

Senate Panels Prepare for Trump Cabinet Confirmation Hearings; Lawmakers Concerned About Future of DACA and DAPA Programs; Trump Transition Requests Information on Potential Border Wall

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Legislative Activity

Senate Panels Prepare for Trump Cabinet Confirmation Hearings

This week, Senate lawmakers will begin a number of hearings to consider ***President-Elect Trump's*** Cabinet nominees. On Wednesday, January 11, the Senate Homeland Security and Governmental Affairs Committee will hold a hearing to consider the nomination of Gen. John Kelly to be Secretary of the Department of Homeland Security (DHS). Kelly, a retired four-star Marine general, previously served as the head of U.S. Southern Command, a post that exposed him to a number of cross-border challenges like immigration and drug trafficking. He is considered a potentially moderating force within the Trump Administration who will likely enjoy strong bipartisan support from lawmakers.

On Thursday, January 12, the Senate Armed Services Committee will hold a hearing to consider President-Elect Trump's nominee for Secretary of Defense, Gen. James Mattis. Like Kelly, Mattis is popular among both Republicans and Democrats, but his confirmation will require additional steps by Congress. In an effort to divide military and civilian control of the Department of Defense, U.S. law requires at least seven years separation from military service before an individual can serve as Defense Secretary. Congress must approve a waiver for Mattis, who retired from the Marine Corps as the head of U.S. Central Command only in 2013. Lawmakers approved a streamlined process for the consideration of Mattis' waiver at the end of 2016 to help advance his confirmation. The only other time such a waiver was required was in 1950 to advance the nomination of Gen. George Marshall to serve as Defense Secretary. Mattis met last Tuesday with Sen. Jack Reed (D-RI), the top Democrat on the Armed Services Committee, who has stated that a waiver hearing will be an important step for him to sign off on Mattis' confirmation.

On January 7, President-elect Donald Trump announced that he had chosen former Indiana Sen.

Dan Coats as his Director of National Intelligence, stating that Coats had “clearly demonstrated the deep subject matter expertise and sound judgment required to lead our intelligence community.” While in the Senate, Coats was a member of the Select Committee on Intelligence and also served as U.S. Ambassador to Germany during the George W. Bush Administration. While media sources have reported that Trump and his top advisers plan to scale back the Office of the Director of National Intelligence, the transition press team has dismissed such reports as false.

Lawmakers Concerned About Future of DACA and DAPA Programs

On December 30, DHS Secretary Jeh Johnson wrote [a letter](#) to Representative Judy Chu (D-CA) concerning the protection of personal information obtained when processing Deferred Action for Childhood Arrivals (DACA) program enrollees. Secretary Johnson was responding to a letter signed by 110 members of Congress to President Obama requesting the Administration “safeguard the personal identifying information of DACA enrollees.”

In his response, Secretary Johnson stated that the Obama Administration shared their concerns, emphasizing that undocumented immigrants provided information under the promise of protection from federal punitive action for deportation purposes. He argues “the U.S. government represented to applicants that the personal information they provided will not later be used for immigration enforcement purposes except where it is independently determined that a case involves a national security or public safety threat, criminal activity, fraud or limited other circumstances where issuance of a notice to appear is required by law. We believe these representations made by the U.S. government, upon which DACA applicants most assuredly relied, must continue to be honored.”

Secretary Johnson’s response comes amid increasing concern that President-Elect Trump will reverse President Obama’s executive actions on the DACA and Deferred Action for Parents of Americans (DAPA) programs. This month, Senators Lindsey Graham (R-SC) and Dick Durbin (D-IL) are expected to reintroduce the *Bar Removals of Individuals who Dream and Grow our Economy Act*, to protect DACA recipients from deportation should the existing executive framework be reversed. Representative Jeff Denham (R-CA) also introduced “Dreamer” legislation last week that would authorize certain aliens who are unlawfully present in the United States and were younger than 15 when they first entered the United States to enlist in the military. The *Encourage New Legalized Immigrants to Start Training Act* ([H.R. 60](#)), which already has 39 bipartisan cosponsors, would provide a mechanism for undocumented immigrants to be admitted as permanent residents in exchange for service in the Armed Forces.

This Week’s Hearings

- On Tuesday, January 10, the Senate Armed Services Committee has scheduled a hearing titled “Civilian Control of the Armed Forces.”
- On Wednesday, January 11, the Senate Homeland Security and Governmental Affairs Committee has scheduled a confirmation hearing on the expected nomination of General John Kelly to be Secretary of the United States Department of Homeland Security.
- On Thursday, January 12, the Senate Armed Services Committee has scheduled a confirmation hearing on the expected nomination of General James Mattis to be Secretary of the United States Department of Defense.

Executive Branch Activity

Trump Transition Requests Information on Potential Border Wall

According to media reports, President-Elect Trump's transition team sent a request to DHS last month to "assess all assets available for border wall and barrier construction." U.S. Customs and Border Protection reportedly identified 400 miles along the U.S. southern border where fencing could be erected. The request came to light as the Trump team appears to be gearing up for potential implementation of the President-Elect's campaign promise to build a wall along the border with Mexico.

House Republicans and President-Elect Trump's immigration transition team are reportedly considering the use of legislation passed in 2006, the *Secure Fence Act of 2006* (P.L. 109-367), as part of this effort. The law, signed by President George W. Bush on October 26, 2006 and supported at the time by current Senate Minority Leader Chuck Schumer (D-NY), authorized the construction of over 700 miles of "physical barrier" on the southern border. Congressional Republicans are reportedly considering appropriations for such a physical barrier in any "must-pass" appropriations bill funding the government after current spending authority expires in April 2017.

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