

**U.S. Senate Committee on Homeland Security and Governmental Affairs
Nominations of Chad F. Wolf to be Under Secretary for Strategy, Policy, and Plans, U.S. Department of Homeland Security; Jeffrey C. Byard to be Administrator, Federal Emergency Management Agency, U.S. Department of Homeland Security; Troy D. Edgar to be Chief Financial Officer, U.S. Department of Homeland Security; John M. Barger to be a Governor, U.S. Postal Service; and B. Chad Bungard to be a Member, Merit Systems Protection Board**

June 12, 2019

Senator Gary C. Peters, Ranking Member

Opening Statement As Prepared for Delivery

Thank you, Mr. Chairman, and thank you to all of the nominees for being here and for your willingness to serve.

Today we are considering five nominees for positions at the Department of Homeland Security (DHS), the U.S. Postal Service, and the Merit Systems Protection Board – a range of roles that truly reflects the wide-ranging jurisdiction of this Committee.

As the Committee charged with oversight of the efficiency of government operations, it is our responsibility to look across agencies and consider how well the federal government is doing its job on behalf of the American people. It is our responsibility to find out what is – and importantly, what is *not* – working. It is our duty to tell agencies, the Administration, and the President – if you can do better, you must do better. Taxpayers across the country deserve a federal government that is effective and accountable – to them.

An effective and efficient federal government requires capable, principled leaders who are committed to serving the American people. Unfortunately, throughout this Administration we have seen too many critical positions go unfilled. We have seen unprecedented levels of turnover and vacancies among cabinet-level posts. We have seen a President declare a troubling preference for “acting” officials because “it gives [him] more flexibility.”

The Constitution charges the Senate with giving Advice and Consent to the President on his choices for key positions. By carrying out this constitutional duty, we ensure that the individuals who hold the most powerful and influential positions in government are accountable – not only to the President – but to Congress and the American people.

Vacancies and acting officials are a part of every administration. However, this President has demonstrated a willingness to abandon the foundational principle of Advice and Consent – and to test the limits of his legal authority to install acting officials of his choosing.

This approach has been particularly common at DHS – where, earlier this week – the President named Ken Cuccinelli as acting head of U.S. Citizenship and Immigration Services (USCIS) – the latest exercise of presidential appointment gymnastics.

Currently, more than half -- 10 of 18 – DHS positions requiring Senate confirmation are vacant. I am glad that we have nominees for three of those positions here today, and I appreciate that you all have

engaged with the members of this Committee and our staff as we perform the due diligence required to fulfill our constitutional responsibilities.

However, I remain concerned about the absence of permanent leadership in the highest ranks of DHS. The top three Department positions currently do not have Senate-confirmed permanent leaders – and the President has yet to name nominees to fill any of these roles. Similarly, the President has not nominated permanent leaders for two critical DHS components – USCIS and ICE.

DHS is the third largest executive agency – with a 240,000 person workforce, a budget of over \$75 billion – and the momentous responsibility to safeguard the American people. The Department cannot successfully tackle the serious challenges it currently faces without strong, steady leadership—at the top and across the components.

To the three DHS nominees – Mr. Byard, Mr. Edgar, and Mr. Wolf – each of the positions you have been nominated to is challenging in its own right. If confirmed, you may be required to carry out the responsibilities of your office in the face of significant upheaval and uncertainty. I will be listening carefully to your testimony today to determine whether you are each up to the challenge.

I urge the President to nominate qualified, dedicated leaders to fill these vacant positions – and I am committed to working with the Chairman to carry out our constitutional duty to provide advice and consent – by promptly, fairly, and thoroughly vetting any nominee before this Committee.

Turning to our other nominees – Mr. Bungard, who has been nominated to serve as Vice Chairman of the Merit Systems Protection Board (MSPB), and Mr. Barger, nominated to the U.S. Postal Service Board of Governors – thank you both for working with us throughout this process.

The MSPB is an independent, quasi-judicial agency, dedicated to upholding the merit systems principles that are at the heart of the federal civil service. This bipartisan three-seat board has been without a quorum for over a year, and has been completely vacant since March. In February, this Committee approved a bipartisan pair of nominees to the Board -- I am hopeful that after we consider your nomination today, it will not be long before we see a fully functioning three-member Board.

Similar to the MSPB, the Postal Service Board of Governors is a bipartisan body that has been stymied in recent years by extended vacancies and the absence of a quorum. We recently held a hearing to consider a bipartisan pair of nominees for the Board of Governors -- and after this Committee approved both last month, I had hoped to have a quorum restored in short order. I am disappointed that this pair of well-qualified nominees appears to be stalled as they await approval by the full Senate. This is not a partisan issue -- I believe that every member of this Committee understands the importance of confirming qualified, dedicated individuals to this Board. I hope that the Chairman will join me in urging our colleagues to support advancing this bipartisan pair for a vote on the Senate floor. Mr. Barger, I look forward to your testimony.

Thank you.