Workflow #1190242)

Page 3

Recommendation: I recommend that you approve the home-to-work transportation authorization for 28,425 positions for a period of two years by signing the attached Determination of Eligibility for Home-to-Work Transportation Authorization, which incorporates 31 specific operational categories from the various Components.

Attachments

(b)(6)

Approve/date

Disapprove/date

Modify/date

JAN 10 2020

Needs discussion/date

Determination of Eligibility for Home-to-Work Transportation Authorization

U.S. Department of Homeland Security

Pursuant to 31 U.S.C. §1344, I have determined that the operations listed in attachments 1-31 conducted by the Components make home-to-work transportation (1) required for the performance of field work, or (2) essential for the safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties.

Component	Total Home-to-Work Requests	Total Recommended for Approval	Total Recommended for Disapproval
CBP attachments 1-4	4,122	4,122	0
CISA attachment 5	42	42	0
FEMA attachment 6	4	4	0
FPS attachments 7-9	1,104	1,104	0
ICE attachments 10-13	16,632	16,632	0
OCSO attachments 14-15	10	10	0
TSA attachments 16-24	2,353	2,353	0
USCG attachments 25-28	227	227	0
USSS attachments 29-31	3,931	3,931	0
Total	28,425	28,425	0

Understanding the administration and Department's commitment to reducing, to the maximum extent possible, greenhouse gas emissions, approval is granted with the proviso that all Components, in consultation with the Management Directorate's Office of the Chief Readiness Support Officer (OCRSO), will, during replacement cycles, comply with Federal Management Regulations that require obtaining the minimum size of motor vehicle necessary to fulfill mission requirements that achieve maximum fuel efficiency. This determination is valid for a two-year period from the date of my signature and is premised on the assurance that all users of home-to-work transportation receive appropriate training on applicable laws, regulations, and Department of Homeland Security policies, including how to collect, calculate, and report tax liabilities related to home-to-work transportation usage, and is further premised upon stringent oversight by OCRSO.

Attachments 1-31

APPROVED: _____



DISAPPROVED: _____

COMMENTS: _____

(b)(6)

Chad F. Wolf
Acting Secretary

DATE: JAN 10 2020

Determination of Eligibility for Home-to-Work Transportation Authorization

U.S. Department of Homeland Security

Pursuant to 31 U.S.C. §1344, I have determined that the operations conducted by the Components listed below make home-to-work transportation (1) required for the performance of field work, or (2) essential for the safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties.

Component	Total Home-to-Work Requests	Total Recommended for Approval	Total Recommended for Disapproval
CBP	4,122	4,122	0
CISA	42	42	0
FEMA	4	4	0
FPS	1,104	1,104	0
ICE	16,632	16,632	0
OCSO	10	10	0
TSA	2,853	2,353	500
USCG	227	227	0
USSS	3,931	3,931	0
Total	28,925	28,425	500

Understanding the administration and Department's commitment to reducing, to the maximum extent possible, greenhouse gas emissions, approval is granted with the proviso that all Components, in consultation with the Management Directorate's Office of the Chief Readiness Support Officer (OCRSO), will, during replacement cycles, comply with Federal Management Regulations that require obtaining the minimum size of motor vehicle necessary to fulfill mission requirements that achieve maximum fuel efficiency. This determination is valid for a two-year period from the date of my signature and is premised on the assurance that all users of home-to-work transportation receive appropriate training on applicable laws, regulations, and Department of Homeland Security policies, including how to collect, calculate, and report tax liabilities related to home-to-work transportation usage, and is further premised upon stringent oversight by OCRSO.

APPROVED: _____ ✓

DISAPPROVED: _____

COMMENTS: _____

(b)(6)

Chad F. Wolf
Acting Secretary

DATE: JAN 06 2020



Homeland Security

January 5, 2020

MEMORANDUM FOR: Mark A. Morgan
Acting Commissioner
U.S. Customs and Border Protection

FROM: Chad F. Wolf (b)(6)
Acting Secretary

SUBJECT: **Low and Slow Air Intercept Mission for Super Bowl LIV in Miami Gardens, Florida**

Purpose

To direct the U.S. Customs and Border Protection (CBP)/Air and Marine Operations (AMO) to perform the Low and Slow Air Intercept Mission, in support of the Department of Defense's (DOD) air security mission for Super Bowl LIV, a Special Event Assessment Rating level 1 event, scheduled to be held in Miami Gardens, Florida on February 2, 2020.

Background

In anticipation of the DOD's approval of the request for aerial interdiction support for Super Bowl LIV, it is necessary to designate a DHS Component to perform the Low and Slow Air Intercept Mission. The Low and Slow Air Intercept Mission is defined as the use of aircraft specifically to intercept, track, identify, investigate, and assist with diversion of low and slow-flying aircraft entering flight restricted space. While performing these functions, CBP/AMO would accept tactical intercept directions from the U.S. Northern Command/North American Aerospace Defense Command (NORAD)/Continental United States NORAD Region (CONR).

Discussion

On October 23, 2019, the Co-Chairs for the Special Events Working Group/Airspace Committee met to discuss the Low and Slow Air Intercept Mission for Super Bowl LIV and the nomination of a DHS Component to support the requirement. The Air Space Committee Co-Chairs agreed and recommend that the responsibility for aerial support for Super Bowl LIV be assumed by CBP/AMO. CBP/AMO representatives were actively engaged in, and endorsed, the decision. CBP/AMO is currently participating in planning efforts for Super Bowl LIV. Your CBP AMO point of contact for Super Bowl LIV planning is Martin Wade; (904) 671-3222.

Subject: Request the Department of Defense execute the Air Intercept Mission and direct U.S. Customs and Border Protection to support the Low and Slow Air Intercept Mission for Super Bowl LIV

Page 2

Recommendation: I request you sign this memo and request DoD provide air defense support for intrusions into the restricted airspace that will be established over Super Bowl LIV.

Approve/date (b)(6) 1/6/2020

Disapprove/date _____

Modify/date _____

Needs Discussion/date _____



Homeland Security

*Attorney-Client Privileged Communication
Deliberative and Pre-Decisional*

DEC 11 2019

MEMORANDUM FOR THE ACTING SECRETARY

THROUGH: Kenneth T. Cuccinelli II
SENIOR OFFICIAL PERFORMING THE DUTIES OF
THE DEPUTY SECRETARY (b)(6)

FROM: Joseph B. Mahoney (b)(6)
ACTING GENERAL COUNSEL

Christina E. McDonald (b)(6)
ASSOCIATE GENERAL COUNSEL FOR
REGULATORY AFFAIRS

SUBJECT: DHS Notice of Proposed Rulemaking: Equal Participation of
Faith-Based Organizations in DHS's Programs and Activities:
Implementation of Executive Order 13831

Purpose

We request that you approve and sign the accompanying notice of proposed rulemaking (proposed rule) for publication in the *Federal Register*. The Office of Management and Budget (OMB) has concluded its review of this rule. Other Cabinet departments are issuing similar proposed rules at this time, and White House staff have urged us to seek your approval quickly.

Background

This proposed rule would implement Executive Order 13,831, *Establishment of a White House Faith and Opportunity Initiative*, which President Trump signed on May 3, 2018. In addition, the proposed rule would amend a 2016 final rule, which had implemented previous executive orders related to faith-based matters.¹

The proposed rule is designed to implement the President's executive order and reduce disproportionate burdens placed on faith-based groups by the prior Administration's regulations. The proposed rule would remove the affirmative obligation for faith-based social services

¹ 81 *Fed. Reg.* 19353 (Apr. 4, 2016) (codified at 6 C.F.R. Part 19).

DHS Proposed Rule: Nondiscrimination in Matters Pertaining to Faith-Based Organizations

(b)(6)



Approve publication of the proposed rule in the *Federal Register*.

Disapprove publication of the proposed rule in the *Federal Register*.

Modify per further instructions.

Needs discussion.

Date ~~DEC 20 2019~~ _____

Amendment to the Order of Succession for the Secretary of Homeland Security

By the authority vested in me as Acting Secretary of Homeland Security, including the Homeland Security Act of 2002, 6 U.S.C. § 113(g)(2), I hereby designate the order of succession for the Secretary of Homeland Security by amending Annex A of *DHS Orders of Succession and Delegations of Authorities for Named Positions*, Delegation No. 00106. Annex A is hereby amended by striking the text of such Annex in its entirety and inserting the following in lieu thereof:

“Annex A, Order for Delegation of Authority by the Secretary of the Department of Homeland Security
Pursuant to Title 6, United States Code, Section 113(g)(2)

1. Deputy Secretary of Homeland Security;
2. Under Secretary for Management;
3. Under Secretary for Strategy, Policy, and Plans;
4. Administrator of the Transportation Security Administration;
5. Director, Cybersecurity and Infrastructure Security Agency;
6. Commissioner of U.S. Customs and Border Protection;
7. Administrator of the Federal Emergency Management Agency;
8. Director, Joint Task Force West.”

No individual who is serving in an office herein listed in an acting capacity, by virtue of so serving, shall act as Secretary pursuant to this designation.

Dated: January 5th, 2020

(b)(6)

Chad F. Wolf
Acting Secretary of Homeland Security

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000



U.S. Citizenship
and Immigration
Services

December 5, 2019

DECISION

MEMORANDUM FOR THE ACTING SECRETARY

THROUGH: Ken Cuccinelli II
Senior Official Performing the Duties of the Deputy Secretary

FROM: Mark R. Koumans
Deputy Director (b)(6)

SUBJECT: **Somalia's Designation for Temporary Protected Status**

Timeliness: You are required by statute to make a decision on an existing Temporary Protected Status (TPS) designation at least 60 days before the expiration of the current designation, or the designation is automatically extended for a minimum of 6 months.¹ For Somalia's designation, which expires on March 17, 2020, you must make a decision by January 17, 2020, or the automatic extension occurs. You are further required to provide timely notice of your decision through publication in the *Federal Register*.² An early decision would facilitate publication of notice sufficiently in advance of the March 17, 2020 expiration of the designation to provide predictability and clarity to beneficiaries and their employers.

Purpose: The Secretary, after consultation with appropriate U.S. Government agencies, is required to review periodically the conditions in a foreign country designated for TPS to determine whether the conditions for such designation continue to be met. If the Secretary determines that the foreign country no longer continues to meet the statutory conditions for designation, he shall terminate the designation. If the Secretary finds, however, that the conditions for designation continue to be met, the TPS designation must be extended for 6, 12, or 18 months. If the Secretary does not make such a determination, the Immigration and Nationality Act (INA) provides for an automatic six-month extension unless he, in his discretion, specifies a period of 12 or 18 months.³

U.S. Citizenship and Immigration Services (USCIS) has completed a review of the conditions in Somalia and herein presents options for your consideration. In summary, USCIS assesses that the statutory conditions supporting Somalia's designation for TPS appear to continue to exist. If

¹ See INA § 244(b)(3)(A), (C).

² See INA § 244(b)(3)(A).

³ See INA § 244(b)(3)(A)-(C); see also Attachment B: Temporary Protected Status Legal Authority.

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you determine that the conditions continue to exist, USCIS recommends that you extend the TPS designation for an additional period of 12 months. You also have the discretionary authority to newly designate Somalia for TPS, which would allow you to expand eligibility to include aliens who have begun residing in the United States since the country was last designated for TPS in 2012. At this time, USCIS does not recommend that you newly designate Somalia for TPS.

USCIS staff has consulted with the Department of State (DOS) as part of the review process. As of the date of this memorandum, DOS has not yet provided its assessment and recommendation regarding Somalia's designation for TPS but USCIS was informally told at the staff level that the recommendation should be finalized in approximately two weeks.

Background: Somalia was initially designated for TPS on September 16, 1991, on the basis of extraordinary and temporary conditions in Somalia that prevented nationals of Somalia⁴ from safely returning.⁵ Somalia's designation for TPS has been consecutively extended since its initial designation in 1991. Additionally, Somalia was newly designated for TPS in 2001, again based on extraordinary and temporary conditions.⁶ In 2012, Somalia was again newly designated for TPS on the basis of extraordinary and temporary conditions and under the additional basis of ongoing armed conflict.⁷

The reasons cited in the *Federal Register* Notice (FRN) for Somalia's 2012 TPS designation, over 20 years after the first designation for extraordinary and temporary conditions, included an increase in the number of armed groups involved in the conflict and an expansion of the areas of intense conflict. According to the 2012 notice, the upsurge in violence contributed to famine in six regions of south-central Somalia in 2011 and worsened the existing humanitarian crisis in all regions of the country. Conflict, famine, and poor humanitarian conditions led to a rise in civilian deaths and population displacement, and left more than half the population in need of humanitarian assistance. In 2011, 1.5 million people were displaced and over 285,000 had fled Somalia. Furthermore, the 2012 notice reported that Somalia lacked a national government capable of providing a minimum level of human security and law and order for its citizens, and public security was unstable in many parts of the country.⁸

Somalia's Previous TPS Extensions and New Designations: Somalia's 2012 TPS designation was extended in 2013, 2015, 2017, and, most recently, July 2018. On July 19, 2018, former Secretary Nielsen extended Somalia's TPS designation for 18 months (b)(5)

(b)(5)

The reasons provided in the FRN for Somalia's 2018 TPS extension included the following:

⁴ In addition to nationals of Somalia, individuals having no nationality who last habitually resided in Somalia may also be eligible for TPS under Somalia's designation. See INA § 244(a)(1). As such, references to nationals of Somalia in this memorandum should be read to include individuals having no nationality who last habitually resided in Somalia.

⁵ See Designation of Nationals of Somalia for Temporary Protected Status, 56 Fed. Reg. 46804 (Sept. 16, 1991).

⁶ See Extension and Redesignation of Somalia under Temporary Protected Status Program, 66 Fed. Reg. 46288 (Sept. 4, 2001).

⁷ See Extension and Redesignation of Somalia for Temporary Protected Status, 77 Fed. Reg. 25723 (May 1, 2012).

⁸ See Extension and Redesignation of Somalia for Temporary Protected Status, 77 Fed. Reg. 25723 (May 1, 2012).

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- “Somalia’s security situation remains fragile and volatile, with ongoing armed conflict among government forces, clan militias, African Union Mission in Somalia (AMISOM) troops, and al-Shabaab.”
- “Somalia continues to experience one of the largest humanitarian crises in the world. An estimated 5.4 million Somalis are in need of assistance.”
- “Although more than 118,000 refugees have returned to Somalia since 2014, new conflict patterns, drought, and flooding have driven over 819,000 people to flee to neighboring countries as of May 31, 2018.”
- “Civilians continue to be threatened by violence in Somalia. From January 2016–October 2017, at least 2,078 civilians were killed by armed groups.”
- “Al-Shabaab continues to wage an armed insurgency against the Federal Government of Somalia (FGS). The group has reasserted its territorial reach across substantial territory in southern Somalia from which it continues to launch coordinated mass attacks on Somali and AMISOM military bases.”
- “Somalia’s Puntland region is home to a splinter group of al-Shabaab that has sworn allegiance to the self-described Islamic State (IS). This group has carried out a number of suicide bombings, assassinations, and small arms attacks in Puntland in the past year.”
- “Parts of Somalia remained trapped in unresolved inter-clan conflicts. Clan and government-aligned militias continue to carry out extrajudicial killings, extortion, arbitrary arrests, and rape of civilians.”
- “Over 2.1 million Somalis are internally displaced—nearly double from the 2012 TPS designation.”
- “Forced evictions increased in 2017, with over 200,000 reported evictions, according to the United Nations. Forced evictions continue in 2018, undermining humanitarian efforts to assist Somalia’s internally displaced populations.”
- “Decades of insecurity have devastated Somalia’s physical infrastructure. Humanitarian agencies cite the need for the rehabilitation of crucial infrastructure, including airstrips, roads, and ports.”
- “Somalia has experienced some recent economic gains, with gross domestic product (GDP) slightly improving each of the past three years. Despite modest improvements, Somalia is among the poorest countries in the world.”⁹

Eligible Populations: To be eligible for TPS under Somalia’s current designation, along with meeting the other eligibility requirements, individuals must have continuously resided in the United States since May 1, 2012, and have been continuously physically present in the United States since September 18, 2012. There are currently approximately 462 Somali TPS beneficiaries. (b)(5)

(b)(5)

⁹ See Extension of the Designation of Somalia for Temporary Protected Status, 83 Fed. Reg. 43695 (Aug. 27, 2018).

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(b)(5)

Assessment of Country Conditions: USCIS has conducted a thorough review of conditions in Somalia. According to information USCIS has acquired from (b)(5)

(b)(5)

(b)(5) On April 10, 2019, President Trump continued for one year the national emergency for Somalia declared in Executive Order 13536, citing "the situation with respect to Somalia continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States."¹⁴

Armed Conflict

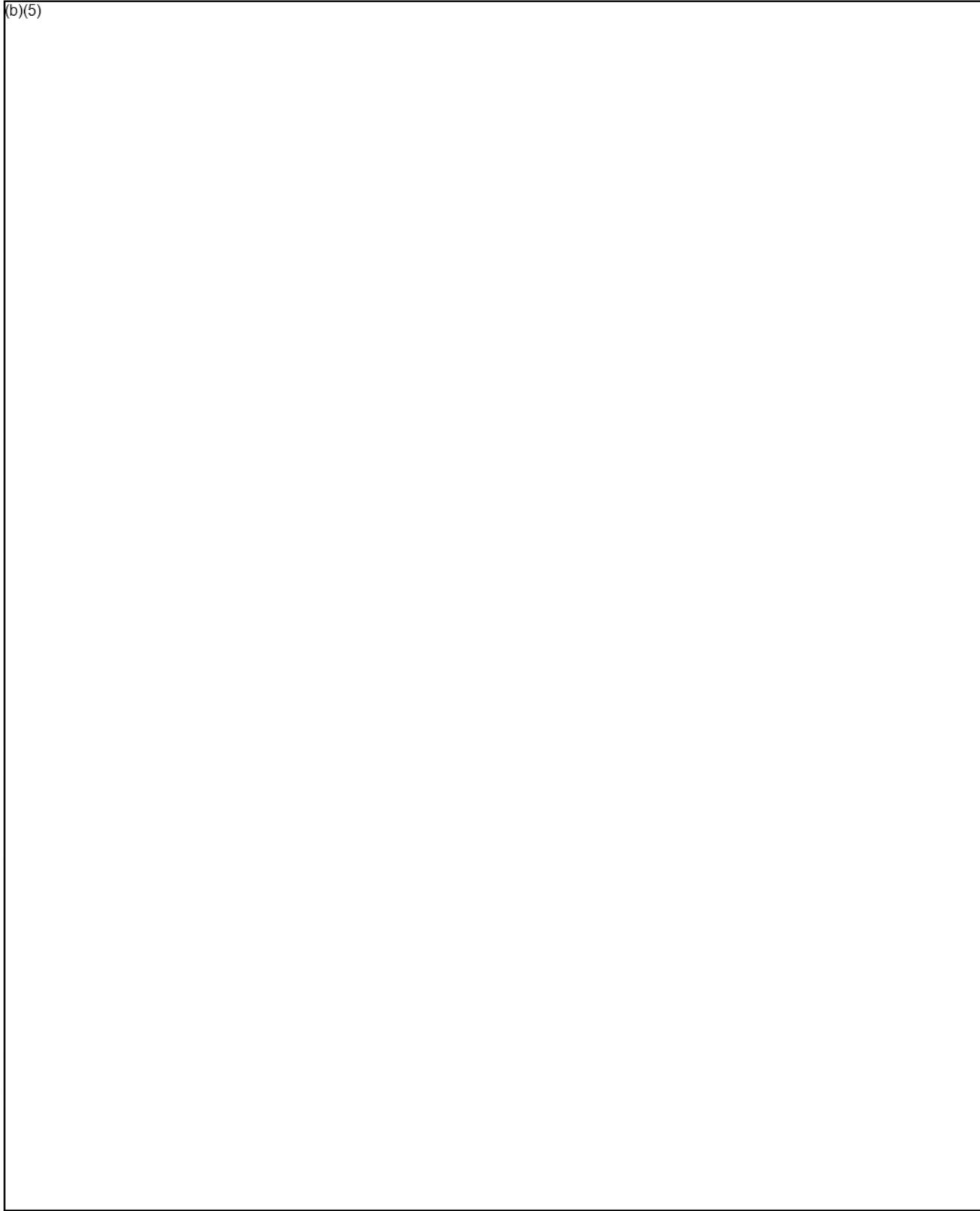
(b)(5)

¹⁴ The national emergency for Somalia was initially declared on April 12, 2010, in Executive Order 13536 pursuant to the International Emergency Economic Powers Act (IEEPA) and has been extended annually since 2010. See *Continuation of the National Emergency With Respect to Somalia*, 84 Fed. Reg. 14843 (Apr. 10, 2019).

(b)(5)

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(b)(5)



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(b)(5)

Displacement

As of October 2019, 2,648,000 people in Somalia were displaced.³³ (b)(5)

(b)(5)

³³ *Somalia Factsheet: 1-30 September 2019*, United Nations High Commissioner for Refugees (UNHCR), Oct. 9, 2019.

(b)(5)

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Food Security

The food security situation improved in 2018 due to a sustained humanitarian response and an above-average *Gu* rainy season from April-June,⁴⁴ before deteriorating due to drought conditions from late 2018 through mid-May 2019.⁴⁵ Nevertheless, (b)(6)

(b)(5)

Access to Water and Sanitation

Above-average rainfall in 2018 contributed to improvements in water availability and access across most of Somalia, (b)(5)

(b)(5)

Access to Medical Care

Access to medical care continued to worsen in 2018 due to (b)(5)

(b)(5)

⁴⁴ *Somalia 2018 Human Rights Report*, DOS, Mar. 2019.

⁴⁵ *Somalia Food Security Outlook October 2019 to May 2020*, FEWS NET, Sept. 2019.

(b)(5)

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(b)(5)

Infrastructure

Much of Somalia's infrastructure is damaged or in disrepair due to (b)(5)

(b)(5)

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Travel

An April 9, 2019 DOS Somalia Travel Advisory warns U.S. citizens against all travel to Somalia due to crime, terrorism, kidnapping and piracy.⁷¹ The Advisory further notes that violent crime, such as kidnapping and murder, is common throughout Somalia.⁷² The DOS Bureau of Diplomatic Security's Somalia 2019 Crime and Safety report also warns that terrorist and criminal elements continue to target foreigners and locals in Somalia, and that a strong familiarity with Somalia and/or extensive prior travel to the region does not reduce travel risk.⁷³ Nevertheless, international airlines have increased their regular air service to Mogadishu, increasing Somali access to travel.

Removals

As of November 5, 2019, U.S. Immigration and Customs Enforcement (ICE) has coordinated and effectuated 150 removals to Somalia in Fiscal Year (FY) 2019 and 226 removals to Somalia in FY 2018.⁷⁴ (b)(7)(E)

(b)(7)(E) (b)(5)

The Embassy of Somalia in Washington, D.C. has been very responsive to ICE inquiries and all aspects of removal efforts.

Options:

- 1) *Extend Somalia's Designation for TPS*

(b)(5)

⁷¹ *Somalia Travel Advisory*, DOS, April 9, 2019.

⁷² *Somalia Travel Advisory*, DOS, April 9, 2019.

⁷³ *Somalia 2019 Crime & Safety Report*, DOS, March 12, 2019.

⁷⁴ *Fiscal Year 2018 ICE Enforcement and Removal Operations Report*, U.S. Immigration and Customs Enforcement (ICE), December 14, 2018.

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2) *Extend and Newly Designate Somalia for TPS*

(b)(5)

3) *Terminate Somalia's Designation for TPS*

(b)(5)

Recommendation: Upon consideration of all of the factors, USCIS recommends that you

(b)(5)

USCIS does not recommend (b)(5)

USCIS does not believe (b)(5)

(b)(5)

Therefore, USCIS does not recommend (b)(5)

(b)(5)

Attachments:

Attachment A: Decision Page

Attachment B: Temporary Protected Status Legal Authority

⁷⁵ See INA § 244(b)(3)(B).

⁷⁶ See *id.*; see also INA § 244(d)(3).

Attachment A

Decision: You may choose to simply extend, extend and newly designate, or terminate Somalia's TPS designation.

1. Extend: Extend Somalia's designation for TPS for (circle one):

6 months 12 months 18 months

Approve/date _____

(b)(6)

2. Extend and Newly Designate: Extend Somalia's designation for TPS and simultaneously newly designate Somalia for TPS for (circle one):

6 months 12 months 18 months

Approve/date _____

3. Terminate: Terminate Somalia's designation for TPS with an orderly transition period of (circle one):

6 months 12 months 18 months Other _____

Approve/date _____

Office of Operations Coordination
U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

JAN 24 2020

MEMORANDUM FOR THE ACTING SECRETARY

FROM: Christopher Tomney (b)(6)
Director, Office of Operations Coordination

SUBJECT: **Request for Signature: Federal Coordination Team Appointment
Recommendation for the 2020 Mardi Gras**

Context: The purpose of this document is to request the appointment of a Federal Coordination Team for the 2020 Mardi Gras, taking place in New Orleans, Louisiana on or about February 22-25, 2020.

The 2020 Mardi Gras was submitted to DHS by the New Orleans Office of Homeland Security and Emergency Preparedness and adjudicated as a Special Event Assessment Rating (SEAR) level 2 event – a significant event with national and/or international importance that may require some level of federal interagency support. The SEAR level was based on the application of a risk-based methodology using factors such as size of expected crowd, participation of high-profile individuals, type of event, current threat picture, and the iconic status of the event. In previous years, the Mardi Gras was adjudicated as a SEAR level 3 event. The increase in SEAR level is a result of methodology updates, to include how it ranks the attack scenarios and assesses iconic events.

DHS appoints a Federal Coordination Team, led by the Federal Coordinator, for all SEAR level 1 and select SEAR level 2 events. The Federal Coordination Team serves as your personal representatives for the event and is comprised of a Federal Coordinator, Deputy Federal Coordinator, and optionally, an Alternate Deputy Federal Coordinator when adequate component nominees are available. They will be available to coordinate any federal support requirements and assistance requests from the local Incident Commander. If appointed, this year's team consists of:

- Federal Coordinator: (b)(6); (b)(7)(C)
- Deputy Federal Coordinator: (b)(6) Protective Security Advisor, CISA
- Alternate Deputy Federal Coordinator: (b)(6) Supervisory Air Marshall in Charge, TSA

All three individuals are assigned to their respective field offices covering Louisiana.

Request for Signature: Federal Coordination Team Appointment Recommendation for the 2020 Mardi Gras

Page 2

The Protection Federal Interagency Operational Plan, developed under Presidential Policy Directive 8, details federal responsibilities and coordination for SEAR events.

Your signature on the appointment memoranda and correspondence letters formalizes the appointment and notifies federal, state, and local government leaders of the appointment and points of contact.

OGC/Chief Counsel Coordination: These documents have been reviewed in their entirety for legal sufficiency by (b)(6) on January 9, 2020 and have not been substantially changed since her review.

Request for Signature: Federal Coordination Team Appointment Recommendation for the 2020 Mardi Gras

Page 3

Recommendation: I recommend that you sign and transmit the following:

- (1) Federal Coordination Team Appointment Memorandum
- (2) Letter to Special Agent in Charge, (b)(6); (b)(7)(C)
- (3) Letter to Protective Security Advisor, (b)(6)
- (4) Letter to Supervisory Air Marshall in Charge, (b)(6)
- (5) Letter to Governor John Bel Edwards
- (6) Letter to Mayor LaToya Cantrell

Approve/date (b)(6)

Disapprove/date _____

Modify/date **JAN 22 2020** _____

Needs discussion/date _____

Office of Operations Coordination
U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

JAN 22 2020

MEMORANDUM FOR THE ACTING SECRETARY

FROM:

Christopher Tomney
Director, Office of Operations Coordination

(b)(6)

SUBJECT:

**Request for Signature: Federal Coordination Team Appointment
Recommendation for the Houston Livestock Show and Rodeo**

Context: The purpose of this document is to request the appointment of a Federal Coordination Team for the Houston Livestock Show and Rodeo, taking place in Houston, Texas on or about March 14-22, 2020.

The Houston Livestock Show and Rodeo was submitted to DHS by the Houston Office of Public Safety and Homeland Security and adjudicated as a Special Event Assessment Rating (SEAR) level 2 event – a significant event with national and/or international importance that may require some level of federal interagency support. The SEAR level was based on the application of a risk-based methodology using factors such as size of expected crowd, participation of high-profile individuals, type of event, current threat picture, and the iconic status of the event. In previous years, the Houston Livestock Show and Rodeo was adjudicated as a SEAR level 3 event. The increase in SEAR level is a result of methodology updates, to include how it ranks the attack scenarios and assesses iconic events.

DHS appoints a Federal Coordination Team, led by the Federal Coordinator, for all SEAR level 1 and select SEAR level 2 events. The Federal Coordination Team serves as your personal representatives for the event and is comprised of a Federal Coordinator, Deputy Federal Coordinator, and optionally, an Alternate Deputy Federal Coordinator when adequate component nominees are available. They will be available to coordinate any federal support requirements and assistance requests from the local Incident Commander. If appointed, this year's team consists of:

- Federal Coordinator: (b)(6); (b)(7)(C) Deputy Special Agent in Charge, USSS
- Deputy Federal Coordinator: (b)(6); (b)(7)(C) Special Agent in Charge, ICE/HSI
- Alternate Deputy Federal Coordinator: (b)(6) Protective Security Advisor, CISA

All three individuals are assigned to their respective Houston Field Offices.

Request for Signature: Federal Coordination Team Appointment Recommendation for the Houston Livestock Show and Rodeo

Page 2

The Protection Federal Interagency Operational Plan, developed under Presidential Policy Directive 8, details federal responsibilities and coordination for SEAR events.

Your signature on the appointment memoranda and correspondence letters formalizes the appointment and notifies federal, state, and local government leaders of the appointment and points of contact.

OGC/Chief Counsel Coordination: These documents were reviewed in their entirety for legal sufficiency by (b)(6) on January 9, 2020 and have not been substantially changed since her review.

Request for Signature: Federal Coordination Team Appointment Recommendation for the Houston Livestock Show and Rodeo

Page 3

Recommendation: I recommend that you sign and transmit the following:

- (1) Federal Coordination Team Appointment Memorandum
- (2) Letter to Deputy Special Agent in Charge (b)(6); (b)(7)(C)
- (3) Letter to Special Agent in Charge (b)(6); (b)(7)(C)
- (4) Letter to Protective Security Advisor (b)(6)
- (5) Letter to Governor Greg Abbott
- (6) Letter to Mayor Sylvester Turner

Approve/date (b)(6) Disapprove/date _____
JAN 23 2020 5 0

Modify/date _____ Needs discussion/date _____