

United States Senate Committee on Finance

April 30, 2025

Hearing to Consider the Nomination of Rodney Scott, of Oklahoma, to be Commissioner of U.S. Customs and Border Protection, Department of Homeland Security, vice Chris Magnus

Question for the Record submitted to Rodney Scott from Senator Chuck Grassley.

Question 1: April 29, was Fentanyl Awareness Day. Fentanyl overdoses claimed the lives of more than 58,000 Americans last year. Customs and Border Protection is on the frontlines of defending the United States from the flow of fentanyl across our borders. In your estimation, what percent of imported packages are inspected by CBP before entry into the United States?

In all transportation modes, shippers are required to provide CBP advance electronic data. Prior to arrival, 100% of data provided to CBP is screened via CBP's Automated Targeting System (ATS). ATS is a decision support tool that compares traveler, cargo, and conveyance information against law enforcement, intelligence, and other enforcement data using risk-based scenarios and assessments. High-risk shipments are referred for physical inspection by CBP Officers, Agricultural Specialists, and Import Specialists. CBP utilizes narcotics and precursor chemical detection canine teams and non-intrusive inspection (NII) capabilities to screen high-risk shipments. CBP continues to expand technological coverage to interdict threats to streamline NII operations and progress towards NII inspections capturing 70% of all cargo and 30% of all individuals.

Customs and Border Protection (CBP) seeks to continually improve a multi-layered enforcement posture across the international cargo lifecycle, from pre-loading and transportation to arrival and release, to ensure a secure and competitive trade environment where the benefits of trade compliance exceed the costly consequences of violating U.S. laws. In the maritime environment, CBP's Container Security Initiative (CSI) enhances security for containerized cargo shipped to the United States, by identifying and inspecting potentially high-risk containers before they leave foreign ports of departure.

Question 2: How do customs agents prioritize what is inspected before entry into the United States?

U.S. Customs and Border Protection (CBP) prioritizes inspections based on risk management and intelligence rather than inspecting everything equally. CBP analyzes data from shipping manifests, passenger records, and other sources to flag high-risk shipments or travelers based on items to include type of goods, known suspicious patterns, and historical compliance records. CBP works with other federal agencies and international partners to gather intelligence on threats, including terrorism, drug smuggling, and human trafficking. They use watchlists (like those maintained by the Threat Screening Center) to identify individuals and cargo requiring scrutiny. To prevent smuggling operations from exploiting predictable patterns, CBP also conducts random checks as a deterrent.

Question 3: What resources, other than more funding, are most beneficial to CBP in increasing seizures of fentanyl and other illicit drugs?

Outside of funding, access to a wide range of data such as manufacturer, security measures and shipping history as well as intelligence capabilities and staff training have immediate impacts on CBP's ability to prevent illicit drugs from entering the country.

Question for the Record submitted to Rodney Scott from Senator Cassidy.

Question 1: As we discussed, I've developed legislation to expand interagency coordination at the border to ease customs entry. The legislation would also modernize CBP's Customs software, the Automated Commercial Environment (ACE). What would be your priorities as commissioner in updating and modernizing ACE

Modernizing ACE will allow CBP to close capability gaps associated with trade facilitation, systems integration and data sharing, supply chain transparency, trade enforcement management, and anomalous trade detection. New components and capabilities added as part of ACE modernization will enhance security, make ACE scalable to meet demands, and position ACE to adapt to transformed processes and evolving international trade requirements.

Based solely off the conversations that I have had with CBP personnel, the following items are at the top of the current priority list:

Overdue infrastructure upgrades, including a cloud migration, to mitigate system slowdowns and outages.

Migration of air, ocean, and rail manifest to the cloud and other cloud migration and security upgrades to ensure system resiliency.

Modifications to ACE Entry Summary to more effectively respond to policy changes.

Modifications to ACE Cargo Release and Manifest to enforce de minimis rules and implement rapid modifications to these rules.

Other enhancements to enable rapid system updates in support of Executive Orders, legislative mandates, and de minimis enforcement.

Sustainment to ensure system cyber-resiliency and prevent cyber intrusions.

Question 2: CBP and other partner government agencies currently require the submission of data that might not be necessary for enforcement. What data is CBP currently collecting at the

time of entry that is not needed for enforcement, compliance, or revenue purposes? How would you go about scoping what is critical for enforcement and what data might be useful but is not essential?

CBP collects data at entry for several other partner government agencies and enforces the laws and regulations of 47 different agencies at the U.S. border. It is critical that CBP continue working with these agencies to improve the Single Window filing mechanism in ACE and reduce unnecessary or redundant data collection.

Question 3: When Congress created the de minimis exclusion in 1938 it intended to reduce CBP workload and waive the collection of duties where the cost of collecting the duty would outweigh the amount of duty owed. My colleagues and I are working on customs legislation that builds on CBP's 21st Century Customs Framework by providing CBP with access to additional data elements, including for de minimis shipments. Given the scale and changes in de minimis trade, should Congress go beyond additional data provisions to consider additional modifications to the formal and informal entry processes to reform how de minimis is treated for commercial shipments?

I look forward to working with you further on this concept and if confirmed, will direct my staff to consider this question in more detail.

Question 4: The United States imports goods from Free Trade Zones (FTZs) throughout the world. However, the federal government does not have a formal rating system to evaluate FTZs based on illicit trade and money laundering risks, or other criminal activities, such as the illegal trafficking of illicit narcotics, persons, weapons, tobacco, counterfeits, commodities, wildlife, and more. My bipartisan *Containing and Limiting the Extensive Abuse Noticed in Free Trade Zones (CLEAN FTZ) Act* would create a 4-tier rating system for foreign FTZs based on their respective country's overall compliance to U.S. and international standards, and for the CBP commissioner to make recommendations to lowly-rated FTZs. What actions would you take to protect the U.S. from transnational illicit trade networks that leverage FTZs?

If confirmed I would work with you and your staff to inform and advance legislation to address all illicit trade networks.

Question 5: Under the Uyghur Forced Labor Prevention Act, CBP is required to prevent the entry of goods made with forced labor, including those produced in whole or in part in Xinjiang. I understand that when UFLPA violative goods excluded from entry to the U.S. will be released and can travel to other locations. Should Congress consider changes that would allow CBP to

seize, destroy, recycle or donate and goods excluded from entry into the U.S. due to a UFLPA violation?

I am not familiar enough with the variety of goods excluded under UFLPA but imagine that some goods might be difficult to donate or recycle. If confirmed, I will direct staff to work with you to consider this matter further.

Question 6: I appreciate CBP's Uyghur Forced Labor Prevention Act Statistics dashboard identifying shipments subjected to UFLPA reviews or enforcement actions. Has CBP considered a more granular breakdown—perhaps by HS code—of shipments subjected to UFLPA reviews or enforcement actions? Would CBP be willing to do so?

If confirmed, I am eager to look into this and work with you on the issue.

Question 6: The existing importer of record system does not require U.S. residency, so a Chinese manufacturer might ship directly to U.S. customers and list itself as the importer. How do you assess the enforcement risks posed by foreign-based importers of record? Should Congress consider reforms to require U.S. residency for importers of record?

I strongly encourage Congress to consider reforms in this area and if confirmed, I will ensure that enforcement against foreign-based importers of record is a priority.

Question 7: I recently introduced my Foreign Pollution Fee legislation that would give a significant role to CBP to determine country of origin, evasion enforcement, and traceability. Do you support incorporating pollution intensity or carbon benchmarking into trade enforcement, especially in sectors like steel and cement, to stop high-emitting imports from undermining U.S. production?

If confirmed, I pledge to carefully consider this concept.

Question for the Record submitted to Rodney Scott from Senator Daines.

Question 1: Mr. Scott, last year my bipartisan "Moving Americans Privacy Protection Act" was signed into law (P.L.118-39) which requires CBP to remove personally identifiable information, including social security numbers, from shipping manifests before making them public. Unfortunately CBP has not yet fully implemented this important law that protects the privacy of Americans, particularly service members returning home from duty. If confirmed will you commit to fully implementing this bipartisan law?

Yes.

Question for the Record submitted to Rodney Scott from Senator Todd Young.

Question 1: While CBP doesn't set trade policy, it plays a critical role in enforcing it—especially through collecting tariffs and overseeing anti-dumping and countervailing duties. Hoosier businesses have consistently raised concerns about Chinese producers evading these duties through tactics like transshipment, misclassification, or exploiting exemptions, often via third countries. CBP has a statutory obligation to ensure duties are properly assessed and collected, but enforcement remains resource-intensive as its responsibilities continue to expand.

Mr. Scott, if confirmed, can you commit to making trade enforcement—including detection and prevention of tariff evasion through circumvention schemes—a clear priority for CBP? And how will you ensure the agency dedicates sufficient resources to this mission—especially for agricultural trade—given increasing complexity and competing demands across CBP's portfolio?

Yes. If confirmed I will ensure CBP's resources are deployed in a way that balances the enforcement and facilitation of trade that conforms to the constantly changing threats CBP faces by utilizing new technology and continued staff training.

Question 2: CBP must be equipped to act quickly—using modern data systems, advanced analytics, and real-time intelligence to identify and respond to suspicious activity.

If confirmed, how will you prioritize full-scale deployment of screening tools to modernize CBP's data systems and targeting capabilities? And how will you ensure that new tariff measures are incorporated quickly and effectively into CBP's enforcement systems and guidance to the trade community?

While CBP's list of items would change depending on certain technological contingencies, the following items are high priority: overdue infrastructure upgrades, including cloud migration, mitigate system slowdowns and outages. Migration of air, ocean, and rail manifest to the cloud and other cloud migration and security upgrades to ensure system resiliency. Modifications to ACE Entry Summary to more effectively respond to policy changes. Modifications to ACE Cargo Release and Manifest to enforce de minimis rules and implement rapid modifications to these rules. Other enhancements to enable rapid system updates in support of Executive Orders, legislative mandates, and de minimis enforcement. Sustainment to ensure system cyber-resiliency and prevent cyber intrusions.

Question 3: It's no surprise that some foreign firms—especially from China—are using U.S.-registered shell companies to evade tariffs. These entities often operate as LLCs, post minimal bonds, import large volumes, and dissolve before duties can be collected—only to reemerge under a new name.

If confirmed, how would you improve CBP's ability to identify and stop the use of shell importers to avoid duty payments? Do you believe stronger vetting of importers or changes to bonding requirements are needed to ensure duties owed to the U.S. are actually collected?

If confirmed, I will direct that Section 114-116 of the Trade Facilitation and Trade Enforcement Act be fully implemented. These sections once fully implemented will lead to stronger importer vetting and improved bonding requirements.

Question 4: CBP is now moving forward with eliminating de minimis benefits for China and Hong Kong—a significant shift that could strengthen trade enforcement. At the same time, many Hoosier small businesses have raised questions about how this transition will be managed operationally. They've pointed to challenges like evolving guidance, changing thresholds, and uncertainty around entry procedures, which have made it difficult to plan for compliance. Clear communication and sufficient staffing will be essential to ensure the policy is implemented smoothly and doesn't create unintended burdens for legitimate importers.

If confirmed, how will you ensure CBP is fully prepared to enforce the new de minimis restrictions on China while minimizing disruption for compliant businesses?

As I mentioned in my testimony, I am committed to fully staffing CBP's Office of Trade Relations which will work with small businesses to ensure they are informed and compliant with U.S. import requirements.

Question for the Record submitted to Rodney Scott from Senator Marsha Blackburn (R-TN).

Question 1: Chinese manufacturers, and their domestic importers and customs brokers, frequently mis-declare illegal e-cigarette imports to avoid detection and evade tariffs. FDA has reported, in the context of joint import seizure operations with CBP, that e-cigarettes are intentionally mis-declared as other items to avoid refusal at ports of entry and are intentionally undervalued to evade proper tariffs. Given the multi-billion-dollar illicit market, e-cigarette tariff evasion represents a major fraud on the U.S. Treasury. How would you work to adopt systems improvements at CBP to address the importation of mis-declared e-cigarettes?

If confirmed, I will direct my staff to prioritize enforcement of illegal e-cigarette imports – the vast majority of which are not authorized for sale by the FDA. CBP will ensure appropriate coordination with FDA and use all its enforcement authorities to disrupt this illicit activity.

Questions for the Record submitted to Rodney Scott from Ranking Member Wyden.

Question 1: If confirmed, you will oversee the rollout of a certification process by the Department of Commerce and Customs and Border Protection (CBP) on the collection of revenue for the de minimis entries, or entries valued at less than \$800. Have you been involved

in these discussions in your current role as Senior Advisor to the Acting Commissioner? Do you anticipate any regulatory measures associated with the de minimis reforms under executive order? If so, what measures would you consider priority in order to ensure a smooth transition for businesses and consumers?

I have not been engaged in this type of discussion and I cannot speak to hypothetical situations.

Question 2: If confirmed, you will be in charge of the administration and collection of tariff revenue. Secretary of Commerce Lutnick and others in the Administration are pushing for the establishment of a so-called “External Revenue Service” within the Department of Commerce. As the Senior Advisor to the Acting Commissioner, you have likely been involved in these discussions.

- a. Please provide your understanding of the Administration’s plan for an “External Revenue Service.”

I have not been involved in discussions regarding the External Revenue Service.

- b. Would you support or oppose moving customs revenue functions to the Department of Commerce?

I would support the President’s decision.

- c. If this is something you’d support, how would it differ from the administration of customs duties for which CBP has long exercised responsibility?

I cannot speak to hypothetical situations.

- d. Please explain any legal basis for moving customs revenue functions. How would the Administration manage the delegation of authority between the two executive agencies?

I have not been part of these discussions. I cannot speak to hypothetical situations.

Question 3: In 2022, the Commerce Department issued a rule allowing importers to temporarily bring in solar panels from four Southeast Asian countries without being charged the antidumping and countervailing duties (AD/CVD) on those imports. The rule included a “utilization requirement” requiring that the panels be put into use or installed by December 3, 2024, to ensure that importers would not stockpile massive amounts of imported panels during the tariff holiday. According to Bloomberg, however, over 50 gigawatts of solar panels from Southeast Asia are estimated to be stockpiled in the United States, an amount equal to the annual U.S. demand. The utilization requirement in the final rule, as passed by Commerce and enforced by CBP, was written to address stockpiling and ensure U.S. manufacturers are not undercut by unfairly traded products. Please provide an update on the enforcement of the Commerce final rule. If confirmed, what is your plan to enforce the utilization requirement? Can you commit to providing my staff with a full update on enforcement efforts to date?

I commit to providing you and your staff with an update on this issue. In my current role, this is not something I have worked on.

Question 4: The Inter-American Commission on Human Rights released its decision in the case of Anastasio Hernandez Rojas and Family on April 28, 2025. In it, the Commission finds that the government violated Mr. Hernandez's right of access to justice due, in part, to misconduct in the early stages of the investigation into Mr. Hernandez's death. In terms of those early stages, the Commission notes four irregularities, one of which is the issuance of an administrative subpoena to obtain medical records related to Mr. Hernandez. This use of a subpoena was also decried as potentially illegal and obstructive by former CBP Internal Affairs leadership. By your own admission, you signed that subpoena.

- a. Under what authority may CBP issue an administrative subpoena?
 - i. In this case, CBP relied upon the Title 8 administrative subpoena authority found 8 U.S.C. § 1225(d)(4) and 8 CFR § 287.4.
- b. What does that authority allow CBP to collect or compel by a subpoena and for what purposes?
 - i. As prescribed in 8 U.S.C. § 1225(d)(4), "[A]ny immigration officer shall have power to require by subpoena the attendance and testimony of witnesses before immigration officers and the production of books, papers, and documents relating to the privilege of any person to enter, reenter, reside in, or pass through the United States or concerning any matter which is material and relevant to the enforcement of this chapter and the administration of the Service, and to that end may invoke the aid of any court of the United States."
- c. What role did you play in evaluating the legality and proper use of this administrative subpoena?
 - i. I relied upon the long-established processes of internal review, to include the CBP Office of Chief Counsel to ensure the legality and proper use of an administrative subpoena that I authorized in this case.
- d. What was the purpose of obtaining medical records related to Mr. Hernandez Rojas using this administrative subpoena?
 - i. Medical records would have been sought in this case by the CIIT to ensure that the internal investigation was complete, and in anticipation of the possibility of civil litigation.
- e. If you are confirmed as CBP Commissioner, will you consider such usage of administrative subpoenas proper under your watch?
 - i. If confirmed as Commissioner, I intend to employ, with sound judgment and discretion, all authorities made available by law in furtherance of the mission and mandate of CBP.
- f. In the case of Mr. Hernandez, what was the involvement of the CIT or CIIT in the investigation?
 - i. In the Hernandez-Rojas case, the CIIT investigated the incident and collected information in support of that investigation.
- g. Did you ever see documents or other materials generated by the CIT or CIIT in this case?
 - i. During my tenure in leadership at San Diego Sector, there were a number of CIIT reports generated, and I would have reviewed some but not all of them.

- h. Did you regularly receive documents or other materials generated by the CIT or CIIT in this case?
 - i. *During my tenure in leadership at San Diego Sector, there were a number of CIIT reports generated, and I would have reviewed some but not all of them.*
- i. Did you ever sign, for the purposes of authorization or otherwise, records or documents generated by the CIT or CIIT related to the case?
 - i. *I recall having signed the administrative subpoena in this case.*
- j. Were you ever made aware of CBP generated video of the death of Mr. Hernandez?
 - i. *I do not have any recollection of a CBP generated video.*
- k. Did you ever view CBP generated video of the death of Mr. Hernandez?
 - i. *I do not have any recollection of a CBP generated video.*
- l. Were you ever made aware of video generated by eyewitnesses of the death of Mr. Hernandez?
 - i. *I generally recall reports of videos claimed to have been taken by private individuals.*
- m. Did CBP ever take custody of eyewitness generated video of the death of Mr. Hernandez?
 - i. *I do not recall whether CBP took custody of any eyewitness video if this tragic incident.*
- n. Did you ever instruct CBP personnel, or were you at any time aware that CBP personnel were instructed to, withhold documents or other materials generated in the course of the investigation of the death of Mr. Hernandez?
 - i. *No*

Question 5: President Trump has unleashed tariff chaos on the economy with little regard to how the tariffs are hurting American families and businesses. The impact of Trump's tariffs is hitting small businesses all over Oregon and the United States particularly hard, as larger companies might be able to tread water in the short term, but the small companies are already drowning with higher costs and uncertainty. You do not have a background in trade facilitation, which is a major part of CBP's responsibilities. How would you be able to help small companies in Oregon and across the country navigate President Trump's tariffs?

As I mentioned in my testimony, I am committed to fully staffing CBP's Office of Trade Relations which will work with small businesses to ensure they are informed and compliant with U.S. import requirements.

Question 6: CBP has dual functions of trade enforcement and trade facilitation. How would you balance those tasks? What would you say to those who claim that CBP prioritizes security and risk assessment over trade facilitation? Should either trade enforcement or trade facilitation be prioritized over the other?

Facilitation and enforcement must be balanced to ensure that trade is encouraged and that our partners know our laws will be enforced. Leaning too heavily in either direction can have dire consequences. I will constantly work with CBP's Office of Trade and the Office of Field Operations to make sure that balance is maintained.

Question 7: The 21st Century Customs Framework (21CCF) is a reform initiative that aims to bring government and industry together to modernize the customs framework. The previous administration sent the 21CCF legislative proposal through the interagency for review but left office before it was completed. If confirmed, will you keep or revise the legislative proposal language? What would be your priorities for trade enforcement and trade facilitation under such reforms?

In my current role, I have not been fully briefed on the 21CCF initiative. If confirmed, I will prioritize reforms that uphold U.S. national security, protect domestic U.S. industries and strengthen CBP's trade enforcement authorities.

Question 8: President Trump announced certain actions with respect to de minimis entry as part of the Canada/Mexico/China IEEPA tariff actions (relating to fentanyl and migration) and the global IEEPA tariff actions (relating to goods trade deficits).

- a. IEEPA authority is based on the existence of a declared emergency. Is it your understanding that the recent changes to de minimis are temporary? What role do you see for Congress in providing for durable reform of de minimis?

I am not involved in emergency declarations under the IEEPA authority. I look forward to working with Congress on all de minimis issues and welcome your input.

- b. The President has expressed a desire to negotiate with countries with regard to the imposition of his global tariffs, including China. Does this mean a country's eligibility for de minimis entry could depend on whether that country has negotiated a deal with the President?

To my knowledge, CBP is not involved in negotiating the trade deals and I am not aware of the substance of the negotiations.

- c. Except for goods from China, tariff-free treatment for low-value goods imported through de minimis remains available until the Secretary of Commerce notifies the President that adequate systems are in place to collect applicable duties. Why was the Department of Commerce tasked with making that determination instead of CBP or the Department of Homeland Security (DHS)? What factors are considered in making that determination?

It is and was the President's decision and I support the President.

Question 9: CBP is responsible for keeping products made with forced labor from entering the country and, in carrying out this responsibility, CBP has benefited from the critical work of on-the-ground NGOs and other programs aimed at detecting and addressing the use of forced labor, including the Department of Labor's Bureau of International Labor Affairs (ILAB). Do you agree that those types of programs and assistance are important for keeping products made with forced labor out of the United States?

Yes.

Question 10: The 2023 Resource Allocation Model acknowledges that the number of non-uniformed staff for several positions was below the levels required by statute in 2022. If confirmed, what is your plan to recruit and staff for CBP's non-uniform positions?

If confirmed, I would prioritize staff recruitment and retention by ensuring CBP is an employer who offers a mission-based career, high morale among the workforce, and advancement opportunities that draw and retain a talented and committed workforce long term.

Question 11: Enacted in December 2021, the Uyghur Forced Labor Prevention Act (UFLPA) is designed to ensure that no goods made with forced labor from Xinjiang, China enter the United States. Over the past few years, CBP has steadily increased the time and resources dedicated to this effort, leading to almost \$300 million worth of goods being subjected to UFLPA reviews or enforcement actions in March 2024. However, recently, the statistics on CBP's website show that the value of shipments reviewed for compliance has steadily decreased, with only \$2 million worth of goods subjected to reviews or enforcement action in March 2025. As Senior Advisor to the Acting Commissioner, you should be aware of these statistics and the reasons behind them. Please provide an explanation for the significant decrease in shipment values subject to UFLPA review in just one year.

In my current role, I have not been exposed to this information. If confirmed, I look forward to working with you and your staff to address this concern.

Question 12: The Inter-American Commission on Human Rights has issued its decision in the case of Anastasio Hernández Rojas, and holds the United States responsible for his killing and for the impunity that followed. As part of its decision, the Commission has issued the first and only independent official account of what happened. The account of events implicates you, Mr. Scott and the agents who were under your command. The decision is also relevant to current events with ongoing concerns about continued rights violations. As CBP Commissioner, what will you do to implement the directives of the Inter-American Commission?

I disagree with the entire premise of this question. Several different investigations were performed by extremely competent, independent local and federal agencies and no officers involved in the incident were found at fault.

Question 13: Last year, the GAO issued a report on their review of CITs, describing them as “homegrown” units that the Border Patrol used to gather evidence, investigate critical incidents involving agents resulting in death or serious injury, and to do all this for the purpose of mitigating the liability of the agents. The GAO report states that the only CBP component authorized to conduct investigations is the Office of Professional Responsibility (OPR), but it, too, is compromised because OPR answers to the same chain of command as the components being investigated. They both answer to the CBP Commissioner. The GAO recommends that CBP address the compromised investigative infrastructure. What would you do to address the investigative integrity gaps? What structural changes would you make to ensure that investigations are independent and impartial, which is important not only to public safety, but also to public trust?

Again, the premise of the question is misleading. CBP’s Office of Professional Responsibility (OPR) is aggressively transparent with its investigations, and you will not find an instance where one of their investigations was interfered with by CBP or DHS. If confirmed, I would ensure OPR has the resources it needs and confidence to conduct thorough transparent investigations. Additionally, I would ensure that CBP cooperates fully with all appropriate investigative agencies established under US law, just as they always have.

Question 14: If confirmed, do you commit to adhering to policy outlined by former CBP Commissioner Chris Magnus in a May 2022 memo, dictating that all critical incidents involving CBP personnel be the full responsibility of the Office of Professional Responsibility?

If confirmed, I will ensure that CBP OPR is empowered to independently investigate incidents involving CBP personnel in cooperation with other legally established investigative agencies such as FBI, OIG and when appropriate State and local law enforcement.

Question: 15: If confirmed, what CBP subunit(s) would be involved in a death in custody investigation?

The CBP Office of Professional Responsibility would be the lead investigative component within CBP.

Question 16: If confirmed, which law enforcement entity would you direct death in custody investigations to as the primary investigative body: local law enforcement, CBP, DHS (broadly), FBI, or another entity? If it is a case-by-case basis, please provide a few examples of situations in which one investigative body or another would be the lead.

As CBP Commissioner, I would not have the authority to “direct” any death in custody investigation. The lead investigative agency is determined by the location consistent with established law. CBP is never the lead investigative agency in any death.

Question 17: In light of your previous conduct on twitter, which a San Diego judge referred to as a “classic” rape threat, provide answers to the following:

- a. During your tenure at Border Patrol, were you ever investigated, regardless of the disposition, for issues related to professional misconduct? If Yes, list dates, provide a detailed description of the events, and the disposition.

To the best of my knowledge, I have not been the subject of an investigation for professional misconduct. In an effort to be fully transparent I provided several administrative personnel cases in my first committee questionnaire, however none of those cases alleged professional misconduct.

- b. During your tenure at Border Patrol, were you ever investigated, regardless of the disposition, for issues related to fostering an unsafe workplace, or similar conduct? If Yes, list dates, provide a detailed description of the events, and the disposition.

To my knowledge I have never been accused of fostering any unsafe workplace.

Question 18: As a current Senior Advisor at DHS, are you a member of any Signal or other messaging app chat group(s) that include current administration officials?

No.

- a. If Yes, are any members of the group(s) non-government personnel?
- b. If Yes, is policy discussed? Describe.
- c. If Yes, do the chat settings erase messages after a set amount of time? What time limit is set?
- d. If an app aside from Signal is used, list and describe the app(s).

Questions for the Record submitted to Rodney Scott from Senator Bennet.

1. Family Separation

During President Trump's first term, in 2017 his administration began to deliberately separate immigrant families under the so-called "zero-tolerance" policy, tearing thousands of children – including infants – from their parents.

During the spring of 2018, that policy led to the separation of more than 2,800 children, including over 1,000 under the age of ten.

Although the courts intervened, we saw this practice continue. And while the previous administration made progress, there are still children who have not been unified with their families.

Over my time in the Senate, and most recently in late 2023, I visited the border and spoke directly with children who are the most vulnerable to trafficking and abuse. Anyone who spends five minutes with these children will recognize how important it is that we stand up to protect them.

I'm glad that the 2024 *Ms. L v. ICE* settlement set standards for when to separate a child from their parents – only when it is in the best interest of the minor.

Mr. Scott, if confirmed, will you comply with this CBP Family Unity Policy – which came out of the settlement and outlined only very limited circumstances where separations can occur?

I will comply with legal court orders.

Will you commit to providing Congress regularly updated data on the number and reasons for any family separations that do occur?

If confirmed, I will comply with all reporting requirements.

2. Fentanyl

Fentanyl remains the leading cause of drug overdose deaths in the United States. The crisis continues to hit states like my state of Colorado hard.

While overall fatal drug overdoses are trending downward, Colorado experienced a slight increase based on our most recent data, and fentanyl deaths have still increased (from 16.1 to 19 per 100,000 people). At the same time, seizures have dropped by 50 percent in just the first two months of 2025 compared to the same period in 2024.

The CBP's Office of Field Operations seized less than 1,500 pounds of fentanyl between January and February, basically half of what was seized last year.

I understand that some say that the decline in seizures means enforcement is working, but the Department of Homeland Security has repeatedly warned that seizure data underrepresents the real volume of drugs entering the country, especially by U.S. citizens through official ports.

If seizures are down 50 percent, it could just as easily mean that traffickers are evading detection more successfully – not that they’re giving up.

I’m extremely worried that a singular focus on immigration enforcement is undercutting CBP’s mission to address fentanyl – especially in communities like mine that continue to see opioid deaths rise.

Mr. Scott, how would you explain this trend? What is your plan to meaningfully resource ports of entry to improve drug interdiction?

If confirmed, counter narcotics trafficking will be a top priority at and between POEs.

3. President Trump’s Tariff Agenda

President Donald Trump’s chaotic and ever-changing trade and tariff agenda is sowing chaos across the U.S. and world economies. This uncertainty makes it impossible for Colorado companies to make new investments or new hires – while the tariffs make everyday goods more expensive for Colorado workers and families.

As if that was not enough, the President does not appear to have considered CBP’s resource constraints when pursuing his trade and tariff agenda. CBP is, per CNBC, “stretched thin” as well as “underfunded, understaffed, and ill-equipped to absorb this kind of policy shock.” CBP has only 2,500 employees focused on trade and tariff laws.

As a result, since the President launched his global trade war, CBP has struggled to keep up, often providing importers with *ex post facto* clarifications. This creates further confusion that risks driving uncertainty for U.S. companies and thus costs for the U.S. economy and consumers.

Additionally, the President’s tariffs are reducing shipments to U.S. ports and will likely drive additional traffic to ports in countries like Mexico, from which they will be transported by land in the U.S. Accordingly, CBP will likely have to grapple with even more products entering the U.S. by land through ports of entry at the southwestern border, further straining CBP’s limited capacity.

What is your plan to ensure that the CBP keeps up with the President's chaotic trade and tariff agenda to limit the negative effects of American workers and consumers? Do you intend to hire new staff? Or shift CBP staff from other tasks to focusing on trade and tariffs?

If confirmed, I will ensure that CBP remains committed to executing the enforcement of customs revenue collection for the federal government and is well-equipped to support the President's agenda.

4. Uyghur Forced Labor Prevention Act

Chinese companies often seek to avoid tariffs and restrictions under the Uyghur Forced Labor Prevention Act (UFLPA) by shipping products made with Uyghur forced labor to third countries – including in Latin America and the Caribbean. In some cases, these goods eventually make their way into the U.S., despite the *Uyghur Forced Labor Prevention Act* (UFLPA) and despite our partners' best efforts.

How do you plan to ensure that CBP robustly enforces the UFLPA? Please give specific steps you plan to take.

If confirmed, I will ensure robust enforcement of the UFLPA by leveraging e intelligence related to forced labor to target incoming goods. I will ensure that the CBP National Targeting Center is staffed with a well-trained workforce and equipped with appropriate technology to analyze all shipments to prevent goods made using forced labor from entering our country.

What additional resources does CBP need to enforce UFLPA, particularly with regard to the Western Hemisphere? Please provide specific resources you need.

To enforce the Uyghur Forced Labor Prevention Act (UFLPA) – particularly regarding goods coming through or transshipped via the Western Hemisphere – CBP needs a combination of human, technology, intelligence, and diplomatic resources. Since the passage of the UFLPA, Congress has provided needed resources for CBP to implement this important provision of law. These needed tools and resources include:

- *Dedicated resources for destruction of forced labor goods if they are seized or abandoned.*
- *Robust staffing for Port, Center, and Headquarters offices involved in the operational and administrative enforcement process.*
- *Advanced AI forced labor large language models to identify high risk supply chains, track cargo, transshipment points, suspect suppliers, and shipments for interdiction and processing at ports of entry.*
- *Expanded supply chain visibility and tracking tools to detect and trace forced labor inputs in global supply chains.*

- *Proactive and expanded cooperation with international partners and law enforcement authorities to harmonize enforcement approach, reach, and impact.*
- *Expanded domestic labs and mobile units to conduct forensic analysis of goods to determine their true origin.*
- *Expansion of the agency source sample database to decrease reliance on external databases.*

5. De Minimis

My and Senator Cassidy's bipartisan Americas Act would direct the Secretary of the Treasury to require *de minimis* reciprocity and then manage an investment account – to support near- and re-shoring in the Western Hemisphere – comprising funds from that reciprocity.

What is your view on the existing de minimis law? Would you agree that we must reform the law to better align with U.S. values and standards?

The de minimis loophole created serious security risks with the rise of e-commerce and emergence of fentanyl. We need to know what is coming into our country.

President Trump has eliminated *de minimis* treatment for shipments from China. But on average, CBP processes over four million *de minimis* shipments into the United States daily. Eliminating or reducing *de minimis* for more countries will require CBP to shift more personnel to inspecting these small shipments, rather than focusing on the southern border, where the vast majority of illegal substances – including fentanyl – enters the United States.

What is your plan to ensure that CBP effectively inspects all packages from China and any other countries for which the President removes de minimis treatment? Does this include hiring and training more officials? Moving agents from the southwestern border? Please provide specific steps you plan to take.

If confirmed, I will ensure that CBP continues to balance all aspects of the border security mission. This includes investments in non-intrusive inspection technology, centralized exam facilities at airports, and upgrading the Automated Commercial Environment to increase enforcement.

6. Commercial Trade Integrity

I strongly support smart trade policies that will support workers and increase domestic and regional manufacturing, not just in the United States, but in the entire Western Hemisphere. This is essential to achieving bipartisan goals such as reducing U.S. economic reliance on China, particularly for goods with national security importance. Strong trade enforcement is necessary

to protect supply chain integrity throughout the hemisphere, but the United States must couple enforcement with smart trade facilitation policies so that new investment and sourcing in the region continues.

If confirmed, will you commit to balancing robust trade enforcement efforts with trade promoting and facilitating measures that support the cross-border flow of legitimate trade?

Yes.

Will you support the “trusted trader” program and partnering with its members to ensure bad actors are unable to profit from illegal customs practices while not penalizing those companies that uphold rigorous trade compliance standards?

Yes.

7. Arms Trafficking

CBP has already seized over 1,900 firearms and ammunition shipments this fiscal year – both inbound and outbound. This is an alarming trend that highlights ongoing trafficking in both directions.

Will you commit to expanding intelligence-led operations to target outbound gun trafficking?

If confirmed I commit to leveraging intelligence-led operations to target outbound gun trafficking.

What tools or partnerships will you give agents to stop firearms from fueling violence across the border?

If confirmed, I would pursue partnerships with any and all stakeholders. Additionally I would encourage Mexican officials to enhance their inbound screening.

8. Border Patrol Staffing

CBP continues to fall short of its hiring goals under both the Trump and Biden administrations, pulling up to 60 percent of Border Patrol agents from frontline duties.

How do you plan to rebuild the workforce and reduce operational strain so agents can return to core enforcement and public safety functions?

If confirmed, I would prioritize recruitment and retention by ensuring CBP is an employer who offers a mission-based career, high morale among the workforce, and advancement opportunities that draw and retain a talented and committed workforce long term. I will support initiatives through CBP's workforce cares programs that demonstrate my commitment to the entire CBP team and prove CBP is a great place to spend your career.

9. Pest and Disease Prevention

CBP plays a critical role in preventing the introduction of pests and foreign animal diseases, such as African swine fever. These pests and diseases pose significant threats to our agricultural system, as well as the livelihood of Colorado's farmers and ranchers.

How will you work with the USDA to prevent the spread of pests and diseases at our ports? What measures will you take to ensure that CBP detects and prevents the entry of pests, diseases, and contaminated agricultural products?

The USDA Animal and Plant Health Inspection Service (APHIS) and CBP work together to intercept plant and animal health threats associated with the entry of imported goods and international passengers. Jointly, they strategically apply risk-based approaches to identify and target high-risk pathways and align resources, enhance program management and infrastructure, and strengthen our partnerships with the trade community to extend outreach efforts and enhance compliance. Together, their actions protect U.S. agriculture and natural resources from harmful plant pests and foreign animal diseases, while keeping international trade and travel moving. As Commissioner, I would ensure this partnership continues and is capable of adapting to a constantly changing environment.

CBP Agriculture Specialist work closely with USDA everyday. Intercepted pests and disease samples are sent to USDA entomologists and pathologist for rapid identification. USDA maintains the National Identification Services to confirm species and assess threat levels. In case of a pest or disease detection with serious implications, USDA and CBP coordinate a response that may include quarantine procedures, public advisories, and tracing shipments. USDA provides ongoing training and updates to CBP officers and agriculture specialists. Again, if confirmed, I would ensure this partnership continues.

If confirmed, I would continue CBP's layered, risk based strategy to detect and prevent entry of these contaminated products. This includes, use of detection technology, targeted risk assessment, pest interception protocols, quarantine actions, and public education and industry outreach. Each layer is vital and I would ensure this strategy continues and is built upon.

10. Agriculture Inspection

U.S. farmers and ranchers rely on the global marketplace, making efficient processing of agricultural imports and exports an important priority.

How will you balance stringent inspection procedures with the need to move perishable agricultural products quickly? Will you support initiatives to modernize CBP's agricultural inspection infrastructure to reduce delays and spoilage?

Yes, I will support modernization and the continued use of processes to expedite certain products at the border like CBP's office of Agriculture Programs and Trade Liaison (APTL) and the National Agriculture Release Program (NARP). CBP has many programs to expedite trade and travel of trusted sources and I would ensure these programs continue.

11. Organic Imports

Fraudulent organic imports undermine Colorado's organic farmers and ranchers. These imports put them at an unfair disadvantage and threaten the trust consumers have in USDA's organic label.

What steps will you take to ensure that CBP stops organic fraud at our borders? How will you work with USDA to prevent these products from entering our markets?

CBP works closely with USDA on a variety of issues. If confirmed, I will direct staff to work with USDA to develop processes and procedures to combat organic fraud. It will be important that CBP and USDA have the tools necessary to detect fraudulent organic products.

12. Fair Agriculture Competition

To ensure fair competition, we must ensure that imported agricultural products meet the same U.S. standards that Colorado's products must meet.

What strategies will you pursue to detect and prevent the entry of non-compliant agricultural products? How will you work with USDA and other federal agencies to enforce trade laws that protect Colorado's farmers and ranchers?

CBP works closely with USDA and I will ensure that relationship continues. CBP's agriculture specialists are the best in the world at detecting products that are not compliant with U.S. laws and regulations and I will ensure CBP has adequate staffing of these specialists and they receive the tools and training needed to perform their important job.

Questions for the Record submitted to Rodney Scott from Senator Whitehouse.

Question 1

Do you believe that due process is a bedrock principle of our legal system?

Yes.

Question 2

If confirmed, will you ensure that all individuals, regardless of citizenship and nationality, receive due process when dealing with CBP?

Yes.

Question 3

Are there any circumstances under which you believe it would be lawful for the CBP Commissioner or any other CBP officials to disregard a court order? If so, please describe such circumstances.

I will follow all legal court orders.

Question 4

Is it ever appropriate for CBP to detain an individual based on that individual's First Amendment-protected speech? If so, please explain when you believe such detention would be appropriate.

Citizens are protected by the first amendment and should not be detained due to their speech.

Question 5

A federal district court in California recently issued a preliminary injunction barring CBP officers from stopping people without reasonable suspicion of illegal presence and from arresting them without a warrant. Is it ever appropriate to detain someone based only on the person's race or the language the person speaks?

No.

Question 6:

Ocean vessels have long been required to publicly disclose shipping manifests, which has been critical for combatting imports of unsafe or illegal goods like fentanyl, goods made with forced labor, trade-based money laundering and illicit finance, sanctions evasion, and counterfeit goods.

In 1996, the Anticounterfeiting Consumer Protection Act expanded disclosure to aircraft manifests so that trademark holders could better track and identify counterfeit imports for law enforcement. Due to a technical drafting error, this public disclosure requirement has not taken effect. It also does not apply to shipments that arrive by truck or rail. Limiting public disclosure to ocean vessel manifests is a relic of the past when most imports came by ship. Today, nearly half of the value of imports come either by air or land.

My bipartisan, bicameral Manifest Modernization Act (S. 1259/H.R. 2653) would fix this by requiring public disclosure of air and land manifests.

Will you support this commonsense measure?

If confirmed, I will work with you and your staff on this proposal.

Question 7:

On April 2nd, President Trump issued an executive order eliminating duty-free de minimis treatment for imports from China. This loophole has been exploited to smuggle fentanyl, import goods made with forced labor, and put American businesses at a competitive disadvantage. The order required that de-minimis treatment remain available for goods from other countries until notification “that adequate systems are in place to fully and expeditiously process and collect duty revenue.” This is a huge loophole that will allow cheap Chinese goods to be routed through other countries to continue benefiting from duty-free treatment.

Will you close this loophole by expeditiously setting up adequate systems

If confirmed, I will take every reasonable action to ensure this occurs.

Question 8

The lack of oversight, standards, inspections, and enforcement in international free trade zones (FTZs) enables trade-based money laundering, sanctions evasion, and the trafficking of narcotics and counterfeit goods. Terrorist groups, including Hezbollah, generate and launder funds in vulnerable FTZs as well. Some estimates suspect FTZs facilitate 20% of global trade.

I have bipartisan legislation to bolster U.S. leadership in promoting transparency and standardization, and disincentivizing loopholes, in FTZs.

Will you support this commonsense measure, as well as other efforts to insulate FTZs from illicit financial and trade schemes?

Foreign Trade Zone enforcement is critical and if confirmed, I will work with you and your staff on this important issue.

Question for the Record submitted to Rodney Scott from Senator Hassan.

Question 1: If the President, or any member of the Administration, including Secretary Noem, gives you a directive that violates the law, would you follow the law or follow that directive?

I dispute the premise of the question. If confirmed, I will follow the law.

Question 2: If a court issues an order requiring CBP to take or refrain from taking specific actions, will you follow that court’s order?

I will follow all legal court orders.

Question 3: Families and small businesses across New Hampshire are paying higher costs because of the President’s reckless tariffs – which amount to a national sales tax. In addition to raising costs, the President changes tariff rates constantly without any clear strategy, which

creates challenges for CBP officers at our ports of entry who are charged with ensuring the safe and efficient flow of imports into the United States. With seemingly new rules every week, CBP officers are forced to play catch up with the White House just to do their jobs. As we know, CBP is understaffed and pressed to fulfill its core responsibility of protecting our nation. We both know that there are only so many hours in a day. **Given CBP's limited resources, won't the increased time and resources that CBP now has to spend on tariff enforcement take away from their ability to focus on intercepting fentanyl and other illegal goods coming into our country?**

No.

Question for the Record submitted to Rodney Scott from Senator Cortez Masto.

Since the Trump Administration has taken office, there has been a rise of controversial cases of CBP treatment of immigrants, migrants, travelers, and even U.S. citizens. While CBP plays an essential role in ensuring that we have a secure border, CBP must also maintain humane systems that respect our values as Americans. These two concepts are not at odds with each other.

Question 1: Can you describe your plan to ensure humane treatment of individuals in CBP custody?

All people deserve to be treated with dignity and respect. CBP has a culture that instills that in all personnel from the beginning and, if confirmed, I ensure that continues and grows under my leadership.

In 2018, while you were serving as the Chief Patrol Agent for the San Diego Sector, it was reported you made several comments justifying the first Trump Administration's cruel family separation policies. Since the end of family separation, over a thousand children taken from their parents at the border still have not been reunited. You were reported as referring to some of the children who were separated from their family at the border as "hardened adults" and "may or may not have been associated with the gangs."

Question 2: Do you still believe that President Trump's family separation policy that tore innocent children away from their families was justified?

I believe in enforcing the law. I do not support the creation of categorical exemptions to law, especially when those exemptions are known to facilitate child trafficking. I strongly support the enforcement of the laws passed by Congress and I believe that when enforced, these laws deter crime and keep families safer and intact.

Question 3: Are you supportive of reinstating the family separation policy?

I support enforcing the laws as enacted by Congress.

The threats of drugs and weapons trafficking are ever evolving at our border. Our response to combat these threats has also changed with new technologies.

Question 4: When it comes to border security, what additional resources and technology does CBP need to increase effectiveness at combating these threats?

Technology, infrastructure, personnel, and appropriate consequences are pillars for enforcing the law and securing our borders. Technology and infrastructure exponentially increase the effectiveness of CBP's personnel and that is why additional resources in all areas are vital to securing our borders.

The Travel and tourism sector is a trillion-dollar industry in the United States, supporting more than 15 million jobs and significantly touches the economy of every state. CBP is often the first experience visitors have when entering the United States, especially at our airports, where CBP was responsible for processing 142.1 million travelers annually. In the next decade, the U.S. will welcome millions more visitors for the World Cup, the Olympics, and America's 250th anniversary. It's more important than ever to ensure that travelers at our ports of entry are treated fairly, processed efficiently, and kept safe.

Question 5: What are your plans to improve the foreign traveler's experience and ensure that CBP not only doesn't hinder, but actively supports this important sector of the American economy?

In my experience, CBP is a premier, professional organization that represents America exceptionally well. I am extremely proud of the work that CBP officers do every day to keep America safe and to be our ambassadors to the world. If Confirmed, I will build on this exceptional level of professionalism by insisting on the highest standards and rewarding and promoting only those that demonstrate the highest standards.

Question 6: What is CBP doing to invest in personnel, improve process, and adopt technologies [i.e. biometric technology, advanced data and vetting, and risk segmentation] to make travel safer and more efficient?

First and foremost, the CBP culture never rests on past success. CBP is constantly evolving processes and evaluating emerging technologies to find new innovative solutions to keep America safe. If confirmed, I will continue to encourage innovation, creativity and increase partnerships.

Question 7: If confirmed, can you commit to working closely with other federal entities, like the Departments of Commerce, State, and Transportation, to find ways to help support the traveler experience?

Yes.

Since the start of the Trump Administration, CBP appears to be increasing the frequency of searching travelers' personal electronic devices to purportedly identify illegal activity.

Question 8: Do you intend to continue to ramp up the frequency of these screenings? What are you looking for when you search these devices?

To my knowledge, no policies have changed regarding border search of electronic devices (BSED). From the data that I have reviewed there has not been any recent measurable increase in border searches of electronic devices. CBPO's are looking for illegal activity and the two most commonly found when performing these searches are terrorism related activity and possession of child pornography.

Question 9: How do you plan to direct CBP resources to protect Americans' civil liberties, while simultaneously protecting our border at ports of entry?

If confirmed I will ensure all CBP policies are in line with the law and are being followed.

As you are probably aware, the United States is already predicted to lose \$227 million in economic activity a year due to CBP staff shortages. This administration prioritized CBP funding and personnel at our Southern border, but CBP does critical work across the country that we can't forget about.

Question 10: As commissioner, can you commit to ensuring that CBP's resources are optimized across *all* ports of entry, and not just prioritized at the southern border, especially as the U.S. gears up for numerous international events?

Yes.

Ending forced labor is a moral and economic imperative, and American workers should not have to compete against goods that are produced by forced labor. In 2022, CBP issued an order blocking Central Romana Corporation, a Dominican sugar producer, from shipping sugar to the United States because of allegations of forced labor. Those allegations included the improper withholding of wages, forcing employees to work excessive overtime, and abusive working and living conditions. Last month, CBP *rescinded* that order, greenlighting Central Romana to resume shipping sugar to the United States despite the fact that labor groups have assessed

that it has not significantly improved its labor practices. Central Romana has well-documented political ties to President Trump, donating a million dollars to his campaign last year, and U.S. officials have said that CBP's decision last month did not follow established processes.

Question 11: In your current role as a Senior Advisor at CBP, have you worked on this matter or played any role in the decision to lift the withhold release order (WRO) on Central Romana?

No.

Question 12: If you did, do you agree with reporting¹ that indicates that CBP's rescinding of the WRO on Central Romana did not follow "established processes," and if so, why were "established processes" not followed?

N/A

Question 13: Should you be confirmed as CBP Commissioner, what steps, if any, would you take to ensure that CBP orders are insulated from political pressure?

If confirmed, I would be the confirmed political leader of CBP and therefore I would be responsible for decisions made.

Question 14: Do you agree that the Customs and Border Patrol collects tariff revenue?

I agree that U.S. Customs and Border Protection collects tariff revenue. , And I believe that CBP personnel do a great job.

Question 15: If so, do you agree with President Trump's assessment that we need another duplicative agency called the "External Revenue Service" with the same mission as CBP? How does that align with the Administration's stated mission to cut waste? How much would that cost taxpayers?

I am always open to new ideas that could improve our nation, but I cannot speak to hypothetical costs.

You were involved in a wide variety of controversies during your previous leadership roles at Border Patrol. You allegedly tampered with evidence in a case of an individual brutally killed in CBP custody. And you were a member of an offensive CBP Facebook group that shared content so violent and racist that it led to the removal and suspension of multiple CBP employees. As leader of the CBP, you are responsible for overseeing more than 60,000 employees.

Question 16: Given your close ties to these controversies, why should you be given the responsibility of leading the CBP?

¹ [Trump Administration Lifts Ban on Sugar Company Central Romana Over Forced Labor - The New York Times](#)

I spoke to each of the issues you are referencing during the hearing and stand by the responses I gave then. Your assertion that an individual was brutally killed in CBP custody is insulting to the entire DHS workforce and specifically to the CBP Officers, Border Patrol Agents and ICE Agents that risk their lives every day to keep America safe. Several competent U.S. law enforcement agencies independently investigated this tragic event and concluded that CBP personnel responded to an unprovoked attack within established policies and procedures. Allegations to the contrary are not supported by any facts or evidence and only serve to tarnish the professional and personal reputations of the individual agents and officers and the public service agencies they are part of.

During the 2023-2024 fiscal year, it was reported by *Newsweek* that 211 CBP officers faced accusations of serious crime such as sexual assault and physical abuse of detainees.

Question 17: Can you assure me that these cases will continue to be investigated and that CBP will seek address the root of this misconduct? Do you agree that agents who committed such crimes should be fired?

I agree that all allegations should be investigated, and that appropriate action should be taken based on the facts. I cannot speak to specifics of the punishment without knowing each individual incident. Each case must be dealt with individually consistent with established law and standards of conduct.

Question for the Record submitted to Rodney Scott from Senator Warren.

TRADE

Question 1: After repeatedly announcing plans to close the *de minimis* exemption—only to reverse course within a few days—the Trump Administration claimed it officially ended the *de minimis* exemption for Chinese goods on May 2, 2025. Just days before the exemption ended on May 2, though, there were reports that the Trump administration quietly waived longstanding formal entry requirements for goods valued between \$250-\$2500 subject to “penalty” tariffs—which is the vast majority of goods since Trump’s April 2 “Liberation Day” announcement. This could mean that importers will not be required to provide full tariff codes on these goods, effectively counteracting the closure of the *de minimis* exemption. Like the rest of the Trump Administration’s tariffs, this red-light, green-light approach to *de minimis* creates mass uncertainty that leaves consumers and businesses unable to predict costs.

- a. What is the current status of the formal entry requirement for “penalty” tariffs? Do you plan to require 10-digit tariff codes on all imports from all countries, including those using informal entry? If this is the administration’s plan, why have you not publicly

posted this obligation in the way you posted the previous obligation for low value imports to use formal entry?

It is my understanding that effective May 2, CBP requires 10-digit tariff codes for all non-mail de minimis shipments containing Chinese goods. If confirmed, I am happy to work with you and your staff on this matter further.

- b. What role did express shipping companies play in convincing the administration to change its approach to goods subject to penalty tariffs?

The above requirement applies to express shipping companies.

Question 2: The *de minimis* exemption remains in place for tariffs on Mexican and Canadian goods. President Trump claims that he is imposing tariffs on Canada and Mexico to prevent fentanyl from entering the country, but significant amounts of fentanyl enter the country under the *de minimis* exemption.² How are these tariffs preventing the flow of fentanyl?

The President has answered this in his executive orders and other statements. I support the President.

- a. What steps will you take to ensure that traffickers do not use the *de minimis* exemption to smuggle illicit goods—including weapons and dangerous drugs—into the country?

If confirmed, I will ensure that CBP continues its investments in training personnel, non-intrusive inspection technology, centralized exam facilities at airports, and upgrading the Automated Commercial Environment to increase enforcement.

Question 3: Does the Trump administration have plans to limit or end the *de minimis* exemption for countries apart from China?

I have not been a part of any discussions on future plans in my current role.

- a. Billionaire e-commerce corporations have long exploited the *de minimis* exemption to avoid billions of dollars in tariffs. Please list any interactions you have had with e-commerce companies in which the *de minimis* exemption has been discussed.

N/A.

² Reuters, “how fentanyl traffickers are exploiting a U.S. trade law to kill Americans,” Drazen Jorgic, Laura Gottesdiener, Kristina Cooke, and Stephen Eisenhammer, October 1, 2024, <https://www.reuters.com/investigates/special-report/drugs-fentanyl-shipping/>.

IMMIGRATION

Compliance with law & policy, oversight, and accountability

Question 4: At your confirmation hearing, you said that under your leadership CBP will follow court orders. What concrete steps would you take to ensure that CBP promptly complies with emergency court orders staying deportations?

If confirmed, I will ensure proper lines of communication are maintained to comply with legal orders as swiftly as possible.

Question 5: Given personnel cuts at DHS's Office for Civil Rights and Civil Liberties and other DHS watchdog offices, what concrete steps would you take to ensure robust, independent oversight of CBP's compliance with civil rights requirements, such as those related to due process, freedom of speech, and prohibitions on discrimination?

If confirmed, in consultation with the Office of Management and Budget, I will ensure CBP's Office of Professional Responsibility is sufficiently funded and staffed to conduct its independent oversight functions. Additionally I will ensure that CBP cooperates fully with other investigative agencies to include DOJ Civil Rights Division.

Question 6: What concrete steps will you take to improve CBP's longstanding problems imposing consequences and discipline for sexual assault and misconduct?

I disagree with this characterization of CBP. If confirmed I will ensure all CBP employees have the ability to report any misconduct without fear of retaliation and that all allegations will be taken seriously and investigated.

Question 7: Will you ensure that CBP personnel continue to use body worn cameras and publicly release footage from body cams in all cases involving death or serious bodily harm?

If confirmed, I commit to ensuring transparency to maintain and build public trust.

Question 8: What improvements would you bring to ensure greater HQ oversight over border patrol sectors so that enforcement operations do not sweep up U.S. citizens and other lawful residents?

If confirmed, I will work to ensure that the laws enacted by Congress are enforced appropriately.

Question 9: What steps will you take to ensure *all* Border Patrol sectors' enforcement operations comply with the Constitution?

If confirmed, I will ensure that all CBP personnel are trained and provided a copy of the US Constitution. I will engage with the Office of Chief Counsel to ensure that training, policies and operations are consistent with the U.S. Constitution. I will also ensure that Constitutional principles are consistently discussed and engrained in the CBP culture.

Question 10: Do you regard community trust as important to accomplishment of CBP's mission?
Yes.

Question 11: The Government Accountability Office (GAO) [recommended](#) that CBP improve its oversight of Border Patrol's 110 checkpoints. What concrete steps will you take to improve oversight of CBP checkpoints, to ensure that checkpoints are following federal law?

I will ensure CBP training, processes and operations are consistent with federal law.

Question 12: CBP has rescinded CBP Directive [No. 4510-026A](#) on emergency vehicular pursuits. Under your leadership, will CBP no longer endeavor to minimize the risk to the public, law enforcement, and vehicle occupants during vehicular pursuits?

CBP law enforcement personnel are charged with safeguarding America. Minimizing the risk to the public is a key factor in every decision.

Question 13: What actions will you take to limit deadly vehicular pursuits that put agents and American families at risk and harm trust between residents and Border Patrol agents?

If confirmed, I would prioritize deterring and preventing these incidents from ever occurring by enforcing the law and providing CBP personnel with the tools and policies needed to safeguard America.

Question 14: What is your understanding of the role of the Department of Homeland Security's Inspector General?

To provide independent oversight of DHS by conducting audits, investigations, and reviews.

Question 15: If you are confirmed, will you commit to refusing to follow illegal orders from any individual, including the President?

I dispute the premise of the question. If confirmed, I will follow the law.

Question 16: What actions would you take if you were given an illegal order from any individual, including the President?

I dispute the premise of the question. If confirmed, I will follow the law.

Free speech, electronic device searches, and privacy rights

Question 17: At your confirmation hearing, you said it would not be your policy to deny entry to the United States based on criticism of Donald Trump. Other instances raising similar concerns include CBP interrogating a U.S. citizen traveling back from vacation and asking to search his phone, saying they knew he was a lawyer with a high-profile case, apparently in reference to a student protester. What steps would you take to ensure that CBP does not engage in politically motivated denials of entry into the United States?

CBP does not engage in politically motivated denials of entry. If confirmed, I will continue this policy and ensure any accusations are properly reviewed.

Question 18: During electronic device searches, how will you minimize the impact on Americans' privacy, Fourth Amendment rights, and constitutional right to travel?

I will ensure that border search authority is only used in accordance with federal law as enacted by Congress.

Question 19: CBP's "digital border" wall involves mobile towers equipped with facial recognition technology and thermal imaging, drone patrols, and automated license plate readers. These technologies impact both migrants and American citizens living along the border. How will you take steps to protect Americans' rights to privacy from governmental surveillance?

The technologies CBP deploys play a vital role to secure our nation and I will ensure law abiding citizens and travelers do not have excess data collected or stored by CBP. If confirmed, I will review current policies and ensure they are in line with federal law.

Question 20: Components of DHS, including CBP, have previously acquired precise geolocation from data brokers, including data showing where Americans work, worship, receive healthcare, and more. Components of DHS previously stated they were pausing collection of precise geolocation due to civil liberties concerns. To protect Americans' privacy, do you commit to not purchasing geolocation information?

No.

Family separation

Question 21: In 2018, you reportedly referred to many migrant children under age 18 as "hardened adults." Do you stand by your description of 13- and 14-year-old children separated from their parents as "hardened adults"?

I take issue with the wording of your question. The fact is that not all people of the same age are the same. This is even more apparent when the individuals are from different cultures and backgrounds. In my experience, individuals under the age of 18 that I encountered crossing the

border illegally were not all the same. Some were similar to any respectable, honest kid that may live in your neighborhood. And some were hardened gang members and criminals with violent tendencies that had committed raped and even murdered. And some were not under 18 at all, but lied about their age to ensure a quick release into the U.S.

Question 22: Will you commit to abiding by the court settlement in *Ms. L v. ICE* on family separation?

I will follow legal court orders.

Sensitive locations

Question 23: What limits (if any) do you intend to impose on CBP enforcement operations at or near any of the following: schools, hospitals and medical facilities, churches and other places of worship (including during weddings and funerals), sites that provide emergency response and relief during natural disasters (such as evacuation routes, shelters, sites for distributing essential supplies, and sites for reunification with families and loved ones)?

I cannot comment on potential hypotheticals and will not commit CBP to not enforce the law.

Question 24: Do you agree that border patrol agents should not be sitting in hospital rooms with women who have just given birth and children undergoing cancer treatment?

I cannot comment on hypothetical situations.

Question 25: Will you commit to ensure that ambulances and other emergency vehicles will not be stopped at CBP checkpoints?

No. In my experience cloned emergency vehicles, to include ambulances are used by cartels to traffic humans and contraband such as fentanyl into the U.S. Any categorical exemption to enforcing the law provides these criminals a free pass.

Medical care & deaths in custody

Question 26: In recent weeks, a mother [reported](#) that her son was detained by CBP and was denied access to his medications. Another family [reported](#) that their child — who is a U.S. citizen — was detained by CBP while on the way to the hospital for her brain tumor, and CBP denied her access to the urgent treatment she needed. Denying necessary medical care violates CBP's national standards. If a person needs urgent medical care, will it be your policy for CBP to ensure the person gets that care?

If confirmed, I will follow the law.

Question 27: DHS's Office of Inspector General has [found](#) that "CBP needs better oversight and policy to adequately safeguard migrants experiencing medical emergencies or illnesses along the southwest border." What concrete steps will you take to ensure that individuals in CBP's custody access the medical care they need?

CBP has robust contracts with medical providers but under the last administration they were stretched to the breaking point by thousands of illegal entries a day. With the end of the chaos at the border, CBP has more resources to ensure all medical needs are addressed.

Question 28: Given harsh conditions and problems with maintaining full medical staffing at detention facilities, will you ensure that CBP promptly releases or transfers medically vulnerable individuals from its custody so that they can access appropriate medical care?

If confirmed, I will ensure all in CBP custody receive proper medical care.

Question 29: Over the past decade, multiple migrant children died in or shortly after release from CBP custody. What concrete steps will you take to prevent children from dying in CBP's care?

If confirmed, I will work to ensure that CBP has the adequate facilities and systems to care for children. More importantly, I will do everything I can to prevent them from entering CBP custody by enforcing the law and discouraging child trafficking to prevent the disaster that happened under the Biden administration.

Question 30: Will you ensure that CBP provides Congress and the public with timely notification of all deaths in custody, as required by law?

Yes.

Question 31: Do you agree that CBP has a responsibility to safeguard the lives of individuals in its custody?

Yes.

Minor, pregnant, and postpartum detainees

Question 32: In your view, are border patrol holding cells suitable places for people who are pregnant or for infants?

If confirmed, I will follow the law.

Question 33: Do you agree that pregnant parents, and nursing mothers and their infants, should not be in CBP custody any longer than the bare minimum of time for them to be processed?

I agree that individuals should only be held in CBP custody for the time required to process them for removal and/or prosecution consistent with the laws passed by Congress.

Question 34: In your view, what additional precautions should CBP take with respect to minor US citizen children that CBP encounters, to ensure that citizen children are not improperly subjected to immigration enforcement?

US citizens, regardless of age, are not subject to immigration enforcement.

Location data & other data

Question 35: Will you commit to improving the detainee locator system so that people can find the location of their loved ones and clients in CBP custody?

CBP facilities are intended for processing and very short-term holding only. If confirmed, I will ensure that individuals are transferred to appropriate detention facilities or appropriately removed as quickly as possible.

Question 36: Will you commit to maintaining CBP's participation in ICE's detainee locator system, to ensure that detainees do not disappear in detention?

CBP facilities are intended for processing and very short-term holding. If confirmed, I will ensure that individuals are transferred to appropriate detention facilities or appropriately removed as quickly as possible.

Question 37: At your confirmation hearing, you stated that you would let the public know "as soon as possible" when someone is in CBP custody and where they are located. What concrete steps will you take to expedite the process of adding CBP detainees to the detainee locator system?

CBP facilities are intended for processing and very short-term holding only. If confirmed, I will ensure that individuals are transferred to appropriate detention facilities or appropriately removed as quickly as possible.

Question 38: Will you commit to providing weekly updates to Congress and the public on the average daily population of people in CBP detention?

I will honor CBP commitments to transparency with Congress.

Question 39: You have stressed your interest in transparency at CBP. As Commissioner, will you release statistics, at least on a monthly basis, on the number of deaths in CBP custody?

I will work to provide as much information to the public as possible.

Question 40: Will you release statistics, at least on a monthly basis, on the number of people in CBP custody, broken down by nationality, gender, age and by length of custody?

I will work to provide as much information to the public as possible.

Question 41: Will you release statistics, at least on a monthly basis, on the number of complaints against Border Patrol agents regarding use of force, disaggregated by sector?

I will work to provide as much information to the public as possible.

Question 42: Will you release statistics, at least on a monthly basis, on the number of U.S. citizens and other lawful residents detained at checkpoints?

I will work to provide as much information to the public as practical.

Question 43: Will you release statistics, at least on a monthly basis, on the number of hospitalizations of people in CBP custody, disaggregated by sector?

I will work to provide as much information to the public as possible.

Question 44: Will you release statistics, at least on a monthly basis, on the number of accidents stemming from vehicular pursuits?

I will work to provide as much information to the public as possible.

Question 45: Will you release statistics, at least on a monthly basis, on the number of interior arrests conducted by CBP agents (e.g., arrests conducted beyond the 100 mile zone)?

I will work to provide as much information to the public as practical.

Question 46: Will you release statistics, at least on a monthly basis, on the number of CBP agents on ICE or DOD removal flights?

I will work to provide as much information to the public as possible.

Question 47: What do you believe CBP's role should be, if any, within the new militarized buffer zone along the southern U.S. border.

CBP is the primary law enforcement agency for border security regardless of landowner or land management organization.

Question 48: Please describe any tasks involving civilians, including migrants, for which you believe CBP, rather than the Department of Defense, should have operational responsibility.

As I stated in my testimony, and the 911 report clearly identified, national security and border security are a team sport. If confirmed, I commit to ensuring that CBP partners with all willing partners to secure our borders and safeguard America.

Question 49: Under your leadership, will CBP agents conduct actions and operations at the direction of DoD?

If confirmed, I will follow the law.

Question 51: Under your leadership, what will be CBP's rules and regulations on the use of force in the military buffer zone?

CBP's Use of Force Policy is consistent regardless of the location.

Question 52: News reports indicate that a military task force will be engaged in surveillance, which could include surveillance of U.S. persons, in this zone. What role will CBP play in any such surveillance?

I am not familiar with the news reports that you are referring to in your question. CBP personnel will act appropriately in accordance with federal law, regulation and agency policy.

ARMS TRAFFICKING

Question 53: Illegal firearms smuggled by land and sea from the United States have contributed to violence and instability in the Western Hemisphere, arming cartels and driving more individuals to flee their home countries. Given the implications of firearm trafficking for the United States, what concrete steps would you take to improve CBP's interdiction of illegal firearms smuggled from the United States?

If confirmed, I would pursue intelligence-based operations, which have proven to be one of the most effective tools to counter weapons trafficking. I will partner with Mexican officials to enhance their inbound screening. Logistically and financially, it is the most effective way to screen what is leaving the country through the Southwest border.

Question 54: Under your leadership, what steps would CBP take to monitor cargo worth less than \$2,500 that passes through the Miami River, a primary route for firearms smuggled from the United States to the Caribbean?

If confirmed, I would work with law enforcement partners and use targeted intelligence as previously stated to identify patterns and targets to counter weapons trafficking.

ETHICS, FOREIGN INFLUENCE, AND COMPLIANCE

Question 55: You have worked with several entities that work on border-related matters. Even after one year, your relationship with these entities would remain fresh enough to create a real or perceived conflict of interest. Will you commit to recuse from all particular matters involving your former clients and employers for at least four years?

I will comply with all the ethics advice provided by DHS and CBP Counsel.

Question 56: Will you commit not to seek employment or board membership with, or another form of compensation from, a company that you regulate or otherwise interact with while in government, for at least four years after leaving office?

I will comply with the ethics advice provided by DHS and CBP Counsel.

Question 57: Will you commit not to lobby CBP — including through work as an informal “shadow lobbyist” — for at least four years after leaving office?

I will comply with ethics advice provided by DHS and CBP Counsel.

Question 58: Will you commit to voluntarily provide a deposition if you are requested by Congress to provide one?

I will comply with the legal advice provided by DHS and CBP Counsel.

Question 59: Will you commit to voluntarily testify in front of Congress if you are requested by Congress to do so?

Yes.

Question 60: Will you commit to testify or provide a deposition in front of Congress if you are issued a subpoena to do so?

Yes.

Question 61: Will you commit to providing information or documents to Congress voluntarily if you are requested to do so?

Yes to the extent that it is consistent with the legal advice provided by DHS and CBP Counsel.

Question 62: Will you commit to following current precedent for responding to information requests, briefings, and other inquiries from Congress, including the Senate Finance Committee, Homeland Security and Government Affairs Committee, and their minority members?

Yes.

Question 63: Have you received any payment from a foreign government or entity controlled by a foreign government within the past five years?

No.

Question 64: Have you communicated with any foreign government or entity controlled by a foreign government within the past five years?

Not outside of my official U.S. government duties.

Question 65: Please disclose any communications or payments you have had with representatives of any foreign government or entity controlled by a foreign government within the past five years and describe the nature of the communication.

None

NOMINATIONS PROCESS

Question 66: Was Elon Musk involved in any way with your nomination, including but not limited to directly or indirectly contacting Senators regarding their position on your nomination?

No.

Question 67: Who was in the room or participated in any of your interviews regarding your nomination?

I am not at liberty to disclose private conversations without the consent of the other parties.

PROJECT 2025

Question 68: Have you discussed Project 2025 with any officials associated with the Trump campaign, the Trump transition team, or other members of the Trump administration? If so, please explain what you discussed, when you discussed it, and with whom you discussed it.

No.

Question 69: Have you discussed Project 2025 with any officials associated with the Heritage Foundation? If so, please explain what you discussed, when you discussed it, and with whom you discussed it.

No.

IMPOUNDMENT CONTROL ACT

Question 70: Do you believe the Secretary of Homeland Security has the legal authority to block the disbursement of funds appropriated by Congress?

It is the responsibility of the agency to be judicious with taxpayer funds and comply with the law.

Question 71: What is your understanding of the *Impoundment Control Act*?

As the nominee to be Director of CBP, this issue falls outside of the scope of my role. If I am confirmed to this role, I will have no capacity to make decisions regarding impoundment.

Question 72: Do you commit to complying with the *Impoundment Control Act*?

I will comply with the law.

Question 73: Do you commit to notifying the Senate and House Armed Services Committees, including the majority and minority, if you are asked not to comply with the *Impoundment Control Act* or not to expend the money that Congress appropriates or authorizes?

I will comply with the law.

Question 74: The Constitution's Spending Clause (Art. I, § 8, cl. 1) and Appropriations Clause (Art. I, § 9, cl. 7) give Congress, not the Executive, power of the purse. The Supreme Court has unanimously upheld this power. Do you believe that impoundments are constitutional?

I will comply with legal advice provided by DHS and CBP Counsel.

Question 75: What is your understanding of the requirements for DoD to obligate funding that Congress authorizes and appropriates, in accordance with the time period that Congress deems it to do so?

In the spirit of understanding your question, I am assuming you meant "DHS" and not "DoD." After the period of availability agencies are no longer able to obligate the funds as defined by GAO.

Question 76: Do you commit to expending the money that Congress appropriates and authorizes?

Yes. If confirmed, I will follow the law.

Question 77: If you became aware of a potential violation of the *Antideficiency Act*, *Impoundment Control Act*, or other appropriations laws, what steps would you take?

If confirmed, I will comply with all federal law.

RETALIATION AND PROTECTING WHISTLEBLOWERS

Question 78: Do you believe that DHS personnel, including CBP agents, should be protected from any form of retaliation for coming forward about an illegal order, sexual assault or harassment, negligence, misconduct, or any other concern that they wish to raise?

Yes.

Question 79: Have you ever retaliated against any individual for coming forward about an illegal order, sexual assault or harassment, negligence, misconduct, or any other concern that they wish to raise?

No.

Question 80: If you are confirmed, will you commit to protecting whistleblowers? If so, please specify how you will do so.

I will ensure any whistleblower has access to key leadership so their concerns can continue to be voiced, and any potential retaliation can be dealt with swiftly. I will ensure CBP has a culture where bringing the truth to light is promoted and encouraged.

Question 81: If you are confirmed, will you commit to preventing retaliation against any individual for coming forward about an illegal order, sexual assault or harassment, negligence, misconduct, or any other concern that they wish to raise?

Yes.

Question 82: Will you ensure your staff complies with any Inspector General deadlines established for requested communications, documents, and witnesses, and that staff will be protected from reprisal for their testimony?

Yes.

Question for the Record submitted to Rodney Scott from Senator Luján.

Question 1: I was disappointed to see CBP ordered Border Patrol agents to stop wearing body-worn cameras earlier this year. During our meeting, you said that the back-end—that is data storage, retention and management systems—is a factor as to why CBP has delayed rolling out body-worn cameras. Progress has been made in this area and with a strong push from CBP leadership, and I believe the resources exist for CBP to have a fully capable system. I also believe that body-worn cameras protect our Border Patrol agents and law enforcement officers. Yes or no, if confirmed, will you encourage Border Patrol agents to wear body-worn cameras?

Yes.

Question 2: With President Trump upending the trade playbook, CBP's trade enforcement role is more critical than ever. When I was home, I held a roundtable with small businesses to talk about President Trump's tariffs. Main Street is worried about price hikes, but they are also worried about the chaos and confusion President Trump is causing through his trade policies. Chaos creates opportunities for fraud, and I don't want New Mexico businesses harmed when foreign businesses cheat and get away with it. How will you manage CBP's trade enforcement role and make sure that U.S. businesses aren't taken advantage of due to President Trump's trade chaos?

As I mentioned in my testimony, I am committed to fully staffing CBP's Office of Trade Relations which will work with small businesses to ensure they are informed and compliant with U.S. import requirements. If confirmed, I will ensure that CBP continues to engage with domestic U.S. industry to collaborate and investigate allegations of trade fraud. Protecting domestic U.S. industry is a matter of national security and I look forward to working with you and your staff on this matter.

Question 3: As we learned during the pandemic, families and businesses suffer when legal trade and travel are slowed. President Trump recently issued a "De Minimis" executive order that subjected low-value goods from China to tariffs. How will you implement this Executive Order without packages piling up at ports of entry? I understand that President Trump paused his first De Minimis order out of fears of major backlogs – what has changed?

CBP has worked closely with private industry and stakeholders to ensure processes are in place to handle the end of de minimis treatment of packages originating in China. This Executive Order was implemented on May 2. CBP reported no significant pileup or major backlogs.

Question 4: De Minimis has been exploited by China and other countries to import illicit goods – including fentanyl and products made with forced labor. Closing this loophole could help combat this problem, but I’m puzzled by President Trump’s approach. Do you foresee a trans-shipment issue, where China ships these goods to another country before they enter the U.S.?

Yes however, CBP’s targeting processes are poised to mitigate this foreseeable tactic.

Question for the Record submitted to Rodney Scott from Senator Warnock.

Question 1: In your written testimony, you emphasized that supporting the CBP workforce will be one of your top priorities.

- Do you believe there are staffing shortages at ports of entry? If so, do you support securing new funding to address CBP’s staffing shortages?
 - *Yes.*
- How do you plan to address CBP’s staffing shortages while balancing the increasing demands of both passenger processing and cargo inspections?
 - *As stated, it is a balance, now we have more data than ever before which allows CBP to better allocate resources where they are needed to facilitate lawful trade and travel better than ever before. This will help ensure CBP’s resources are distributed as well as possible to balance facilitation and enforcement everyday.*
- What steps will you take to ensure that CBP remains an attractive and viable career option?
 - *If confirmed, I would prioritize staff recruitment and retention by ensuring CBP is an employer who offers a mission based carrier, high morale among the workforce, and advancement opportunities that draw and retain a talented and committed workforce long term.*

Question 2: CBP currently employs more than 60,000 employees.³ Many of those employees are represented by unions, including the National Treasury Employees Union⁴ and the National Border Patrol Council⁵.

³ *About CPB*, U.S. Customs and Border Protection, <https://www.cbp.gov/about#:~:text=With%20more%20than%2060%2C000%20employees,lawful%20international%20travel%20and%20trade>.

⁴ *Immigration and Border Security*, National Treasury Employees Union, <https://www.nteu.org/legislative-action/congressional-testimony/immigration-and-border-security>.

⁵ *About NBPC*, National Border Patrol Council, <https://bpunion.org/about-nbpc/>.

- How do you plan to work with these unions that represent CBP employees?
 - *I will always have an open dialogue with the unions to ensure our workforce has what it needs to be successful.*

Question 3: Each year, individuals arrive at the United States border seeking asylum due to credible fears of persecution, violence, or threats to their safety. Both the first and the current Trump Administrations have adopted policies that narrow access to asylum and delay processing for those seeking protection.⁶

- If confirmed, will you commit to ensuring that individuals who arrive at the United States border seeking asylum due to credible fears of persecution, violence, or threats to their safety have a viable pathway to obtain asylum in the United States?
 - *I will ensure the law is upheld.*
- If so, what is your plan to ensure such individuals have a pathway to obtain asylum?
 - *I will ensure all laws are upheld.*
- If confirmed, what guidance will you provide to such individuals to help them successfully and lawfully navigate the asylum process.
 - *I will ensure anyone in CBP custody is treated with dignity, respect, and is provided with what is required by law.*

Question 4: The Port of Savannah is one of the fastest growing ports in the nation, while the Port of Brunswick is a leading importer of autos. Georgia's ports support more than 600,000 jobs, producing more than \$72 billion in state GDP.⁷ Due to President Trump's tariff policy,⁸ which includes increasing and pausing various tariffs, receivers may experience a surprising shift in prices of goods and services. This could lead to alarm and refusal to pay tariffs upon arrival into the U.S. If confirmed, what specific steps will CBP implement to recover tariffs from foreign shippers, particularly in cases where U.S. importers refuse to pay?

CBP has systems in place to ensure revenues are collected quickly. CBP has a historical 99.5% success rate in collecting all customs tariff revenue owed. I will ensure these systems are used to hold foreign importers attempting to evade tariffs accountable.

⁶ *CBP Removes Scheduling Functionality in CBP One™ App*, U.S. Customs and Border Protection, <https://www.cbp.gov/newsroom/national-media-release/cbp-removes-scheduling-functionality-cbp-one-app>; *DHS Reinstates Migrant Protection Protocols, Allowing Officials to Return Applicants to Neighboring Countries*, Department of Homeland Security, <https://www.dhs.gov/news/2025/01/21/dhs-reinstates-migrant-protection-protocols>; *Pretermission of Legally Insufficient Applications for Asylum*, Department of Justice, <https://www.justice.gov/eoir/media/1396411/dl?inline>.

⁷ *Economic Impact*, Georgia Ports, <https://gaports.com/our-port/economic-impact>.

⁸ Erica York and Alex Durante, *Trump Tariffs: The Economic Impact of the Trump Trade War*, Tax Foundation (Apr. 11, 2025), <https://taxfoundation.org/research/all/federal/trump-tariffs-trade-war/>.

Question 5: Who will be liable for these tariffs if U.S. companies refuse to pay tariffs upon arrival into the U.S?

As mentioned in my testimony, I am committed to upholding and enforcing U.S. laws. CBP will collect tariffs from the party that is liable for payment according to U.S. laws. CBP has a historical 99.5% success rate in collecting all customs tariff revenue owed.

Question 6: What specific measures will CBP take to ensure that tariffs are collected from responsible parties?

As mentioned in my testimony, I am committed to upholding and enforcing U.S. laws. CBP will collect tariffs from the party that is liable for payment according to U.S. laws. CBP has a historical 99.5% success rate in collecting all customs tariff revenue owed.

Question 7: Are there processes CBP will establish to indemnify airline companies or brokers who cannot collect these goods?

If confirmed, I look forward to further consideration of this idea with you and your staff.

Question 8: How will CBP ensure that these entities are protected from financial losses due to uncollected tariffs?

This issue would fall outside of CBP's responsibility. CBP is charged with collecting all applicable tariff revenue owed to the U.S. government.

Question 9: If confirmed, how will you ensure CBP minimize disruptions like this for supply chains and small businesses caused by rapidly changing tariff policy?

CBP's Office of Trade and Office of Trade Relations work diligently to ensure the business community is able to communicate with CBP and have their concerns and questions addressed.

Question 10: The first Trump Administration implemented the "zero tolerance" immigration policy that led to the separation of migrant children from their parents or guardians.⁹ This

⁹ Attorney General Announces Zero-Tolerance Policy for Criminal Illegal Entry, Department of Justice.
<https://www.justice.gov/archives/opa/pr/attorney-general-announces-zero-tolerance-policy-criminal-illegal-entry>.

policy faced significant scrutiny in the judicial system¹⁰ and from medical professionals¹¹ and was ultimately reversed.¹²

- Do you believe the first Trump Administration's "zero tolerance" immigration policy led to the separation of migrant children from their parents or guardians? *Under U.S. law, individuals are prosecuted for violations of law and only the individual being prosecuted is incarcerated.*
- What is your view of the "zero tolerance" immigration policy, and what lessons do you believe CBP should take from that period? *I believe in enforcing the law. I do not support the creation of categorical exemptions to law, especially when those exemptions are known to facilitate child trafficking. I strongly support the enforcement of the laws passed by Congress and I believe that when enforced, these laws deter crime and keep families safer and intact.*

Question 11: How will you approach the custody and processing of pregnant parents, nursing mothers, and infants as well as other medically vulnerable individuals to ensure that any time spent in CBP custody is medically appropriate and no longer than necessary?

Securing the border will prevent and dramatically minimize these scenarios. If confirmed I will ensure agency resources and training protect these individuals and they are referred for local care as needed.

- In light of recent high-profile cases involving the deaths of individuals in CBP custody, including children like Anadith Reyes,¹³ what specific improvements will you implement to strengthen medical screening, care, and response protocols?
 - *If confirmed, I will ensure care in custody protocols are clear and complied with.*
- In cases where individuals are receiving ongoing or emergency medical treatment in hospitals, how would you direct Border Patrol agents to balance custody responsibilities with respect for patient privacy and medical care needs?
 - *With compassion balanced with their legal obligation.*

¹⁰ *Order Granting Plaintiffs' Motion for Classwide Preliminary Injunction, Ms. L. v. U.S. Immigration and Customs Enforcement, Case 3:18-cv-428, Document 83, U.S. District Court for the Southern District of California (June 26, 2018).*

¹¹ *Biggest U.S. doctors group condemns family separation policy*, Politico (June 20, 2018), <https://www.politico.com/story/2018/06/20/american-medical-association-family-separation-policy-655677>.

¹² *Executive Order 13841: Affording Congress an Opportunity To Address Family Separation*, Federal Register, <https://www.federalregister.gov/d/2018-13696>.

¹³ Camilo Montoya-Galvez, *Official Concedes 8-year-old Who Died in U.S. custody Could Have Been Saved as Devastated Family Recalls Final Days*, CBS News (July 23, 2023), <https://www.cbsnews.com/news/anadith-danay-reyes-alvarez-8-year-old-migrant-died-border-patrol-custody-family/>.

Question 12: During the first Trump hundreds of children and their families were separated.¹⁴ Subsequent policy changes have aimed to limit the time vulnerable populations spend in CBP custody and ensure access to appropriate medical care.¹⁵ However, reports of substandard conditions and treatment of medically vulnerable individuals in custody continue to raise concern.¹⁶

- Will you commit to maintaining compliance with the *Ms. L v. ICE* settlement agreement and any future court orders to ensure migrant children are not separated from their parents or guardians under a similar practice or policy?
 - *I will follow the law and court rulings.*

Question 13: The Commissioner of U.S. Customs and Border Protection plays a critical role in overseeing the agency's operations and ensuring that its activities are lawful, transparent, and accountable to the public and Congress. This includes maintaining accurate data reporting, enhancing oversight mechanisms, ensuring that field operations respect constitutional rights, and fully informing Congress of CBP's activities.

- If confirmed, will you commit to improving CBP's compliance with Immigration and Customs Enforcement detainee locator system to ensure that families, legal counsel, and advocates are able to identify the location of individuals in CBP custody in a timely and reliable manner?
 - *If confirmed, I will take actions to ensure that individuals are transferred to appropriate detention facilities, or are removed as quickly as possible after processing.*
- If confirmed, what specific steps would you take to improve headquarters-level oversight of U.S. Border Patrol sectors, particularly to ensure that field operations are narrowly tailored and do not result in the detention of U.S. citizens or lawful permanent residents? *If confirmed, I will take actions to ensure that the laws passed by Congress are enforced.*
- In early January 2025, CBP launched a multi-day enforcement operation in Bakersfield, California¹⁷, during which agents established road checkpoints and questioned a number of U.S. citizens and residents. Do you believe this operation, which led to a preliminary

¹⁴ Lowenstein Clinic and Partners Publish Report on Family Separations at U.S. Border, Yale Law School (December 16, 2024), <https://law.yale.edu/yls-today/news/lowenstein-clinic-and-partners-publish-report-family-separations-us-border>.

¹⁵ *The Failure To Provide Adequate Care To Vulnerable Individuals In CBP Custody*. Senate Judiciary Committee (January 24, 2025), <https://www.judiciary.senate.gov/imo/media/doc/FINAL%20CBP%20Medical%20Care%20Report.pdf>.

¹⁶ *Id.*

¹⁷ Shelby Bremer, *Judge Restricts Border Patrol Stops in Lawsuit Over 'Operation Return to Sender'*, NBC San Diego News (Apr. 30, 2025), <https://www.nbcsandiego.com/news/local/judge-restricts-border-patrol-stops-in-lawsuit-over-operation-return-to-sender/3815727/>.

injunction barring Border Patrol agents from employing certain practices used in this operation in the future¹⁸, was appropriate? In your view, what standards should govern such operations, and how would you assess whether they are appropriate or effective? *If confirmed, I will take action to ensure that all CBP operations comply with current law and court rulings.*

•

Question 14: The Commissioner of CBP is responsible for publishing disaggregated data on CBP operations on a monthly basis. If confirmed, will you commit to provide data on the following:

- Number of individuals in CBP custody, broken down by nationality, gender, age, and length of time in custody;
- Complaints regarding use of force by Border Patrol agents, disaggregated by sector;
- Number of U.S. citizens and lawful residents detained at CBP checkpoints;
- Hospitalizations and in-custody deaths, disaggregated by sector;
- Vehicular pursuit incidents and resulting injuries or fatalities;
- Interior enforcement actions conducted outside the 100-mile border zone; and,
- CBP agent presence on ICE or Department of Defense removal flights?

If confirmed, I will provide more information than has been previously provided.

Question 15: Border patrol operates over 100 interior immigration checkpoints around the U.S., and the Government Accountability Office (GAO) raised concerns in 2022 that headquarters lacked complete information about where and how checkpoints operate as well as daily checkpoint operations and activities.¹⁹

- What improvements will you make to ensure that checkpoints are following federal law, not being used to harass border residents including U.S. citizens, and are not collecting or retaining unnecessary data about people who pass through them on a daily basis?
- *If confirmed, I will take action to ensure that all CBP operations comply with current law and court rulings.*

Question 16: The growing militarization of the southern U.S. border raises questions about the respective roles CBP, the Department of Defense (DOD), and other federal entities in border

¹⁸ United States District Court for the Eastern District of California. *United Farm Workers v. Noem*, Case 1:25-cv-00246-JLT-CDB. 2025.

¹⁹ *Border Patrol Lacks Important Information about Immigration Checkpoints Within the United States*, Government Accountability Office (June 29, 2022), <https://www.gao.gov/blog/border-patrol-lacks-important-information-about-immigration-checkpoints-within-united-states>.

enforcement and civilian interaction.²⁰ Reports indicate the creation of a militarized “buffer zone” where military and CBP personnel may operate in proximity, and potentially in complementary or overlapping roles.²¹

- How do you understand CBP’s operational role within the newly established militarized buffer zone along the southern U.S. border? *CBP is the primary U.S. law enforcement agency responsible for border security.*
- What responsibilities would CBP hold in this zone?
 - *CBP is the primary U.S. law enforcement agency responsible for border security.*
- Will CBP agents be operating inside this buffer zone alongside DOD personnel? If so, how will duties be divided between CBP and the military, and what tasks will CBP be solely responsible for?
 - *CBP is the primary U.S. law enforcement agency responsible for border security. CBP and DOD personnel will work in an integrated deployment to ensure violators of the law are detected, interdicted and prosecuted consistent with the laws enacted by Congress.*
- Which agency or department holds operational authority over interactions with civilians, including U.S. citizens, lawful residents, and migrants, in this zone?
 - *CBP and DOD personnel will work in an integrated deployment to ensure violators of the law are detected, interdicted and prosecuted consistent with the laws enacted by Congress*
- Will CBP agents take direction from DOD or other military officials while operating in or adjacent to this buffer zone?
 - *No*
- How does the existence of this buffer zone impact CBP’s enforcement operations, chain of command, and legal authorities? How will you ensure CBP maintains appropriate independence and accountability in such a joint environment?
 - *CBP and DOD have worked collaboratively throughout the history of CBP. This is no different. Authorities, chain of command and operations will remain the same.*
- What rules, policies, or procedures govern CBP’s use of force within this zone? Will there be any changes to those policies based on joint operations with the military?
 - *The applicability of CBP’s Use of Force Policy is consistent regardless of the location.*

²⁰ *Military Mission for Sealing the Southern Border of the United States and Repelling Invasions*, The White House (April 11, 2025). <https://www.whitehouse.gov/presidential-actions/2025/04/military-mission-for-sealing-the-southern-border-of-the-united-states-and-repelling-invasions/>.

²¹ *Id.*

- Reports suggest that military units operating in the buffer zone may engage in surveillance activities that could encompass U.S. citizens and lawful residents.²² Will CBP play any role in these surveillance operations? If so, what safeguards will be in place to protect civil liberties and constitutional rights?
 - *CBP'S responsibility to uphold the law does not change in the zone.*

Question 17: In Georgia alone, between 2019 and 2022, fentanyl-involved drug overdose deaths increased by 308%.²³

- Do you agree that adequate inspection equipment and staffing are critical to the CBP's ability to combat the flow of fentanyl across our borders?
 - Yes.

Do you agree that the bipartisan *Border Act*, which included \$2 billion for inspection equipment, over \$1 billion to hire more CBP personnel, and millions more for border security,²⁴ would have provided additional resources to CBP to support its work to combat the flow of fentanyl?

In my review of the Border Act, I believe it included multiple provisions that when evaluated independently would appear to add value but quickly lost any operational value when combined with other competing provisions.

²² *At Southern Border, defense secretary visits newly created National Defense Area*, U.S. Army (April 30, 2025). https://www.army.mil/article/285055/at_southern_border_defense_secretary_visits_newly_created_national_defense_area; *New authorities allow service members to patrol along southern border*, U.S. Northern Command (March 25, 2025). <https://www.northcom.mil/Newsroom/Press-Releases/Article/4133410/new-authorities-allow-service-members-to-patrol-along-southern-border/>

²³ *Opioid and Substance Misuse Response Program*, Georgia Department of Public Health (Jun. 24, 2024), <https://dph.georgia.gov/stopopioidaddiction/opioid-and-substance-misuse-response-program>.

²⁴ *Border Act of 2024*, S. 4361, 118th Cong. (2024). <https://www.congress.gov/118/bills/s4361/BILLS-118s4361pcs.pdf>.