# DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS FOR 2022

## HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

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**PART 2**

**DEPARTMENT OF HOMELAND SECURITY**

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# DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS FOR 2022

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WEDNESDAY, MARCH 10, 2021.

## MODERNIZING THE FEDERAL CIVILIAN APPROACH TO CYBERSECURITY

### WITNESSES

**ERIC GOLDSTEIN, EXECUTIVE ASSISTANT DIRECTOR FOR CYBERSECURITY, CISA**

**BRANDON WALES, ACTING DIRECTOR, CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY (CISA)**

Ms. ROYBAL-ALLARD. The Subcommittee on Homeland Security will come to order.

As this hearing is being conducted virtually, we must address a few housekeeping matters. Members are responsible for muting and unmuting themselves. When you are recognized to speak, if I notice that you have not unmuted yourself, I will ask you if you would like the staff to unmute you. If you indicate approval by nodding, staff will unmute your microphone. To avoid inadvertent background noise, the chair or staff designated by the chair may mute participants' microphones when they are not recognized to speak.

I remind all members and witnesses that the 5-minute clock still applies.

If there is a technology issue during a member's speaking time, we will move to the next member until the issue is resolved, and you will retain the balance of your time.

You will notice a clock on your screen showing your remaining time. At 1 minute remaining, the clock will turn yellow. At 30 seconds remaining, I will gently tap the gavel to remind the member speaking that their time is almost expired. When your time has expired, the clock will turn red and I will begin to recognize the next member.

We will follow the speaking order set forth in the House rules beginning with the chair and ranking member, followed by members present at the time the hearing is called to order, in order of seniority, and we will alternate by party. Next, we will go to members who were not present when the hearing was called to order until every member present has had a first round.

Finally, House rules require me to remind you that we have set up an email address to which members can submit information in writing at any of our hearings or markups. That email address has been provided in advance to your staff.

Now, with that business out of the way, I will welcome everyone to the first Department of Homeland Security Subcommittee hearing of the 117th Congress. I particularly want to welcome our new members: Ms. Underwood, Mr. Quigley, and Mrs. Hinson.

Welcome also to today's witnesses, Acting Director Wales and Executive Assistant Director Goldstein of the Cybersecurity and Infrastructure Security Agency.

I will make my opening statement brief to maximize time for questions.

Acting Director Wales, you have been asked to step into an interim role as acting director, and we very much appreciate your service in this capacity. We have spoken about some of the recent challenges you and CISA face, and I want to reaffirm my commitment to helping you address them.

The SolarWinds incident, a water treatment facility attacked in Florida, and, most recently, the compromise of Microsoft Exchange servers demonstrate that cybersecurity breaches are no longer isolated incidents. Networks are an emerging battlefield for both the public and private sectors.

In the case of the SolarWinds incident, it took far too long to become aware that a foreign adversary had infiltrated Federal civilian agency networks, and, if infiltrated, sensitive data. I am deeply concerned about how long it will take to learn the full extent of that compromise, and we are just beginning to learn about the impact of the Microsoft Exchange Server intrusion.

It is also unnerving how easy it was for a hacker to manipulate the control systems of the Florida treatment plant, increasing the amount of lye to levels that could have led to tragedy if a watchful supervisor at the plant hadn't noticed it in time.

It is clear that we need to be investing much more in preventing, mitigating, and responding to cyber intrusions and attacks. The $1.9 trillion American Rescue Plan includes significant funding to quickly improve the Federal civilian cybersecurity posture, including $650 million for CISA.

I look forward to hearing more from you on that topic today and on CISA's overall vision for modernizing our approach to cybersecurity.

I would now like to turn to the distinguished gentleman from Tennessee, Ranking Member Fleischmann, for his opening comments.

Mr. FLEISCHMANN. Thank you, Madam Chair. And as always, it is a pleasure to work with you and yours in this subcommittee, and on the full committee as well.

Welcome, Acting Director Wales and Executive Assistant Director Goldstein, and thank you for joining us today as we look into ways to help modernize Cybersecurity and Infrastructure Security Agency.

First off, I know that we are here to identify problems, and, hopefully, to come to an agreement on some recommended areas for improvement in the government's protection of and response to cyber attacks.

But first, let me take this opportunity to address that the scope of this hearing is not just to critique the work that you and the men and women at CISA have done to this point. With limited re-

sources at your disposal, you have done a tremendous job, and I thank you.

It is unfortunate that the world of cybersecurity is almost a thankless job where, in a best-case scenario, all of your work allows government operations and agencies to continue unhindered, and that all of your hard work goes almost completely unnoticed, and, at worst, only your shortcomings are brought up after a major attack occurs. So please pass on our thanks to your workforce and let them know that we appreciate their efforts.

Unfortunately, despite our best efforts, Nation State actors with access to significant funds and resources have found a way to thwart our best protections and exploit our vulnerabilities as we have seen from the Russian-backed SolarWinds attack, and the much more recent China attack based on Microsoft Exchange servers.

We have learned from these attacks that our adversaries are not only aware of our capabilities, but they are shrewd and cunning enough to go around them, exploiting our weaknesses and taking advantage of our vulnerabilities in real time almost completely undetected.

The cyber world is certainly a challenging one whose vulnerabilities and shortcomings are not always readily apparent. Given the speed at which technology advances and the skills and abilities of bad actors with it, we must ensure that we are doing everything we can to keep up with new advancements, allowing ourselves the ability to both better recognize our shortcomings, and better protect, identify, and respond to any future attacks.

I look forward to your testimony on CISA's recommendations for improvements, and ensuing conversation on how to best protect our cyber infrastructure moving forward.

Thank you for being here. I look forward to your testimony.

Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Acting Director Wales, we will submit the full text of your official statement for the hearing record.

Please begin your oral summary.

Mr. WALES. Thank you.

And good morning, Chairman DeLauro, Chairwoman Roybal-Allard, and Ranking Member Fleischmann, and members of the committee. Thank you for the opportunity to testify today regarding the Cybersecurity and Infrastructure Security Agency's perspectives on modernizing the Federal civilian approach to cybersecurity.

If we needed any reminder of the significance of the cyber threats we face to our national and economic security, the last 3 months, and, indeed, the last week, should serve as a warning. We must invest in and focus on modernizing our cybersecurity network infrastructure in order to truly defend today and secure tomorrow.

CISA leads the Nation's efforts to advance the cybersecurity, physical security, and resilience of our critical infrastructure. We share information and enable operational collaboration between the Federal Government, State and local governments, the private sector, international partners, and law enforcement, intelligence, and defense communities. This role has proven invaluable in managing recent cyber incidents, and I cannot understate how important col-

lective defense is for cybersecurity; but we also know that there is a lot more work that needs to be done.

Today, we will focus on two recent significant cybersecurity incidents: first, the exploitation of Microsoft Exchange vulnerabilities disclosed last week and, second, the supply chain compromise the Federal Government was alerted to in December of 2020.

Starting with the Exchange vulnerabilities. On March 2, CISA, the NSA, Microsoft, and Volexity disclosed previously unknown vulnerabilities in Microsoft Exchange products. Through CISA's coordinated vulnerability disclosure process, our organization helped all partners ensure that vulnerability information and mitigation actions were quickly shared broadly.

On March 3, CISA issued Executive Emergency Directive 21 02 requiring Federal civilian departments and agencies to investigate, patch, and, if necessary, disconnect vulnerable products from their network. This directive reflects our determination that these vulnerabilities pose unacceptable risks to Federal networks and require emergency action.

CISA is already aware of widespread exploitation of the vulnerabilities, and trusted partners have observed malicious actors using these vulnerabilities to gain access to targeted organizations in the United States and globally. Importantly, once an adversary gains access to a Microsoft Exchange Server, they can access and control an enterprise network, even after the vulnerabilities are patched. A malicious exploitation could be conducted by actors with various motivations, from stealing information to executing ransomware attacks, or physically damaging connected infrastructure.

CISA has put up, SchoolSafety.gov, as a consolidated resource and a mechanism for all of our information on this vulnerability, and we are using all of our forums to share this information quickly and broadly with our partners.

Switching to the supply chain compromise, late last year CISA became aware of a broad cyber intrusion campaign largely associated with the supply chain compromise of SolarWinds Orion Network Management software. Nearly 18,000 entities were potentially exposed to the malicious SolarWinds software. CISA estimates that a much smaller number were compromised when the threat actor activated a malicious backdoor they had installed in the SolarWinds product and moved into an exposed network. Once inside the network, the actor was able to use their privileged access to abuse the authentication mechanisms, the systems that control trust and manage identities, ultimately allowing them to access and exfiltrate email and other data from compromised networks and Microsoft Office 365 cloud environments.

The primary objective of the threat actor in this campaign appears to be gaining access to sensitive unclassified communications and to identify additional opportunities to compromise IT supply chains.

CISA's work, in response to this campaign, falls under four primary lines of effort: one, scoping the campaign; two, sharing information and detections; three, supporting short-term remediation; and, four, providing guidance and assistance in long-term network

recovery. These lines of effort are the framework around which we think about our response to any cyber incident.

We continue to work this campaign aggressively. Just yesterday, we rolled out a new website that consolidates information and resources on best practices for remediating compromised systems, and preparing Federal departments and agencies for long-term actions to build more secure, resilient networks.

Before I close, I want to address a more fundamental question: What does this all mean? Both the Microsoft Exchange vulnerabilities and the SolarWinds campaign highlight the lengths to which sophisticated adversaries will go to compromise our networks. They will use never seen before techniques, exquisite trade craft, zero-trust vulnerabilities to defeat our current cybersecurity architecture. Knowing that, we must raise our game. We need modern cybersecurity governance and capabilities. We need cybersecurity tools and services that provide us a better chance of detecting the most sophisticated attacks, and we need to rethink our approach to managing cybersecurity across 101 Federal civilian executive branch agencies.

Thank you, again, for the opportunity to testify on this important subject, and I will now turn the discussion over to CISA's newly appointed Cybersecurity Division Executive Assistant Director, Eric Goldstein, to talk about the direction we are headed, the capabilities we urgently need, and what you can do to help.

[The information follows:]

**Testimony**

**Brandon Wales**
**Acting Director**
**Cybersecurity and Infrastructure Security Agency**
**U.S. Department of Homeland Security**

**Eric Goldstein**
**Executive Assistant Director**
**Cybersecurity Division**
**Cybersecurity and Infrastructure Security Agency**
**U.S. Department of Homeland Security**

**FOR A HEARING ON**

***"MODERNIZING THE FEDERAL CIVILIAN APPROACH TO CYBERSECURITY"***

**BEFORE THE**
**UNITED STATES HOUSE OF REPRESENTATIVES**
**Committee on Appropriations- Homeland Security Subcommittee**

**March 10, 2021**

**Washington, DC**

Chairwoman Roybal-Allard, Ranking Member Fleischmann, and members of the Committee, thank you for the opportunity to testify today regarding the Cybersecurity and Infrastructure Security Agency's (CISA) perspectives and recommendations on modernizing the federal civilian approach to cybersecurity following the recent cyber intrusion campaign that targeted many of our government and private sector organizations. CISA leads the Nation's efforts to advance the cybersecurity, physical security, and resilience of our critical infrastructure. CISA serves as a focal point to share information among and enable operational collaboration between the Federal Government, state and local governments, the private sector, international partners, law enforcement, intelligence, and defense communities.

Regarding the security of civilian executive federal networks, CISA's mission is to provide tools, services, and direction that enable timely identification of, protection against, and response to cybersecurity risks. We *Defend Today* through collective defense against threats and vulnerabilities and *Secure Tomorrow* by ensuring effective long-term risk management. CISA's vision is a secure and resilient cyber enterprise that enables the Federal Government to provide critical services to the American people under all conditions.

To address urgent, operational risks like nation-state threat activity and critical vulnerabilities, CISA works to detect, contain, and remediate cyber threats before they can negatively impact agency operations or result in unauthorized access to sensitive information. CISA seeks to achieve operational visibility of threats and vulnerabilities through a variety of means, including sensors, on-site incident response teams, remote scanning, and information sharing. CISA maintains the unique capability to integrate information received from federal civilian networks with data from private sector, state, local, tribal, territorial, and other government partners. By analyzing information from numerous sources and prioritizing the top operational risks to federal agencies, CISA is able to take focused action to address identified risks. These actions range from information sharing activities, including issuing alerts and guidance, to mandatory direction through directives known as Binding Operational Directive and Emergency Directives, and ongoing coordination with agency network operators. Where necessary, CISA also provides technical assistance by deploying teams to hunt for threats, respond to incidents, and provide recommendations to harden systems.

In addition, CISA focuses on addressing longer-term gaps in federal cybersecurity, such as outdated systems or inadequate organizational focus on system maintenance. In order to raise the baseline of federal cybersecurity, CISA provides shared services and cybersecurity tools through the Quality Service Management Office and the Continuous Diagnostics and Mitigation program. CISA further leads capacity-building efforts to reasonably ensure that civilian agencies implement strong governance programs and effectively manage their technology environments, in close coordination with the Office of Management and Budget.

We know that cyber threats are one of the most significant strategic risks for the United States, threatening our national security, economic prosperity, and public health and safety. Federal networks face large and diverse cyber threats ranging from unsophisticated individual hackers to nation-state intruders using state-of-the-art techniques. The recent widespread cyber intrusion campaign targeted federal networks using advanced cyber capabilities that had the potential to undermine critical infrastructure, target our intellectual property, steal our national

security secrets, and threaten our democratic institutions. We must act now and decisively to truly defend today and secure tomorrow.

**Cyber Supply Chain Compromise**

In early December 2020, the Federal Government became aware of a cyber intrusion campaign that included compromises of some U.S. government departments and agencies, critical infrastructure entities, and private sector organizations dating back to at least September 2019. This operation was highly sophisticated using novel techniques and advanced tradecraft to remain undetected for an extended period.

The best-known infection vector was through a supply chain compromise of the SolarWinds Orion network management system. Malicious code was inserted into software updates, which were then made available to customers, who regularly install and trust such updates to patch their software. In this case, once these updates with the malicious code were applied, the threat actor was able to directly access customer networks by installing and accessing a back door into their environment.

There are two important categories: According to SolarWinds, nearly 18,000 entities received a malicious version of the software. We refer to these entities as "exposed." The threat actor then targeted a much smaller number of these exposed entities by accessing the back door and moving laterally into customer networks. We refer to these entities as "compromised."

For many of the confirmed victims of this campaign, the primary objective appears to be gaining access to sensitive but unclassified communications. The threat actor was able to use its privileged access gained by compromising organizations' on-premises networks to then abuse authentication and authorization mechanisms, allowing them to access email and other data through the Microsoft Office 365 cloud.

While the software supply chain attack through SolarWinds has been a primary focus of this activity, the U.S. government is aware of additional victims of related Microsoft Office 365 compromises that pre-date the delivery of the SolarWinds software update that, unbeknownst to the vendor, contained a back door accessible to the threat actor. The initial intrusion vector for these earlier victims is currently unknown.

Considering these different vectors, this campaign should be thought of as a sustained cyber intrusion campaign and not, simply, a SolarWinds compromise.

On December 13, 2020, the National Security Council staff stood up a Cyber Unified Coordination Group (UCG). Composed of CISA, the FBI, and ODNI, with support from NSA, the UCG coordinates both the investigation and remediation efforts for the Federal Government. As the lead for asset response in the federal civilian space, CISA provides guidance and coordinates with departments and agencies, and provides technical assistance to affected entities upon request.

CISA's work in response to this campaign falls under four primary lines of effort: scoping the campaign, sharing information and detection, short-term remediation, and long-term rebuilding.

*Scoping the Campaign*

Under the first line of effort, scoping the campaign, CISA has worked closely with private sector, government, and international partners to understand the full extent of this malicious cyber campaign. To date, we have confirmed that nine federal agencies have been compromised, along with a number of private sector entities, the majority of which are in the IT sector.

*Sharing Information and Detection*

CISA began to develop detection techniques and share information immediately upon learning of the malicious cyber campaign. On December 13, 2020, we issued Emergency Directive 21-01 requiring federal civilian executive branch agencies to shut down affected versions of the SolarWinds Orion platform. We decided to release our directive publicly in order to drive immediate mitigation steps and help both public and private sector entities identify whether their networks may have been exposed to the adversary. Within 72 hours after CISA published the directive, 100% of devices running affected versions of SolarWinds Orion had been taken off-line across the federal civilian executive branch.

On December 17, CISA released a detailed alert describing the tactics of the threat actor and providing initial guidance and indicators to entities with suspected compromises. We have updated both our Emergency Directive and Activity Alert several times, and we will issue additional updates as appropriate if we uncover new information. Following the release of our directive and alert, we held stakeholder calls with thousands of public and private sector entities through which we provided detailed information to help guide their own detection and response efforts. On Christmas Eve, our threat hunting team released a tool to help detect possible compromised accounts and applications in the Microsoft Office 365 cloud environment, which has been widely targeted by the adversary as part of this malicious cyber campaign.

To the extent that we uncover new adversary techniques during our response efforts, we will continue to develop new detection analytics with the intent to share broadly with our stakeholders so they can search for this activity in their networks, remediate as necessary, and put protections in place for the future. Additionally, we continue engaging with stakeholders daily to understand changes in the scope of the campaign and continuously share information and necessary actions across all stakeholders as the incident response continues.

*Short-Term Remediation*

Under the third line of effort, short-term remediation, CISA has provided incident response support to federal agencies that have been compromised as part of the campaign. To date, CISA has provided assistance to all requesting agencies without delay. We are also working with a small number of private-sector entities that have seen suspected or confirmed activity associated with this campaign.

This week, CISA released guidance to support federal departments and agencies in evicting this threat actor from compromised on-premises and cloud environments. This guidance addresses tactics, techniques, and procedures (TTPs) leveraged by the threat actor and provides short- and intermediate-term actions that agencies should take to mitigate this activity and prevent future threat activity. By taking immediate steps to evict this adversary from compromised on-premises and cloud environments, agencies will position themselves for long-term actions to build more secure, resilient networks.

*Long-term Rebuilding of Secure Networks*

Under the fourth line of effort, rebuilding secure networks across the federal civilian branch and the broader community over the long term is just beginning. In the coming weeks, as affected entities begin to plan for their long-term rebuilds, CISA will work hand-in-hand with our partners to ensure standardization and consistency. The threat actor responsible for this malicious cybercampaign is a patient and focused adversary that has sustained its presence on victim networks, in some cases, for many months. As such, the recovery and rebuilding process will be time- and resource- intensive.

## COVID-19 Impact and CISA's Growth

While the short-term impact of the malicious cyber campaign and resulting breach of federal networks is already being felt, this kind of exploitation has far-reaching longer-term impacts and consequences. Due to the global pandemic, the risk landscape has shifted dramatically over the past year. Between the ongoing malicious cyber campaign and the seismic shift in how we work, legislate, educate, and support our daily lives, we need to take decisive action today to be ready to defend our nation tomorrow. CISA has identified several key areas of growth needed to address lessons-learned from the widespread malicious cyber campaign and the broader COVID-19 response.

**Operational Visibility.** We must increase and improve our visibility into agency cloud environments and end-points. Due to COVID-19, many federal agencies have accelerated cloud migration timelines in order to support a remote workforce, a trend that we expect will continue. However, recent compromises of federal agency networks show that cloud resources continue to be an attractive target to our most sophisticated adversaries. Across different cloud environments, security standards differ based on many factors, including contracting decisions, vendor-specific offerings, and risk decisions. This malicious cyber campaign has highlighted that a common baseline of security controls, particularly focused on logging and retention, may be necessary across cloud environments in the Federal Government. We will work jointly with the Federal Risk and Authorization Management Program (FedRAMP) Joint Authorization Board and the National Institute of Standards and Technology (NIST) on tightening these controls. Additionally, we need to gain better visibility into end-points within agency networks and support improvements to risk management practices and software assurance across agencies' information and communication technology (ICT) supply chains.

**Incident Response Capacity.** We need to continue to build the capacity to hunt for threats on agency networks and respond to incidents. While we immediately deployed CISA and interagency resources to effectively respond to this campaign, the scale and significant time span of this attack should serve as a warning that Federal Government incident response resources must be fortified now to ensure that we will not be overwhelmed in the future, resulting in delayed incident response and recovery. Going forward, we must shift to a model of persistent threat hunting, enabled by authorities provided by Congress in the Fiscal Year 2021 National Defense Authorization Act, to more rapidly identify potential intrusions into federal civilian networks.

**Defensible Network Architectures.** Agencies must adopt network architectures that are more defensible. We are exploring additional capabilities to support defensible architectures, including through offering secure cloud environments to agencies, expanding identity management efforts and cloud security efforts under the Continuous Diagnostics and Monitoring program, and implement principles of more secure and resilient architecture.

**Analysis and Coordination.** We are maturing our capabilities to analyze risk in order to more effectively identify cybersecurity risks within individual agencies and across the federal civilian executive branch. This includes developing new analytical capabilities that can rapidly adapt to our operators' needs and provide a common operating picture, and which are automated to the extent possible.

*Conclusion*

The Federal Government provides countless services that are vital to the functioning of the country and our economy. More than ever, federal agencies and key service providers are under attack from nation-state adversaries and criminal, profit-driven actors.

CISA's charge is clear: protect and defend the federal enterprise through collaborative risk management. This is a complicated mission space with evolving technology and risks. What's more, today's landscape reflects challenges stemming from decades of under-investment in technology infrastructure; federal network security has been on the Government Accountability Office's High Risk list since 1997.

The federal enterprise can be made more resilient and secure. By enhancing our visibility, implementing persistent hunt capabilities, increasing provision of shared services, and moving toward more robust architecture models, we can most effectively ensure that the Federal Government can provide critical services to the American people under all conditions.

Thank you again for the opportunity to be to appear before the committee. We stand ready to answer your questions.

Mr. GOLDSTEIN. Thank you, Acting Director.

Chairman DeLauro, Chairman Roybal-Allard, Ranking Member Fleischmann, thank you for the chance to speak with you and the committee today. This is my first hearing before the committee in my new capacity as Executive Assistant Director for Cybersecurity within CISA. I would like to commend the committee, first and foremost, for focusing on this urgent national security threat. I look forward to partnering with the committee to ensure that our Nation has the capabilities and resources to address rapidly increasing cybersecurity risks.

Acting Director Wales provided an overview of recent incidents affecting public and private entities of all types. These incidents reflect a need to strengthen our Nation's cyber defenses, invest in new capabilities, and begin to fundamentally change how we think about cybersecurity. Even as CISA responds to and mitigates the impact of these immediate incidents, we are looking ahead to ensure that CISA is appropriately postured to defend today and secure tomorrow.

To this end, we are focused on urgent improvements across four areas of strategic growth:

First, we must increase CISA's visibility into cybersecurity risks across the Federal civilian executive branch, and, where feasible, across non Federal entities.

Second, we must expand CISA's incident response capacity.

Third, we must improve our ability to analyze large volumes of cybersecurity information to rapidly identify emerging threats and direct timely mitigation.

And, fourth, but perhaps strategically most importantly, we must drive adoption of defensible networks, including progressing towards zero-trust environments, where we assume that networks are compromised and we focus on protecting the users and assets therein.

Turning to our key priority of operational visibility, we must increase and improve our insight into Federal agency's cloud environments, and to end points, the servers and computers that agencies use to conduct their daily business. This is critically important during COVID–19, as the Federal workforce has moved to increase remote work, a trend that we expect to continue and concomitant increase in the use of cloud computers. To achieve this goal, we must provide agencies with detection tools and build our ability to analyze data deriving therefrom.

While no organization can prevent every cyber intrusion, increased visibility will let us detect and respond to incidents more quickly, thereby limiting harm to victim organizations.

As we expand our visibility, we will also inherently detect more cybersecurity incidents. To this end, we must further develop our incident response capacity, to hunt for threats on Federal networks, and provide urgent assistance to compromised entities. While we are effectively responding to incidents today, our resources must be fortified to ensure that we can meet demand in the future.

Going forward, we must shift to a persistent threat hunting model in which CISA continuously searches for malicious activity

across partner networks as authorized by the fiscal year 2021 National Defense Authorization Act.

In addition to increasing our incident response capacity, we must also develop and refine our analytic capabilities so that we can analyze cybersecurity data and more rapidly identify risks across the executive branch.

And, lastly, over the long term, we must facilitate adoption of more defensible networks, including by offering shared services to Federal agencies, to raise the baseline of cybersecurity across the executive branch, and providing agencies with tools and guidance to move to zero-trust principles where, again, we presume that network perimeters can be compromised and we focus on protecting the critical assets within each network.

We deeply appreciate Congress' consideration of additional funding to address these priorities, which are urgently needed for CISA to provide foundational capabilities across the Federal civilian executive branch. These investments critically should be considered a downpayment for the sustained effort required to improve and modernize Federal civilian cybersecurity over the long term. It is now more critical than ever to urgently focus on securing the Federal civilian government and responding quickly when a compromise occurs. By enhancing our visibility into agency networks, moving towards a posture of proactive hunting, and deploying more defensible network architectures, we can most effectively ensure that the Federal Government can provide the critical services upon which the American people depend.

Thank you, again, for the chance to speak with you. We look forward to taking your questions.

Ms. ROYBAL-ALLARD. Thank you.

Before we go to questions, I understand that the chairwoman of the full committee is here, and would like to ask if she has any opening comments that she would like to make before we go to questions.

The CHAIR. What I will do, Madam Chair, thank you very, very much, but I will submit my opening remarks for the record, and then we will move to questions. But thank you, thank you very, very much for the opportunity. I appreciate it.

Ms. ROYBAL-ALLARD. So SolarWinds and Microsoft Exchange servers is what I would like to talk about right now. It has been 3 months since we first learned about the significant supply chain cyber incident involving SolarWinds Orion software, but many questions still remain. And I know that you and your team have been working tirelessly to address this problem and that you share this responsibility with the FBI, ODNI, the NSA, USCYBERCOM, and your private sector partners and the impacted agencies and companies.

Unfortunately, as was mentioned, just last week, we learned about another set of compromises associated with vulnerabilities in on-premises Microsoft Exchange servers. In the case of SolarWinds incident, please describe how the adversary was able to access our networks and infiltrate data and information for months, if not longer, without being detected. And also, what information was removed from Federal civilian networks? And do we know whether the adversary did anything other than steal information, attempt

to manipulate or delete information, or otherwise alter our systems and networks?

Mr. WALES. Sure. Thank you, Chairwoman.

What I would say is that the actor in this case used extremely sophisticated techniques to bypass the security that is in place at agencies, as well as the significant number of private sector companies that were compromised as part of the campaign.

By executing a supply chain attack, by compromising the SolarWinds product, and putting the backdoor inside of one of their legitimate patches, that bypasses all of the normal, traditional perimeter security that is deployed to protect agencies. And so, it was a trusted patch. It was installed by network operators. And because of the nature of SolarWinds' products, that they have broad administrative rights, they usually are configured to have broad administrative rights, the networks, that gave the actor access to the network and allowed them to escalate their privileges in ways that we could not see.

I think that, as Eric highlighted, this really—this highlights the need for us to have better insights and visibility inside of networks. Conducting security at the edge on the perimeter increasingly lacks the ability to detect the more sophisticated types of attacks, which are only going to take place on individual workstations, on individual servers. And that is why we are pushing for this increase in visibility down inside of networks.

But to your larger question on what they stole and whether they did anything else, we continue to believe this was largely an espionage operation where they were collecting information, largely based on Microsoft Office 365 email for agency personnel. In many cases, that was extremely targeted. There was usually only a couple of dozen individuals at an agency that were targeted as part of this campaign, and we have no evidence at this time that the actor did anything except steal information.

Ms. ROYBAL-ALLARD. In the case of the more recent Microsoft Exchange Server compromises, were Federal agencies compromised? And, if so, what is the impact, and what steps is CISA taking to help agencies recover?

Mr. GOLDSTEIN. So we are still in the early days of the investigation of exploitation of Microsoft Exchange Server. As the Acting Director noted, CISA issued an emergency directive which required all Federal civilian agencies to both analyze their networks for indications of compromise, and to immediately patch. We have seen outstanding responses to that directive; and now, the vast majority of Microsoft Exchange servers have been mitigated across the Federal civilian executive branch. We are working with individual agencies to assess the results of their forensic analysis.

At this point in time, there are no Federal civilian agencies that are confirmed to be compromised by this campaign. However, CISA is working with individual agencies to assess the results of their analysis, and this is an evolving campaign with new information coming in by the hour.

Ms. ROYBAL-ALLARD. Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, Madam Chair. And I also wanted to acknowledge and thank the full committee chair, Chair DeLauro,

for joining us today. Thank you, Madam Chair, for being with us today as well.

In the supply chain attack by Russian state actors, we first learned about the compromise in early December, but have since determined that the compromise itself began many months prior to that. Without getting into why it took so long for us to learn what we had compromised, I want to get to another underlying issue.

Two questions: Assuming we knew that a supply chain attack was a significant vulnerability, how long have we known this, and what was done previously, if anything, to address this concern?

And my other question would be, more importantly, how can we better understand where our vulnerabilities are, and, once identified, ensure we are addressing them?

Thank you.

Mr. WALES. Sure. Thank you, Ranking Member.

I will take the first part of that question and then allow Executive Assistant Director Goldstein to take on the second.

I would say that there was a substantial amount of work done on supply chain security over the last several years, including several executive orders focused on improving information and communication technology, supply chains. There was the passage of the Federal Acquisition Security Council, the FASC, that was stood up for Federal agencies at the civilian in the national security systems, in the intelligence community to work together to assess supply chain risks and take action to remove supply chain—potential dangerous supply chains out of Federal networks.

But there is still more work to be done, and I think the SolarWinds campaign highlights where trusted patches from otherwise companies that have a strong business are in need of—we need different approaches to work with them. How do we ensure that when the Federal Government takes on software from a supplier, that that software is free of malicious backdoors? And that is going to take more work.

It is also, as EAD Goldstein said, one of the key principles we need to put in place is the zero-trust mindset, where even if something comes into your network that might be compromised, you have built enough protections around it, you have segmented your network properly, where the introduction of that piece of compromised code will have minimal impacts.

So, we are working this on a number of fronts, but supply chain attacks are one of the most challenging to address, and it is going to take a lot more creative thinking to fully solve it.

Eric.

Mr. GOLDSTEIN. Thank you.

And I would just add to that very thorough answer, we need to confront this challenge on any number of fronts, and so, the supply chain compromise that we saw with the SolarWinds incident is one way that we know that sophisticated adversaries can compromise victim networks, and we need to urgently work through entities, like the Federal Acquisition Security Council that I think the Director mentioned, to make sure we are raising the bar for software assurance and supply chain integrity across the civilian executive branch, and there is more work that we can surely do there.

At the same time, it is important to appreciate that, as the Acting Director noted, this was truly an exquisite attack perpetrated by a sophisticated actor that took significant amounts of time and resources. And, so, we need to adopt a principle that in cybersecurity is called the kill chain, in which we are trying to prevent an intrusion at multiple phases. So even if we are unable to prevent the supply chain compromise, we are detecting the lateral movement across the network, or we are detecting the escalation of privileges where the adversary attempts to compromise the authentication systems that are used to gain access to different assets within a network, and on down the line.

And, so, we need robust layers of defense within each Federal civilian executive branch network with data from those layers coming back to CISA, so we can identify and correlate security trends across the executive branch and identify these sorts of deeply mature intrusions before they are able to endure for months on end and cause lasting damage.

Mr. FLEISCHMANN. Thank you, gentlemen.

Mindful of my limited time, I will be brief with this and ask for a brief response.

In regards to the existing vulnerabilities and finding ways to mitigate them, can you describe, in layman's terms, the vulnerabilities of the Microsoft Exchange attack along with how long we have known about this weakness? Very quickly. Thank you.

Mr. GOLDSTEIN. Yes, sir. I will do my best to move quickly.

So CISA was made aware of this vulnerability, along with Microsoft, on March 2, last Tuesday. As noted, we moved urgently to issue a directive and direct remediation of the vulnerability. This was a previously unknown flaw in Microsoft Exchange Server that allows an adversary to use a combination of vulnerabilities to gain remote access to the server, and execute remote commands, potentially exfiltrate data. We are now seeing adversaries deploy what are known as web shells, which is a very small bit of code that the adversary can use the vulnerability to deploy on a Microsoft Exchange Server. These web shells can be very hard to detect and allow the adversary to execute additional commands, or take further actions to steal information or launch more destructive types of attacks. So this was a previously unknown flaw in Microsoft Exchange Server that was identified to CISA and to Microsoft last week, and urgently directed to be remediated immediately thereafter.

Mr. FLEISCHMANN. Thank you, Director Goldstein. And I yield back.

Ms. ROYBAL-ALLARD. Chair DeLauro.

The CHAIR. Thank you very much.

A great deal of effort and resources have gone into developing the National Cyber Security Protection System, also known as Einstein. This is perimeter defense tool for Federal civilian networks. Yet, our adversaries do not appear to be deterred by it. Why is Einstein not more effective at keeping our adversaries off of Federal networks?

And a follow-up question would be, with the changing technology landscape, and the increasing sophistication of our adversaries'

techniques, how does CISA cybersecurity strategy need to change, and what particularly does the future of Einstein look like? Why is it not more effective at keeping our adversaries off the Federal networks?

Mr. GOLDSTEIN. Thank you, ma'am, for that question. It is a very important one.

It is a truism of cybersecurity that our defensive technologies need to adapt as the threat environment changes and the way that we use technology changes. Einstein was originally designed, as the Acting Director noted, as a perimeter defense program, meaning that it provides intrusion detection and prevention at the point where agency networks meet the open internet. Over time, what we have found is largely because of the increased use of encryption for traffic entering and exiting Federal networks, which, of course, has its own privacy and security benefits, the Einstein technology that was reasonably designed to address risks in technology a decade ago has grown somewhat stale over time, and now does not provide the visibility that CISA needs.

For this reason, CISA is urgently moving our detecting capabilities from that perimeter layer into agency networks to focus on these end points, the servers and workstations where we are seeing adversary activity today. This is consistent with leading trends in the cybersecurity industry, as adopted by public and private organizations of all types. We already have pilots in place to precipitate this important transition, and with funding under consideration by Congress will rapidly accelerate this transition from a perimeter defense construct to a construct where we are, in real time, identifying threat activity within agency networks, which is where the lack of visibility still remains.

The CHAIR. What is your timing on this transition?

Mr. GOLDSTEIN. So the transition is underway now. We have—these tools are called end points detection and response. We have pilots underway with certain agencies at this point. With funding requested from Congress, we will be able to rapidly accelerate those pilots and deploy this kind of internal detection and prevention tooling with the agency network in a much faster time frame.

The CHAIR. Well, but what I am saying, is it a year? Is it 2 years? Is it 6 months? Is it—do you know?

Mr. GOLDSTEIN. So it will be iterative. We will be deployed over time. Certainly, each month that goes by, we will cover more agencies. We can certainly come back with a conclusory date of when we think we will have full coverage, but this is a scalable process where every month that goes by, there will be more agencies protected, which is, of course, why this funding is so urgent so we can get started on this acceleration today.

Mr. WALES. Let me just add that the $650 million that is currently under consideration in the relief package is a down payment. It accelerates some of these efforts. But this is going to require sustained investment for both CISA, as well as the agencies themselves. We want to ensure that as we increase this visibility, it is going to provide increased visibility to CISA to look across the entire .gov, and it will also increase the visibility for the agencies themselves, and those agencies themselves are going to need addi-

tional resources to make sure they can fully leverage the improved capabilities that we will be deploying.

We want to make sure that their cybersecurity posture increases with ours so that the layers of defense that Eric talked about are solid.

The CHAIR. Well, it is going to be important for us to know what the overall—you know, I understand the relief package; but when you talk about sustained investment, it would be very good to get to the committee, to the chair, the ranking member, et cetera. What you anticipate is the cost for this? And, again, how quickly? Because every month that goes by, we are at risk for, you know, like the last two events that we are talking about. One is March 2 of last week, so it is imperative.

Maybe I can ask a quick question here. This is about the impact of election security on Federal cybersecurity, because there has been some conversation about this election security in 2020 may have distracted the agency's focus away from cybersecurity.

Did CISA's election security efforts and focus contribute to a lack of resources or situational awareness that made us more vulnerable to cybersecurity breaches? Were those efforts a factor in allowing the SolarWinds' intrusion to go undetected for so long?

My time ran out. Madam Chair, if I could beg your indulgence for this.

Ms. ROYBAL-ALLARD. Madam Chair, you can take all the time you want.

The CHAIR. Thank you.

Mr. WALES. Let me address that first by saying that the work that we did in concert with our interagency partners to protect our Democratic institutions is not a distraction. It is a core mission of the agency, a priority work, work that continues to this day.

And let me address it, secondly, by saying our agency has a broad mission. As I covered in my opening remarks, we work across cyber physical communications. We are building resilience and heightening and enhancing security. We have to have the ability to work multiple problems.

Even in the midst of the election season, we were still dealing with other cybersecurity incidents in the Federal Government, at State and local governments, in the private sector.

I do not believe that the election distracted us. If anything, it has further honed our capabilities, it has improved our coordination within the interagency, and it has made the U.S. Government cybersecurity mission more efficient and more effective. And we are just going to try to build on that going forward.

The CHAIR. Thank you. Thank you, and I yield back, and I thank the gentlewoman for indulging the time. Appreciate it.

Ms. ROYBAL-ALLARD. Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Madam Chair.

Director Wales, the Continuous Diagnostic and Mitigation program, which is a government-wide, cybersecurity program, aims to provide capability to identify cybersecurity risks, prioritize those risks based upon potential impact, and to mitigate the most significant problems.

Now, the program was designed for phases, as I understand. Phase 1 was basically asset management; phase 2 was to identify

and assess that management, access management; and then phase 3 was, let's see, a data protection phase, and then phase 4 was agencies were going to be—different agencies were going to be synthesized to adopt CDM capabilities, which we would fund for up to—DHS would fund a base year and then one optional year. And CISA said that this was foundational. Now, that tells me it is pretty darn important.

Can you tell me how many agencies are now actively moving through the Continuous Diagnostic and Mitigation Program? How many are phase 1 and how many are requesting phase 1 level?

Mr. WALES. So I will give you a little bit of a high-level answer, and then I am going to ask Eric to talk about kind of how we envision the program moving forward since CDM is going to be critical for a number of the capabilities that EAD Goldstein outlined we will be deploying, including the end point detection and response tools.

CDM provides, and every agency is currently—every Federal civilian executive branch agency is participating in CDM, and has—and I would say phase 1 is almost fully deployed. There is a couple of parts of a couple of agencies that continue to deploy asset management tools, but we need that—agencies need to understand what is on their network. They need to understand who is on their network. They need to understand what is the current patch level, where are current vulnerabilities in their network, because the more sophisticated techniques, the end point detection, the zero-trust architectures, assume you have a comprehensive understanding of what your network looks like, and the potential vulnerabilities on it. So we could not move to these more sophisticated tools and capabilities without getting that foundation in place.

CDM has built that foundation. The reason why agencies today can respond so quickly to our emergency directives is that CDM has provided them that level of insight into their network, and the ability to look at the individual objects on their network and know where they are, what patch level they are, and where they need to take remediative action.

So I would ask Eric to just give you a little bit of highlight about what the next steps are there as we move into phases 3 and 4.

Mr. RUTHERFORD. Okay. So—but if I could, so, Director, you are telling me that all executive branch agencies are in CDM at least to phase 2? Is that correct?

Mr. WALES. I would say that every agency has largely completed phase 1. Like I said, there is a couple of places. Most agencies are in phase 2, or completing phase 2, and then we are actually—some of the funding for fiscal year 2022 and 2023 begin to fund phase 3 and phase 4 efforts across the civilian executive branch.

Mr. RUTHERFORD. Okay. I would like to hear from Eric.

Mr. GOLDSTEIN. Yes, sir, of course. We sort of think of CDM as providing three foundational capabilities for Federal civilian cybersecurity. The first is it is a mechanism for CISA to provide fundamental security tools to all Federal civilian agencies. And as the Acting Director noted, as we moved to provision of the next generation of cybersecurity tools, including end point detection and re-

sponse tools, including tools that allow adoption of these zero-trust principles that focus on——

Mr. RUTHERFORD. Okay. Can I interrupt you just 1 minute?

Mr. GOLDSTEIN. Yes, sir.

Mr. RUTHERFORD. So these fundamental detection tools, are these also those—you know, we mentioned Einstein is kind of a border security. The interior security tools to look inside the systems, not at the portals, not at the intrusion points, are those tools—have they been developed, and is CDM moving that forward?

Mr. GOLDSTEIN. Yes, sir. So they have absolutely been developed. And I do think it is useful to think of the National Cybersecurity Protection System, or Einstein, and the CDM program not as separate offerings, but really as part of CISA's cohesive and holistic strategy to protect Federal civilian agencies.

So NCPS and CDM really work hand in glove to protect all levels of the network against cybersecurity risks. And, again, both of those programs must transition to address changes in the risk and technology environment.

Now, moving to CDM for a moment, along with providing the mechanism to provide agencies with many of these modern security tools that we need for layered defense, CDM is also the mechanism through which agencies are able to get visibility into their own risks, which is critically important for agency CIOs to understand their environment and the risks they are in, and then for CISA to get cross-government visibility into risk trends which will then—the emergency directive that we just issued is a canonical example, when we issue these kinds of directives, CDM, particularly as it matures, gives us the ability to look into agency networks and understand the pervasiveness of the given risk, and then drive very focused timely remediation.

Mr. RUTHERFORD. Thank you. Very good answer.

With that, Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Okay. Mr. Ruppersberger.

Mr. RUPPERSBERGER. Thank you, Madam Chairwoman.

The first thing I want to talk about is just a macro issue, and that is where we are in cybersecurity. When I was on the Intelligence Committee, and I represent NSA also, so I focused a lot in cybersecurity. And NSA is very good as it relates to Russia, China, and those issues. But we moved to CISA. I think CISA has been given a task that they just can't do the job that they need to do because of lack of resources, and lack of personnel. But I do want to say this: The personnel that is there is doing a great job, and they just can't do it all. And I really was upset when you had a small team that was working well, and our former President fired Chris Krebs, the director, because he spoke truth to power. We can't have any politics involved in this issue. It is very serious.

I authored section 1745 of the fiscal year 2021 National Defense Authorization Act, and that requires CISA to conduct a force structure assessment, very important. This assessment is, in part, intended to address whether CISA has the personnel, materiel, and facilities to achieve its mission. I strongly support this review, which is particularly timely as press reports highlight the cyber defenders are stretched thin to deal with the combination of the

SolarWinds-related malware and the newly released Microsoft Exchange Server vulnerabilities.

I am deeply disturbed that when I hear that State and local governments, school systems, even hospitals, may have had bad actors on their networks for months as they wait for a scarce incident response team to help them clean up the networks.

Now, other than nuclear weapons, I believe that the cyber issue is going to really be maybe the next war, if we have one, that and space, and I think it is time that we really have this assessment and that we have to really look at where we are and what we are doing.

Now, NSA is very good, but we are all concerned about the defense issues that have occurred. And because NSA has no jurisdiction in the United States, and there are a lot of privacy issues, which we need to adhere to, but I think we have to look at the whole big picture about what we are going to do to protect our country from the cyber attacks that we have had now, and this is going to continue. It is going to get worse before it gets better.

And it is unfortunate. I think in this area of cybersecurity, there are maybe 15 members that I know that really focus on cybersecurity. That is a lot.

So, I really hope we can make this a priority with the help of our leadership in the Appropriations Committee to move forward with this assessment, and decide where we need to go, give the money to where we need to go, because the people that exist in leadership right now on this committee, Mr. Goldstein, I mean, Mr. Wales, they are working hard, but they sure need a lot of help and a lot of resources.

Two real quick questions. Do you believe there is a need for more inherent incident response capability at CISA to assist Federal and State and local partners?

And the second question, how does the American Rescue Plan request support expanding this capability?

Mr. WALES. Sure. So let me just say at the outset that this agency has benefited tremendously from strong support in Congress, both parties, both Houses, and we want to make sure that we maintain that support by our openness, our transparency, and the work of our agency.

I would say, without a doubt, to accomplish the scale of the mission that we have, we need more resources. As EAD Goldstein laid out during his opening, we are asking for it, in particular in the area of expanding our incident response capabilities, to allow us to offer more persistent hunt capabilities for the .gov and free up our incident response resources to deal with the wide array of cyber incidents that we face on a routine basis. But the money in the ARA is, again, a down payment on the scale of capabilities, tools, and resources we need.

Sir, the workforce assessment is already underway, and we look forward to briefing you later this year on the outcomes of that.

Eric, anything else you want to add?

Mr. GOLDSTEIN. No. I would just reiterate that we do see the need for incident response capacity again in those two areas, both to meet demand from Federal and non Federal partners, and also critically to move to this model where we are not only reactively

responding to that that already occurred, but moving into this more persistent threat hunting model where we continuously search for adversaries that may have compromised American networks.

Mr. RUPPERSBERGER. Yield back. Thank you.

Ms. ROYBAL-ALLARD. Mrs. Hinson.

Mrs. HINSON. Thank you, Madam Chair. And thank you, Director Wales and Executive Assistant Director Goldstein, both of you for joining us today. I appreciate the opportunity to ask you a few questions about this as a new member to the committee.

So as we look at this, you have used words like this was an exquisite attack, an espionage operation. How confident are you that you understand the trade craft and what was actually employed in this attack, this cyber attack on us, and how we can use that for work for preventing future attacks? That would be my first question then.

The second is, you referenced specifically the patching procedure and how they were able to access data even after patched. Are you confident—does that data have any vulnerability now? Can it still be accessed or can we patch that on our end so we can make sure that vulnerability no longer exists?

Mr. WALES. Sure. So, I will take the first question, and then I will let Eric handle the portion on the Microsoft Exchange.

So for SolarWinds, we understand the tactics that the adversary used to compromise most networks. Part of what CISA does is it takes information in, it looks to identify the tactics and the techniques that the adversary used. We then push out that information, either in the form of alerts so that broader cybersecurity can look for that activity. In some cases, we deploy tools that actually allow—that agencies or private companies can use to look for evidence on their networks.

We had our cloud forensics team working on Christmas Eve to deploy a tool to look for evidence of a compromise of the Microsoft cloud environment. Just this week, we released a new tool starting with Federal agencies to look through evidence in the SolarWinds compromise of the adversary moving laterally off of the SolarWinds device into the network.

So we are constantly looking for ways in which we can push out that kind of detection techniques to the benefit of all network defenders, and that is a learning process. Every new incident we see could be a slightly new tactic that the adversary uses, but we have multiple ways of getting that information out. All of the current tactics and techniques that we are aware of have been shared broadly with our public and private sector partners.

Eric, do you want to talk about the exchange?

Mr. GOLDSTEIN. Certainly. As to the second question regarding the Microsoft Exchange Server vulnerability, we are driving urgent progress across the Federal civilian agencies to patch that vulnerability. As noted, nearly 90 percent of said instances have already been mitigated. Microsoft has also helpfully released a tool that allows victim organizations to assess if they have been compromised as part of this campaign, and we have put out accompanying alerts and guidance for network defenders to understand their risks, identify if they have been both exposed and compromised, and then take urgent remediation action as necessary.

We are further providing ongoing consultative assistance to agencies to help them understand their risks and make sure they have taken the appropriate steps to minimize their vulnerability to this campaign.

Mrs. HINSON. And then one other question I would have as a follow-up to that. You talked about our adversaries, and in this case, you keep mentioning the actor. Who is the actor that is responsible for this attack, if you can say that for the record? Because, obviously, when we are talking about a major espionage operation and preventing them in the future, these bad actors all over the world are not going to pause. They continue to assault us every day. So who is this actor that we are referring to?

Mr. WALES. So in the SolarWinds case, the U.S. Government has said that this campaign is likely of Russian origin, but the U.S. Government continues to assess that situation and will provide additional information to Congress and the American people soon.

On the Microsoft Exchange vulnerability, the U.S. Government has not attributed that to an actor yet. Microsoft did, in its blog, tie it back to Chinese State actors. That being said, we are already seeing multiple actors now utilize those vulnerabilities, so it is no longer just a single actor exploiting the Microsoft Exchange vulnerabilities. There are multiple threat actors who are going to use that vulnerability to steal information or conduct more significant and potentially damaging and disruptive cyber incidents.

And so, we are at a race against that threat actor community to make sure that we patch and secure as many systems as possible before more disruptive attacks begin to emerge.

Mrs. HINSON. And you talk about the persistent threat model in going forward and dealing with these. Can you elaborate just very quickly—I know I am running out of time, but just on what that is going to look like, you know, as you are planning, you know, for the next year, the next 3 to 5 years? Just a quick perspective on that would be great.

Mr. GOLDSTEIN. Sure, absolutely. So, the way that incident response threat hunting works historically is that we would begin the response hunting phase only when triggered by a compromise, by a possible breach. What we want to move to is a paradigm where CISA is able to continuously assess security data from agencies on an ongoing basis for evidence of compromise, utilizing both known and potential indicators of compromise, including advanced analytic techniques, so that we can get ahead of the adversary, and the moment that they intrude, we have a higher likelihood of catching them versus waiting until, for example, the adversary makes a mistake, and then we trigger it in response. So our goal is to move left ward in our ability to rapidly detect intrusions that do occur.

Mrs. HINSON. Thank you, Madam Chair. I yield back.

Ms. ROYBAL-ALLARD. Ms. Underwood.

Ms. UNDERWOOD. Well, thank you, Madam Chair, and thank you for calling today's hearing on this important topic.

The vulnerabilities in our networks, our Federal networks that we have been discussing today are urgent, and I am grateful that the President has prioritized funding for CISA to address these and other pressing needs through the American Rescue Plan. But our State and local governments have also been targeted by attackers

who have only grown bolder during the pandemic, and they lack the expertise and resources of Federal agencies.

Like my colleague, Mr. Price, and perhaps others on this committee, I represent constituents who have been directly impacted by such attacks on more than one occasion. In 2016, the personal information of 76,000 Illinoisans was accessed by Russian hackers who targeted the State's election infrastructure. And just last year, a school district in Crystal Lake, Illinois, was hit by a ransomware attack.

Mr. Wales, can you elaborate on how the funding included in the American Rescue Plan will expand CISA's capacity to support organizations outside of the Federal Government, and particularly, how State and local governments will benefit from these investments?

Mr. WALES. Sure. So the majority of the funding in the American Rescue Act is focused on improving Federal cybersecurity. That being said, the expansion in incident response resources for CISA will free up necessary capabilities to allow us to support more State, local, and private sector entities that are coming to us for support, and I think that that is critical.

I would just add two other quick points. We completely agree with you, State and locals absolutely need more support. Secretary Mayorkas has talked about this. We need more investment in State and local cybersecurity, and we are eager to work with Congress on the right way of ensuring that kind of continued investment to bring State and locals up to a stronger baseline.

I know from our work over the last 4 years on election security that we can make a lot of progress with the focused effort from the Federal Government, with our State and local partners, and I think with congressional support, we will be able to have that level of impact more broadly on State and local information infrastructure.

Ms. UNDERWOOD. Great. Thank you.

Are the lessons—I am sorry, did you have something else?

Mr. WALES. No.

Ms. UNDERWOOD. Okay. One of the lessons I took away from the attack on the Illinois Board of Elections is that when our Federal, State, and local infrastructure is so interconnected, we are only as strong as our weakest link. And that is why I think it is important to take a whole of government approach to modernizing our Nation's cybersecurity.

Mr. Wales, as we continue advancing and strengthening our Federal network security, what steps should Congress take to ensure that our State and local governments don't get left behind?

Mr. WALES. Yes. You know what, I don't think we have a specific proposal today. Already, the Department has taken action, for example, increasing the amount of money, the percentage of our homeland security grants that need to go to cybersecurity investments for our States and State and local communities. CISA is working closely with FEMA on the implementation of that.

But, in addition, we think that we need to identify additional mechanisms by which we can provide that level of support. And, again, we are eager to work with Congress. We know there are proposals and drafts of legislation that we have seen that focus on that, including by provisioning grants or others, and we are eager to work with you on what that looks like.

Ms. UNDERWOOD. Thank you.

I want to shift gears and discuss how CISA is modernizing not only its work, but its workforce. We need the best and brightest minds tackling challenges facing our Nation, and our success is going to rest on the ability to attract top talent who can bring diverse experiences and perspectives to bear on our biggest and toughest security problems.

Mr. Wales, what percentage of CISA employees are women?

Mr. WALES. I believe, currently, roughly, 35 percent of our workforce is women.

Ms. UNDERWOOD. And what percentage of your employees identify as Black, indigenous, or people of color?

Mr. WALES. I do not actually have that statistic off the top of my head.

Ms. UNDERWOOD. Can you get back to me?

Mr. WALES. Yes, absolutely, I will get back to you on that.

Ms. UNDERWOOD. And what steps are you taking to diversify the agency workforce and what resources do you need to do that?

Mr. WALES. Sure. This was a major focus of our deputy director during 2020, which we had dubbed our kind of year of diversity and inclusion. And we are looking at—we have taken a number of steps to increase our ability to recruit a diverse—a diverse workforce. This includes expanding recruitment in high schools, in minority-serving institutions, women-focused events, and other groups where we thought we could increase our capacity to hire a diverse workforce. COVID introduced some challenges to that and slowed down our hiring across the board, but we are hoping, as we move into 2021, with the ending of the pandemic, that we will be able to accelerate a number of these efforts, and really look forward to working with you on that.

I think we are happy to come and provide a more detailed briefing on our workforce recruitment efforts, including our efforts on improving diversity.

Mr. GOLDSTEIN. Ma'am, if I may just add briefly add, as the newly-appointed head of cybersecurity, this is unequivocally one of my top priorities. Diversity inclusion is a national security issue, and it is an urgent imperative for us to have a cyber security workforce that reflects diversity of this country. And you have my commitment that this will be one of my top priorities in the months and years to come.

Ms. UNDERWOOD. Well, thank you both. Recruiting, retaining, and advancing diverse talent, all three are critically important. Thank you, Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Mr. Palazzo.

Mr. PALAZZO. Well, thank you, Madam Chair. It is great to be back to doing the people's business. I think the Homeland Security Subcommittee is one of the most important committees out of the full committee. We are tasked with protecting our homeland. There is many missions, there is many functions, there is many agencies that we have to deal with.

Before coming to Approps, I had the pleasure and opportunity to serve on the House Armed Services Committee. You know, we had commandants, generals, Secretaries of Defense, and so on. And a popular question we always would ask them would be, You know,

what keeps you up at night? You know, what allows a four-star general not to be able to sleep because he is worried about what is next? What is that next threat? Where is it going to come from? And how are we going to defend America?

And, you know, we have heard varying responses over the years. With China, it has been one that is pretty consistent, and, obviously, that is not going away. Russia, ISIS. Even cyber, you know, cyber is very important to the defense of our homeland and the protection of our troops abroad. But the one thing that really stood out, and this was Admiral Mullens. He said our national debt. He said the greatest threat to America is our national debt. And as appropriators, I think we need to take that to heart, and we need to take that very seriously, because we have limited resources but unlimited wants.

And the threats to America, they are not diminishing, they are growing. And they are getting bolder, because they see in America, and American people, that is fighting amongst ourselves. And they only have to watch C–SPAN or the nightly news to see that we are putting politics over the American people, over the defense of our homeland, and our national security, and over sound and solid policies. So, I will stop with that. I just wanted to—and that was on my heart this morning.

But to Mr. Wales and Mr. Goldstein, the number of attacks—if you can address, what are the number of attacks or engagements that we are seeing, especially in regards to critical infrastructure, for either state or non-state actors, and to whatever amount you can reveal in an unclassified setting?

Mr. GOLDSTEIN. So, it is a challenging question to answer, sir, because we know that our adversaries, nation states, and criminal groups are continuously attempting to compromise public and private entities of all types. What we have seen over the past few days, and report in the media, around this Microsoft Exchange Server campaign is an exemplar to this, where as soon as the vulnerability was revealed, we saw countless adversaries, sophisticated and not, attempting to compromise vulnerable entities.

And, so, our focus really needs to be raising the bar of cybersecurity across this country, and then doing that in a risk-based way where additional protections are deployed based upon the criticality of a given organization.

So at CISA, we are deeply focused on ensuring that all organizations understand the basic protections they should adopt, and those were critical organizations, whether Federal agencies or private companies understand that they are at increased risk, and need to adopt a higher bar for cybersecurity controls.

Mr. WALES. Let me just add one point to that. One of the challenges in answering your question with more specificity, is that we are entirely dependent upon the private sector of voluntarily sharing information with us about compromises, or potential compromises, or attempts to compromise their networks. And I think we can see in the SolarWinds campaign, in the Microsoft Exchange vulnerability exploitation campaign, we don't know that at scale. We don't get that kind of information provided to us in a comprehensive way where we can see the picture of what the cyber risk we are facing.

And in order for us to be as effective as possible, it requires us to understand what the adversary is doing, so that we can protect everyone by sharing that information, by providing detections, by providing information on what the adversary's tactics are.

And so, the more that information is held by compromised private sector entities, the less we are able to protect everyone else. And so, I think that is something that we are eager to work with Congress to see how that can be addressed.

Mr. PALAZZO. Well, thank you, both. I see my time is ticking down fairly quick. I do want to just leave with—and I agree with Dutch. I think any external threat that we are going to be witnessing in the future is going to be precluded by cyber, and possibly something happening in our space domain, and then, just maybe a little more conventional, probably not on the homeland, but where our allies and where our interests reside abroad.

So listen, I appreciate the both of you. Tell your staff we appreciate them. You have a huge responsibility to be a part of a group protecting our homeland, and continue to let us know how we can source you to make sure that you are efficient and effective.

And, lastly, Madam Chair, if we could, maybe in the near future and maybe do a follow-up in a classified setting. I think that would be very beneficial, and eye-opening for our members. So thank you both. Keep up the great work.

Ms. ROYBAL-ALLARD. Mr. Price.

Mr. PRICE. Thank you, Madam Chairman. Thank you for holding this hearing. I appreciate the Assistant Director for appearing today. I appreciate the good work you are doing. You have led the Nation through the most secure election in American history. You are continuing to respond to the SolarWinds' incident with multiple—on multiple government fronts, and you are collaborating with government and private sector partners who are experiencing more and more frequent malicious activity.

I want to ask you something about your intra homeland security department efforts with FEMA, with their expanded responsibilities to this area. But I first want to quickly revisit the topic my colleague, Ms. Underwood, raised, because North Carolina, too, has been home to some shocking intrusions of—at the local government level, something we have not experienced and didn't expect to experience.

Chatham County, in my district, was hit with the ransomware attack that encrypted much of the county's network infrastructure, associated business systems, an ongoing problem.

Just a few weeks ago, the county discovered sensitive files posted on the dark web, including employee personnel records, eviction notices, law enforcement investigative documents. A pretty serious breach, and quite serious, quite sensitive information. Chatham County is admirably working through this attack. But as you indicated, many State and local governments don't have anything like the resources they need to deal with this.

So, if you could just elaborate on your answer to Ms. Underwood, what kind of assistance do you perceive is most important for government at this level? What kind of resources, technical assistance, help in assessing the security situation? And are there specific funding implications for this aspect of your mission?

Mr. GOLDSTEIN. Yes, we, again, deeply recognize the grave risk that we are facing. Our State, local, Tribal governments suffer from cybersecurity threats. Particularly, ransomware, as you notice, sir, is an epidemic currently affecting far too many municipalities and other jurisdictions in this country. So we initially initiated a ransomware awareness campaign to drive adoption of best practices among public and private organizations to reduce the risk of ransomware-affecting entities. And we encourage all organizations to look at the ransomware materials on the CISA.gov web page, and avail themselves of the recommendations therein.

It is also the case that CISA is available to provide assessment, guidance, consulative assistance, and as-needed incident response services to State, local, Tribal territorial entities who are impacted by a damaging cyber attack. I would encourage any such entities to contact CISA and acquire both about our proactive resources to help assess an organization's capacity and maturity. And, then, if an incident does occur, to request help then as well.

And I would just note that CISA also has regional personnel with cybersecurity expertise deployed across the country who are available to assist our State, local, Tribal, and territorial partners onsite to work through concerns and help figure out how those organizations can be more secure.

Mr. PRICE. Good. Thank you. That is very helpful. Let me move to the FEMA question. We are going to follow this State and local support situation very closely. Let me move to the Secretary's announcement last month, that the required minimum spend on cybersecurity for FEMA grant awards will increase from 5 to 7.5 percent. That is a $25 million increase, a crucial step toward accelerating improvements in State and local cybersecurity.

Can you detail the support you plan to give, that you are being asked to give, and that you will give to FEMA as they increase their cyber portfolio? In his announcement, the Secretary also announced that the syncing of implementing a new grant program in CISA to support state and local governments, including to combat the epidemic of ransomware, what about those possible new grant opportunities?

Mr. GOLDSTEIN. Yes. The first question on CISA today provides robust subject-matter expertise to FEMA to support the evaluation of grant proposals for cybersecurity expenditures. We were delighted by the Secretary's decision to expand the mandatory cost allocation to cybersecurity investments. I think that the $25 million that will result from that decision will significantly improve cybersecurity maturity across recipient organizations. And CISA will continue serving in our subject-matter expert role to ensure that grant applicants are making best use of those resources to improve their cybersecurity maturity.

As to the second question, I would certainly agree, sir, both with you and Ms. Underwood, that the level of investment in cybersecurity across our State and local entities must improve. And I look forward to working with this committee and others on determining how CISA can help provide that much needed investment going forward.

Mr. PRICE. Thank you. Thank you. Madam Chairman.

Ms. ROYBAL-ALLARD. Mr. Aguilar.

Mr. AGUILAR. Thank you so much, Madam Chair, and I appreciate the opportunity to be here. And I want to thank both gentlemen for their testimony.

Assistant Director Goldstein, in your testimony, you talk a little bit about NDAA authorities and the visibility issue. Section 1705 of the fiscal year 2021 NDAA allows CISA to threat hunt on other agency networks. In other words, it empowers to CISA to proactively search through security logs and other data for evidence of compromise by sophisticated actors. While I support this authority and understand it, I know that there is other approaches to implementing this language. CISA can either use an instrument on networks of sister agencies to collect the data, or the departments can give CISA the access, as you indicated, on those logs.

Can you talk a little bit about the approach that CISA is considering to implement this language? And of the approaches mentioned, which one would CISA prefer and why?

Mr. GOLDSTEIN. Yes, sir. Thank you for that question. You know, we—we deeply appreciate this authority provided in the NDAA with just the reason you note. That it gives CISA the flexibility in execution to determine which model makes the most sense for Federal cybersecurity, or even which combination of models makes the most sense for Federal cybersecurity. And so, we are not seeing this as an either/or proposition, but exactly as you noted, we are planning to deploy additional end point detection and response tools on Federal networks that will allow us to continuously analyze for further activity.

We are also working with our Federal partners to encourage agencies to aggregate security information in such a way that CISA is able to conduct continuous analytics on that sort of log data derived both from on premises and cloud environments.

And so, our goal with this authority is to interpret it in the way that best advances our cybersecurity goal across the Federal civilian enterprise. As noted, several of the other members, our execution model of this authority will likely change over time as technology changes and as risks change. And so, our goal is to be able to detect adversary activity wherever it occurs. The model that we do so will undoubtedly change as required.

Mr. AGUILAR. How would the funding requests for each of these approaches differ as you talk through that evolution and how it could change? What should we be mindful of when it comes to the funding requests that we could receive?

Mr. GOLDSTEIN. So, I think there are three variables in the funding requests along these lines that I think are applied to each of these models, but may differ in degree.

So, the first will be the people, the trained expert security practitioners who understand the practice of threat hunting, which is a very specific expert discipline.

And CISA has an extraordinary group of individuals who do this work today, and we need more of those individuals. The second will be the tooling. The provision of tools and sensors to agencies that will allow us to collect this data, wherever it may be, whether it is at the endpoint or in the cloud. And the third will be the analytic infrastructure to allow CISA to either run queries on data at the agency level, or analyze that data, wherever it may be, and derive

learning therefrom that allow us to do the support and work of identifying adversary activity. And, so, I think those three areas of investment [inaudible].

Mr. AGUILAR. Thank you so much, gentlemen. I appreciate that. Building off of Ms. Underwood and Mr. Price, in their discussion about local coordination as well, can you just, you know, elaborate a little bit on that coordination level, you know, with FEMA? What could we—what could we—I understand that subject-matter experts and, you know, being available to localities, but how can we embed some of that coordination between—between you folks and FEMA?

Mr. WALES. Let me just clarify, when we talk about subject matter experts are part of the review, it is not kind of ad hoc, it is a part of the review process. So all of the cybersecurity investment justifications that were submitted by States to support the cybersecurity under cybersecurity investment umbrella were reviewed by subject-matter experts within CISA in concert with FEMA to make sure that that was a true partnership to review the investments in the cybersecurity domain. But in addition, we also put out information upfront and worked with a number of States who wanted our assistance, as they were initially thinking through and beginning to craft investment justifications that were going to be submitted to FEMA as part of the grants process. That since we are now in year two of the cycle with these cybersecurity investment requirements, that process is getting even stronger with our embedded field-based personnel in States and cities across the country providing that assistance to state administrative agencies and other cybersecurity experts at the State and local level who are involved in the investment justification grant-writing process.

Mr. AGUILAR. Thank you. I appreciate it. Thank you, Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. I believe we have time to have a round two. So, I would like to begin by going back to our funding response to SolarWinds. As been mentioned, the American Rescue Plan includes a substantial funding infusion or Federal IT team of modernization in cybersecurity, including the $650 million for CISA.

One of the things that is concerning to me is that many Federal Office 365 email accounts have only the most rudimentary security logging capabilities, which is necessary for cybersecurity defenders to track malicious activity. It is also concerning that a significant portion of CISA's American Rescue Plan at funding is slated to go to upgrading these licenses. Why isn't advanced security logging enabled by default on any of the Federal cloud accounts that the government procures, and how much of that $650 million supplemental funding is currently planned for licensed upgrades to support logging?

And I just want to add one more point to that question. Will CISA be issuing a directive to require agencies to procure licenses that require advanced security logging on cloud contracts, and if not, how do we fix this problem?

Mr. GOLDSTEIN. So CISA's strategic goal broadly, and with this funding, is to ensure that agency IT environments, whether on premises or in the cloud, have the security built in that the American people would expect of their Federal Government. Now, in as-

pect to that, ma'am, as you note, is ensuring that cloud computing environments have logging retention and security controls that can reasonably be expected to detect adversary activity, and that CISA can use to understand events when they do occur and respond accordingly.

As part of our funding request, we do intend to develop a process to improve the level of cloud security across the Federal Government. One option that could be considered is the improvement of licenses with existing vendors. There are other options that could achieve a similar goal.

So, our goal is strategically to ensure that Federal agency data is secure wherever it sets on prem and in the cloud, and we are planning to take any possible course of action to achieve that goal, working, of course, with our partners and each agency designated in a budget and other entities across government.

Ms. ROYBAL-ALLARD. I guess my next question has to do with is, how is CISA working to ensure that emergency funding is not needed for something as basic as logging?

Mr. GOLDSTEIN. So it is important to think of security funding, ma'am, along two paths. The first is the funding that CISA needs to provide a foundation of security across the executive branch, and a second is the funding that each agency requests to modernize and further mature their old IT structures. And so, certainly as Executive Director mentioned, we do consider the funding in the ARA to be a down payment to modernize Federal cybersecurity and drive further progress. It is reasonable to anticipate that other Federal agencies will request similar investments to improve their own enterprise cybersecurity.

Now, certainly, we do hope that these sorts of investments will be built into baseline requests going forward, but we do recognize that this will be a long journey.

It will be a long path to get Federal cybersecurity to the point where it needs to be. Given the sophistication of the adversaries targeting our networks, I will look forward to working with your committee in a deeper transparent way to understand that funding path and the end state that we are trying to collectively reach.

Ms. ROYBAL-ALLARD. Okay. One of the major features of the Continuous Diagnostics and Mitigation Program has been to improve visibility into agency networks. Yet, we continue to rely on data calls with agencies to answer the most basic questions, such as which agencies are still using Microsoft Exchange servers? How do we address this problem if the current CDM suite of tools does not provide enough visibility? Do we need to change our strategy, and will any of the $650 million on its way to CISA be used, at least in part, to improve this visibility?

Mr. GOLDSTEIN. Thank you, ma'am. So you will recall from a prior question that CDM provides transparency at two levels: At the agency level, and at the level of CISA. Even where we issue a directive, or a data call today, agencies are still able to use their CDM tools and the transparency that they get at the agency level to respond to CISA.

We are working with individual agencies to improve the fidelity of information that CISA is able to derive. And, ma'am, to the second part of your question, investments through the ARA request

will additionally improve both the coverage of more advanced tools through the CDM program and an additional infrastructure to help CISA analyze CDM data and derive information that we can use to get better fidelity into cybersecurity risks across Federal civilian agencies.

Ms. ROYBAL-ALLARD. Thank you. Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, Madam Chair. And, gentlemen, thank you for a very insightful hearing. This has been extremely helpful to me, and I know to the other members of the subcommittee.

With the impending passage of the next COVID relief bill, $1 billion is carved out for cybersecurity, with $650 million of that going towards CISA to help advance cyber protections. Do you feel this will have a demonstrable impact, or are we just barely buying down the risk? Or put another way, how much of a funding deficit are we in with respect to cyber protections, and what percentage of that is addressed with the supplemental funding? Thank you.

Mr. GOLDSTEIN. This investment will absolutely make a demonstrable impact in Federal cybersecurity. At the same time, it is an incremental step. This will be a multiyear process, assuredly, across the 101 agencies in the Federal civilian executive branch, to ensure that we are able to provide the level of security that the American people expect.

Now, CISA, of course, plays a core role in this, not only in detecting and responding to incidents, but, also, in providing shared services that agencies can increasingly use to raise their baseline of cybersecurity. And, again, this will be a journey, both for CISA, and for the other 100 Federal civilian agencies to move to a model where we are more quickly detecting adversary events, and where we are moving to a more shared service, even centralized model where CISA is raising the baseline across the Federal civilian executive branch.

I look forward to the ongoing dialogue with this committee to understand that long-term funding profile over time.

Mr. FLEISCHMANN. Thank you for that answer. By the way, Mr. Goldstein, I am also a former Fighting Illini. I see you went to Urbana-Champaign. I am a lot older than you. I graduated in 1983. I just noticed that your credentials. So I thank you.

The SolarWinds attack exploited a supply chain vulnerability, but what else do you currently see as the biggest risk, or vulnerability, to cybersecurity? And as a follow-up, what are the specific tactics or resources that CISA needs to have at its disposal to best combat this particular risk?

Mr. GOLDSTEIN. Sure. So, I think the gravest risk that CISA sees from a national standpoint is the risk of an adversary compromising industrial control system that could cause life-safety impact. You know, it is—it is deeply damaging and concerning when an adversary steals data, or exposes the privacy of Americans or Federal agencies. That is, of course, a grave concern, but it is a different degree of concern when an adversary could compromise the control system that could actually cause loss of life for our fellow Americans.

The chairwoman mentioned in her opening statement the intrusion to a water facility in Oldsmar, Florida. I think that incident,

although not resulting in immediate harm, should be a clarion call for this country for the risk that can we face from cyber intrusions in these critical systems.

And CISA, in our role as the Nation's lead agency for cybersecurity, are deeply focused on working with the industrial control system security to ensure—community, pardon me, to ensure that we are both understanding vulnerabilities in that community. Where applicable, we are helping the ICS community identify sophisticated threats, including CISA's cyber century program, and we are working to incentivize, increasing the baseline of cybersecurity across industrial control systems' owners and operators so that we are seeing the use of modern technology to reasonably protect these critical systems.

Mr. FLEISCHMANN. Thank you very much. And again, Acting Director Wales and Director Goldstein, thank you for your testimony today. Madam Chair, thank you for holding this hearing. With that, I yield back.

Ms. ROYBAL-ALLARD. Mr. Rutherford. Oh, I am sorry. Mr. Ruppersberger.

Mr. RUPPERSBERGER. Two names like that.

Ms. ROYBAL-ALLARD. Okay.

Mr. RUPPERSBERGER. Okay. I just didn't have a chance to ask my question about the incident—how does the American Rescue Plan request supporting spanning the capability of what you need to do? Basically, bottom line, that is short-term. You said that all the way through. What, in more detail, if you can, where is the money, the $650 million? Where is that going to be used by you? What is your priority to take that money forward? Because I believe this, very strongly, that this is a serious issue of lack of funding and resources, and what you all do. And you can't do it all, and we are going to—it is going to get worse instead of better. We.

Have to accept the fact that cybersecurity is a major issue. And we, other than people who specialize and work in it, don't understand that. And there is no question. We have got to—we have got to deal with the issue of COVID. We still have to move forward.

So what are you going to do with the short-term money where you are probably going to go? And what ideas do you have as far as moving forward in this big massive issue you that you are going to try to work with, but you just don't have the resources?

Mr. GOLDSTEIN. Yes, sir. Thank you for that question. So there are four key areas that we will be able to make real progress in with the money requested in the ARA. The first is the deployment of detection sensors within Federal agencies to increase our visibility into cybersecurity threats with the agency environments, and figure out adversary activity much quicker to minimize these kind of prolonged compromises that we have recently seen. The second, sir, to your point, is expanding our capacity for incident response and threat hunting, including moving to that proactive hunting model that I mentioned previously.

The third is improving our capacity to conduct analysis of cybersecurity information coming into CISA to understand risk and threats across the executive branch. And then the fourth and the longest-term imperative, is progressing Federal agencies to a more defensive network architecture, for example, using these zero-trust

principals where we are assuming that the network is permeable and focusing on protecting assets and accounts therein. Now, that is a longer-term effort.

To your broader question, sir, none of these activities will be fully actualized by the money in the ARA. So we are going to need longer-term investment, both by CISA and by individual agencies across all four of these paths, as well as continuously reevaluating the risk and technology environment to make sure that our ongoing resources are commensurate with critical changes. As you noted, sir, it is a deep and complex space.

Mr. RUPPERSBERGER. Do you have a dollar amount there?

Mr. GOLDSTEIN. Sir, it is—it is highly [inaudible] To estimate the final dollar amount for just the reason that you know.

Mr. RUPPERSBERGER. And that amount will knock our socks off, there is no question.

Mr. GOLDSTEIN. Yes, sir.

Mr. RUPPERSBERGER. And the last thing, I still have a little time. I believe that we really have to look at cybersecurity as even maybe independent of this committee, and have a direct line to the President. This is so serious. Just like we did with the new space force. But the threat we have, and it is—what happened is indicative of what is going to happen in the future with Russia and China, and we have Iran, and we have had attacks with North Korea. And if we don't start taking this seriously, we are going to put all of our citizens in this country at severe risk. And so far, it has just been stealing information.

But if we have a destructive attack, which is starting to happen, and the threats, you know, of shutting us down, we are going to be in a bad position, as far as national security in our country, especially as it relates to the countries that are more involved in cybersecurity.

Mr. WALES. Sir, let me just add on that, and following up on Eric's point. We want to make sure that CISA and the entire whole of Nation is prepared for significant cyber incidents. In many respects, the fact that the SolarWinds campaign targeted Federal agencies, and larger, more well-capitalized private sector companies, you know, generally, was somewhat beneficial. If this had been a broad campaign targeting State and local governments, or small and medium-sized businesses, like the Microsoft Exchange vulnerabilities we are facing, the challenges of them being able to sufficiently have the resources, skills, and abilities to remediate these problems would be magnified.

So we need to look at additional ideas for how we provide support to State and local governments and small businesses as they look to recover from significant cyber incidents. There are ideas out there like those pushed by the Cyber Solarium Commission for cyber response and recovery fund. But we need additional approaches to make sure that whole of Nation can come together around significant cyber incidents and ensure we have the right capabilities in the right places to take the mitigative steps and build back networks even stronger.

Mr. RUPPERSBERGER. Excellent point. I yield back.

Ms. ROYBAL-ALLARD. Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Madam Chair. I have to tell you, Director, that was exactly where I wanted to go was this whole of Nation aspect that you were just speaking of. And to follow up on my colleague, Mr. Ruppersberger's point about—and your response concern being the industrial control systems, that is where I see something—the greatest potential for loss of life.

We have loss of security through some of the Federal systems. And one of the things that kind of—I understand your priority is going to be the Federal agency's. And that is why when you answered concerning the $650 million in RAR, American Rescue Act—ARA, I should say—when you answered, you focused on all the Federal responses in, like, detection systems, expanding the response capabilities, the analytics. So—and I understand that.

But I would really like to know, currently, what is the—the requests that are coming to CISA from State, local, and private industry, those industrial control systems that we spoke of, because that is where I see the greatest threat to loss of life. You know, dropping planes out of the sky, running trains into each other, poisoning water systems like we saw in Oldsmar. Those are the kind of things that, that equally concern—I don't want to say one is more important than the other, but they equally concern me.

And, and I wonder, you know, Dutch said it so well. I wonder how many people back home understand what he just said. That is what concerns me. And so, are they reaching out for that assistance?

Now, I can tell you, I just spoke with a Florida League of Cities yesterday, and this Oldsmar water plant was primary—well, not primary, but it was one of the major topics on their list to discuss. And we talked about community development block grants, and those sorts of things. That because they understand now that they need to tighten up these, these cyber systems. Can you tell me that we have as much focus on what Dutch just spoke about as we do the Federal side as well?

Mr. WALES. Yes, sir. Let me just answer a high level, and I will turn it over to Eric to give you some of the details. So CISA has a lot of authority and responsibility to protect the Federal civilian executive branch. And, so, SolarWinds has highlighted key gaps and vulnerabilities in our cybersecurity.gov, and we needed to take aggressive action to address that.

And that is why the ARA has dedicated funding to make sure that we enhance our capacity to deal with vulnerabilities in an area where we have substantial responsibilities and authorities. That being said, we have a broad mission in cybersecurity, and industrial control systems is among our highest priorities for our broad cybersecurity mission. We released our strategic plan for addressing ICS cybersecurity last year, a unified plan that we worked across the interagency with. And this is certainly a significant thrust of our effort. It is also a significant competency.

We have a lot of deep expertise in the industrial control system cybersecurity, which is a rare and precious talent that we have developed over time. But I want Eric to talk a little bit about some of the initiatives and ideas we have in this space.

Mr. RUTHERFORD. Okay. Mr. Wales, if you could tell me, does that plan have a name? You mentioned it.

Mr. WALES. Oh, it was called, like, the no—I think it was Industrial Control System Cybersecurity Unified Initiative, I believe, is the title of the plan.

Mr. RUTHERFORD. Okay. Thank you.

Mr. GOLDSTEIN. And I would just add, just to reiterate the core point, CISA is the most critical national cybersecurity risk. And it is unequivocally the case that risks through the control systems are paramount among our concerns. And, so, there are really two main thrusts there that I would offer. The first is how CISA can directly support the community of entities that own and operate control systems. And this is through service aids like vulnerability assessment, proactive guidance, incident response, or even, in some cases, the deployment of active-sensing technologies across control systems to understand adversary threats.

The second area, though, under one where we hope to work with your committee and others, is how the U.S. Government can help raise the baseline of cybersecurity across entities that own and operate control systems, recognizing that many control systems may be operated by municipalities, or public utilities, that may not be able to afford the best in class cybersecurity solutions that other private companies can.

Mr. GOLDSTEIN. And we also want to think creatively, working with Congress, on how we can collectively raise the bar for ICS cyber security across this country.

Mr. RUTHERFORD. So I look forward to working with you on those efforts. And thank you for all you all do. With that, Madam Chair, I see my time has run out. I yield back.

Ms. ROYBAL-ALLARD. Mr. Price.

Mr. PRICE. Thank you, Madam Chairman. Let me ask our guests to turn our focus to healthcare. In 2003, the Federal Government established the healthcare and public health sector as one of 16 critical infrastructure sectors in the U.S., recognizing that its security is essential to the economy, the national security public health and safety of the country.

As our healthcare systems become more digitized from electronic health records to connected medical devices, we have seen hacking and IT security incidents on the rise in healthcare as in other sectors. It is particularly worrisome during a pandemic, of course. Much of our healthcare—and healthcare information has been shifted online, including vaccine distribution management and other critical functions.

So healthcare organizations, like lots of others, are struggling to defend their networks from data breaches. And I wonder if you could give us some—give us an update on your assessment of this sector, and your efforts in this regard? Could you elaborate on some of the work that DHS, or for that matter, other partners are doing to secure the healthcare system? How are you keeping up with numerous emerging technologies in the medical sector? And then can you give us an estimate of the degree to which best practices and procedures are now known, publicized in place, or insurance plans, healthcare providers payers to review the best—to review how to best protect patient data? Are best practices—what degree is there, a consensus to what degree is a publicly available and easily accessible to these——

Mr. WALES. Sure. So I will start, and I will say without question, over the past year, since the early days of COVID, we very quickly recognized the importance of surging resources to the healthcare sector and related parts of the economy, because of the criticality and fragility of these infrastructures in the midst of a global pandemic. We actually brought together a team, used some of the hiring authority in one of the early COVID supplemental packages to bring on additional capacity, additional expertise in the healthcare industry, and sent them to work to improve the uptake on the cyber security service that we offer and to come at them and offer all the capability that CISA has to bring, whether it is in our cyber domain, physical security, supply chain security, and so on.

We have worked hard over the past year to increase the cyber security profile of this industry. We have seen, through our efforts, the speed at which this sector is patching vulnerabilities that we can see through external scans improve dramatically last year. And beginning—when Operation Warp Speed stood up, we began to work very closely with that organization to provide the cyber security services that we have to the companies involved in the manufacture and distribution of the vaccine supply chain.

That work continues today. We are still working. We are doing assessments. We are providing sensors on networks. We are providing overwatch of their IT space, working with the intelligence community. There is a lot of work designed to help provide an increased security posture around the healthcare sector. We think that this will pay long-term dividends beyond the pandemic in forming our relationship with the sector, their ability to utilize our resources, and their overall cyber security baseline. That being said, the healthcare industry is large, it is diverse. You have got small municipal hospitals that are not as well-capitalized, and we are trying to find additional resources that can be provided.

One good example, the organization that operates what we call the multistate ISAC that helps provide support to state and local governments. It operates on a cooperative grant from CISA. It operates on a cooperative grant from CISA. It operates a sensor network similar to our Einstein system for State and locals who sign up for it. But they made available for free to critical healthcare companies, usually for municipal authorities, to provide malicious domain-blocking service quickly to companies at risk, and because of their criticality as a part of the COVID response.

And so, we think there is a whole community effort to address this problem, but it is one that is going to take a lot of work over a lot of years, given its size, its complexity, and the amount of help they may require.

Mr. PRICE. What would you say about that whole community concept, the extent to which some of these smaller, and maybe less connected healthcare institutions, practitioners are fully aware of it? Can we at least say now that the wake-up call has occurred, there is a fuller awareness, a desire to adopt best practices, or do we still have some distance to go in that regard?

Mr. WALES. I would say that given the number of ransomware attacks that have hit hospitals, even in the midst of the pandemic, which is a deplorable—which is just deplorable on the case of these criminal organizations has been a wake-up call. That being said, if

you are a small hospital, and you are not as well-capitalized, you may not have the option, you may not have the resources to invest in the dedicated cybersecurity team and information security practices that are required for the threat that you may face.

And, so, we need to think creativity about how do we give them the tools and capabilities they require to provide the level of security that is needed when you are protecting America's health and safety.

Mr. PRICE. Thank you. Thank you, Madam Chair.

Ms. ROYBAL-ALLARD. Mr. Palazzo.

Mr. PALAZZO. Thank you, Madam Chair, and again, I just want to thank you for all the work that you do on this committee, as well as Ranking Member Fleischmann. This is the one committee that I enjoy attending and participating in. Well, and my other one, my [inaudible]. The two best committees out of the Appropriations Committee.

But again, I just wanted to thank Chairman Wales and Mr. Goldstein for being on today. There is so much to talk about. And I wanted to ask them, because I didn't and I should have, you know, I talked about what keeps up, you know, the Chairman of the Joint Chiefs of Staff and the Secretary of Defense, what—what causes you to have sleepless nights? Gentlemen, if you don't mind sharing, if you can share a scenario, or an example of a sleepless night because of a threat facing the homeland?

Mr. GOLDSTEIN. So I will just turn back to a line that we were just on which is the possibility of a cyber attack impacting a critical service or function that results in loss of life, or harm to the American people. This could be via control system, it could be a ransomware attack to a hospital that results in the unavailability of critical services, as we have seen in other countries. And, so, it is really this transition of cyber attacks moving from a focus on stealing or accessing data, which is deeply concerning, but towards a cyber attack impacting the provision of a critical service: water, electricity, healthcare, upon which people depend. It is that transition that is deeply concerning and presents an urgent and emerging national risk.

Mr. PALAZZO. So, basically, you described what happened in Texas and other cities in and around the Midwest because of weather last week. But what we are talking about instead of weather and natural disaster-type scenario that we have no control over at all. There is probably a bad actor out there that could hit a keyboard and make something like this happen, or could make something like this happen if we don't safeguard and firewall our critical infrastructure.

Mr. GOLDSTEIN. That is certainly the risk that we must act urgently to address, correct.

Mr. PALAZZO. And you kind of tie that in with not only the cyber intrusions, but the stuff that is happening in the space domain where, a lot of our, you know, let's say, economically, we compete, but there are also possibly our adversaries in space creating a bunch of ASAT technologies. And we know we are becoming even more dependent upon, you know, satellites for our day-in and day-out life, our financial systems, our phones, everything.

Do you work with those other agencies to—to, I mean, map out a plan? Because, you know, if you go to the bank and you have no bank in your account, money in your account and your phone doesn't work, I mean, we have seen—we have seen over time that, you know, your fear and paranoia, it could cause a lot of trouble here in America.

Are you—are you concerned about something like that happening? How—how are we—how are we, I guess, jointly working together, not having silos as we have had in the past in Federal agencies, but sharing communication that protect, you know, protect all of us?

Mr. GOLDSTEIN. Yes, sir. So, certainly, CISA works very closely with the Defense Department, private industry, other government partners on issues like space-based technologies, that as you note, are inherently reliant upon networking and the integrity of communication and present an increasingly fundamental dependency to all manner of critical infrastructure. And so, certainly, we are deeply attuned to these sort of technological trends that are either emerging, or have already been affected, how those technologies can be undermined by cyber intrusion, and, then, working with the companies that developing, manufacturing, and deploying these technologies, making sure that wherever possible, securities built in by design on the front end.

Mr. WALES. And, so, let me just add, we have been meeting with the newly-formed Space ISAC, so it is our conglomeration of companies involved in the space industry have formed information-sharing analysis center as a means to share critical information related to cyber security threats that could impact space systems or their related ground-based infrastructure. That is, as I say, a new focus area. The last administration kicked it off. They had a space cyber security effort. And we think that it is, it is critical that we continue to focus on these additional functions, that we recognize are both vulnerability, but absolutely essential to our way of life. And we have a lot of work, historical work in the GPS and PNT world that we will call upon as we embark upon additional activities to support the companies involved in the space-based industry.

Mr. PALAZZO. Thank you for that. I know my time is ticking down. Again, I just want to say I appreciate everything you are talking about. And I know instead just as we have been focused in space, instead of having one big satellite that could be taken out, we are trying to deaggregate our space footprint, so we have multiple satellites. I am assuming there are some conversations about that on how we do our electrical grids and things in the aftermath of our winter storm.

But I will just leave with this. One of my colleagues mentioned, like, you know, why aren't we taking this seriously? Obviously, this committee and the members on this committee are taking cyber very seriously. And I think a large number of the American people, if they weren't so distracted by the shenanigans and the games that, basically, their politicians are doing, you know, how can we expect them to take, you know, this seriously when they don't even take us seriously? And I think that starts with other members of Congress, you know, putting politics aside and focusing on the American people. And, again, we have unlimited wants and unlim-

ited resources. And this committee has a big responsibility. Thank you, gentlemen. And thank you, team, for the work that you do. Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. OK. Thank you. I just want to make a point with regards to the industrial systems. Now, CISA really does need to put together a very comprehensive strategy fund estimates and schedules to help the Nation address the ICS risk, because we really would like to move very quickly in addressing this issue. So I just want to make that, make that point.

And I just have one more question that I would like to ask. The reconciliation bill also includes funding to help address Federal agency IT modernization efforts through the General Services Administration's Technology Modernizing Fund, or TMF. As a member of the TMF board, CISA will play a role in overseeing the execution of those funds. Can you speak to the current state of the Federal Government IT infrastructure and how it impacts our cyber security capabilities?

Mr. GOLDSTEIN. Certainly. Modernization and security are inherently interlinked, but they—that must be intentional. And so CISA plays a key role on the Technology Modernization Fund to ensure that critical new investments to ensure that Federal IT is state of the art are conducted with security top of line. So even as the Federal enterprise modernizes technology to make sure that the Federal workforce and the American people have access to the technology that they expect for the critical services delivered by each of our Federal agencies, that those modernization efforts are conducted with security built in to some of the prior questions to ensure that years from now, we don't look back and realize that we invested in technology that didn't have the appropriate security control, or the appropriate logging on down the line, although to make sure that as we modernize, we modernize securely so we are building in defenses from the ground up.

Ms. ROYBAL-ALLARD. Thank you. I believe there are no more questions. So we are going to conclude this hearing. Acting Director Wales and Executive Assistant Director Goldstein, thank you so very much for your time and helping us to think through these very, very difficult challenges. And we certainly appreciate your agency's transparency in working with the subcommittee, and the interagency cooperation of the Cyber Unified Coordination Group. This has been a very, very informative hearing. I very much appreciate your being here. The Subcommittee on Homeland Security now stands adjourned.

TUESDAY, MARCH 16, 2021.

# THE ROLE OF FEMA AND EMERGENCY MANAGEMENT IN COVID–19 RESPONSE

## WITNESSES

**CURTIS BROWN, STATE COORDINATOR AND CO-FOUNDER, VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT AND INSTITUTE FOR DIVERSITY AND INCLUSION IN EMERGENCY MANAGEMENT**

**BOB FENTON, SENIOR OFFICIAL PERFORMING THE DUTIES OF FEMA ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY**

**MARK GHILARDUCCI, DIRECTOR, CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES**

**KEVIN MCGOWAN, DIRECTOR, LOS ANGELES COUNTY OFFICE OF EMERGENCY MANAGEMENT**

**PATRICK SHEEHAN, DIRECTOR, TENNESSEE EMERGENCY MANAGEMENT AGENCY**

Ms. ROYBAL-ALLARD. The Subcommittee on Homeland Security will come to order.

As this hearing is being conducted virtually, we must address a few housekeeping matters.

Members are responsible for muting and unmuting themselves. When you are recognized to speak, if I notice that you have not unmuted yourself, I will ask you if you would like the staff to unmute you. If you indicate approval by nodding, staff will unmute your microphone. To avoid inadvertent background noise, the chair or staff designated by the chair may mute participant microphones when they are not recognized to speak.

We will be using the 5-minute clock, but if there is a technology issue during a member's speaking time, we will move to the next member until the issue is resolved, and you will retain the balance of your time. You will notice a clock on your screen showing your remaining time. At 1 minute remaining, the clock will turn yellow. At 30 seconds remaining, I will gently tap the gavel to remind the member speaking that their time has almost expired. When your time has expired, the clock will turn red. I will begin to recognize the next member.

We will follow the speaking order set forth in the House rules, beginning with the chair and ranking member, followed by members present at the time the hearing is called to order in order of seniority, and we will alternate by party. Next, we will go to members who were not present when the hearing was called to order until every member present has had a first round.

Finally, House rules require me to remind you that we have set up an email address to which members can submit information in writing at any of our hearings or markups. That email address has been provided in advance to your staffs.

Now, with the business at hand, I welcome everyone to today's hearing, particularly our witnesses. One hearing will consist of two panels. The first panel will be with Bob Fenton, the Acting Administrator of the Federal Emergency Management Agency. Our second panel will be include representatives from State and local emergency management agencies, who I will introduce later.

Today's hearing can be summed up in the answer to one question: What must emergency managers do to effectively respond to an emergency and pandemic? Since about the middle of the last century, we have called upon emergency managers when our Nation faces a critical or complex humanitarian crisis—a natural disaster, power outages, pandemics, or the need for civil defense. These roles are codified in Federal law, policy, and doctrine, such as the national response framework.

A year ago at the beginning of the COVID–19 pandemic, my staff and I asked FEMA what response role it would play. The expectation was that FEMA and its partners, at all levels of government, would play a large and visible role. However, inconsistent with people's historical and statutory role, it was not given a role because the pandemic was seen by the previous administration as strictly a public health emergency, and not an event requiring emergency management. The last administration's stance eventually changed as it became clear that responding to public health crises required emergency management expertise.

The administration finally called on FEMA and its State, local, Tribal, and territorial partners, to help deploy hospital ships, get critical supplies into the United States, and to establish field hospitals and other operations for overwhelmed medical systems including setting up testing and vaccination sites around the country.

The intent of today's hearing is to look towards the future using the valuable lessons learned during the pandemic to help us to better be prepared for the next emergency or disaster. Today's witnesses represent emergency management personnel at the local, State, and Federal levels, who, for more than a year, have worked tirelessly under difficult conditions to defeat the pandemic.

We, the Members of Congress, and our constituents, are extremely grateful for your efforts. Please extend our most sincere gratitude to your colleagues across the country.

I now turn to the distinguished gentleman from Tennessee, Ranking Member Fleischmann, for his opening remarks.

Mr. FLEISCHMANN. Thank you, Madam Chair.

It is a pleasure to be back to work with you and the committee's business this morning. I would like to welcome our new members, Ms. Underwood and Mrs. Hinson, to our subcommittee. I look forward to working with you and the veterans of this subcommittee on some of the hardest issues we face in government.

Acting Administrator Fenton, welcome, and thank you for being here today. I am a huge fan of former Administrator Gaynor. We worked well together. I know you and the chairwoman have worked together a lot in California, and I, too, am looking forward to working with you.

This has been a year like no other. In fact, about 1 year ago today it was that the committee moved to a virtual work format from home due to the COVID pandemic. And, unfortunately, sir,

FEMA's job was just getting started as the floods, tornadoes, fires, and hurricanes came on top of COVID.

I offer my sincere gratitude to the people at FEMA, who have been on the job in some of the worst of times. We saw FEMA teams in my own State responding after deadly and record-setting tornadoes, helping the COVID response coordination, and being there to help pick up the pieces after a bombing in downtown Nashville. Thank you to everyone at FEMA for their amazing work and cooperation with our States.

To date, FEMA has obligated $63.8 billion from the Disaster Relief Fund in support of COVID efforts, in addition to hundreds of millions of dollars in grants to firefighters, emergency managers, and emergency food and shelter programs. I am hopeful that with successful vaccine programs, we will be able to turn the corner on this terrible pandemic.

I will keep my opening statement short this morning, as we have two panels, and I thank all of the witnesses in that regard. I thank you, and I look forward to your testimony.

Madam Chair, I yield back. Thank you.

Ms. ROYBAL-ALLARD. I thank you.

Mr. Fenton, welcome to the subcommittee. I know you from your day job as the administrator for FEMA Region 9, which includes my home State of California. Since January, however, you have been the senior official, performing the duties of the FEMA administrator. I look forward to hearing your perspective from your experiences in both roles. We will submit the full text of your official statement for the hearing record. Please begin your oral summary which I would ask you keep to 5 minutes.

Mr. FENTON. Thank you, and good morning, Chairwoman Roybal-Allard, Ranking Member Fleischmann, and members of the subcommittee. I appreciate the opportunity to be here today and discuss FEMA's role in response to the COVID–19 pandemic.

This is an unprecedented challenge that has claimed the lives of over 540,000 of our neighbors, friends, family members across the country, and has caused grave damage to the global economy and put a spotlight on inequities through our Nation.

I began my career in FEMA 25 years ago as a Reservist. From the first deployment in 1996 to my current role as the acting administrator, I have the honor of helping people across the country before, during, and after disasters. During my tenure, I have learned that FEMA and, therefore, the Nation, succeeds when our State partners are in the lead. Emergency management at its best is a coalition between Federal, State, local, Tribal, and territorial governments, the private sector and nonprofit sectors, faith-based organizations, and individual Americans.

At FEMA, we are committed to ensuring that everyone has access to a vaccination. This is our highest priority, and success is dependent upon the whole committee being unified to achieve this goal. Our current work can be grouped into three broad categories in support of the President's strategy to respond to COVID–19 and ensure everyone is vaccinated.

First, at the President's direction, FEMA is reimbursing 100 percent of the cost for Title 32 National Guard forces, as well as 100 percent of eligible emergency protective measures incurred by

State, local, Tribal, and territorial partners in response to COVID–19. This includes reimbursement for vaccination efforts, COVID–19 screening, and personal protective equipment.

Further, on February 2, the President directed FEMA to make reimbursements for expenses incurred retroactive to the beginning of the disaster. Taken together, these measures represent a substantial increase in assistance to our partners.

Second, FEMA is working to support State, local, Tribal, and territory-led Community Vaccination Centers, also known as CVCs, through the development and deployment of Federal personnel, the provision of equipment, supplies, and technical assistance in awarding expedited financial assistance.

Third, FEMA has teamed up with the Health and Human Services, the Department of Defense, and other agencies to establish State-led, federally-supported community vaccination centers. These pilot sites are stood up in partnership with State and local authorities to better reach underserved and historically marginalized communities. These federally supported CVC sites come with an additional vaccine allotment that is above and beyond the normal State allocation, and can administer up to 6,000 vaccines a day.

As of March 14, FEMA has obligated more than $4.42 billion for CVCs at 100 percent Federal cost share. That has also been 834 federally supported vaccination sites, including 18 pilot community vaccine centers with 29 mobile units attached to them. As of March 14, 107.1 million vaccine doses have been administered across the country, with nearly 90 million of those taking place since President Biden was inaugurated.

Furthermore, the administration is able to provide States and territories with a 3-week vaccine supply allocation. As of now, this week, the allocations up to 15.8 million doses, which is an 84 percent increase since the President took office.

In everything we are doing, we are striving to ensure equity. President Biden has made it a cornerstone of this administration's efforts. In FEMA, we established a civil rights advisory group that is incorporated into all these activities. Since its inception in January, the civil rights advisory group has supported the development and the methodology used to determine CVC site selections, and also, worked with the 10 FEMA regions to collect and analyze demographic data, identify underserved communities, and collaborate with community-based organizations.

FEMA is working with other Federal agencies and our partners to ensure that vaccinations can proceed quickly as increased supplies allow, so that everyone who wants a vaccine can get one.

Before I conclude, Madam Chairwoman, I would be remiss if I didn't acknowledge the Herculean efforts of my friends and colleagues from our mutual home of the State of California. As you know, two initial pilot community vaccination centers were set up in Oakland and Los Angeles last month, and currently vaccinated 6,000 Californians at each site each day. We have a long way to go, especially with reaching underserved communities, but our success to date is due the efforts of the men and women like Mark Ghilarducci, the Director of the Governor's Office of Emergency Services, and Kevin McGowan, the Director of the Los Angeles

County Office of Emergency Management and, most of all, the people whom they lead.

I know Mark and Kevin are appearing before your subcommittee later this morning, alongside several other State and local emergency management professionals. As I said in the beginning of my testimony, FEMA succeeds when the whole community succeeds. Professionals like Mark and Kevin make that possible.

In closing, we greatly appreciate the subcommittee's steadfast support for FEMA's efforts throughout the COVID pandemic, and for appropriating the resources our agency has needed to meet these historic mission requirements.

Thank you for this opportunity to testify. I look forward to answering your questions today.

[The information follows:]

STATEMENT

OF

ROBERT FENTON
SENIOR OFFICIAL PERFORMING THE DUTIES OF THE ADMINISTRATOR
FEDERAL EMERGENCY MANAGEMENT AGENCY
U.S. DEPARTMENT OF HOMELAND SECURITY

BEFORE
THE

COMMITTEE ON APPROPRIATIONS
HOMELAND SECURITY SUBCOMMITTEE
UNITED STATES HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

"The Role of FEMA and Emergency Management in COVID-19 Response."

Submitted
By
Federal Emergency Management Agency
500 C Street SW
Washington, D.C. 20472

March 16, 2021

Chair Roybal-Allard, Ranking Member Fleischmann, and Members of the Subcommittee, my name is Robert Fenton. Thank you for the opportunity to discuss FEMA's role in the response to the COVID-19 pandemic. This is an unprecedented challenge that has claimed the lives of over 500,000 of our friends, relatives, and neighbors across America, caused grave damage to the global economy, and put a spotlight on inequities throughout our nation.

At FEMA, we are committed to advancing access and equity in the vaccination program. This is our highest priority. To accomplish this goal, we are executing the President's National Strategy for the COVID-19 Response and Pandemic Preparedness with the help of our federal, state, local, tribal and territorial partners.

As of March 11, 2021, 101.1 million vaccine doses have been administered across the United States with nearly 83 million of those taking place since President Biden was inaugurated. Furthermore, under the President's leadership, the Administration began providing states and territories with a new dashboard depicting allocation projections with a three-week forecast. As of March 9, this weekly allocation stands at 15.85 million doses which is a 70% increase since the President took office.

Today, I'd like to discuss what we are doing, what we plan to do in the months ahead, and what challenges lay ahead. Our current work can be grouped into three broad categories.

First, at the President's direction, FEMA is reimbursing 100 percent of the cost share for Title 32 National Guard forces, as well as 100 percent of eligible emergency protective expenses incurred by states, local, tribal, and territorial (SLTT) partners in response to the COVID-19 pandemic, through September 30, 2021. This includes reimbursement for vaccination efforts, COVID-19 screening, and personal protective equipment (PPE). The President's memorandum of January 21, 2021 also expands the eligibility of entities that would qualify, including schools, child-care facilities, healthcare facilities, non-congregate shelters, domestic violence shelters, and transit systems impacted by COVID-19. FEMA is coordinating with federal partners to finalize the specific eligibility criteria. Further, on February 2, the President directed FEMA to make reimbursements for expenses incurred retroactive to the beginning of the disaster. Taken together, these measures represent a substantial increase in assistance to our SLTT partners, and we look forward to working with this Subcommittee to ensure that this effort will be adequately funded.

Second, FEMA is working to support SLTT-led Community Vaccination Centers (CVCs) through the deployment of federal clinical and non-clinical personnel; the provision of equipment, supplies, and technical assistance; and the awarding of expedited financial assistance to states, tribes, and territories. We are also procuring Mobile Vaccination Units (MVUs),

which, when paired with staff and supplies, can each support administration of 250 or more vaccines per day.

Third, FEMA has teamed up with the Department of Defense and other agencies to establish CVC pilot sites. These pilot sites are stood up in partnership with state and local authorities who are working side by side with faith based and community organizations to better reach underserved and historically marginalized communities which have a high risk of COVID-19 exposure and infection. The sites are selected based on analysis of the Centers for Disease Control and Prevention's (CDC) Social Vulnerability Index and other Census data as well as input from our partners. These federally supported CVC pilot sites come with an additional vaccine allocation that is above and beyond the normal state allocation and can administer up to 6,000 vaccines a day. Initial pilot sites are operating in California, New York, Texas, Florida, Pennsylvania and Illinois.

As of March 12, FEMA has obligated more than $4.28 billion for COVID-19 vaccination efforts, and supported 731 federally supported vaccination sites, including 100 mobile units, since January 20, 2021. FEMA has now deployed 1,842 staff across the nation to support vaccination missions. Secretary Mayorkas has activated the Department of Homeland Security's Surge Capacity Force for vaccination support operations, drawing on federal employees from other federal agencies to augment FEMA's workforce. This is a whole-of-government effort.

In everything we are doing, across the three lines I've just described, we are striving to ensure equity. President Biden has made equity a cornerstone of his Administration's COVID-19 efforts, and at FEMA, we established a Civil Rights Advisory Group (CRAG) within the National Response Coordination Center to ensure that equity is incorporated into all activities. The CRAG is led by FEMA's Office of Equal Rights and includes personnel from the Department of Health and Human Services, the CDC, and the Department of Justice's Civil Rights Division, among others.

Since its inception on January 29, the CRAG has supported the development of the methodology used to determine federally led CVC pilot site selections, and has worked on the ground in all ten FEMA regions to collect and analyze demographic data, identify underserved communities, and collaborate with community-based organizations. We have also incorporated Regional Disability Integration Specialists into the CRAG to ensure that the needs of people with disabilities are integrated in all facets of vaccine center operations. I would further note that DHS and its Federal government partners fully support equal access to the COVID-19 vaccines and vaccine distribution sites regardless of immigration status.

While FEMA remains focused on supporting vaccination distribution efforts and the COVID-19 response, the agency also maintains its mission readiness and ongoing support for multiple

emergency and disaster declarations. The most recent examples are the severe winter storms that caused widespread damage in Oklahoma, Louisiana, and particularly Texas. FEMA actively coordinated with impacted state, local, and tribal governments to address unmet needs and support state partners in the distribution of critical resources such as generators, fuel, blankets, water, and meals. Following Texas's major disaster declaration and approval for Individual Assistance, FEMA is ensuring financial assistance to eligible individuals and households in Texas who have uninsured or underinsured expenses for serious disaster-related damages.

Operating in overlapping disaster environments creates additional challenges within already complex mission requirements. For example, in the case of these recent storms, more than 3,000 vaccination centers were located in areas that experienced power outages, and FEMA worked with our state partners to ensure they were able to reopen every facility as quickly as was safe to do so. FEMA's response was complicated by the imperative of ensuring that both those affected by these winter storms and agency personnel were protected from COVID-19.

As we look ahead to the spring and early summer, FEMA has a particular interest in ensuring that vaccines reach as many people as possible before we enter hurricane and wildfire seasons. Climate change is making natural disasters more frequent, more intense, and more destructive, and we must be prepared for another challenging series of disaster events this summer and fall. Last year, FEMA faced a record-setting number of hurricanes and major wildfires. While the agency responded successfully to each of these natural disasters, COVID-19 makes any response and recovery effort more difficult. Widespread vaccination is essential to improving our posture to respond to natural disasters.

We have reason to be hopeful in the months ahead. We expect that vaccine supplies will continue to increase substantially in the months to come. FEMA is working with other federal agencies and our SLTT partners to ensure that vaccinations can proceed as quickly as those increased supplies allow, so that every member of the public who wants a vaccine will have access to one. We are also working to amplify messaging from the Ad Council, which is coordinating with federal partners to encourage vaccination for individuals who may be hesitant to get vaccinated.

As we take stock of the work that lays ahead of us, we know that FEMA will need additional resources from Congress. We greatly appreciate this Subcommittee's steadfast support for FEMA's efforts throughout this COVID-19 pandemic and for providing the resources our agency has needed to meet these historic mission requirements. I would like to thank Congress for recently appropriating $50 billion to FEMA's Disaster Relief Fund within the American Rescue Plan Act of 2021 to cover the costs associated with major disaster declarations, including the ongoing battle against COVID-19.

Thank you for this opportunity to testify. I look forward to answering your questions.

Mr. ROYBAL-ALLARD. Thank you.

Before I begin questions, I would like to turn to the chairwoman of the full Appropriations Committee, Rosa DeLauro.

The CHAIR. Thank you very much, Madam Chair.

I will be brief. I know we want to get on to questions, and there is also a second panel. So, I want to say a thank you to you and Ranking Member Fleischmann for holding what is a very important hearing. Thanks to all of our witnesses for testifying.

Since the Federal Emergency Management Agency's formation in 1979, the hardworking and dedicated FEMA staff have helped our Nation prepare for, respond to, and recover from disasters and emergencies of all kinds. They have answered the call to serve, working under the most difficult circumstances, and facing daunting logistical challenges, to provide assistance and support those who are most in need.

When our Nation descended into the worst public health crisis in generations, the men and women of FEMA came rushing to the rescue. They have provided much-needed medical supplies, personal protective equipment, and COVID–19 tests to our communities. They have set up field hospitals, testing and vaccination sites, and put their own health and safety in jeopardy to help those in crisis.

Responding to this pandemic has not been easy for anyone. It would have been so much more difficult without the assistance and the support of FEMA. Now, the agency is facing new and increasing challenges on multiple fronts, such as the growing potential crisis at the United States-Mexican border, where COVID–19 social distancing practices have increased the need for more beds, as the chairwoman of the committee knows. That is why it is more important than ever that we work to ensure the agency is properly equipped with the funding and the resources that it needs.

I am grateful that the American Rescue Plan provides $50 billion for the Disaster Relief Fund, as well as $510 million for FEMA's Emergency Food and Shelter Program, another $200 million for staffing for adequate fire and emergency response grants, as well as $100 million for assistance to firefighter grants, and another $100 million for Emergency Management Performance Grants.

Now that the money is getting out the door, we need to take a look at the—a long-term look at the crisis that FEMA will face in the future, understand how the agency can become more proactive to future challenges.

Under the previous administration, FEMA had considerable difficulty responding in a timely and effective manner to the rising COVID–19 pandemic. That is why I and others wrote to Administrator Gaynor and others on several occasions to voice our concerns about the state of the Strategic National Stockpile, and the need to increase the number of ventilators, N95 masks, surgical masks, and other medical supplies.

Unfortunately, the response I received can only be described as inadequate, which is why I thank Chairwoman Roybal-Allard, Ranking Member Fleischmann, again, for holding this crucial hearing, and why I am hopeful that under the Biden-Harris administration, we can move forward, incorporate the lessons we have learned

from the pandemic, and comprehensively prepare for the future with the consultation with FEMA.

With that, Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Thank you.

Mr. Fenton, through legislation and advocacy, many of my colleagues and I pushed the last administration to increase the Federal cost share for FEMA public assistance for COVID and to broaden the scope of what was eligible for reimbursement. We were pleased when President Biden announced he would administratively make those changes.

Can you explain how FEMA has implemented these changes with a particular focus on the expansion of reimbursement eligibility?

Mr. FENTON. Yeah, so we have done two things so far. One, we have gone back. Everything that happened prior to January 20, the President made 100 percent so we could assist those with funding. Then going forward, we are now working with States and local governments to draft a policy that incorporates the expansion of our public assistance program to include assistance to help with school reopening, to help with transportation, to help with increased testing, and other areas. So what we will do is work with them. We are about to publish the expanded policy. In addition to that, the new legislation also allows us to increase funeral benefits to additional people through the next year.

So we are working on both of those, and, hopefully, the policy will be out with that. Right now, we focus on going to 100 percent on the previous disaster, and working with State and local governments to identify those costs and adjust our system to calculate those new costs.

Mr. ROYBAL-ALLARD. In H.R. 1319, the American Rescue Plan, provides $50 billion for the Disaster Relief Fund. Would that infusion of supplemental funding, do you think the DRF is sufficiently resourced through the end of the fiscal year?

Mr. FENTON. Well, we have what we need right now to operate. We have provided $4 billion out already to vaccine centers. As schools start to reopen, we will get a better idea of the cost to reopen schools to include providing protective equipment supplies, and to provide testing, but also, when we work with transportation, public transportation organizations, mass transit, on how we assist them. So we have enough to operate now. We project those costs to be sufficient through the end of the year, but we will communicate based on needs throughout the United States if that changes.

Mr. ROYBAL-ALLARD. After the last administration refused to provide funeral assistance to families who suffered a loss due to COVID, Congress connected legislation in December, mandating FEMA to provide assistance at 100 percent Federal cost share for pandemic deaths occurring before the end of last year. The American Rescue Plan continues this assistance into 2021.

Could you please explain what specific assistance FEMA intends to provide? How it will be provided? And if the assistance is not yet reaching families, when can you expect it to begin?

Mr. FENTON. Thank you for that question.

Right now, our focus is empathy when we talk about individuals that have lost loved ones. We want to make sure that we do it in an empathetic way. While we have done funeral assistance in disasters, we have never done anything at this scale or scope.

So, the first thing we have got to do is bring in additional resources to be able to meet the needs. The second thing we have done is done a lot of listening sessions with different organizations, funeral associations, and others and then reach out to many different organizations to talk about culturally unique needs for funerals, and to make sure that the policy we develop for this and how we assist it covers to the greatest need of those that have lost loved ones.

FEMA is on track to implement and start the funeral assistance program in early April. We are currently focused on training our call center staff and finalizing our policy. We will do this through a 1–800 number versus doing it on an online registration. We think that, again, with empathy being the priority, we want to be able to case manage and have that human-to-human interaction as we do this, and make sure that we do it in a way that supports everyone's needs. So early April is when we look to start the program.

Mr. ROYBAL-ALLARD. Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, again, Madam Chair, and Director Fenton.

I also want to welcome the full committee chair, Ms. DeLauro. Thank you for joining us today. I know you have got 12 subcommittees. It means a lot that you are on with us today. Thank you.

I mentioned in my opening statement the incredible challenges this year has been for FEMA employees. Not only did we have the natural disasters that battered our States, but FEMA had to roll out operations to support COVID declarations in every State, plus territories and Tribes. On top of that, the personal stressors of the school-age children learning from home, or families struggling with job losses or illnesses, have challenged almost everyone.

My question to you, sir, is: How is the morale at FEMA? How is your workforce holding up, sir?

Mr. FENTON. I appreciate the question, Congressman.

I get the opportunity to lead the greatest group of civil servants I know with the great mission to be able to help people before, during, and after disasters. We have over 20,000 employees, about 20,000 employees at FEMA that have a wealth of disaster experience, and, as you said, can be called upon at a moment's notice to deploy and help in disasters.

Right now, about 75 percent of those that we send to disasters, there is roughly just under 14,000 are deployed right now to events across the country in response to COVID, the disasters from the Texas freeze that has happened, plus helping with the unaccompanied children issue and supporting HHS.

We are doing well. I think our employees enjoy the work, quite frankly. I just got a Federal Employee Viewpoint Survey that shows a dramatic improvement with regard to morale, one of the highest increases in the last 10 years. I think when our employees are helping Americans, they are most satisfied. They get to do what they came to FEMA to do, and they enjoy doing that mission.

Mr. FLEISCHMANN. Yes, sir. A couple of other questions. I will ask both of them, because I want to make sure you have time to answer. Have you been able to avoid major COVID outbreaks, despite the constant in-person work requirements? And then to follow this up, are you worried or concerned about an increase in employee attrition as we go into the next cycle of storms and weather that could impact FEMA's response capabilities, sir?

Mr. FENTON. Yeah, so we take safety of our employees very seriously. We have taken a number of precautionary measures to do that. Like most of America, we have done a lot of stuff remote, using Zoom and Teams and other chat functions to do that. But as you said, part of our business requires us to be in person.

So we have done that in a way that we have made sure that people have the right protective equipment, that we do social distancing, that we do testing, to limit the impact to our workforce, and have been pretty successful in doing that. In addition to that, we have started to vaccinate our workforce, especially those that are out at the Community Vaccine Centers, assisting Americans through those sites.

With regard to concerns about attrition, since 2017, we brought on 3,000 employees at FEMA. My experience is in these big events, whether it be Katrinas, the 9/11s, the Sandys, the Marias, it is a great opportunity to bring on local hires. We are hiring those right now at those community vaccine centers in the hundreds. So as we do that, that will be an opportunity for them to join our organization full-time. We usually see a big uptake after these big events of people that join FEMA because of being part of this mission.

Mr. FLEISCHMANN. Thank you, sir.

In the interest of time, Madam Chair, I will yield back. Thank you.

Ms. ROYBAL-ALLARD. Ms. DeLauro.

The CHAIR. Thank you very much.

And thank you, Administrator. These questions come from Connecticut, and I will ask them quickly so that you can respond. You discussed the 100 percent cost share. Now some—by the time President Biden took office, we were 10 months into the pandemic. My understanding is that some of the States had already used their Treasury coronavirus relief funds to cover the non-Federal share of FEMA assistance. How will this work? Will these States be reimbursed? That is a question.

Let me also ask you: In the prior administration, FEMA issued the guidance that limited disinfection to facilities where eligible emergency workers performed PPE to emergency protective activities. Can you tell us what the new policy will be for PPE, and when States and communities will see new written guidance?

And just lastly, oftentimes, it is hard to understand the roadmap seeking help from FEMA that States and communities have to navigate what assistance is eligible, if you can talk very briefly about the right sequence of asking for that assistance. And can FEMA take on the task or direct us to the agency that will?

Mr. FENTON. I appreciate the question, Congresswoman Rosa DeLauro.

As far as—let me start with, first, the CARES Act. So they will be able to—States that went ahead and used their CARES Act

funding for the 25 cost share, will be able to repurpose that funding and use it for something else. In fact, Treasury has extended the deadline to the end of 2021 to December 31, 2021, to allow them to repurpose and use that funding, since now they won't have to use it for the cost share.

As far as written guidance and the public assistance program, we are in the process of working with many different organizations to incorporate the President's direction going forward, and increasing the public assistance program to help with the vaccination, to help with opening schools, to help with transportation systems, and in other areas. I suspect that those policies will be released very soon. In fact, one is going out today with regard to medical care facilities. So, we will be putting those out hopefully this month as we finish those sessions and incorporate comments from our stakeholders.

With regard to the roadmap we are asking for, you know, not only assistance through FEMA, but other Federal agencies, there is a couple of things that we are doing. One is we are making sure that—and we have had more new applicants than any disaster ever for our public assistance program, applicants that we normally don't service in disasters, especially for the medical community.

So what we are doing is, we have brought in a bunch of assistance from other Federal agencies in the private sector to help us expedite the processing. And we are working within our regions, to States and locals, to bring in long-term recovery functions and other Federal authorities that are available, to make sure that States understand the resources that are available to them, and that we partner together from a funding perspective and a roadmap perspective, to fund what we can underneath our authority for the emergency protective measure, so that we integrate that with other funding, like the Department of Education and HHS and CDC, to link those together so that they have a roadmap of what we will cover versus what is available through other Federal agencies.

The CHAIR. And you will be sending out guidelines with regard to that effort?

Mr. FENTON. Yes, we will. For example, in Region 9, where I am from, we actually keep a document that is available on the internet to our State and local governments where we put in those new funding resources and keep a compendium of what those all are, so that States can go in there and look for them. Then we try to, specifically if it is allocated by State, let them know what the balance is within those States as they are available.

The CHAIR. Now when you say repurpose, help me for a second. Are we going to reimburse the costs that the States incurred in those 10 months that the 25 percent match was still—so that is going to be reimbursed. I just want to be clear.

Mr. FENTON. Yes, ma'am.

The CHAIR. Because, you know, my State of Connecticut is going to be asking. I am sure California is and other States as well, and, again, just to be clear. So it is a much broader range of disinfection, if you will, and protective services beyond only where emergency work is being performed.

Mr. FENTON. So going back, it is the policy that was in place going back now at 100 percent. So, we will pay all 100 percent of

the costs going back. Going forward, the President's direction going forward, it allows for a more expansive public assistance program.

The CHAIR. Fabulous. Thank you.

Thank you, Madam Chair. I yield back.

Ms. ROYBAL-ALLARD. Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Madam Chair.

Mr. Fenton, first, let me say as a 12-year sheriff and a 41-year law enforcement officer, I really appreciate all the work that FEMA has done for our State and local law enforcement and others in our response. I am from north Florida, Jacksonville, and, you know, I represent three coastal counties, and I can tell you that you are a Godsend for us. So pass that on to your folks. I really appreciate all you-all do, and look forward to continue to work with you, as your mission continues to grow, obviously.

So one of the questions that I have, Mr. Fenton, is we have now got, I think, five different packages, about $700 billion in discretionary money that has been, since the first, you know, coronavirus preparedness response supplemental, CARES Act, first came out. We wrote a letter recently to Mr. Fairweather, the Acting Director at OMB, that would be asking: Where are the—you know, how have these dollars been expended, that $700 billion? Can you tell us a little bit about how much of that money has been expended and how much is left?

Mr. FENTON. Yeah, I can speak to FEMA's funding that we received so far. I can't speak to other Federal agencies.

Mr. RUTHERFORD. Sure.

Mr. FENTON. But with regard to our funding, the majority of it has been provided to State and local governments through a number of programs, either our public assistance program, or funding directly, Federal resources, like military or HHS that sends doctors to hospitals or funding masks, protective equipment. So we provided a significant amount of funding to do those kind of activities.

Including that, we funded the program to help individuals with regard to lost wages, and provide a significant amount of money on lost wages.

Right now, prior to the supplemental that we received with $50 billion, we had about $10 billion left from the funding that has been provided to FEMA for disaster relief fund to date.

Mr. RUTHERFORD. I am sorry. There is about $10 billion left now?

Mr. FENTON. We have about $10 billion dollars now prior to the $50 billion we received from the current authority.

I project that, you know, as we go forward, that we will use funding for the funeral program, both going backwards, you know, for those who have passed away and those who unfortunately will pass away going forwards. We will provide funding for more PPE and testing to open our schools. We will provide funding for vaccinated Americans, the $4 billion we have already provided, plus there will be more as we continue to vaccinate, especially as we expand that capability.

So I anticipate, between those and opening transportation corridors and getting America and the economy going back, we will heavily use our funding. Plus, as we all know, as we get to the summer, we will be into hurricane and fire season. We will have the normal activity that we will have to fund in addition to those.

Mr. RUTHERFORD. Let me ask you this, Mr. Fenton: We may need to help you out with this, but I think one of the things that we need to look at is the processing time for these claims by State and local governments take so long that they accumulate huge amounts of interest. So, we are giving them millions of dollars, and then they are having to pay millions of dollars in interest. I think we ought to include that interest as part of their cost. If we are going to continue to drag this out in response to paying these bills, the State and local government shouldn't be held over the barrel for this interest. What do you think about that?

Mr. FENTON. Well, we talked about what we have had to do at FEMA. We have tried to reimburse people as quick as possible. This is a unique event where we haven't had to do this type of work, especially with medical costs, and new applicants, especially the number of nonprofits that have entered eligibility through our public assistance program. So this is unique.

What I would say is, for example, in the community vaccination center program, which we put out $4.4 billion, that is less than 45 days. One of the things we are doing is expediting that funding at 50 percent of the cost up front on projected costs, and then as those come in, finalizing that.

So, I think there is a little bit of work to do on both sides as far as having ready bills, but also things we are doing to project the cost in front and give half of that up front to graphic some of those immediate requirements, so that we can work together and reimburse the final cost at the back end.

Mr. RUTHERFORD. Thank you, Mr. Fenton. I believe my time has expired.

Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Ms. Underwood.

Ms. UNDERWOOD. Well, thank you, Madam Chair, and thank you for calling today's hearing on the ongoing pandemic response.

During the first year of this pandemic, we all witnessed a colossal failure of leadership with fatal consequences. But in the past few months we finally rounded a corner. With the passage of the American Rescue Plan, help is on the way. And after a year of grim milestones, including half a million dead, we finally have some new milestones worth celebrating, including over 100 million vaccine doses administered in the United States. These developments are promising, but we are not out of the woods yet. One of the most important and logistically challenging steps on our path to normalcy is vaccination. We have a long road ahead before we reach herd immunity. I would like to ask a few questions about FEMA's role in helping us get there.

Mr. Fenton, can you explain how FEMA plans to use funding from the American Rescue Plan to accelerate COVID vaccine rollout, and gets shots in arms?

Mr. FENTON. Yeah, so we are doing a number of things to help with that. While CDC and the operation are funding the vaccine supply, what we are doing is funding State and local governments' capability to administer a vaccine. So the $4.4 billion we have already provided out in the last 50 days is part of that. The second thing we are doing is we are sending Federal personnel out there to help State and local governments, so actually, people to admin-

ister vaccines. To date, we have deployed roughly about 6,000 people out to help in that mission, whether it is the Department of Defense, HHS, FEMA, the Forest Service, you name the Federal agency; we have them lined up to help us in that mission, including DHS as a large is helping us out.

Then, lastly, what we are doing is setting up specific sites to provide large amounts of vaccine in large population areas where there is high social vulnerabilities to help to ensure equity, and those most at risk are vaccinated.

Ms. UNDERWOOD. Thank you.

I am hearing from my constituents every day that there is just not enough vaccine available in our community. I am interested in seeing this change as quickly as possible. So I am glad this administration has taken an all-hands-on-deck approach. One component of FEMA's vaccine rollout support is the operation of mass vaccination sites like the one at the United Center in Chicago.

Mr. Fenton, what factors does FEMA consider, and what stakeholders are consulted when selecting a site for mass vaccination centers like this one?

Mr. FENTON. Well, we work very closely with CDC to look at their Social Vulnerability Index score that looks at each county. What we are looking at is a large population area. If you take, for example, Illinois and Chicago specifically, the number of—we are looking at the number of people within the Chicago area, the social vulnerabilities there, but also recognizing that Black and Brown people are being impacted by COVID three times as much, hospitalized two times as much death, and to ensure that we are working with faith-based organizations, community-based organizations, and the State and local governments, to target those areas and those individuals to ensure that we vaccinate them first.

If you kind of look at Illinois's area, about 40 percent of the people that have been COVID positive and been hospitalized are from the Chicago area. About 45 percent that have died are from the Chicago area. So, therefore, we are focused in on that area, and trying to build relationships to the community to ensure that if there is any vaccine hesitancy, we get them vaccinated.

Ms. UNDERWOOD. As I'm sure you are aware, there was a lot of confusion surrounding the opening of the United Center vaccination site last week. The site was originally supposed to open for all Illinois residents, and then it was later restricted to Chicago residents only. State, county, and local officials in Illinois reported that this decision was made based on updated guidance from FEMA. Can you briefly explain to the committee what guidance you originally provided on eligibility for sites, and what changed in your updated guidance?

Mr. FENTON. Yeah, so in all 18 sites that we have open right now across the country, each one of them are focused only on that county. The State gets an allocation for the whole State, and we are focused just on the vulnerable populations within each county.

What had happened in Illinois is the State started going ahead and accepting registrations for the whole State. The first 40,000 opened, and 87 percent of them were White, Caucasians. It was not the focus and the intention of why we set up that site. The site was set up for socially vulnerable populations within the Chicago area

to help those that have been most at risk. So what we did is we stopped taking registrations for that system and we got everyone together and said, you know, let's focus on the most socially vulnerable, the most at-risk populations, and let's come up with a way to go ahead and do that.

The intent of that site has always been—and all 18 sites we set up specifically for that—are for those vulnerable populations, those people most at risk.

Ms. UNDERWOOD. Listen, I am a nurse. I cofounded the Black Maternal Health Caucus. I am very concerned about deadly disparities. Obviously, I am focused on doing a work with an emphasis with equity. However, we need to be clear about who is eligible for vaccine appointments at the outset, and the availability of those appointments, and we shouldn't have people facing unnecessary confusion as they try to get their families vaccinated.

I certainly hope that we can work together to make sure that folks in my district, which is suburban and rural, and elsewhere have access to lifesaving vaccines, including from FEMA-supported sites.

Thank you, Madam Chair.

And I yield back.

Ms. ROYBAL-ALLARD. Mrs. Hinson.

Mrs. HINSON. Thank you, Madam Chair. Can you hear me okay?

Ms. ROYBAL-ALLARD. Thank you.

Mrs. HINSON. Thank you, Mr. Fenton, for coming before us today to answer our questions and hear from us. In your testimony, you aptly discuss, of course, FEMA's roles in supporting our heroes, the National Guard, expanding vaccine access. And these are, no doubt, some very important parts of the work that you are doing. However, I am incredibly disappointed that Iowa has yet again been forgotten in all of this. There is no mention of the 2020 derecho that wiped out much of my district. Your testimony specifically States, "operating in overlapping disaster environments creates additional challenges with an already complex mission requirement."

So, in my mind, surely the massive weather event that devastated Iowa in the middle of a pandemic deserves your attention as well. The same farmers who were keeping our country fed and fueled, keeping our domestic supply chains operational during the height of the COVID–19 pandemic were severely harmed by the derecho. It was like a one-two punch for my district. Yet my constituents have nothing but difficulty in getting FEMA's assistance.

In particular, when they, for example, asked for extensions for relief applications, they have been denied, denied a simple extension by a bureaucrat in the middle of their lives being literally ripped apart. So it is incredibly insulting to the people in my district. It is insulting to Iowans that you would come before us today and claim that the agency responded successfully to each of these natural disasters. You don't mention the derecho. This is after my team informed yours that I would be questioning you on that subject today.

So for scale, NOAA's, NOAA's official report which, Madam Chairman, I would like to enter into the record.

Ms. ROYBAL-ALLARD. So be it.

Mrs. HINSON. NOAA's report states that approximately an estimated 90 percent of structures in Cedar Rapids sustained some sort of damage from the storm, and more than 1,000 homes were destroyed. So it is in that report. And Iowans found themselves quarantined during this public health crisis with houses without power. They had holes in their roofs, no access to medicine or local pharmacies. It was terrible and it is still terrible, and Iowans need support during this pandemic. They need it doubly so in the wake of the derecho. My district still needs serious assistance and, again, this is all on top of the strife brought by the pandemic, job losses, isolation, extreme mental health stress and our kids included in that.

So now, many families are having to deal with deciding whether or not they are going to put food on their family tables, removing hazardous trees, or repairing their roofs. So at this point, I see that to be completely unacceptable for my district.

My first question to you, Mr. Fenton: Will you commit to me today to stop forgetting Iowans and prioritize this relief for my constituents back in Iowa?

Mr. FENTON. Thank you for that question, Congresswoman Hinson.

Yeah, I think my testimony was focused at the time that I had been Acting Administrator of FEMA, which was then a short period. But I am glad to get with you and your team and look into that event, and look at what else assistance we can provide that we haven't provided. I know that we provided about $47 million in individual assistance and public assistance so far there, plus significant more money from the COVID disaster that we funded. But I am glad to work with you and see what areas, what gaps may exist.

Mrs. HINSON. I am glad to hear you are getting on board with prioritizing relief for Iowans. The other thing I would ask you here today is: Will you help commit to granting much-needed extensions for Iowa's local governments on derecho relief applications? As I mentioned, this is a one-two punch, and we really need to make sure that they have the time necessary, compounded by the pandemic in the middle of a natural disaster. So will you commit to granting extensions for our local governments?

Mr. FENTON. Yeah, I am committed to work with you and all States that need assistance to disasters. We want to help everyone equitably. So, I would need to see what the issues are. I don't know specifically what grant application extensions you are talking about. I am glad right after this to work with you on those.

Mrs. HINSON. All right. Our office will be following up, and thank you, again, for coming before us and the work that you are doing.

I do want to note, as well, that many of the FEMA workers on the ground have done an incredible job. You know, we talked a little bit about morale earlier, and they have done an incredible job on the ground. I think the frustration comes from when our constituents are looking to Washington for answers and they are not getting them from here. So I would ask you to commit to that. Thank you so much for your time, Mr. Fenton.

Madam Chair, I yield back.

Mr. ROYBAL-ALLARD. Mr. Price.

Mr. PRICE. Thank you, Madam Chair. I want to commend you and the committee leadership for hitting the ground running this session with some outstanding hearings, including this one. We do, I think, benefit from this kind of look across the whole DHS landscape. So thank you for the making this opportunity available.

And thank you, Mr. Fenton, for appearing, for the work are you are doing, picking up in a tough situation, carrying the work of FEMA forward. I speak as a Representative from a State that knows FEMA all too well for many, many years past with disaster after disaster. We do, of course, value the agency. We also want to see the agency perform at full strength. So this is a new challenge, and you have done a good job today lining out some of the ways you are dealing with it.

A lot of news about the vaccination centers and the big push to get max vaccinations done, and to ensure equity and outreach with underserved populations in that process. I appreciate that perspective.

Like other Members, I have reached out to people in my State who are responsible for vaccinations and other healthcare functions, and finding some confusion and some uncertainty about what is going to change. I want to invite you to say whatever you want to say briefly for the record today about that, particularly with respect to hospitals. We, of course, will welcome more explicit guidance as to what these providers can expect. I also want to ask you about the use of the FEMA Corps and what use you might make of the national service expansion, the AmeriCorps expansion that is in the pandemic relief bill.

So those are my two subjects, if you could respond. The hospitals, of course, wonder what kind of reimbursement they are going to be subject to, vaccination efforts, other efforts, what is going to change for them. What is the reimbursement policy going to be going forward? Again, if you would just briefly signal that.

But then, with the FEMA Corps and national service, you have these vaccination centers. You have lots of public outreach to do. You are going to need all hands on deck and then some.

So I wonder what use the FEMA Corps might be and implementing this? This is a fairly recent innovation to have a branch of AmeriCorps devoted to disaster relief and recovery activities. And then we have, in this bill, potential expansion of AmeriCorps, and we are exploring what kind of pandemic-related functions these new volunteers might perform. I wonder if there is anything along those lines you have been thinking about?

Mr. FENTON. Yeah, I appreciate the question, Congressman.

Let me start with reimbursement to hospitals. So for cost related to assisting those with COVID, whether it is expanding capacity or protective equipment that are uninsured costs, they could go ahead and submit those to FEMA for reimbursement if it is a eligible nonprofit hospital. Hospitals fall into a number of areas. So it would be eligible nonprofits. It would also be public hospitals that fall into those eligibility criteria. You will be able to submit those costs to FEMA for reimbursement.

We will continue to expand and clarify our policy to help hospitals. We just provided an update today for hospitals to assist them with that.

We have also brought in a number of individuals to help us with the insurance part as medical insurance is very complex, and what we want to make sure is that we fund things that are not already covered by medical insurance. So we are working very closely and brought in a big team to help us get through those issues.

Then with regard to FEMA Corps, AmeriCorps, I was actually one of the individuals, when I worked in D.C. from 2009 to 2015, to help start FEMA Corps and it has been not only a great effort to bring 18- to 24-year-olds into, start them in emergency management, but their ideas, their thoughts are invaluable. So they have also gone not only from FEMA Corps, but a large amount of them have actually gone into FEMA. So it helps to feed also into our organization to create new employees for the future of FEMA that have service as part of their core values.

So we will continue to grow FEMA Corps. We leverage AmeriCorps already through agreements we have with them during disasters. Right now, we are using them at the vaccine centers to help register people, to help some of the logistics issues in line. But we use them all over the place from people to do logistics, to do IT, to do GIS mapping. So, we have brought them in, in a number of various ways to our organization to not only get them to help but to help them with skills for the future as they go on in life.

Mr. PRICE. Thank you very much.

Mr. ROYBAL-ALLARD. Mr. Palazzo.

Then we will move on to Mr. Ruppersberger.

Mr. RUPPERSBERGER. Madam Chairman, first, thank you.

And Mr. Fenton, I do want to acknowledge your mission and your presence today. FEMA is a unique operation that our country needs on a regular basis. We can't control a lot of issues, the storms that we face. The most important thing is to have good people and have people that are prepared. There will be times when we are frustrated because of events that have occurred, and all the more reason why it is so important that Federal, State, and local work together.

Now, President Biden has set the goal of about 100 million doses of the COVID–19 vaccination in the first 100 days of his administration. This is a tall task, and I am glad to see FEMA is now taking an expanded role. You are going to make a difference.

Now, Mr. Fenton, we are pleased, were pleased when the President quickly reversed some policies of the previous administration including expanding the scope of what is eligible for reimbursement for the COVID disaster declarations. Now related to that, I have a question from a county in my home State of Maryland. The question is: Is the cost of contact tracing by State or local governments eligible under FEMA's policy? And if not, is there another Federal agency who provides funds for the cost of contact tracing?

Mr. FENTON. Let me go ahead and look at our—we are expanding our policy right now, and I don't want to, you know, give you an answer that is incorrect. So let me take that for return and make sure I get that to you.

Mr. RUPPERSBERGER. Yeah.

Mr. FENTON. I would be happy to get back with an answer.

Mr. RUPPERSBERGER. If you could do that sometime maybe today, I would appreciate it. That way we can stay on top of it. There is a lot of issues going on. Okay.

Secondly, we need to make sure vaccines are distributed equitably. We are facing some issues in Baltimore City. I applaud FEMA taking an active role in the disaster response in establishing pilot Community Vaccination Centers. Now how does FEMA determine where to stand these up?

Mr. FENTON. Yeah, we have—well, first let me just say that we have already funded, provided resources, equipment, or personnel to over 700 sites across the United States. Then when we talk about specifically the CVC sites, we have used population and literally walked down the population numbers from the largest population State and have set up 18 sites, and will continue to do that, working down population.

As I said earlier, we are using the Socially Vulnerable Index score for counties to drive where to focus those sites at. So we are looking for a high population area of about 1 million people for a type 1 site, with a high social vulnerability index score of .7 or greater.

Mr. RUPPERSBERGER. Then who determines where mobile vaccination centers are placed?

Mr. FENTON. We do that in coordination with the State and local government, and working with faith-based organizations and community-based organizations, so that we focus in on equity. And one of the things that we have seen is, by using mobile sites, people that have vaccine hesitancy are more willing to go to those sites than maybe the larger sites.

Mr. RUPPERSBERGER. We are appropriators for Homeland Security. We have a lot of different missions. You have a lot of missions helping people, and we really need your help. We need to work together, as I said before, as a team. What would you like our committee to focus on as it relates to your mission in helping our citizens?

Mr. FENTON. Well, you provide us the resources that we need.

But I think that just being in this business for 25 years, we continue to see the risks and our mission grow as you have alluded to. And, so, focus on programs that reduce risk, whether that is through our flood insurance program or through building resiliency, whether it is our mitigation program or our new BRIC program that focuses on hardening, making more resilient infrastructure is, really, I think, as we go forward in the future, is looking at that risk and how to lessen that risk and build smarter and build more resilient and go back and harden infrastructure that needs to be hardened.

Mr. RUPPERSBERGER. You know, our President has stated a goal of where he wants to be with our country. It is a type of goal we need to move forward to save people's lives and bring our country out of this terrible pandemic that we are in right now. Now with that new strategy, it is putting a lot more pressure on you and your team. So it is important in order to make your goal and the President's goal that if it looks like you need more resources, you have got to let us know.

I yield back.

Mr. FENTON. I appreciate it. We are well-resourced, and that is my priority right now is vaccinating everyone American.

Mr. RUPPERSBERGER. I yield back.

Mr. FENTON. I appreciate it.

We are well resourced, and that is my priority right now is vaccinating every American.

Mr. RUPPERSBERGER. Yield back.

Ms. ROYBAL-ALLARD. I believe we have a little bit more time for a second round.

Mr. Fenton, in addition to the funding for disaster relief, the American Rescue Plan provides $510 million for the emergency food and shelter program, including $110 for humanitarian assistance to individuals and families released from DHS custody, $100 million for assistance to firefighter grants, $200 million for safer grants, and $100 million for Emergency Management Performance Grants.

Can you tell us when FEMA expects those funds to be obligated and dispersed to grant recipients?

Mr. FENTON. Yes. Right now we are working through the process. As far as the emergency food and shelter programs, we have $4 million that is left over that is not part of this appropriation that the NOFO is going out today. As far as the remaining $400 million, plus $110 million specifically for the border, they are building the NOFOs for that in the next 30 days. Those will go out, and then the money will be provided in probably the next 60 to 90 days.

As far as the other programs, we are looking at either leveraging the existing notice of funding opportunity that is out there and using that to incorporate the additional funding or looking at whether we need to do something specific, and we will work through each one of those to make that quick decision.

Ms. ROYBAL-ALLARD. One final question.

What lessons have you learned during this pandemic that will be useful in future disasters?

Mr. FENTON. Well, I think we have learned a lot more about other Federal agencies' authorities and resources during this event, and we have also learned a lot about the missions need to be enduring, and we have learned a lot from technology and data from this event. The data we have been able to leverage in this event to make decisions and better make decisions has been invaluable.

I give you one of the examples that we have learned from this event that has already improved what we do. Just like everyone else, we have been leveraging now Zoom and other mobile platforms to work remotely. We actually used those in Texas following the storm to do remote inspections of people's houses.

So what took us 25 days before to get the first funds out, we were able to do in 5 days following the freeze down there by using a lot of remote platforms.

So I think technology and other Federal agencies' capabilities that we don't traditionally work with and their resources, we have learned a lot from that and will be able to help Americans in future pandemics and also in future disasters from that.

Ms. ROYBAL-ALLARD. Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, Madam Chair, Mr. Fenton, and to all of our members. This has been a very insightful and helpful hearing, so I appreciate round two.

I read with interest in your testimony, sir, the information about mobile vaccination units. I think that is a great way to reach populations who are unable to get to a stationary vaccine site. I can't help but think about some DHS frontline employees who are still struggling to get vaccinated through their own State programs. I am thinking of TSA officers, Border Patrol agents, Customs officers, for example.

I know DHS is trying to work with the Department of Veteran Affairs to get these public-facing employees vaccinated; but I am wondering, is there a way that FEMA could help. Are you in a position, sir, to work with frontline DHS employees to help get them vaccinated in a timelier manner?

Thank you.

Mr. FENTON. Yes. Thank you for the question.

And we are working with DHS. I sent one of my teams up to DHS to help them with vaccinating the whole DHS workforce, so they are working with the Department, and right now I am doing that.

Another thing that I did is we have opened up these 18 CVC sites. What we do is the first day, before we open live, we bring through the Federal workforce and first responders, and so what I am doing is vaccinating parts of the Department. So I have vaccinated—for example, when I opened up the one in California, I vaccinated some people from TSA and other Federal personnel, plus the personnel working there at that site.

So I am looking at opportunities to expedite vaccinating those DHS employees. I have also written a letter that gives prioritization to all of the FEMA employees to be able to use that to get vaccinated within the correct level within their States. So there is a number of mechanisms, including work with the VA, that we are doing.

Mr. FLEISCHMANN. Thank you, sir.

As part of the community vaccination centers are being established in States, there is a requirement to distribute them in jurisdictions with high Social Vulnerability Index scores, SVI scores.

Did the Federal Government apply SVI in determining vaccine allocations to the States or was a simple per capita allocation used?

Mr. FENTON. Yeah. The CDC, I believe, is using a simple per capita allocation in the State vaccination—vaccinations that will be provided to States. So that is the 15—over 15 million doses per week that is being provided. Plus, there are another couple million doses that are going to pharmacies across the United States, 10,000 pharmacies.

In addition to that, we are vaccinating direct to skilled nursing facilities and elderly care facilities. And then the only place that I am aware of that we use the Social Vulnerability Index score is the 18 sites that we have set up to focus specifically on the equity issue.

Mr. FLEISCHMANN. Would it be more cost effective, sir, and efficient to support the State vaccination efforts by providing an in-

crease in dose allocations and personnel to support their existing vaccination operations?

Mr. FENTON. I am sorry. Could you say that one more time, sir?

Mr. FLEISCHMANN. Yes, sir. Would it be more cost effective and efficient to support State vaccination efforts by providing an increase in dose allocations and personnel support to their existing vaccination operations?

Mr. FENTON. So I think what they are doing now is maximizing—general product and the operation of the CDC are maximizing the vaccine as it becomes available using the Defense Production Act and everything else to make it available and providing that out to States and basically what they have available. And we have been able to give them a 3-week claim factor that will go no less than that number, and so that gives them confidence to be able to set up sites and to quickly vaccinate.

I think as we go forward, continuing to use States' capability, whether it be doctors, pharmacies, State vaccine centers, will allow a sufficient throughput as vaccine increases, and it will only increase as we go into April and May.

Mr. FLEISCHMANN. Thank you, sir.

Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Mr. Ruppersberger.

Mr. RUPPERSBERGER. Yeah. What was the question?

Yeah. Hello? Can you hear me now?

Mr. RUPPERSBERGER. I can hear you, sir.

Okay. Did you ask me a question? I didn't hear.

Mr. FENTON. No. You are going to ask me the questions, sir. I will stand by.

Mr. RUPPERSBERGER. Okay. Well, first thing, are we having another round? I might save the question for another round.

Mr. FENTON. Yes, you are in another round right now, sir.

Mr. RUPPERSBERGER. The second round now, okay.

Getting shots in arms and crushing the virus requires a tremendous amount of coordination with countless stakeholders and ultimately county and municipal governments are where the rubber meets the road.

Do you agree with that?

Mr. FENTON. Yes, sir, totally agree.

Mr. RUPPERSBERGER. Okay. Now, my question for the entire panel, are what challenges are State emergency management agencies facing when communicating with local governments? Are there recommendations that we could relay to local officials in our districts regarding how to improve synergy, from your perspective?

Mr. FENTON. Yes. I would just say that I don't believe that, you know, there is any issues with communication or coordination. We have now staff that work in every State emergency management office across the country from each regional office, so there is dedicated staff that are there 24/7 every day of the week, whether there is a disaster or not, working with them. We interact with our States and local governments through planning and operations in a bunch of different ways and continue to do that.

I think this is a dynamic and a complex event, and this has changed over time, and we need to be agile and we need to stay in front of this event and be able to leverage State and local gov-

ernment, as you said, to the fullest extent possible, to get shots in the arms.

They are most connected to the populations they serve, and we need to be able to support them in that.

Mr. RUPPERSBERGER. Okay. Thank you.

Yield back.

Mr. FENTON. Hey, sir, one last thing. I did get an answer. HHS can fund the contact tracing. FEMA funds cannot be used for contact tracing because it is in HHS's authority.

Mr. RUPPERSBERGER. So any recommendations where to go?

Mr. FENTON. Yes. I am going to go ahead and give you that to your team, specifically what part of HHS can fund that out. I will send that to your team.

Mr. RUPPERSBERGER. Okay. Thank you for that.

I Yield back.

Mr. FENTON. Yes.

Ms. ROYBAL-ALLARD. Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Madam Chair.

Mr. Fenton, in Florida, the second most populous State in the country now, we have made some pretty great progress in our vaccine distribution under the great leadership of Governor Ron DeSantis. And so far, in fact, over 4 million Floridians have received at least one dose, including 60 percent of our seniors over the age of 65, and that is significant, as you know, in the mortality rates.

In northeast Florida, we have a FEMA-supported vaccine site at Gateway Mall. This site is to vaccinate residents who are 60 years up, long-term care facility staff and residents, the medically vulnerable, those you mentioned earlier, the medically vulnerable, those you mentioned earlier, as well as teachers and first responders.

You mentioned in your statement that these sites have the capacity for 6,000 vaccines a day above and beyond the State allocation. Is that correct? Did I hear that right?

Mr. FENTON. Yes, sir. What we did is when we went around and looked at each State and the population of the county, we adjusted the site to meet the need of those who are socially vulnerable. And in Florida, rather than do two type 1, which is 6,000 a day, they elected for four type 2 and did Tampa, Jackson, Miami-Dade, and Tampa.

So they each do 3,000 a day, plus they did mobiles from there, so like a spoke-and-hub concept, and I think each one has two mobiles that are going out to community based organizations and targeting specific populations at risk.

Mr. RUTHERFORD. Okay. So can you tell me, for the site at Gateway Mall, what is their target?

Mr. FENTON. Their target is 3,000 per day. That is the one in—is that the one in Hillsborough? Is that what that——

Mr. RUTHERFORD. Jacksonville.

Mr. FENTON. Jacksonville. So I will have to look and see if that is one of ours or not. I am looking at my list of the four that I have, and it is Orange, Miami-Dade, Hillsborough, and Duval are the four counties——

Mr. RUTHERFORD. That is Duval.

Mr. FENTON. Yes. So the requirement is supposed to be 3,000 a day, and they also have a number of mobile sites go in there. It looks like yesterday they did—I don't have the numbers from yesterday, but it is supposed to be 3,000 a day. They did a thousand at the mobile sites yesterday, I know that.

Mr. RUTHERFORD. Okay. What is the average distribution bid on that 3,000 a day?

Mr. FENTON. The average distribution?

Mr. RUTHERFORD. Yes. They are allocated 3,000. How many are they actually getting into arms every day?

Mr. FENTON. Yes, I will get you the specific numbers. I do—it looks like Duval is a little bit less than the other couple in the State of Florida, so it is a little less; but I will get the numbers and get them over to your staff.

Mr. RUTHERFORD. Yes, I am a little concerned about how we get that information out to who is eligible.

But let me jump real quick to the border because we have a humanitarian mess at the border, which is why FEMA is being sent down there. And this administration has got to step up and start addressing this, and I guess they are by sending FEMA. Last month alone we had over a hundred thousand people try to cross the border and 9,500 of those were unaccompanied minors.

So my question, what is being done to test immigrants or migrants to isolate those with COVID–19? I know this has got to be a massive challenge for you guys.

Mr. FENTON. Yes. So in all four States that are along the border and, for that matter, anywhere in the United States, anyone that is at risk can be tested by local or State government and FEMA will reimburse those costs a hundred percent.

In some cases we have sent teams down there from HHS to assist with testing. I know that California has a very good plan. I know that we are working with Arizona, and they have a pretty good plan. Texas has actually sent testing kits that we have given down to the border, 40,000 of them. So there is testing happening. What we are seeing is less than 6 percent positive right now coming across the border——

Mr. RUTHERFORD. That was what I wanted to know. So it is 6 percent, less than 6 percent. I appreciate that.

And I have to tell you, I think the Stay in Mexico policy needs to be reinstituted so that we can do this in a humane and positive way to help these folks.

And with that, Madam Chair, I yield back. I see my time is up.

Ms. ROYBAL-ALLARD. Ms. Underwood.

Mrs. Hinson.

Mrs. HINSON. Thank you, Madam Chair, and thank you again, Mr. Fenton.

So I just wanted to go back to something actually that Congresswoman Underwood mentioned earlier about the vaccine distribution site in Chicago, we heard about that, and some challenges facing some of the big sites even. But, ultimately, when it comes to a State like Iowa, big sites aren't really accessible to millions of Americans living in rural communities.

And so I guess my question would be, specifically, what is FEMA doing to ensure that rural Americans, like my constituents in Iowa,

are given that same level of access and support by FEMA as folks in big cities?

Mr. FENTON. Yes, and I appreciate that question.

And so across the country, in places like Iowa and other rural areas, we are providing support to over 700 sites since January 20. The $4.42 billion we provided to State and local governments to help create capacity and support where there is contracts, mutual aid, they are all forces to vaccinate is what we have done.

But I think it is bigger than just the vaccine supply going to the State. It is using the pharmacies. It is using also other capabilities through going direct to skilled nursing facilities and long-term care facilities to vaccinate those most at risk. So we are doing that everywhere across the United States.

In 18 locations, we targeted these large population cities because we have seen such high COVID among different groups and wanted to focus on those with these 18 sites. We will continue to expand that; but I am providing people, personnel, equipment, and supplies to all States, including Iowa.

Mrs. HINSON. Okay. So could you give some specific examples? You mentioned, obviously, pharmacies and getting out to that level. How are you really targeting down to that local level? Is it community leader based? Is it the local public health entities, local emergency management? How are you getting that granular, so to speak, on the local level with rural populations?

Mr. FENTON. Yes, communications. There is a national strategy, a national communications that is going out, especially with regard to vaccine hesitancy right now, to urge individuals to get vaccinated; but we are supporting State and local plans. They know their communities best. They know the best way to reach them, to interact with them. Where to vaccinate them, and we are really following that in providing them the right resources. And there is a bunch of different Federal agencies doing that.

So if it is a rural area and it is a small area, it may be using a mobile capability to go there and maybe set up a 1-day site. We have mobile capability, VA has mobile capability, and there are other Federal agencies that have mobile capability.

So lending that capability with people that can vaccinate your State may be one solution. They may have mobile capability that we are funding.

And so everything is on the table. This is our biggest priority. When they tell us what their plan is, what their strategy is, we are supporting that with either people, funding, equipment, or supplies.

Mrs. HINSON. So for a mobile aspect, for example, so for a State like Iowa, you get an additional vaccine allotment for the mobile distribution or would it be included in the State vaccine distribution?

Mr. FENTON. It is in the State vaccine distribution, so there is no additional for the mobile. The only additional vaccine we provided was the pilot 18 sites that have been turned on so far; but there is no additional vaccine. But the pharmacy is additional vaccine, so the vaccine going directly to pharmacies, the over 2 million to 10,000 pharmacies across the United States is an addition. And then there may be—there is vaccine going to VA. So if there is a

VA location in your State that is vaccinating veterans, that is an addition too, and then there may be other Federal agencies vaccinating Federal employees within your State. And so that would be in addition to the State allocation.

Mrs. HINSON. Thank you, Mr. Fenton.

And Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. It is now time for our next panel. Administrator Fenton, thank you again for your time, and please stay in touch with us and our staff about how we can be helpful in your efforts to respond to COVID and other emergencies and disasters. And, again, please extend our most sincere gratitude to your colleagues across the country.

We will now recess to prepare for our next panel, and we will return shortly.

Mr. FENTON. I just wanted to thank everyone for the opportunity today, and we will definitely work with your offices as we go forward in the future, so thank you.

Ms. ROYBAL-ALLARD. Thank you.

[Recess.]

Ms. ROYBAL-ALLARD. We will now go to the second hearing panel, which includes Mark Ghilarducci, the director of the California Governor's Office of Emergency Services; Curtis Brown, the State coordinator for the Virginia Department of Emergency Management and also the cofounder of the Institute for Diversity and Inclusion in Emergency Management; Patrick Sheehan, the director of Tennessee Emergency Management Agency; and Kevin McGowan, the director of the Los Angeles County Office of Emergency Management.

Gentlemen, we will submit the full text of your official statements for the hearing record, and I would ask you each to keep your oral testimony to 5 minutes.

Director Ghilarducci, let's begin with you.

Mr. GHILARDUCCI. Chairwoman Roybal-Allard, Ranking Member Fleischmann, and distinguished members of the House Appropriations Subcommittee on Homeland Security, thank you for inviting me to testify on the role of FEMA and emergency management in the COVID–19 response. My testimony will focus on California's response operations, emergency management efforts, and strategies to combat the pandemic.

The State of California arguably faces the most complex and severe disaster conditions in the nation and these challenges and complexities grow in magnitude each year. In the past decade, California has experienced every conceivable type of natural and manmade disaster including drought, earthquake, flood, catastrophic wildfire, mudslides, dam failure, cyber security attacks, oil spills, natural gas leak, civil unrest, terrorism, and tsunami. However, the COVID–19 pandemic has put our emergency management system to the test.

COVID–19 has severely impacted California. As of March 11, the State had a cumulative total of over 3.5 million cases and over 54,800 COVID-related deaths. Essential workers risked their lives to keep our vital systems working while the majority of the population were confined to their homes. Government and businesses in California fundamentally changed the way they had to operate.

This change extended to emergency management. The cascading impacts of this virus forced us to pivot to reevaluate standards, operating procedures, and to address shortages, and lifesaving commodities and resources, and to implement plans to respond to later surges, all the while managing concurrent disasters that we were facing.

Since the beginning of the pandemic, Cal OES has led the State's response and coordination with our Health and Human Services agency, our Department of Public Health, many other State agencies and local governments and departments, and our great partners at FEMA. This collaboration ensured for the State's response efforts to remain centralized and unified through the State Operation Center.

By applying our well-established emergency response framework and adapting it to fit the pandemic, California effected tremendous progress in flattening the curve and limiting the spread of the virus. However, we faced unprecedented challenges while also enduring multiple multifaceted, multi-incident all hazard disaster response operations amid the pandemic.

Additionally, COVID–19 further worsened the equity gaps and disproportionately affected individuals. These extraordinary challenges and new disasters led to unparalleled strategies focused on achieving the equitable distribution of information, resources, commodities, and vaccine administration.

While facing these challenges, California worked in close partnership with FEMA to develop and implement a multitude of innovative public assistance programs in the area of PPE, emergency feeding, emergency housing, alternate care sites, and medical/surg capability, testing, mega vaccination sites, and mobile vaccination clinics.

In fact, California was the first in the Nation to develop and implement specific programs, in partnership with FEMA, to assist impacted populations, such as the Great Plates Delivered program, which provides prepared meals through participating restaurants for adults 65 and older and adults 60 to 64 who are at high risk and unable to prepare meals or access food resources while staying at home.

In addition, this program also supported local restaurants, other food providers, agriculture workers, and food service providers who have closed or who are struggling to remain open during COVID–19.

Project Room Key, which provides safe isolation capacity for tens of thousands of Californians experiencing homelessness; Housing for the Harvest, which provides temporary emergency noncongregate shelters for agriculture and field workers and have played an essential role enduring the continuity of our food supply.

Project Hope, which provides isolation and quarantine housing for recently released inmates on parole and probation; and Hotel for Healthcare Workers, which kept California healthcare workers and other public personnel safe and healthy by providing free or discounted hotel rooms for those working to care for COVID patients, reducing the risk of them bringing the virus home to their families.

And, lastly, Hospital Training Academy serving the community, which used FEMA dollars in conjunction with UNITE Here Local 11 in L.A. County and L.A. City to provide meals prepared in industrial kitchens to homebound seniors and others affected in the pandemic.

Lastly—or most recently, as of February 16, in partnership with FEMA, California stood up two first in the Nation pilot mass vaccination sites, part of President Biden's hundred sites across the Nation. Focusing on underserved, high COVID risk populations, these two sites were established in Oakland and East Los Angeles. In addition to these two fixed sites and with the focus on equity, each site working with community-based organizations, faith-based organizations, and community leaders, also deployed three mobile vaccination clinics to penetrate into and better serve the community. To date over 350,000 vaccinations have been delivered through these two mega sites with a metric representing over 60 percent people of color or underserved.

As the State of this pandemic continues to evolve, so do our efforts, in partnership with FEMA and under the leadership of Bob Fenton both here as the regional administrator and now as the acting FEMA administrator, which has been just an incredible amount of leadership and partnership, to help mitigate its effects to ensure that all Californians have the resources needed to fight this pandemic.

Thank you for the opportunity to testify before you today, and thank you for your commitment to ensure a strong appearance and response to this pandemic. We will look forward to answering any of your questions.

[The statement of Mr. Ghilarducci follows:]

GAVIN NEWSOM
GOVERNOR

MARK S. GHILARDUCCI
DIRECTOR

**Mark Ghilarducci**
**Director, California Governor's Office of Emergency Services**
**Governor's Homeland Security Advisor**

**STATEMENT FOR THE RECORD**

**Before the United States House of Representatives**
**Committee on Appropriations**
**Subcommittee on Homeland Security**

***Testifying on the Role of FEMA and Emergency Management in COVID-19 Response***

**Tuesday, Mach 16, 2021**

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COVID-19 has severely impacted California. As of March 11, 2021, the State had a cumulative total of over 3.5 million cases and over 54,800 COVID-related deaths. Before the pandemic, California had record low unemployment. After the first few months of the pandemic, the State faced a 16.4% unemployment rate. As essential workers risked their lives to keep our vital systems working, while other Californians were confined to their homes, government and businesses fundamentally changed the way they operate. This change extended to emergency management. The impacts of the virus forced the State to reevaluate standard operating procedure and implement plans to respond to later surges, and even concurrent disasters.

By applying our emergency response framework and adapting it to fit the pandemic, California affected tremendous progress in flattening the curve and limiting the spread of the virus. However, we faced unprecedented challenges while also enduring multi-incident response operations: civil unrest, wildfires, public safety power shutoffs, and other emergencies amid the pandemic. Additionally, COVID-19 further worsened equity gaps and disproportionately affected individuals. These extraordinary challenges and disasters led to unparalleled strategies focused on the equitable distribution of information, resources, and vaccine administration.

While facing these challenges, California took the opportunity to work in partnership with FEMA to develop and implement a multitude of public assistance programs in the areas of emergency feeding, emergency housing, alternate care sites and medical surge capability, testing, mega vaccination sites, and mobile vaccination sites. In fact, California was the first in the nation to develop and

implement specific programs in partnership with FEMA to assist impacted populations such as:

- *Great Plates Delivered*, which provides prepared meals through participating restaurants for adults 65 and older and adults 60-64 who are at high-risk unable to prepare meals or access food resources while staying at home. In addition, this program also supports local restaurants, agricultural workers, and other food service providers who struggle to remain open due to COVID-19.
- *Project Roomkey*, which provides safe isolation capacity for tens of thousands of Californian's experiencing homelessness.
- *Project Hope*, which has provided isolation and quarantine housing for over 800 recently released inmates on parole and probation.
- *Hotels for Healthcare Workers*, which keeps California's healthcare workers safe and healthy by reducing the spread of the COVID-19 virus through free or discounted hotel rooms to healthcare workers who give critical care to COVID-19 patients so they do not bring home the virus to their household.
- *Housing for the Harvest*, which provides temporary, emergency non-congregate shelter for agricultural and field workers have played an essential role in ensuring the continuity of the food supply.
- *Hospital Training Academy – Serving the Community*, which used FEMA dollars in conjunction with UNITE HERE Local 11 and LA County and City to provide meals prepared in industrial kitchens to homebound seniors and others affected by the pandemic.
- *OptumServe*, which partnered with the State and local government to open up to 11 vaccination sites to serve some of the hardest-hit or most at-risk communities in the Central Valley.

As this pandemic continues to evolve, so do our efforts and partnerships with FEMA to mitigate its effects and ensure that all Californians have the resources needed to fight it. Thank you for the opportunity to testify, and thank you for your commitment to ensuring strong preparedness and response to this pandemic.

**Cal OES' Role in Pandemic Emergency Management**

As the State's emergency management and homeland security agency, Cal OES has the unique role of coordinating capabilities across all levels of government and the private sector and deploying resources when local and regional capability is overwhelmed. Since the pandemic began in early 2020, Cal OES has led the State's response to COVID-19 in partnership with the California Health and Human Services Agency, California Department of Public Health (CDPH), and many agencies and departments. This ensures the State's efforts are centralized and unified through the State Operations Center. California established specialized task forces to expedite and align State, Local, and Federal efforts around Medical Surge, Enforcement, Corrections, Housing and Social Services, Emergency Feeding, Logistics and Commodity Movement, Schools, Critical Infrastructure and Transportation, Vaccine Administration, and geographic-based efforts such as those focused on Imperial, Central Valley, and Southern California.

In addition to operational coordination, State partners also aligned to provide unified and comprehensive public information and education, including establishing a COVID-19 website and dashboards with data sets to keep the public, government, and industries informed and equipped with current information and decision-making tools.

Cal OES is also responsible for coordinating the financial assistance for COVID and other disasters via FEMA. To date, Cal OES has facilitated over $2 billion in COVID-19 FEMA emergency aid to communities throughout California.

In the midst of the pandemic, California also managed response to and recovery from an historic fire season. In just a 24-hour period last August, 12,000 lightning strikes sparked 560 wildfires, requiring extensive response efforts. These fires burned over 4 million acres, destroyed over 10,000 structures, and resulted in 27 counties under federal major disaster declaration.

During the early winter months, as cased surged in California and across the country, these same systems were in place to ensure we are anticipating and responsive to emerging needs as the pandemic continued to evolve. From the peak in early January 2021, we went from reporting 53,000 COVID cases per day to 2,600. The positivity rate went down from 14 percent to just 2.1 percent on March 9, 2021. Hospitalizations are down more than 80 percent since the peak in the early winter months. Intensive care unit admissions are also down 77 percent.

The latest major focus is vaccine administration, which has been a result of careful planning and collaboration with our public health colleagues. The Vaccine Task Force led by CDPH and Cal OES has been charged with creating a plan to implement a safe and efficient COVID-19 vaccination program for California. Cal OES' role is two-fold. First, we provide support to organize the task force. This task force has been the focal point of the planning process, achieving the objectives in the plans and ensure the efficient and effective delivery and administration of vaccines to Californians, especially at the mega vaccination sites and mobile clinics. Capabilities needed for vaccine distribution overlap with capabilities in other areas, such as PPE distribution, public information, and community based organization (CBO) engagement; therefore, close coordination with and across all task forces has been instrumental for successful administration of vaccines. Cal OES also leads the logistics component of the Vaccine Task Force to procure vaccine supplies, manage storage, and coordinate movement, distribution, and administration.

**Partnership with FEMA in Response to the Pandemic**

Cal OES worked in partnership with FEMA to prevent and respond to the spread of COVID-19 in the State of California. More broadly, to implement programs and services to provide for the safe opening and operation of schools and businesses, healthcare facilities, domestic violence shelters, emergency feeding programs, transit systems, personal protective equipment (PPE) distribution, and mass vaccination. This also includes the provision of direct relief (in the form of reimbursement) to local government partners and stakeholders working on delivering lifesaving services to their communities.

Additionally, as referred to above, FEMA approved the State of California for statewide non-congregate sheltering assistance, which allowed California to move individuals at a "high-risk of complications from COVID-19" into hotel rooms or other appropriate non-congregate shelter locations. However, FEMA authorizes these programs under the Public Assistance program and only grants extensions in 30-day increments, which is extremely inefficient. Increasing extensions to 90-day increments would provide greater stability for the vulnerable recipients of these critical Public Assistance programs.

FEMA has partnered with California to deploy assistance in ways that have never been done before, from emergency feeding, to emergency housing, to alternate care sites/medical surge, to testing, mega vaccination sites, mobile vaccination sites, etc. Assistance programs include: Great Plates Delivered, Project Roomkey, Housing for the Harvest, and Hospital Training Academy – Serving the Community.

On February 16, 2021, California and the Biden-Harris Administration opened of the nation's first community vaccination sites in Oakland and Los Angeles. These sites are in partnership with the Biden Administration and FEMA with the intent of ensuring that individuals in underserved communities receive every opportunity to receive a vaccination if they want one.

As of March 8, 2021, over 257,000 Californians have received a vaccination as a result of State/Federal partnership. Through the Federal Retail Pharmacy Program, California continues to partner with the federal government and pharmacy partners to increase access to COVID-19 vaccination for eligible individuals.

As of March 8, 2021, there are a total of 2,266 staff working all FEMA/Cal OES sites: 1,353 at California State University, Los Angeles, 886 at the Oakland Coliseum, and 45-50 at each of the mobile clinics.

Since the President's memorandum to extend federal support to Governors' use of the National Guard to respond COVID-19 and to increase reimbursement and other assistance provided to states was released on January 21, 2021, our partners at FEMA Region IX have been hard at work to organize information and operations to assist our State. FEMA Region IX continues to play a critical role in the State's Logistics and Commodity Movement Task Force and in communicating across the entire federal family to respond to various COVID-related program reimbursement time extension requests and review reimbursements for eligible emergency work projects.

As current project workload in FEMA-Public Assistance (PA) and Cal OES Recovery PA continue to increase over time due to the President's memorandum allowing FEMA to pay 100% federal funding for COVID-related costs, FEMA may also need to have additional resources to review reimbursements for eligible emergency work projects more quickly.

**FEMA Resource Capabilities to Support States**

The size and scale of the COVID-19 pandemic, concurrent with multi-incident response, was far beyond the Federal Government's ability to respond, including FEMA, the U.S. Department of Health & Human Services (HHS), U.S. Military and all other federal agencies and departments. The lack of a centralized, proactive federal response crippled the globe and severely limited the availability of PPE and other critical medical resources.

Early in the pandemic, there was an evident need for more thorough review and overhaul of the SNS to build process transparency and support more realistic

expectations and planning on the part of State and Local government. California received only 75% of its SNS allotment. Notably, this was absent any ventilators, and many of the N95 respirators were expired.

While California regularly trains and exercises its emergency operations and logistical resource plans, no amount of planning or preparedness and no one organization could have planned and prepared for what we have faced this past year.

Providing additional resources to FEMA would allow and enable them in:

i. Taking a more direct role in coordination and policy application when interacting with states.
ii. Establishing centralized commodity buying. The federal government would have far greater purchasing power than individual states. Leveraging this purchasing power and securing commodities for states will relieve pressure on the supply chain and competition between states in purchasing PPE and testing materials.
iii. Leading and improving federal government coordination. Particularly, coordination and communication must improve between HHS, CDC, border agencies, and regulators, to include internal communication between the headquarters and regional staff for these entities. Better coordination will allow for more streamlined communication with states and more efficient resource management and delivery, including funding.
iv. Leading unified, coordinated communications during disasters, including guidance and education for states and localities, as well as talking points for government officials to use when communicating with their constituents.
v. Approving a Title 32 National Guard extension with 100 percent cost-share by the federal government and allow Title 32 resources to be used for vaccination missions.

The California National Guard has been invaluable in assisting the State's response to the COVID-19 pandemic through Title 32, providing support in medical missions, food bank staffing, testing site staffing, and more. California's requests for Title 32 extensions have all been approved with cost shares for the State. Extending the mission with a 100 percent cost-share for the federal government would secure California's ability to continue providing these essential services that have been made more feasible with the National Guard support.

**Assistance to Traditionally Underserved and Disadvantaged Communities**

Throughout the past year, California has worked hard to mitigate the impacts brought on by the COVID-19 pandemic. Particularly those felt within traditionally underserved communities. To combat potential disparities, Cal OES has worked with almost every State agency across the board to stand up programs, task forces, and resources dedicated to reach this goal. As Californians needs have changed through this pandemic, so have our efforts to ensure those needs are met. This is especially evident in our current efforts for equitable vaccine administration across the State.

On February 3, 2021, the Governor and Biden Administration announced a pilot project to establish vaccination sites in Oakland and Los Angeles. Equity is at the core of these mass vaccination sites, placed at the Oakland Coliseum and California State University, Los Angeles. These large sites, and the mobile units deployed from them, reach hard-hit, high-risk communities. To support this initiative, FEMA partnered with Cal OES to co-manage these sites.

On February 16, the sites opened to the public with the capacity to vaccinate 6,000 individuals a day. The sites operate 7 days a week with drive-through and walk-in options, which provides accessibility to those who use alternative modes of transportation. The placement of these locations is easily accessible by communities that have been both historically under-served and the most deeply impacted by the pandemic.

At these sites, the State has been able to meet and further expand its mission to increase equitable vaccine distribution and administration by partnering with CBOs to bring vaccines to communities with mobile units. Investing in our community partners who serve as trusted messengers in neighborhoods deeply impacted by the pandemic, ensuring more equitable access to appointments.

As of March 7, 2021, Cal OES and FEMA have administered a total of more than 250,000 vaccines across both sites. Nearly 34,000 of those vaccines were administered at targeted mobile clinics within the community accounting for over 67 percent of our underserved communities and people of color.

Additionally, the following programs (some of which were previously mentioned as First in the Nation programs) were designed to target Traditionally Underserved and Disadvantaged Communities:

*Project Roomkey*
California became the first state in the nation to secure FEMA approval to provide safe isolation capacity for tens of thousands of Californian's experiencing homelessness. The goal to acquire 15,000 rooms was achieved on May 11, 2020.

*Project Hope*
Project Hope has provided isolation and quarantine housing for over 800 recently released inmates on parole and probation.

*Great Plates Delivered*
Launched on April 24, 2020, Great Plates Delivered is a program aimed towards seniors and adults at high risk from COVID-19. It encourages them to remain at home and stay healthy by delivering three nutritious meals a day. This program also supports local restaurants, agricultural workers, and other food service providers who struggle to remain open due to COVID-19. To date, it has served over 27,545,290 meals.

*Housing for the Harvest (H4H)*
Agricultural and field workers have played an essential role in ensuring the continuity of the food supply. Recognizing this role, Housing for the Harvest is a state program that provides temporary, emergency non-congregate shelter for these essential employees. This initiative provides farmworkers a place to self-isolate, keeping their families and the greater community safe.

*Central Valley Task Force*
Compared to other regions in California, the eight counties in California's Central Valley were found to have disproportionately high case rates and morbidity of essential workers, agricultural workers, and the Latino population. In order to address these issues, the Central Valley Task Force was created with a focus on providing resources for better outcomes in these counties.

*Hospital Training Academy – Serving the Community*
In partnership with UNITE HERE Local 11, the Hospital Training Academy was able to create "Serving Our Community," a program which uses FEMA dollars from Los Angeles City and County contracts to provide meals prepared in industrial kitchens to homebound seniors and others affected by the pandemic. Since its establishment, the program has brought more than 1,100 laid off workers back to work and fed 10,000 individuals. On March 3, 2020, "Serving Our Community" delivered its three millionth meal.

*OptumServe*
On February 22, 2021, California began partnering with OptumServe and local counties to open up to 11 vaccination sites to serve some of the hardest-hit or most at-risk communities in the Central Valley.

*Hotels for Healthcare Workers*
This program keeps California's healthcare workers safe and healthy by providing free or discounted hotel rooms to healthcare workers who give critical care to COVID-19 patients, reducing the risk that they bring the virus into their household.

**Lessons Learned for Future Disasters**

As we continue to respond to the pandemic and begin the recovery process, there are several lessons learned including:

i. Reevaluate and define the mission and purpose of the Strategic National Stockpile (SNS). Provide greater visibility to states on what's available through the SNS at any given time, as well as distribution operations. Provide greater visibility on the overall supply chain and develop standardized metrics on Personal Protective Equipment (PPE) burn rates to aid in State decision-making on procurement and stockpiling of supplies.
ii. Reevaluate, define, and provide clear guidance on the triggers for, use of, and administration of the Defense Production Act.
iii. Allow contact tracing personnel and equipment costs related to COVID-19 as an eligible reimbursement expense under Public Assistance, Category B: Emergency Protective Measures.
iv. Increase the time period for which extensions are granted for the Emergency Food Program and the Non-Congregate Sheltering Program from 30 days to 90 days, and change the information sharing requirements. Increasing extension to 90-day increments would provide greater stability for recipients of these Public Assistance Programs.
v. Designate FEMA as the federal lead during nationwide incidents. Assess and revise national-level doctrine to ensure that it provides clarity and specifics about FEMA's role and authorities during incidents where there is a response by the entire federal government. This includes establishing a funding plan to clarify which agencies are financially responsible for which aspects of a response.
vi. Assess resource coordination and distribution operations at the headquarters and regional levels to revise and refine plans and ensure integration with State, Local, Tribal, and Territorial partners. Nationally,

FEMA should identify practices that should be incorporated for future operations.

vii. Build capability for monitoring and understanding business and industry supply chains and develop plans for aligning the resource management required for national catastrophic events to build greater pre-incident insight and inform awareness of gaps or trends that require mitigation.

viii. Institutionalize successful program and policy adaptations and build implementation plans to ensure efficiencies are not lost in the return to steady-state agency operations

Cal OES also continue draw from lessons learned from the H1N1 event, as well as planning work done for different events and planning scenarios involving medical supply and distribution. The State will lean on its vast experience with emergency management to ensure it is thoughtful and thorough in contemplating needs and capabilities for the next pandemic.

**Conclusion**

The longstanding relationship between the State of California and FEMA has truly strengthened through the years. However, it has been safe to say that we could always count on our partners to support the residents of California. These unfortunate situations allowed us to collaboratively enhance our skills, knowledge, and abilities between us in order to focus on what was truly important: our fellow Californians. Together we have ensured that these individuals are directly receiving all the federal and State resource assistance available to them are distributed accordingly, and we are truly grateful for that support. Although we have grown so much in the development of the pandemic this past year, we look forward to the further development of our partnership.

Ms. ROYBAL-ALLARD. State Coordinator Brown.

Mr. BROWN. Good morning. And thank you, Madam Chairwoman and Ranking Member and members of the subcommittee.

As the State coordinator of emergency management at the Virginia Department of Emergency Management and cofounder of the Institute for Diversity and Inclusion in Emergency Management, I appreciate the opportunity to discuss the role of FEMA in the emergency management community and the ongoing response to COVID–19, including opportunities to address the disproportionate impact of disasters on marginalized and frontline communities.

As we have recently passed the 1-year mark in this historically long response, we pause to recognize those who have been lost from this disaster.

We also recognize the hard work and the resilience of frontline essential workers, nurses, doctors, public health and public safety community, including emergency managers, who have been quite fiscally responding to this disaster. Those who have been lost serve as our motivation to improve our response in real-time and in preparation for future disasters.

In emergency management we try to learn lessons in order to improve for the next disaster. Due to this long event, it is important that we not wait until the end of this response but have critical conversations and evaluations now. Three thousand lives were lost during the tragic 9/11 terrorist attacks, over 1,800 deaths during Hurricane Katrina, and close to 4,000 deaths during the 2017 hurricane season. All of that lead to new legislation, new policy changes, and additional resources to support emergency management.

The historic impact of the COVID–19 pandemic has resulted in over 500,000 American deaths, including 10,000 Virginians which requires us to commit to taking bold and innovative action to vastly improve our performance for the next pandemic and disasters.

It is important to note that on top of the response to COVID–19, FEMA, State, and local emergency management has also responded to numerous other events over the last year, including major flooding, storms, protests, hurricanes, which have stressed resources.

So how do we learn from this catastrophic event and move forward? We have seen, once again, the disportionate impact of COVID–19 on communities of color, people with disabilities, and marginalized communities, which require the urgent integration of equity into emergency management.

This event has also demonstrated the important role of FEMA and emergency management as a profession for coordinating responses to disasters. Leveraging emergency management's all hazards expertise and logistics, coordination and capacity building is needed to move with speed to ensure a whole of government response. Early in this response, FEMA was not fully leveraged and empowered to do that. It hurt our response and negatively impacted us working on the State level.

Improving our coordinated response to disasters will require streamline processes, eliminating complexities, prioritizing equity to support communities most at risk, and increasing and diversifying staffing. We also need to build diversity management capacity

at the State and local level, recognizing the new normal, more frequent and impactful disasters and the growing impacts of climate change.

Despite the challenges of this response and issues to address moving forward, I am hopeful, due to recent actions of Congress and the Biden administration to support States and our communities, new tools, and resources provided by Congress and President Biden is enabling us to move forward with our Vaccinate Virginia Campaign, while continuing to test, contact trace, get our schools open, and support vulnerable Virginians.

We are working closely with FEMA to leverage funding and in other resources to equitably open community vaccination centers in our hardest hit communities. I am appreciative for Congress passing and President Biden for signing the American Rescue Plan which includes numerous support for emergency management, including $100 million for the Emergency Management Performance Grant program.

Having strong leadership at FEMA is essential to ensuring the agency moves forward. That is why I look forward to working with administrator nominee, Deanne Criswell, to further resilience ability and address these issues. Administrator Criswell is a topnotch and well respected emergency manager who will bring a wealth of knowledge and bringing this to the position and appreciate the leadership of interim administrator, Mr. Fenton.

In closing, thank you, Madam Chairwoman, for convening this important hearing and providing an opportunity for emergency managers to offer recommendations. I am happy to answer any questions from the subcommittee.

Thank you.

Ms. ROYBAL-ALLARD. Next we will go to Director Sheehan.

Mr. SHEEHAN. Thank you.

Good morning, Chairwoman Roybal-Allard and Ranking Member Fleischmann and distinguished members of the committee. My name is Patrick Sheehan. I am the director of the Tennessee Emergency Management Agency. I am grateful for the invitation and this opportunity to speak with you today.

First, I want to acknowledge the loss of more than 11,000 Tennesseeans and 530,000 Americans to this virus. Our hearts join in mourning the too soon loss of life of so many Tennesseeans and Americans, and nearly all of us have experienced the loss of a friend or a loved one, and our hearts ache with our fellow Americans at that loss.

Second, I want to express my sincere gratitude for my teammates, for the Tennessee Department of Health, medical personnel across Tennessee and across our Nation for the dedicated work they have continued to do for more than a year now. I want to express my gratitude for our local responders, our local emergency managers, the Tennessee National Guard, for FEMA, and emergency managers everywhere for the work that they have continued to do in these challenging times.

This pandemic has challenged those in ways that few expected. Time and time again over the last year, they have stepped up and served. It is awe inspiring to see the commitment of our public

health partners and our agencies that serve their neighbors and humbling to work shoulder to shoulder with them.

In Tennessee in 2020, we have been tested over and over again. Starting in January 2020, the Tennessee Department of Health, the Tennessee Emergency Management Agency, and the Governor's office, and a number of other departments, convened to examine the situation that was developing in China and the reports that were coming in from Europe on the spread of a novel coronavirus. We used that opportunity to examine our plan, protocols, and to try to prepare for the road that was ahead of us.

Shortly after we began convening those, we were struck on March 3 by a series of deadly tornadoes, the largest of which had a 60-mile track, and it hit Nashville and tracked almost due east, taking 25 lives and destroying hundreds of homes and damaged millions of dollars' worth of infrastructure.

And Tennessee is the nighttime tornado capital of the United States. We have more nighttime tornadoes than any other State in the Union and, unfortunately, at that time also the deadliest.

I am incredibly grateful for the quick work of FEMA following that disaster. I am also incredibly grateful for the work of our county emergency managers and partners. What I think we showed is that the investment over the last 5 years that we have made in working together and collaborating and building a collaborative emergency management enterprise in Tennessee paid dividends. We had—while that disaster, the tornado, was widespread and sudden and struck in the middle of the night, what we found was that our system worked collaboratively, we had good communications and very, very——

It was also heartwarming to see the outpouring of the volunteer spirit, Tennessee being the Volunteer State, as thousands of Tennesseeans and neighbors from other States poured in to help with the immediate response and recovery from that disaster.

Then on March 5, Tennessee had its first confirmed COVID case. A physician who had attended a conference in Massachusetts was confirmed by our superb Tennessee Department of Health, public health lab as being the first COVID case in the State of Tennessee, the first of more than 660,000 cases that we would have here. Tennessee has also conducted more than 7 million COVID tests since that time.

On April 12 and 13 then, another series of storms and tornadoes hit the Eastern Grand Division of Tennessee, and that disaster, coupled then with the derecho in Waco in May, and then a Christmas bombing, just has brought a lot of destruction to Tennessee. Policies, FEMA has done some things incredibly well. Emergency management has really pulled together to help address our needs. Tennessee's vaccination plan has been lauded for choosing equity and buying down risk as quickly as possible.

And I will just flag too that equitable distribution of vaccine or aid takes time and patience and persistence, and for a myriad of reasons, from access, to lack of transportation, to lack of trust in the government programs, if we are going to have equitable allocation of vaccine, it is going to take us being patient and persistent and working with communities that are most at risk.

If we are going to continue to have data-informed, risk-based allocation of vaccine, in some ways we are going to have to be patient. We have to make vaccine available, but in Tennessee's model we have held out allocations specifically to ensure that we don't leave out communities that have been most impacted.

And as my colleague, Chris Brown, indicated, we know that the African-American community has been disproportionately been impacted by the COVID–19 pandemic, both in terms of cases and hospitalizations and deaths. And we are able to see that and act on that, and I would encourage whatever we do with vaccinations moving forward that we continue to be patient in ways that are meaningful.

I just want to thank you again for the opportunity to be here and talk a little bit about what challenges Tennessee has faced, and I look forward to answering any questions that you might have.

Thank you, ma'am.

[The statement of Mr. Sheehan follows:]

STATEMENT

OF

PATRICK C SHEEHAN, CEM
DIRECTOR, TENNESSEE EMERGENCY MANAGEMENT AGENCY

BEFORE
THE

HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON HOMELAND SECURITY
UNITED STATES HOUSE OF REPRESENTATIVES
WASHINGTON, DC

ON

*"The Role of FEMA and Emergency Management in COVID-19 Response"*

March 16, 2021

**Introduction**

Good morning and thank you, Chairwoman Roybal-Allard, Ranking Member Fleischmann, and distinguished members of the Committee, my name is Patrick Sheehan, and I am the Director of the Tennessee Emergency Management Agency. I am grateful for the invitation to discuss the role of emergency management and FEMA during this COVID-19 pandemic, and to share some of Tennessee's story.

First, I want to acknowledge the loss of more than 11,000 Tennesseans and 530,000 Americans to this virus. Our hearts join in mourning the too soon loss of life that so many Tennesseans and Americans have faced in this last year. Almost all of us have experienced the grief of losing family or friends to this pandemic and our hearts ache too.

Second, I want to express my sincere gratitude for my teammates, for the Tennessee Department of Health, and the medical personnel across our state and nation for the dedicated work they continue to do, for our local responders, for the Tennessee National Guard, for FEMA, and emergency managers everywhere. Thank you. This pandemic has challenged these heroes in ways that few expected, and time and time again, they step up and serve. It is awe inspiring to see the commitment of our public health agencies and partners to our neighbors and humbling to work shoulder to shoulder with them in this historic time.

**Tennessee's Disasters and Emergencies in 2020**

2020 tested the emergency management and public health and medical systems in Tennessee in ways that were unprecedented. Before the first case was detected in Tennessee, Governor Lee's office, the Tennessee Department of Health, Tennessee Emergency Management Agency, Tennessee National Guard, and other partners were working together to prepare our state. We began pouring over reports from the world over, reevaluating our plans and protocols, and working to prepare for the unknown road that was ahead of us – and this was just in January and February.

On March 3, 2020 a devastating series of tornadoes struck Tennessee. The largest of the dozen tornadoes struck Nashville not long after midnight and stayed on the ground for more than 60 miles, taking the lives of 25 Tennesseans from Nashville to Cookeville. I am incredibly grateful for the quick work of FEMA as we got the response and recovery efforts underway. Tennessee's investments in collaboration with local emergency management agencies, public works, and first responder organizations showed us what is so difficult to measure – that our efforts to prepare had made us better. The work of emergency managers from TEMA, Metro-Nashville, Wilson and Putnam counties, and with our partners – and the incredible outpouring of volunteers - was heartwarming.

On March 5, 2020 the first COVID case was confirmed in Tennessee by the Tennessee Department of Health's Public Health Laboratory – one of the first in the nation to be certified to test for what was still a new virus. Since that first case, nearly 7,000,000 tests have been conducted, confirming more than 660,000 cases.

On April 12, 2020 and April 13, 2020 severe storms with tornadoes and torrential rains again struck Tennessee, from Chattanooga and across much of the eastern Grand Division. While the volunteer spirit of Tennesseans was again on display, the COVID-19 pandemic caused a lot of concern during response

and recovery operations. During a February meeting in Tennessee's EOC, one of our Emergency Services Coordinators flagged the need for changes to sheltering policies to shift to non-congregate settings while we were in a pandemic; we are fortunate that FEMA leadership and partners were anticipating the same need and took proactive actions to make non-congregate sheltering their policy and available to those Tennesseans that had lost their homes.

May 3, 2020 brought a derecho to Tennessee and May 4, 2020 brought a "wake low" both with damaging winds that resulted in another major disaster for 20 counties.

During these months Tennessee, like the rest of the nation, faced increasing cases, hospitalizations, and deaths from the COVID-19 pandemic. Governor Lee established a COVID-19 Unified Command Group comprised of TEMA, the Tennessee Department of Health, the Tennessee National Guard, and a supporting team to help ensure a data-informed and evidence-based approach to managing our response to the pandemic. One of the first challenges was to increase COVID-19 testing capacity and availability and Governor Lee set aggressive goals for our capacities and announced that there would be barrier free testing across the state.

During the Spring and Summer of 2020 our nation's supply chains ground to a halt, bringing the delivery of need equipment and supplies to a trickle. TEMA, like FEMA and state and local emergency management agencies across America, worked to build operational reserves of personal protective equipment (PPE), durable medical equipment (DME) including ventilators, and other necessary supplies. Emergency managers and our partners used our logistics expertise to help stabilize the availability of PPE and other supplies within our states and communities. In 2020 TEMA made more than 28,000 shipments, containing millions of items - n95 and kn95 respirators, surgical and cloth masks, face shields, gloves, gowns, sanitizer, wipes, shoe covers, and other supplies to our local partners, first responders, medical personnel, and teachers and other education staff, in order to help ensure their safety. A large part of these efforts is made possible by the funding provided by FEMA to the states.

While not necessarily or completely within the purview of emergency management, our nation must address the lack of domestic capability for critical manufacturing operations. Last June my colleague from Oregon, Andrew Phelps, outlined in detail many challenges and potential solutions to supply chain management, especially as it related to the Strategic National Stockpile to the Senate Committee on Homeland Security and Governmental Affairs. In addition to his remarks there, I would recommend that something akin to the Defense Industrial Base be applied to examine our nation's capabilities to maintain and bolster its critical infrastructure and lifelines.

***Tennessee's Vaccination Plan - Protecting the Most Vulnerable and Supporting Equity***

The Tennessee Department of Health undertook a tremendous planning effort for vaccinations starting in August. They convened a stakeholder group of more than 30 organizations to gain their input and crafted a plan based on risk and informed by the National Academy's Framework for Equitable Allocation. Tennessee created a plan to quickly protect our most vulnerable populations and ensure that those that are most likely to miss out were included and sought out. TDH's Office of Minority Health and Disparities Elimination, the Vaccine-Preventable Diseases and Immunization Program Office, and their partners continue to work with leadership and the Unified Command Group to ensure that each eligible Tennessean has access to the vaccine. Local health personnel, Tennessee National Guard personnel and

onboarded providers have administered almost two million doses with support from volunteers and emergency managers.

***Christmas Bombing in Downtown Nashville***

At 6:30 on Christmas morning an RV filled with explosives was detonated on Second Avenue in Downtown Nashville. Due to the heroism and diligence of six Nashville Police Officers and the peculiar warnings of the bombmaker there were no fatalities and only minor injuries to a handful of those that were nearby. The detonation damaged 41 buildings, including some of the oldest, most historic, in the city, and damaged the abilities of a communications and data building to maintain power. The loss of power to this building eventually impacted telephony and data services to some part of seven states, and caused significant problems to some cellular services, first responder communications devices, telephony, internet connectivity, and impacted or rendered inoperable scores of Public Safety Answering Points.

The FBI, ATF, TBI, Nashville Police Department, Tennessee Highway Patrol and other law enforcement agencies worked together in a coordinated manner to rapidly investigate the explosion and identify suspects, secure the crime scene, and help adjudicate appropriate access to the site to stabilize infrastructure. The Metro Nashville Office of Emergency Management, Nashville Fire Department, TEMA, utility providers, American Red Cross, and other community organizations worked to provide resources to survivors and to manage the response and restoration of services. In both the law enforcement and the emergency management spheres of operations, the investment in relationships, joint training and operations, and history of collaborating on events in the city, region and state served to help keep a focus on public safety and rapid stabilization of infrastructure.

Our FEMA partners were also rapidly available to serve as a liaison, thanks to the investment of having FEMA Integration Team (FIT) members already working in Tennessee. We were the second state to work with FEMA to have these federal employees working shoulder-to-shoulder in state emergency management agencies, and the concept continues to prove its worth.

Before Christmas Day ended, Governor Lee requested an emergency declaration inclusive of all categories of Public Assistance. Some days later a declaration was granted for Category B, limited to Direct Federal Assistance. Limiting "EM" declarations to Direct Federal Assistance has become common practice for FEMA, but it is not rooted in the statute nor is it rooted in policies. The City of Nashville could have benefited from an Emergency Declaration that made Category B (Emergency Protective Measures) eligible for reimbursement due to their expenditures in police, fire fighter, and Emergency Operations Center overtime, and other measures taken to safeguard the public safety and health.

**Recommendations**

There are opportunities to improve and strengthen FEMA and our nation's emergency management system. by

1. Speeding the adjudication Private Non-Profit organizations Requests for Public Assistance (RPAs) currently in backlog
2. Prioritizing the review and approval of Environmental and Historic Preservation (EHP) forms in queue

3. Simplifying the experience for disaster survivors by creating a single, universal application for disaster survivors that connects them to available federal programs they are qualified for
4. Raising the threshold for Public Assistance Small Projects from the current $131,000 to a higher amount in order to speed up distribution of aid to eligible applicants and simplify the process
5. Revisiting the impact of FEMA's September 1, 2020 memo on eligible expenditures and reevaluating for policy consistency

**Conclusion**

The year 2020 provided several opportunities to demonstrate the value of our efforts to forge a prepared State of Tennessee. Emergency managers demonstrated that we work best when jurisdictions, stakeholders, and departments work together. When the nation invests in strong preparedness programs through the Emergency Management Performance Grant and similar programs, we forge a robust system that takes care of survivors and restores lifelines.

Our nation's emergency management system works best when there is predictability in FEMA's disaster programs and consistency in their application across regions and the nation. Actions deemed to be eligible emergency protective measures a year into the pandemic response, should reasonably be considered emergency protective measures in the previous year, and not "increased operating costs."

Our republic's emergency management system works best when there is clarity and transparency in policy, regulations, and the resources available from the federal government. When state emergency management agencies and our county and city partners can set realistic expectations for what supplies or materials are available, we can more appropriately prepare our states and jurisdictions by resourcing and planning for resource gaps.

This pandemic, coupled with the other disasters and emergencies we have faced, demonstrated the value of our nation's emergency management system. With FEMA's support, states have been able to protect the health and safety of our citizens, ensure the safe reopening of schools, increase medical surge capacity, vaccinate millions, and respond and recover from other disasters.

Thank you for the opportunity to join you this morning and testify. I look forward to your questions.

Ms. ROYBAL-ALLARD. Thank you.

And last, but certainly not least, Director McGowan, please begin your testimony.

Mr. MCGOWAN. Good morning, Chairwoman Roybal-Allard. It is nice to see you. Last time we were together here in the Emergency Operation Center.

Ms. ROYBAL-ALLARD. Yes.

Mr. MCGOWAN. Ranking Member Fleischmann and honorable members of the subcommittee. My name is Ken McGowan, and I serve as the director for Los Angeles County's office of emergency management. Thanks for this opportunity to discuss the county's response to COVID–19 and our partnership with FEMA.

First, I would like to acknowledge the incredible toll that COVID–19 has taken across our county and the country and throughout the world. In Los Angeles County alone, COVID–19 has caused more than 22,000 deaths and infected over 1.2 million people.

I also want to extend my deepest thanks and appreciation to the hundreds of thousands of Los Angeles County healthcare workers, emergency responders, disaster service workers for their commitment and steadfast resolve in day in and day out answering the call to service. They truly represent the full measure of public service.

By virtue of our size, Los Angeles County faces numerous challenges during natural disasters, human-caused disasters, and technological disasters. In 2020's National Risk Index, FEMA identified Los Angeles County as having the highest risk index of all our counties in the country.

This underscores the critical importance of Los Angeles County to continue to build our emergency management capabilities and mitigate the national risks of natural disasters and similarly address our response to disasters like the COVID–19 pandemic.

On March 4, 2020, Los Angeles County proclaimed a local emergency due to COVID–19. The county's emergency operation center immediately activated, and from day one our initial emergency management actions were to coordinate and support the county's public health efforts in mitigating the effects of this global pandemic.

The subsequent activities resulted in uninterrupted continuation of our county's essential services, while also allowing for the distribution of tens of millions of critical pieces of personal protective equipment, the administration of millions of COVID–19 tests, millions of doses of vaccination, the distribution of millions of meals and other essential goods to our communities.

The safe sheltering of thousands of individuals to prevent the spread of COVID–19, and the local financial and programmatic management of hundreds of millions of dollars in FEMA's public assistance program.

The unity of effort with our Federal, State, and community partners has been the cornerstone of our response. In Los Angeles County, it has truly been a whole community response. The county's emergency management mission requires this, and it is ever present in our strong organizational partnerships with FEMA and the California Governor's Office of Emergency Services and my per-

sonal professional relationship with Mr. Fenton and Mr. Ghilarducci.

No one governmental organization can do this job alone. With this whole community partnership, we have leveraged our strengths, capabilities, and resources to respond to this pandemic. There have been numerous positive results from this partnership. The first was FEMA's rapid approval of expedited projects, which provided a lifeline of critical financial resources to the county and supported our ability to continue to provide these critical services and response functions to our community.

The second was FEMA's support for non-congregate sheltering which resulted in Project Room Key, a collaborative effort with the State, the county, and the Los Angeles Homeless Services Authority to secure hotel and motel rooms for vulnerable people experiencing homelessness in our county.

Project Room Key not only helps protect high-risk individuals but also helps prevent the spread of the virus in our communities and has the added value of bringing capacity and protecting our hospitals and healthcare system.

The third, FEMA's efforts to support the distribution of vaccines to residents from communities who have been disproportionately impacted by the pandemic.

FEMA's partnership with Cal OES and the California State University of Los Angeles has resulted in the administration of hundreds of thousands of vaccination doses in some of our county's hardest hit communities. And I will reference Bob's earlier comment about the hub-and-spoke model where the Cal State L.A. site serves as the hub, but then we have multiple sites that spoke off of that.

Finally, I want to express the county's appreciation and support for President Biden's executive actions in January 2021, directing FEMA to provide 100 percent reimbursement of eligible costs for public assistance programs retroactively to the start of the emergency, as well as prospectively. This action greatly reduces the financial stress of the widespread pandemic-related costs which have been borne significantly by local jurisdictions, including Los Angeles County.

The pandemic is not over, and we understand there is a long road ahead. We appreciate our partnership with FEMA and hope to continue to identify ways to improve effectiveness and efficiencies in our response and recovery efforts. In particular, I recommend exploring more integration with FEMA response capabilities at the State and local organizational level, streamlining the administration of public assistance programs, including the minimizing of administrative burdens on local jurisdictions.

And then, three, revising grant methodologies and requirements for performance periods for grant programs like the Emergency Management Performance Grant and the Building Resilient Infrastructure and Communities Grant, and all of those under the consideration of the new National Risk Index which shows that Los Angeles County has a significant path ahead.

Additionally, the county is hopeful that an additional upfront commitment from Federal financial resources can be obtained to

continue our important initiatives that we have already invested in and are underway.

Thank you so much for this opportunity to appear before this subcommittee, and I look forward to any questions you may have.

[The statement of Mr. McGowan follows:]

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KEVIN MCGOWAN
Director

**Testimony of Kevin McGowan**

**Director, County of Los Angeles, Office of Emergency Management**

**Before the House Committee on Appropriations**

**Subcommittee on Homeland Security**

**March 16, 2021**

Good morning Chairwoman Roybal-Allard, Ranking Member Fleishmann and honorable members of the Committee. My name is Kevin McGowan and I serve as the Director of Los Angeles County's Office of Emergency Management. Thank you for the opportunity to discuss the County's response to COVID-19, our partnership with the Federal Emergency Management Agency (FEMA) and our future in continuing to build emergency management capabilities and capacity with the goal of making Los Angeles County safer, healthier and more resilient.

First, I would like to acknowledge the incredible toll that COVID-19 has taken across our country and throughout the world. In Los Angeles County alone, COVID-19 has caused more than 22,000 deaths and infected over 1.2 million people. I also want to extend my deepest thanks and appreciation to the hundreds of thousands of Los Angeles County health care workers, emergency responders, and disaster service workers for their commitment and steadfast resolve, day in and day out, in answering the call to service, for over a year. Nothing they have done has been easy. Every day they are committed to accomplishing the hard work that has been placed in front of them. They have saved countless lives, reduced suffering for millions and have kept our community whole in the face of disaster. They truly represent the fullest measure of public service.

Los Angeles County is the largest county in the nation (by population) with nearly 10 million residents who account for more than a quarter of California's population. Los

Angeles County is comprised of 88 cities, including the second largest city in the nation, the City of Los Angeles, numerous unincorporated areas and more than 200 special districts. By virtue of its size and complexity, Los Angeles County faces numerous challenges during all types of disasters. In the 2020 National Risk Index, FEMA identified Los Angeles County as having the highest risk index of all counties in the nation with a risk index score of 100 out of 100. This underscores the critical importance for Los Angeles County to continue to build its emergency management capabilities to mitigate the risk of natural disasters, and, similarly, to address its response to other disasters, including the COVID-19 pandemic.

Los Angeles County's Office of Emergency Management is an all-hazards emergency management program that coordinates and supports preparedness, planning, response, recovery and mitigation functions. The Office of Emergency Management also maintains, manages and operates the County Emergency Operations Center and assembles and a Unified Coordination Group when responding to, recovering from and mitigating against emergencies and disasters. Both of which are essential in their contribution to achieving a countywide unified effort.

On March 4, 2020, Los Angeles County proclaimed a local emergency due to COVID-19. The County's Emergency Operations Center immediately activated and from day one our initial emergency management actions were to coordinate and support the County's public health efforts in mitigating the effects of the global pandemic. The subsequent activities resulted in the uninterrupted continuation of the County's essential services while also allowing for the distribution of tens of millions of critical pieces of personal protective equipment, the administration of over 1.5 million COVID-19 tests and 2.5 million doses of vaccine, the distribution of millions of meals and other essential goods to our communities, the safe sheltering of thousands of individuals to prevent the spread of COVID-19, and the local financial and programmatic management of hundred's of millions of dollars of FEMA's public assistance program.

Unity of effort with our Federal, State, and community partners has been our cornerstone during this response. In Los Angeles County it truly has been a whole of community response. The County's emergency management mission requires this, and it is ever present in our strong

organizational partnerships, with the FEMA and the California Governor's Office of Emergency Services (CalOES) and my professional relationship with Mr. Fenton and Mr. Ghilarducci. No one governmental organization can do this job alone. With this whole of community partnership, we have leveraged our strengths, capabilities and resources to respond to COVID-19.

As our County's response activities expanded exponentially in size, scope and duration, the need for Federal and State technical assistance and resources became even more critical. Routinely, day and night, we've used well established lines of communication between the County, FEMA and the CalOES to collectively solve problems through joint efforts built on the foundation of effective interagency coordination and communication.

There have been numerous positive results from this partnership. The first, was FEMA's rapid approval of expedited projects, which provided a lifeline of critical financial resources to the County and supported our ability to continue providing critical services and response functions to our community. The second, was FEMA's support for non-congregate sheltering, which resulted in Project Roomkey, a collaborative effort with the State and the Los Angeles Homeless Services Authority to secure hotel and motel rooms for vulnerable people experiencing homelessness in the County. Project Roomkey not only helps protect high-risk individuals, but also helps prevent the spread of the virus in our communities and protect the capacity of our hospitals and healthcare system. The third, FEMA's efforts to support the distribution of vaccines to residents from communities who have been disproportionately impacted by the pandemic. FEMA's partnership with CalOES at the California State University of Los Angeles has resulted in the administration of hundreds of thousands of vaccination doses in some of the County's hardest hit communities.

Finally, I want to express the County's appreciation and support for President Biden's executive actions in January 2021 directing FEMA to provide 100 percent reimbursement of eligible costs for the public assistance program, retroactive to the start of the emergency as well as prospectively. This action greatly reduces the financial stress of the widespread pandemic-related costs, which have been borne by local jurisdictions such as the County of Los Angeles

The pandemic is not over, and we understand that there is a long recovery ahead. We appreciate our partnership with FEMA and hope to continue to identify ways to improve the

effectiveness and efficiency of COVID-19 response and recovery activities. In particular, I recommend exploring: 1) more integration of FEMA response capabilities and resources with state and local organizations, 2) streamlining the administration of the public assistance program, including minimizing administrative burdens on local jurisdictions and the development of consistent program guidance and 3) revising grant methodologies, requirements and performance periods for grant programs like the Emergency Management Performance Grant and the Building Resilient Infrastructure and Communities Grant that consider the National Risk Index. Additionally, the County is hopeful that an additional upfront commitment of Federal financial resources can be obtained to continue the important initiatives already underway.

Again, thank you for the opportunity to appear before the Committee today and I look forward to any questions you may have.

Ms. ROYBAL-ALLARD. Director Ghilarducci, I understand that during the pandemic the State of California worked with FEMA, local governments, and the restaurant industry to develop a program called Great Plates, which has also been adopted elsewhere in the country.

Can you explain what Great Plates is, how it has worked, and if you believe it is a model for providing food assistance during and after other kinds of disasters?

Mr. GHILARDUCCI. Thank you, Congresswoman.

So Great Plates was an idea launched in April of 2020. It is a program that aims to provide meals, again, to adults 65 and older and adults 60 to 64 who are at high risk, designated by CDC guidelines, and who are eligible to assess free meals while staying at home or are ineligible for other nutrition programs. The program also supports local restaurants and other food providers and agriculture workers who have closed or are struggling to remain open during the COVID–19 pandemic.

To date, the program has served over 28 million meals to older Californians since the program's launch in April. Using the Emergency Feeding Program framework approved by FEMA, OES, in partnership with our California Health and Human Services, worked directly with local governments to implement the program. The program is locally led with a designated local government leader responsible for program administration and operations, including all fiscal data requirements, reporting participant food provider enrollment and delivery services.

OES provides technical assistance, engages directly to make sure that the program runs smoothly, provides any additional clarification or resources to make the program supportive, and has a website, covid19.ca.gov which allows local governments to participate in the program.

Overall the program has been very successful. Obviously, with the number of meals that have been served, it really is a model for providing food assistance that work well for populations seeking, in this particular circumstances as in the pandemic, but does, we believe, have merit in other kinds of disasters where we have communities that have been impacted, mobility has been decreased, and the ability for people who have limited either access in functional needs or for seniors who have the inability to get out and be able to get the assistance that they need.

So we believe that as time goes on, Congresswoman, this is a program that can be a model in emergency management and be utilized across the country.

Ms. ROYBAL-ALLARD. Can you elaborate on some of the other innovative programs that California has developed in response to the pandemic?

Mr. GHILARDUCCI. Sure. So some of the other interesting programs, obviously, this Project Room Key, which was the ability to identify hotel rooms, working with the hotel industry, and the idea was to provide safe isolation capacity for tens of thousands of Californians experiencing homelessness. This was an idea to get homelessness—people who are homeless off the streets, out of congregate shelters, into safe and secure hotel rooms where they can be mon-

itored and supported both with meals, with testing, with contact tracing, and keep them as safe as possible.

That program has been working very well and been very, very successful, as well as a very similar program, Housing for the Harvest, which provides temporary, non-congregate shelter for agriculture and farm workers. And as you know, many of our farm worker communities within the State are migrant workers.

They come in. Their general culture is to congregate as a family. We were seeing a high degree of COVID spread in these family congregation units, and so we had to work with them to be able to establish these housing opportunities, again much like a hoteling program, and be able to get them to uptake. And we saw then, we started dropping the number of cases that we saw in the spread.

And so, again, the Housing for the Harvest we used in the Central Valley, hard hit Central Valley, hard hit Imperial Valley, along the Monterey coastline, and down in Ventura County. These are all areas where we see a lot of our agriculture industry, and the program proved relatively successful for that.

Ms. ROYBAL-ALLARD. Thank you.

Mr. GHILARDUCCI. Those are couple of key programs that we implemented that had a great uptake and were very successful.

Ms. ROYBAL-ALLARD. Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, Madam Chair. And to all of the witnesses, I appreciate you participating and your patience being in the second panel.

Madam Chair, I want to specifically welcome Mr. Patrick Sheehan. This gentleman I have worked with extensively in the great State of Tennessee in his capacity, and we have been through disasters together; but he and I have both worked very well with FEMA, so its great to have Patrick and all of our guests with us.

And I am going to, in the interests of time, move forward with my first question. I will direct it to Mr. Sheehan first, but I am solicitous of all of the other witnesses to get their thoughts as well, to get varying perspectives.

Last year, the Governor's office contacted me about FEMA and was proposing—these were changes that were proposed regarding reimbursement for PPE in terms of classifying PPE as increased operating costs for emergency protective measures. This change in classification could have huge impacts on State budgets with damaging public health results.

Have you—my question is in two parts. Have you run into challenges with inconsistent classifications? And, secondly, what would be the budgetary impact of absorbing increased operating costs into your State and local budgets?

Mr. SHEEHAN. Thanks, Congressman, for the question.

So from January 2021, moving forward, the kinds of actions that we took to provide PPE and sanitizing materials to schools it considered eligible. But those actions that we took in Tennessee to help provide PPE and sanitizing materials, cleansing materials, cleaning goods to classrooms so that we could have a safe reopening of schools last year, so the actions in Tennessee that we undertook in July and August, those were considered or determined to be increased operating costs as opposed to an emergency protective measure.

I disagree with that estimation or the way that that was determined. I think if FEMA now says that those are indeed emergency protective measures, that those should be consistently classified as emergency protective measures. You know, we undertook those actions then not as an increased operating cost but as a way to safeguard the well-being of teachers and students and faculty and staff in schools.

Mr. FLEISCHMANN. Thank you.

Who would like to jump in and participate further? I will open it up.

Mr. BROWN. Congressman, Curtis Brown from Virginia.

I agree with Director Sheehan. These are protective measures and life safety goods for our citizens and essential workers. And as I stated in my written testimony, having all of the tools, including the full support of the Federal Government in terms of providing these funding and 100 percent reimbursement, is essential for our ability to respond.

And so providing us on a State and local level with that funding frees up other resources to support other essential government functions that are outside the emergency declaration.

Mr. FLEISCHMANN. Thank you, sir.

Would anyone else care to respond?

Mr. GHILARDUCCI. Congressman, this is Mark Ghilarducci in California.

First of all, let me just say that, you know, we have been absolutely so appreciative of our FEMA partners, and they have been right with us in being able to try to find innovative ways to be able to cover any costs of all of these things.

I think early on in the pandemic, you know, we all believed that the items that were brought up by my colleagues from Virginia and Tennessee are eligible emergency protective measures, and they are things that, you know, whether it is PPE or ventilators, you know, there was a lot of requirement upon the States to have to go out and procure much of this equipment.

At the time that the Federal Government wasn't providing the resources. The strategic national stockpile was not operating efficiently or effectively. We weren't getting the resources that were needed. So it was really incumbent on the States to go out and procure this equipment.

And, you know, for schools, for opening schools, for keeping teachers safe, to making sure our transportation workers, our frontline workers have the PPE when necessary, these were all things that really would be something that need to be eligible under emergency protective measures.

And even if we hadn't used all of the PPE at the time we needed it, you know, you don't know that, as well as the number of surges that were going to be recurring. Now we are—most of the States in are in a place where we have resources in our warehouse, we are ready to deal with a surge and be prepared for that.

And, again, these are all things that have a direct nexus and correlation to the response to COVID and really should be a reimbursable item.

Mr. FLEISCHMANN. Thank you, sir.

And with that, I will yield back.

Ms. ROYBAL-ALLARD. Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Madam Chair.

You know, gentlemen, as a first responder myself for many years and kind of enjoying the Federalist idealogy that the individual States and localities control their own destiny, that is one of the areas that I think is most interesting in this pandemic.

And the reason I say that, I know in Florida—and maybe it is because of our familiarity with emergency management as a result of hurricanes coming through every year, which is never fun, but also the development of the National Incident Management System, I don't believe there is any agency, local, State, within Florida that is not NIMS compliant at the highest levels.

So my question is this: One of the challenges that I see with COVID–19 was the fact that, you know, normally when you have a disaster, you get resources that come in from outside your State to assist.

That clearly didn't happen here because the disaster was, in fact, nationwide. And I know States like—Mr. Brown, you mentioned VEST there in Virginia. How much more difficulty was created by, number one, the fact that assistance couldn't come from outside the State, except at the national level, and then the issue of dealing with the pandemic and lockdown and your own people, you know, being impacted by this and having to do everything sort of virtually, I guess? Can you talk a little bit about your experience with that?

Mr. BROWN. Thank you, Congressman.

Yes, very difficult within this virtual, mostly virtual environment. We want to follow health and safety protocols within emergency management. Through the National Emergency Management Association, we have our Emergency Management Assistance Compact that we leverage each other when we have a tornado or a hurricane to send staff to support.

Clearly, that capability was limited because everyone was dealing with their emergency at home. And so we have tried to scale up resources here within the State, through our Department of Health, working with our Medical Reserve Corps, to leverage retired medical professionals, doctors, and nurses.

We have definitely leveraged the funding from Federal Government to leverage contractors and pull in all of our State agencies as well. Right now for our Vaccinate Virginia Campaign, we have a goal of a thousand State employees to support at our vaccination centers, et cetera.

So it has been a very difficult response environment, but we have been very creative. We also appreciate the support of the private sector who have changed their operations. We had a couple of places that used to make beer and wine, changed their operations to making hand sanitizer in mass and things of that sort.

So we have been able to innovate and create in real-time. I would also recognize the faith-based community, our nonprofit organizations, who are most directly connected to our communities of color and marginalized communities. So it has really been an all-hands-on-deck response given the scale and the impact of the disaster.

Mr. RUTHERFORD. Mr. McGowan, in response, what singular—well, I don't want to say "singular," because I am sure there is

many. What is the most important change going forward for emergency management on a statewide level are you are dealing with now?

Mr. MCGOWAN. Thank you, Congressman, for the question.

So I think, you know, COVID–19 has provided this evolution of response phases. In Los Angeles County, we have endured multiple other incidents that have occurred while COVID–19 pandemic response has occurred. And one thing, I think, that is highlighted for us is our ability to continue to build out capabilities in capacity with the use of—in the State of California, we have disaster service workers, which empower local governments, and then, also, the State government to, you know, have county or city municipal employees be tasked to do work towards disasters, and, really, leverage all of these things and learn from those lessons so that we can apply them to future disasters, such as an earthquake, and really see what our true exposure risk is. And then, all the while, you know, be creative, like Mr. Brown has said, Mr. Ghilarducci, Mr. Sheehan about leveraging new things that we have never leveraged before, partnerships with the private sector.

I think the story is probably consistent across the entire country about partnerships with creating hand sanitizer and masks. One thing that I think has been very unique about this is, we have strained every resource. Every resource has been scarce across the country because everyone needed it, whether it was personal protective equipment, hand sanitizer, sanitation equipment. And, so, to really be creative at the local level to figure out how to solve those problems was a good lesson learned.

Mr. RUTHERFORD. Right.

And we can't depend on China to supply what we need either.

I think my final moment, Madam Chair.

I yield back.

Ms. ROYBAL-ALLARD. Thank you very much.

I have several questions that I would like to ask. I see that we are running out of time, but I would like to, at least, ask the following questions for the whole panel.

What lessons have you all learned from this pandemic that will assist you in responding to future disasters? And if we could just start with Ghilarducci, and then go on down the line with Coordinator Brown, Sheehan, and then McGowan.

Mr. GHILARDUCCI. Thank you, Congresswoman.

So, I think, beyond anything, I think this particular event really amplifies the whole issue about coordination and relationship building, the ability to work together at a time when resources are stretched thin. We learned that we need capacity in this country. There should no reason, none in the United States of America, that State and local emergency managers and the Federal Government are straining for resources of this style, of this type when we have such a critical crisis on our hands.

The whole issue of information, misinformation, the ability to make sure that we are all rowing in the same direction through a communications plan that is adopted at the local, State, and Federal levels. These are people's lives we are talking about. And we were very disjointed. We had commodities that were old; they are not operational.

You know, we talked about, the Congress Member talked about NIMS, the National Incident Management System. I couldn't be more relieved when FEMA came on the scene to help to coordinate U.S. HHS. That is an organization that would have a big role here, but they don't know ICS. They don't understand the role of how to implement and what is going on on the ground. It is a very much top-down organization. If you don't have good situational awareness on the ground, you are never going to know what really your needs are going to be, and you are going to be late to need. So these are just real key lessons learned.

I would just close by saying the Stafford Act maybe needs to be re-looked at, maybe broadened to address the issues of pandemic. I think there was a lot of workarounds in the ability to try to stretch the Stafford Act in a big way. You know, when you look at other agencies and what they can bring to the table, if there are less, I would just say, bureaucratic and more thinking about what the immediate need is, they may be able to have, under their own authorities, the ability to leverage resources in a much more expedited fashion.

And then, of course, giving us an expedited cost recovery, which will help local governments in particular stay afloat, when we are dealing with this long-term kind of year-long disaster where we need those funds immediately.

Those are some of the things, Madam chair.

Ms. ROYBAL-ALLARD. Okay. Mr. Brown.

Mr. BROWN. Thank you, Madam Chairwoman.

I second everything that Director Ghilarducci just mentioned. I would probably highlight the importance of equity and disproportionate impacts in disasters. Time and time again, with every disaster, we see that the folks who suffer the most are communities of color, marginalized communities, people with disabilities who, again, suffer, whether it is a flood or a hurricane or a natural disaster. So how do we change our programs and policies to prioritize them and to build resilience ahead of time, and to work with speed to mitigate the loss of life and those negative impacts?

Equity has been a core part of our response here in Virginia. We have a health equity working group and a task force as part of our unified commands that really guides our resource allocation, our planning, our prioritization. Working with FEMA and the funding provided by Congress for our community vaccination centers, we used a strategic approach to identify those areas that are most vulnerable and that have been hardest hit by COVID–19, large number of vulnerable populations and impoverished communities.

I am here in Danville, Virginia, in Southside, Virginia where our first CVC opened up yesterday and very appreciative from the community. We are vaccinating those who are most at risk and vulnerable, our seniors, communities of color, and equity is guiding our whole response.

So as we move forward, looking at FEMA policies, the Stafford Act, programs, grant programs like the BRIC program, I think equity needs to guide what we do. It is going to take a lot of work and intentional action. But if we are able to be successful for future disasters, we will protect those who need the most support and those who are most at risk.

Thank you.

Ms. ROYBAL-ALLARD. Director Sheehan.

Mr. SHEEHAN. Thank you, Chairwoman.

So, I think the first thing—and it kind of touches on the supply chain issue, and it is included in my remarks, but our domestic manufacturing capability needs to be reevaluated and perhaps along the lines of the defense industrial base where we examine what kind of capacities we need here, domestically to ensure the safety and well-being of all Americans.

More centered toward emergency management, I think we can build to more policy and program predictability and consistency, both just across the disaster management programs within FEMA and across regions. My counterparts and I often talk about how FEMA policies are applied, or interpreted differently, from region to region.

I think I echo what Director Ghilarducci said. The Stafford Act really needs a comprehensive review and probably an overhaul. It is 35 years old, I think, at this point, almost 35 years old. It is just time for—we have learned a lot about emergency management in the last 35 years. We really need a peacetime look at this where we are not being forced by just some event to fix certain parts of it, but really, comprehensively disaster management, emergency management in the United States needs a comprehensive overhaul.

The last thing I will just say is—and this is something that I tried to share with my team pretty often—is that, if something can happen, it is going to happen. If something has happened, it will happen again. We are going to have additional pandemics in the future. We are going to continue to have disasters while we are facing public health crises, and we need to face it—face these crises, face these disasters with that lens, because our memories as human beings are very short when it comes to disaster events. And emergency managers, whether it is FEMA for the State of Tennessee, at a county level, we need to take a long, holistic view about what we can do to buy down our risks and make our Nation more resilient, make our communities more resilient. We have just got to keep that in mind.

Thank you, ma'am.

Ms. ROYBAL-ALLARD. Director McGowan.

Mr. MCGOWAN. This is the beauty of going last. So I echo everything that everyone said. I will keep my remarks really quick.

An ounce of prevention is worth a pound of cure, my grandma always used to tell me. And I think it is the investment on the front side. So building off of what everyone else said but adding to it, you know, the BRIC program, you know, we have seen the pandemic do what most of the other catastrophic disasters have done, which is, they exacerbate the already preexisting issues within society. So whether it is health equity, a variety of other types of things, food insecurity, to name a few, we should be investing in those.

So I know we have, you know, talked a lot about emergency management but a big part of this pandemic has been just the structural and systemwide challenges that we face, and the pandemic has exacerbated those problems and an earthquake is going to do the same thing; wildfires do the same thing.

So, to continue to invest resources in programs, like the BRIC program, is going to be critical to make sure that in future disasters, you know, the society and systems that support society are resilient and robust enough to weather these through those storms.

Ms. ROYBAL-ALLARD. I have another question dealing with the Emergency Management Performance Grants.

Both the CARES Act and the American Rescue Plan Act of 2021 provide funds for the Emergency Management Performance Grant program. Can you tell us how EMPG has been of assistance during the pandemic, and how your State and its communities have used EMPG? This, again, is a question for the entire panel.

But I can start with you, Mr. McGowan, since you have been last all the time.

Mr. MCGOWAN. Okay. Yes, so I will start off actually with the way that we can improve the EMPG, which I think is the Emergency Management Performance Grant has some administrative burdens and timelines associated with it that don't make it the most effective grant at leveraging towards what I call, like, the big problems. So, a lot of programs I think use the Emergency Management Performance Grant to tackle things that are kind of low-hanging fruit.

So, in general, most of our Emergency Management Performance Grants are geared towards purchasing, or a maintenance of efforts or critical supplies within our emergency operation centers, for example. We also use them to develop critical plans like our emergency operation plans. Then sometimes, you know, organizations, including Los Angeles County, use them for critical staffing positions.

So there is different kind of buckets that the Emergency Management Performance Grant goes towards, but I think it would be a much more effective grant if we could leverage it over a longer period of time with kind of some less restrictions or less administrative burdens on it that then we could really target it towards really more substantial challenges.

So, with that, I will hand it over to the rest of the group.

Ms. ROYBAL-ALLARD. Okay. I am going in reverse order this time.

Director Sheehan.

Mr. SHEEHAN. Thank you, Chairwoman.

I think Mr. McGowan was touching on this. But, you know, in some ways, the EMPG has already become a little more complex. They added some administrative burdens to it. It has made it more difficult. That being said, EMPG is the primary preparedness funding mechanism for emergency management in the United States of America. Yet, we find that no matter who is President, that program is on the chopping block, or faces reductions that have to be—that Congress, regardless, again, of party, ends up restoring the full amount which is needed.

We rely on EMPG at the county level; we rely on it on the State level. It fills the capacities that we use to manage disasters. When Tennessee sends first responders via the Emergency Management System's contact to Florida or the Virgin Islands or Puerto Rico or the Carolinas, a lot of those capabilities have been funded and bolstered by the Emergency Management Performance Grant program. And it really needs stability and predictability, and I think

Mr. McGowan also talked about just the need for a longer time horizon, and I certainly agree with that.

We have opportunities here, I think, to bolster these capabilities over time, but they take time and they take predictability so that we budget for them.

Thank you.

Ms. ROYBAL-ALLARD. Mr. Brown.

Mr. BROWN. Thank you, Madam Chairwoman.

And I agree with my colleagues. EMPG is essential to our ability to respond and build capacity on the State and local level.

We do need to eliminate any complexities with that and also look at, again, what does emergency management look like in the 21st century, and add additional funding and resources to support building capacity on the local and State level. Last year, we were dealing with three simultaneous statewide disasters, including COVID–19.

We dealt with our busiest hurricane season, and, so, we are looking strategically at how can we build capability on the local level? There are a couple of my local emergency managers who are one person, or part-time staff. They are supported through EMPG, but building that capability so they are able to manage the full responsibilities of preparedness, mitigation, response, and recovery, given the impacts of climate change, and more frequent impactful disasters, is going to be important.

So I hope that we could, collectively, as a profession, along with Congress and the administration, look at how to recognize the innovation and the advances and the more frequent disasters and ensure we have the resources needed to face these challenges that we are facing today.

Thank you.

Ms. ROYBAL-ALLARD. Director Ghilarducci.

Mr. GHILARDUCCI. Well, Madam Chair, you have such exceptional emergency managers on this panel, they are really hitting it off on all cylinders.

You know, and I have said this before, and publicly said this before: Look, EMPG is underfunded. When you think about the fact that we are seen more complex by scope, by scale, by type of events, the diversity, the impact on our communities, the frequency of these kinds of events; you amplify that by climate change, by biohazards, by pandemics. The emergency management community needs to have resiliency. They need to have that resiliency built in, baked in.

The Emergency Management Performance Grants across the country at $350 million or so, is nothing really by comparison at what needs to be invested into that to help local and State emergency managers be able to build that capacity, that sustainability to deal with all hazards.

As you have heard, multiple directors here today, including myself, we dealt with, as you know, Congresswoman, the worst wildfire season. We had civil unrest. We had an earthquake, we had pandemic, we had power outages, all at the same time. That takes a lot of capacity, training, and ability to be able to navigate that and ultimately serve the public.

So we are asking more of emergency management than we ever have in the history of our country. And I think that that has to be reflected, more importantly, by the funding level, first. But, secondly, as stated, it has too many—it is still built on an old-school format. It needs to be reevaluated and opened up and broadened to make the most flexibility so that State and locals can utilize that in the most effective way possible.

Ms. ROYBAL-ALLARD. And I have just one more question.

And this is for you, Director, and Director McGowan. And this has to do with the issue in Los Angeles, which is one of the cities that was impacted by the—most impacted by the pandemic, particularly in my district of East Los Angeles, which has suffered, as you know, very high rates of infection and mortality rates, and yet, rates are lagging there compared to other parts of city and California as a whole.

I know that this has been touched on somewhat, but can you further address the challenges that you face in assisting these communities and the steps that you are taking to address those challenges, particularly as they pertain to the vaccinations?

Mr. MCGOWAN. Thank you, Congresswoman, for the question.

So health equity and the distribution of the vaccines in an equitable fashion has been a top priority. I think every board of supervisors meeting, we address this prioritization of effort. Our Department of Public Health, you know, consistently is looking at the different metrics to evaluate the areas that are hardest impacted and then really work with the greater framework to make sure that we are pushing through the vaccination dosages in the areas that we can have the most impact in those heavily underserved and impacted areas. We have over 400 providers as a part of the L.A. County network that can distribute doses of vaccination.

And then I also want to highlight the great partnership with Mark and Bob as it relates to the Cal OES and FEMA site that was set up at Cal State, Los Angeles, and the day-to-day support that goes into that site and reaching into our communities, our faith-based and community-based organizations to set up mobile vac sites.

I think, Congresswoman, we are seeing the trend going in the right direction as far as getting vaccination in the areas that are most impacted, and every day, I feel—I don't feel—every day I see marked increases in those impacts. I think one thing we have observed over time, over the last month, and 2 months of time, is that mobile vaccine sites, even though they are capacity and throughput, might be on a day-to-day total smaller than the megasites, really gets to those communities in a more effective manner.

So it is really a three-prong strategy. We have to use big vaccination sites for big throughput, and make sure we can keep up with the supply that is being provided. We need to use our public-private partnerships with pharmacies and health clinics, FQHCs, our Federally Qualified Health Centers, and our hospitals. And then, thirdly, we need to use these mobile vaccine sites to get to these impacted areas.

And I will close it out to say this: When we talk about vaccine hesitancy, one thing we have noticed when we have gone to a bunch of the mobile sites and we have talked with people going

there is there is a really good word-of-mouth story that is being told now in these communities. And they really trust their community members more than they are going to trust, you know, the government public information officers putting out information. And we are seeing that snowball starting to occur, where the community is talking with the community. They trust their community-based organizations and their faith-based organizations, and it is building the momentum in the right direction.

With that, I will hand it over to Mark, if he wants to add anything.

Mr. GHILARDUCCI. No, you hit the nail on the head.

Look, right in the beginning, as I said, it is all about relationships. So this has been a one-team/one-fight effort. Kevin, the county, you know, the partners in the communities within L.A. County, you know, FEMA and OES, our Health and Human Services agency, all working together to try to address, looking at the county as a whole. We, you know, are identifying what we call vaccine deserts, areas where they are underserved and communities of color.

Kevin was exactly right. The mega-site, I mean, we chose Cal State, L.A. in east Los Angeles strategically to address and put that mega-site smack dab in the middle of the most underserved parts of the county of Los Angeles. But then, it is those mobile clinics, sort of the hub and spoke, where those mobile clinics have gone out into the community could not be successful without building relationships with faith-based leaders, community-based leaders and the community leaders at large. It has taken a little bit to build the trust.

There is a lot of misinformation, disinformation about the vaccines out there, but putting those mobile clinics in the right location. We now have, you know, mobile clinics stationed in South Central Los Angeles, in parts of East L.A., outside of and around the mega-site. And those sites have just really, we have really been able to penetrate.

And Kevin is right. We are now at almost 70 percent of people of color and underserved being served by vaccine within the FEMA State site, now, speaking about what we are controlling and, you know, less than about 30 percent of non-people of color. This flipped. It was the other way around when we started, and that is a good trend.

The Governor, of course, has made a metric in place for all vaccines. The first have to be 40 percent underserved to meet that equity metric for all vaccines that are going to be pushed out by all counties in the State.

So, from the State perspective as a whole, the leadership perspective of the Governor, you know, equity and making sure that the underserved, underprivileged and people who have the hardest time getting the vaccine, but have also been hugely impacted by the virus, are the ones that get the vaccine first and that we take care of those folks.

So, you know, Congresswoman, it is continuing to work well, but it cannot be done, and it is one of those ones where you can't take your foot off the gas pedal. It has to be, continued working with the community because, once you build the level of trust, you have

to maintain that level of trust and it is very, very critical that we can do that.

Ms. ROYBAL-ALLARD. Absolutely.

Well, as we have discussed, the past year has been challenging for our country and, in fact, for the entire world. With infections declining and vaccinations increasing, there is light at the end of the tunnel. I hope that we are never again faced with a pandemic of these proportions. If we are, I know we can count on FEMA and emergency managers at every level to help us see us through it.

I want to extend my sincere thanks to our witnesses for their testimony and for your service.

And since there are no more questions, the Subcommittee on Homeland Security stands adjourned.

[Material submitted for inclusion in the record follows:]

QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE ROSA DELAURO**

**Bob Fenton, Senior Official Performing the Duties of FEMA Administrator**
**Federal Emergency Management Agency**
Committee on Appropriations
Subcommittee on Homeland Security
*The Role of FEMA and Emergency Management in COVID-19 Response*
March 16, 2021

**Road Map**

***Background:*** In response to a question, Acting Administrator Fenton described a "road map" or compendium for pandemic assistance, including sequencing of assistance for state and local governments that has been developed in Region 9, and stated that there would be a similar roadmap coming from FEMA for the nation as a whole.

***Question:***

- Can you please provide the Region 9 compendium and the national "road map" or compendium of Federal pandemic assistance for state and local governments? If the national compendium is not yet available, can you in the interim please provide a date when it will be available to the Committee and the public?

***Answer:***

FEMA leveraged the Recovery Support Function Leadership Group (RSFLG) to coordinate with over 30 federal departments and agencies to develop national COVID-19 Resource Roadmaps, published in September and October 2020. The Roadmaps are designed to assist state, local, tribal, and territorial (SLTT) leaders and stakeholders with navigating key challenges and applying the available resources associated with the COVID-19 pandemic. The five published Roadmaps are: Food and Nutrition, Education, Housing, Healthcare, and Economic Recovery. The RSFLG is currently updating the Roadmaps with resources that were

identified in the FY 2021 Omnibus and COVID Relief and Response Act and the American Rescue Plan Act of 2021.

Additionally, FEMA published a public-facing, searchable database of COVID-19 Supplemental Resources on fema.gov. This searchable database was built to help SLTT partners navigate the supplemental appropriations by keyword and/or topic area. FEMA and the RSFLG leveraged MAX-TRAX, a database housed on Max.gov (an interagency information sharing platform hosted by the Office of Management and Budget), to house this comprehensive COVID-19 Disaster Recovery Resource Library.

FEMA Region 9's Interagency Recovery Coordination (IRC) cell developed Region-specific resource guides to support the identified common needs of their SLTT stakeholders (referred to as "compendium" during the hearing). These resource guides identified possible financial and technical resources specifically provided by the supplement bills, as well as those provided as regular authorities and annual programs by state and federal agencies, including Public Assistance and Individual Assistance.

The MAX-TRAX platform allows for customized dashboards for each state in the region, as well as tribal and territory dashboards which display a comprehensive look at Region 9 pandemic allocations, including all federal disaster grant opportunities. The dashboards include products such as the Region 9 resource guides, data mapping, and economic recovery tools to provide COVID-19 recovery analysis, pandemic assistance opportunities, and resources to help aid in the grant making process of different departments and agencies.

FEMA continues to facilitate information sharing webinars to identify unmet needs in support of our stakeholders in their recovery efforts as we work collectively to provide a comprehensive recovery support model.

QUESTIONS FOR THE RECORD SUBMITTED BY

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Subcommittee on Homeland Security
*The Role of FEMA and Emergency Management in COVID-19 Response*
March 16, 2021

**Natural Disasters Pt 1**

***Background:*** What steps is FEMA taking to ensure that it is prepared to respond effectively to a natural disaster during the COVID-19 pandemic? We are fortunately passed January and February, two of the brutally coldest months in Chicago, but we are heading into spring flooding season and the threat of a natural disaster is still upon us.

***Question:***

- What coordinated efforts do you have set in place?
- If a natural disaster were to hit tomorrow, how many of FEMA's specialized staff would be available to deploy immediately?
- Would any of the deployed staff be pulled off a detail that involved working on COVID-19 vaccination and recovery operations?

***Answer:***

As of March 16, 2021, FEMA is supporting 118 Major Disaster declarations, and continues to support communities and survivors nationwide, including recovery operations from the 2020 hurricane and fire season, the COVID-19 Pandemic and vaccination efforts, and recent winter storms. As of March 16, 2021, FEMA has more than 9,400 responders deployed in incident management and support roles, including many personnel deployed and working from their residence of record to maximize staff and community safety. Comparatively, in 2017 at the height of response to Hurricanes Harvey, Irma, Maria and California wildfires, FEMA deployed more than 10,400 FEMA personnel. FEMA has never deployed more

personnel to disasters so early in the year. However, achieving goals on vaccine administration to assist recovery from COVID-19 remains an essential and enduring priority for the Agency.

FEMA routinely manages a portfolio of concurrent disasters nationwide. In support of current deployment activities, FEMA is actively coordinating with regional, state, local, tribal, and territorial (SLTT) partners to identify sustainable, long-term staffing solutions to meet the whole-of-nation COVID-19 response, while actively monitoring flood risks, spring storm risks, and also posturing for the upcoming 2021 hurricane and wildfire seasons. This includes local hire operations to recruit staff for temporary positions directly from the communities being supported. FEMA continues to work with other federal agencies for staffing and resources for all Presidentially declared disasters, including COVID-19 vaccination efforts, recent winter storms, and hurricane response. This coordination includes the Department of Homeland Security's (DHS) activation of the Surge Capacity Force (SCF), FEMA's Southwest border response support to the Department of Health and Human Services (HHS) and U.S. Customs and Border Protection (CBP), and the many federal, state, local, and non-profit partners who collaborate with the FEMA Regional and National Response Coordination Centers during a disaster. Through all these efforts, FEMA will continue to prioritize personnel and resources to missions that require lifesaving or life-sustaining response operations. In the event of a large disaster, FEMA is ready to quickly rebalance deployed personnel and deploy additional personnel to meet urgent incident stabilization needs.

The Agency currently has more than 21,000 dedicated emergency managers in the workforce who have a wealth of disaster experience and can be called upon at a moment's notice to support any disaster. To meet the current mission demands and build operational readiness for emergent incidents, FEMA continues to recruit and hire skilled personnel to help Americans before, during, and after disasters, including adding nearly 3,000 net personnel to its national disaster workforce since 2017. As of March 16, 2021, thirty-two percent of the disaster workforce (approximately 6,615 personnel) remain available for deployments.

To meet the current missions and build operational readiness for emergent incidents, the Agency has taken many key steps to augment the workforce. FEMA is utilizing staff augmentation resources such as the Disaster Staffing Support Program (internal surge), FEMA Local Hire programs to help bring temporary staff into the agency quickly, as well as the use of contracts and mission assignments.

FEMA continues to focus on an array of missions, while maintaining mission readiness for potential requirements in the future. While FEMA can meet the current staffing demands, the Agency is able to re-deploy staff to areas based on emerging response needs, especially if needed to support lifesaving or life-sustaining response operations for emergent events.

**Natural Disasters Pt 2**

***Background:*** We saw firsthand the devastation of a winter storm in Texas that took down the state's electric grid system, leaving millions of Texans without clean water and electricity.

***Question:***

- What is FEMA's plan to ensure that flooding, high winds, cold weather, power outages, and water service interruptions do not stall FEMA's vaccination distribution efforts across the country? Already more than 3,000 vaccine centers were located in areas that experienced extreme weather like power outages.
- What else can the federal government, including Congress, help cities and states do to ensure COVID-19 facility doors remain open?

***Answer:***

With the upcoming hurricane season, FEMA encourages state, tribal, and territorial (STT) governments to develop contingency plans for potential weather disruptions. In doing so, we recommend STT emergency managers and public health officials refer to FEMA's COVID-19 Pandemic Operational Guidance for the 2020 Hurricane Season (https://www.fema.gov/sites/default/files/2020-06/2020_Hurricane_Pandemic_Plan.pdf). While the Guidance focuses on disaster facilities and staging sites during hurricane season, the planning considerations can be applied to any disaster operation in the COVID-19 environment – including flooding, wildfires, and no-notice incidents in vaccine centers as well. Additionally, FEMA coordinates deliberate and crisis-action planning for the response to potential or actual all-hazards incidents that require a coordinated federal response by engaging the Whole Community, programs, and functions across the homeland security enterprise. These planning efforts support coordinated federal disaster assistance to states and communities throughout the Nation impacted by an incident, through the execution of operational frameworks such as the National Response and Recovery Frameworks.

FEMA continues to take deliberate and proactive steps, working closely with our state, local, tribal, territorial (SLTT), federal, non-profit and private sector partners to safeguard our ability to respond to and recover from future disasters that may arise during this pandemic. FEMA regions will continue to provide technical assistance and coordination for a range of program areas with their respective SLTT partners but defers to CDC for guidance for healthcare providers.

**Vaccination Efforts in Illinois**

***Background:*** FEMA is the leading agency in expanding community vaccination centers nationwide and providing essential support in the form of funding, supplies, and personnel. Can you answer the following questions pertaining to status of vaccine operations in Illinois?

***Question:***

- Would you say FEMA is hitting its targets for the number of vaccinations it has delivered in Illinois?
- How many FEMA mass vaccination clinics are there? Do you plan on repurposing big facilities? Can you confirm if FEMA plans to use Wrigley Field?
- Who makes the determinations on population and site? Do you help the state determine the location of the sites and who is eligible? If so, how?
- How many first and second doses were administered in March?
- Six months from now, how many vaccinations will be administered according to FEMA estimations, state-wide and country-wide?

***Answer:***

In alignment with President Biden's plan to respond to COVID-19, FEMA is working with other federal agencies, STT authorities, and private sector partners to assist, augment, and expedite vaccinations to meet the targets for vaccination delivery in the United States. Specifically, FEMA is supporting this goal by providing federal support through the deployment of federal clinical and non-clinical personnel; the provision of equipment, and supplies, and technical assistance; and the awarding of expedited financial assistance to STTs. As of March 16, 2021, a total of 93.1M vaccines have been administered since January 20, 2021, which is on target to reaching President Biden's initial goal to administer 100M doses by 100 days. In Illinois, 4.3M total doses have been administered and at least 22.2 percent of the population has received at least one dose.

As of March 16, 2021, there are 941 active federally supported Community Vaccination Centers (CVCs) nationwide, including 48 across Illinois. The federal government is also partnering with jurisdictions to launch a small number of pilot CVCs using primarily federal staff to support the CVCs and providing a supplemental allocation of vaccines above and beyond what is provided as part of the jurisdiction's pro rata distribution. In order to ensure we are able to reach the most vulnerable populations, these site locations are determined in coordination with jurisdictions and target areas with high population and high social vulnerability on the CDC's Social Vulnerability Index. This includes coordination efforts to establish and support fixed facilities and establishing pop-up or temporary vaccination sites and mobile vaccination clinics. As of March 16, 2021, the federally run pilot CVC at the United Center in Chicago has administered a cumulative total of 27,953 doses with 79.9 percent of goal throughput. In addition, there are plans to establish smaller, satellite sites affiliated with the United Center hub known as "spokes" that are located in underserved areas of Illinois to reach those most in need. Reviews for additional sites are being conducted on a daily basis as updates to potential pilot CVC sites are received.

FEMA is working closely with state, local, tribal, and territorial (SLTT) governments to fill gaps that their local health officials have identified. SLTTs are required to collect data and make data-driven decisions that better ensure underserved and rural communities have access to vaccines. To reach underserved and rural communities, FEMA and its federal partners are assisting SLTTs to determine and prioritize site locations to ensure equitable access.

In order to achieve President Biden's new goal to administer 200M doses by 100 days nationwide, FEMA is committed to continue working closely with SLTT governments to assist in the vaccination efforts across the United States and ensure every person who wants a vaccine can receive one.

With regards to vaccination estimates, FEMA defers to the Department of Health and Human Services (HHS) as the lead agency for vaccine administration.

QUESTIONS FOR THE RECORD SUBMITTED BY

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Committee on Appropriations
Subcommittee on Homeland Security
*The Role of FEMA and Emergency Management in COVID-19 Response*
March 16, 2021

**Medical Supply Chain Management**

***Background:*** The past year has highlighted vulnerabilities in our nation's medical supply chain, including personal protective equipment (PPE), laboratory testing supplies, and access to pharmaceuticals.

***Question:*** The American Rescue Plan that was just signed into law contains billions of dollars of funding for the supply chain for COVID-19 vaccines, therapeutics, and medical supplies.

- Where do you believe that these resources most needed?
- What can we do to prevent such a scramble throughout the rest of this public health emergency and for future pandemics?
- Are there any current supply chain shortages that are particularly important for us to watch?

***Answer:***

The Department of Health and Human Services (HHS) has the expertise to provide a better assessment on medical supply chain management; therefore, we defer to HHS regarding any questions related to the American Rescue Plan and funding for the supply chain for COVID-19 vaccines, therapeutics, and medical supplies.

## FEMA Reimbursement Questions

***Question:*** We have a couple of reimbursement questions from local hospitals in our district. They are having a hard time determining who and what are eligible for Disaster Relief Funding or FEMA grant programs, and what sorts of documentation FEMA needs for an application.

- What exactly can be reimbursed by FEMA for vaccination efforts? (staffing, supplies, IT infrastructure, facility costs, etc.?)
- What FEMA funding is available specifically for hospitals and health systems for certain costs related to the COVID-19 pandemic?

***Answer:***

FEMA can provide assistance through the Public Assistance (PA) Program to support the distribution and administration of COVID-19 vaccines. PA is only eligible for state, local, tribal, and territorial (SLTT) governmental entities and certain private nonprofit (PNP) organizations. For the COVID-19 vaccination effort, this includes any SLTT or eligible PNP organization that is authorized to receive, distribute, and/or administer COVID-19 vaccines. Private for-profit organizations and their facilities are not eligible for PA.

The federal government is providing COVID-19 vaccines at no cost. Additional costs incurred may be eligible under PA when the claimed cost is not covered by another funding source (e.g., insurance, Medicare/Medicaid, other sources of federal funding, etc.). Please note that there are other eligibility factors and program requirements applicable to all PA awards that may impact eligibility. The following work and associated costs are eligible for vaccine-related activities:

- Community Vaccination Centers and other temporary facilities set up to augment COVID-19 vaccination efforts (including facility support costs, such as leasing space for storage and/or administration of vaccines, utilities, maintenance, and security);
- Personal protective equipment (PPE), other equipment, and supplies required for storing, handling, distributing, transporting, and administering COVID-19 vaccinations;
- Additional staff, if necessary, including medical and support staff not paid for by another funding source and consistent with FEMA PA labor policies;
- Onsite infection control measures and emergency medical care for COVID-19 vaccination administration sites;
- Resources to support mobile COVID-19 vaccination in remote areas and/or transportation support to and from vaccination sites for individuals with

limited mobility or lack of access to transportation, when reasonable and necessary;

- Vaccine-related costs incurred by a Federally Qualified Health Center, Rural Health Clinics, and Critical Access Hospitals that are not covered by HHS or another funding source;
- Communications to disseminate public information regarding vaccinations, including translation and interpretation services as necessary (this may include setting up and operating a call center or website);
- Information Technology equipment and systems, when reasonable and necessary, for patient registration and tracking, vaccine-related inventory management, and/or analytics and reporting needs; and,
- Training and technical assistance specific to the proper storage, handling, distribution, and administration of COVID-19 vaccinations in accordance with CDC guidance.

For more information, see Section C.3 of the *COVID-19 Medical Care Policy (V2)* available at: https://www.fema.gov/media-collection/public-assistance-disaster-specific-guidance-covid-19-declarations.

In addition to the COVID-19 vaccination provisions listed above, hospitals and other medical care facilities owned or operated by SLTT governmental entities or eligible PNP organizations are eligible for medical care costs related to COVID-19. Private for-profit organizations and their facilities are not eligible for PA.

For primary medical care facilities (i.e., the standard operating facility owned or operated by the applicant), only medical care costs specific to COVID-19 are eligible when not covered by another funding source (e.g., insurance, Medicare/Medicaid, other sources of federal funding, etc.). See Section C.1 of the *COVID-19 Medical Care Policy (V2)* for more information.

For temporary and expanded medical care facilities (i.e., temporary facilities or expansions of primary medical care facilities to address medical surge capacity needs caused by COVID-19), medical care costs for COVID-19 and non-COVID-19 treatment are eligible when not covered by another funding source (e.g., insurance, Medicare/Medicaid, other sources of federal funding, etc.). See Section C.2 of the *COVID-19 Medical Care Policy (V2)* for more information.

To clarify the difference between primary and temporary medical care facilities, non-COVID-19 medical care at a primary medical care facility represents normal costs a facility would incur whether there was a federal declaration or not. As a

supplemental grant program, PA can only reimburse additional costs incurred as a result of the declared event (in this case, COVID-19). For temporary medical care facilities, both COVID-19 and non-COVID-19 medical care is eligible since the additional costs are related to the need for a temporary facility to address medical surge capacity needs that were caused by COVID-19.

**Influenza Supply Chain Issue**

***Background:*** It has come to my attention that companies across the biologics space are facing supply issues that are constraining their manufacturing capability, including manufacturers of routine vaccinations, CBRN medical countermeasures and therapeutic biologics, including for rare diseases and oncology. These products are in jeopardy due to the impact of COVID-19 rated orders, which are diverting many types of supplies and materials to COVID-19 vaccine and therapeutic programs.

We must not lose sight of the near-term potential impacts ranging from supply chain issues from routine vaccinations and other biological products to the inability to meet seasonal flu vaccine supply for the upcoming 2021-2022 flu season. The impacts to our most vulnerable populations could be staggering.

***Question:*** Can you work with DoD to identify supply chain solutions that will provide access to critical supplies for influenza vaccines, and other critical medical products, while also enabling the continuity of the important COVID-19 programs already underway?

***Answer***:

The Department of Health and Human Services (HHS) has the authority for health resources under the Defense Production Act (DPA), and we defer to HHS to deconflict any issues with DPA ratings from COVID-19 and any impacts to the crucial seasonal influenza work.

**National Biodefense Strategy**

***Background:*** Prior to the COVID-19 pandemic, GAO and other experts warned that more needed to be done to ensure an effective, whole-of-government preparedness for significant biological events and threats. Shortly before the pandemic begin, the federal government published the National Biodefense

Strategy, charging four departments with responsibility for our strategy: DHS, HHS, DOD, and USDA.

***Question:*** In the coming years, what can DHS do to help support the goals of the strategy and to ensure whole-of-government preparedness for the next nationally biological event, either caused by infectious disease or intentional actors?

***Answer:***

In late 2020, FEMA initiated a scheduled a review of the Biological Incident Annex, last updated in 2017, with interagency partners and in close coordination with the Department of Health and Human Services. The revision, scheduled for completion in early fall 2021, will update the Annex to incorporate new laws and policy including the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136), and will include both best practices and lessons learned from recent biological incidents including the COVID-19 response. FEMA will initiate a scheduled update to the Pandemic Crisis Action Plan nested under the Biological Incident Annex to help ensure the Nation is prepared for future emerging infectious diseases including those with pandemic potential. The revised Pandemic Crisis Action Plan will be complete in mid-2022.

**National Service Volunteers**

***Question:*** Has FEMA coordinated working with AmeriCorps and other national service organizations to utilize volunteers for its pandemic response?

***Answer:***

This is a whole-of-nation response effort. FEMA has coordinated with AmeriCorps to utilize volunteers from several traditional national service programs, including AmeriCorps National Civilian Community Corps (NCCC) and the AmeriCorps Disaster Response Team (ADRT) programs to support non-clinical roles in the pandemic response. This is in addition to the AmeriCorps FEMA Corps program, which routinely supports FEMA operations and Stafford Act disasters.

These non-clinical roles include General Support Specialists who provide logistical and administrative assistance, and Greeters and Guides who help direct visitors during their time at vaccination sites. As of March 16, 2021, there were 310 AmeriCorps members supporting COVID-19 operations across eight (8) states.

FEMA is also working with Peace Corps to utilize returned volunteers for COVID-19 response, focusing on those evacuated from their overseas posts in March 2020 due to the pandemic. Volunteers will likely be assigned to language support, administrative, logistical, and other work that supports vaccination centers' operations. It is anticipated that Peace Corps volunteers will be deployed by mid-May.

QUESTIONS FOR THE RECORD SUBMITTED BY

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Committee on Appropriations
Subcommittee on Homeland Security
*The Role of FEMA and Emergency Management in COVID-19 Response*
March 16, 2021

**Public Assistance Reimbursements**

***Background:*** FEMA's Public Assistance program provides crucial reimbursements to state, local, and eligible organizations for their vital work in serving our communities during emergencies. To date, the majority of FEMA COVID-19 reimbursements have been made to state and county emergency management offices.

***Question:***

- Is there a specific hurdle preventing other eligible organizations from being reimbursed for their claims? If yes
- Can you provide an explanation for why institutions of higher education have not yet received reimbursement for Category B eligible activities conducted in support of the public health measures, such as contract tracing, vaccinations, and providing non-congregate sheltering?

***Answer:***

FEMA's Public Assistance (PA) program works with every applicant to process their projects and get funding to them as quickly as possible. In response to COVID-19, FEMA adjusted the PA application process so that applicants can apply for PA and request assistance directly in FEMA's grants management system using a streamlined application process. Reimbursement continues to depend on a number of eligibility factors including, but not limited to: meeting all standard PA program requirements; claiming work and associated costs consistent with applicable program authorities and policies; and properly completing project

applications and providing the necessary documentation to support the claimed work and costs.

FEMA approves and provides funding for work and costs that are eligible for reimbursement under PA in accordance with applicable program authorities and policies. In the example given, schools and other educational institutions may not be eligible under PA for the types of work and associated costs requested for reimbursement. For example, contact tracing is not eligible for reimbursement through FEMA.[1] The Department of Health and Human Services (HHS) and Centers for Disease Control (CDC) are providing significant financial support to state and local health departments to support this action. As contact tracing is a technically challenging effort, FEMA has chosen to limit eligibility to ensure actions are best coordinated through health funding channels. FEMA is not aware of a contact tracing funding gap that FEMA reimbursement could fill to increase the efficacy of contact tracing for COVID-19. Further, where institutions of higher education meet eligibility requirements, FEMA is providing funding for vaccination and non-congregate sheltering.

COVID-19 vaccinations are only eligible for authorized COVID-19 vaccine providers consistent with the CDC's COVID-19 Vaccine Provider Program and any relevant state or local public health guidance and/or plans for COVID-19 vaccinations. If a school is authorized to provide COVID-19 vaccinations, they would be eligible for PA in accordance with the *Coronavirus (COVID-19) Pandemic: Medical Care Eligible for Public Assistance Interim Policy (Version 2)*. Non-congregate sheltering must also be in accordance with relevant guidance; non-congregate sheltering guidance for COVID-19 declarations is available at: www.fema.gov/media-collection/public-assistance-disaster-specific-guidance-covid-19-declarations.

[1] *See Coronavirus (COVID-19) Pandemic Work Eligible for Public Assistance (Interim)*, FP 104-009-19 at D.3.a (Sept. 1, 2020)

WEDNESDAY, MARCH 17, 2021.

# DHS MANAGEMENT CHALLENGES

## WITNESSES

**MICHAEL CHERTOFF, FORMER SECRETARY, DEPARTMENT OF HOMELAND SECURITY; AND JEH JOHNSON, FORMER SECRETARY, DEPARTMENT OF HOMELAND SECURITY**

Ms. ROYBAL-ALLARD. The Subcommittee on Homeland Security will come to order. As this hearing is being conducted virtually, we must address a few housekeeping matters. Members are responsible for muting and unmuting themselves. When you are recognized to speak, if I notice that you have not unmuted yourself, I will ask you if you would like the staff to unmute you. If you indicate approval by nodding, staff will unmute your microphone. To avoid inadvertent background noise, the chair or staff designated by the chair may mute participants' microphones when they are not recognized to speak.

I remind all members and witnesses that the 5-minute clock still applies. If there is a technology issue during a member's speaking time, we will move to the next member until the issue is resolved, and you will retain the balance of your time. You will notice the clock on your screen showing your remaining time. At 1 minute remaining, the clock will turn yellow. At 30 seconds remaining, I will gently tap the gavel to remind the member speaking that their time has almost expired. When your time has expired, the clock will turn red, and I will begin to recognize the next member.

We will follow the speaking order set forth in the House rules beginning with the chair and ranking member, followed by members present at the time the hearing is called to order in order of seniority, and we will alternate by party. Next, we will go to members who were not present when the hearing was called to order until every member present has had a first round.

Finally, House rules require me to remind you that we have set up an email address to which members can submit information in writing at any of our hearings or markups. The email address has been provided in advance to your staff.

Now, let's begin. I welcome everyone to this morning's hearing on Management Challenges at the Department of Homeland Security. As we approach the 20th anniversary of 9/11, the event that precipitated the formation of the DHS, and after 18 year since Congress created the Department, it continues to struggle with longstanding and new management challenges.

These challenges span from the management of federated component agencies, employee morale, and the evolving nature of new threats to the security of our country. This past year dramatically exemplifies these constantly emerging and daunting threats. When nearly 3,000 Americans were killed on U.S. soil on 9/11, DHS was

founded to counter the threat of terrorism from abroad. However, over the course of this year, we experienced weeks in which the daily number of Americans who died of COVID–19 surpassed the tragedy of 9/11.

While the threat of foreign-based terrorism continues to be a serious threat, recent events have highlighted the real and growing danger posed by domestic violent extremists. As was discussed during a subcommittee hearing last week, we are also extremely concerned about the very real hazards posed by our vulnerabilities to ever-evolving cybersecurity threats which were not easily foreseen 20 years ago.

Joining us to share their expertise and recommendations on these critical issues, I am pleased to welcome two very distinguished and experienced witnesses. Secretary Michael Chertoff headed the Department from 2005 to 2009. He continues to play a role in securing the Nation as the co-founder and executive chairman of Chertoff Associates. He is also senior of counsel at the law firm Covington & Burling. Before his service as DHS Secretary, he served for more than a decade as a Federal prosecutor, and then a Federal judge.

Secretary Jeh Johnson led the Department from 2013 to 2017, and serves as a partner in the litigation department of Paul, Weiss law firm. Prior to leading DHS, his accomplishments included both private sector legal work, and public sector senior leadership roles at the Departments of Justice and Defense. Each of these men led the vast 22-component agency, 230-employee Department. Both have contributed significantly to the development of the Department's management functions.

As we approach the end of the DHS' second decade in existence, I look forward to hearing their thoughts on what they see as the Department's most pressing management challenges and major obstacles, and how best to address them. We greatly appreciate you both agreeing to appear before our subcommittee this morning.

I would now like to turn to the distinguished gentleman, Mr. Palazzo, for opening remarks, if he has any.

Mr. PALAZZO. Well, thank you, Madam Chair. Thank you, Mr. Chertoff and Mr. Johnson, for coming today to speak with us regarding management issues within your former departments.

Since its inception post 9/11, this Department has taken on the crucial task of protecting our homeland and ensuring the safety of the American people. I would say both of you have been successful in that mission, and I thank you for your service to our country.

Over the last decade, you have had the firsthand experience of the many challenges our men and women in the Department face. As we sit here, our country faces a serious issue at our southern border, cyber threats from our adversaries, and pressure from China near our territories and interests. I look forward to your answers and comments on how we can improve our Homeland Security and work together on helping the American people.

Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Thank you.

Secretaries Johnson and Chertoff, we will submit the full text of your official statements for the record. Please begin your oral sum-

mary which I would ask you to keep to 5 minutes. We will proceed in chronological order of service with Secretary Chertoff going first.

Secretary Chertoff, please begin.

Mr. CHERTOFF. Thank you, Madam Chair, and Representative Palazzo, and I appreciate the opportunity to be here virtually, even if not physically. Let me try to sum up my views in the following statements:

First, DHS was founded to deal with all hazards, and to protect the United States against all hazards. And that remains, I think, at the core of the mission. Although terrorism was the immediate instigating cause of the Department's foundation, there was a clear decision to look at natural disasters and pandemics and other kinds of national systemic threats as part of the mission set for DHS.

A second critical element of DHS, which I know both Secretary Johnson and I worked very hard to implement, was the idea of unity of effort, bringing together the various capabilities of the components in a single, unified program to respond to particular threats. We saw that in natural disasters where we were able to use FEMA, supplemented with, for example, Customs and Border Protection and the Coast Guard, and other components to respond to emergencies.

More recently, as we have seen an elevation in cybersecurity, I want to emphasize that physical security and cybersecurity must go hand in hand and that often what we see in threats in the cyber sphere have a physical element that is part of the attack vector.

That is one of the reasons I want to say, for the record, I believe it would be a very serious mistake to honor the suggestion of some people that the Secret Service be removed from DHS. The Secret Service plays a critical role in securing the physical environment of our national special security events and other kinds of critical infrastructure, and they work hand in hand with CISA and other cyber components to do that, and that unity of effort should be preserved.

I will acknowledge in the past couple of years, there has been a sense of the drift, and I think it is attributable to a number of things, but two in particular. One is, there has been an unbelievable leadership turnover at the Department. What that has done is rob the Department of confirmed leadership that will be stable, that is able to identify and implement the strategy, and that has the credibility with the workforce to execute on that strategy. Having people rotating through the Secretary's job with temporary appointments that may or may not actually be authorized is designed to undercut the ability of the Department to operate as a single unified effort.

I would also say that there was, while understandably a focus on the border as an important issue, it was treated, in many ways, as the only issue. And some of the capabilities of other parts of the Department were shifted over or subordinated to the border mission, and that, ultimately, robbed our ability to continue to plan and build capabilities that are cross-cutting, and would deal with many of the issues we have now.

So I would suggest that moving forward, we need to do the following: First, Congress needs to make sure there is clarity in the

law about succession in the event of vacancies and confirmed positions, and not allow situations where a future President, not the current one, would decide to use vacancies as a way of simply populating the Department with people who will be nothing more than agents to do bidding on particular weeks.

Second, I think Congress needs to articulate the significance of unity of effort, joint planning, and joint execution. At the heart of the Department's mission, we have a national incident management system. That is supposed to be a cross-cutting way to guarantee that all of the elements, not only of DHS, but of other Federal agencies and State agencies, can work together in coordinated fashion. That has to be [inaudible] and reinvigorated.

Third, we need to broaden the focus on the new set of hazards which have arisen. Some of these are now factors, whether it be pandemics or disasters caused by climate change. I think we have seen more of these natural impact and natural hazards in the last couple of years that I remember seeing in the last 20 years, and this is only going to continue to get worse. So again, the ability to plan, equip, and train to deal with these things must be a priority.

And I know Secretary Johnson will remember that both under his tenure and in my tenure, we worked very hard in building and exercising pandemic response plans. But unfortunately, they were allowed to lapse.

Finally, I would argue there are three new threats that, again, fall within the domain of DHS that have to be funded and have to be emphasized. One, as the chair said, is domestic terrorism, which is now, in terms of casualties in the U.S., causing more death than global jihadism that we dealt with 20 years ago. That problem is not going away. And in conjunction with the FBI and State and local law enforcement, we have to be prepared to address it.

Second. As demonstrated by solar winds and other attacks, including an attack on our water system in Florida, cyber attacks are becoming more and more dangerous, more and more frequent, and the scale is increasing. An adequate refunding and giving authorities to CISA, working with the Secret Service to respond to those attacks is probably the number one hazard that requires urgent action.

And, finally, both foreign adversaries and domestic actors are engaging in disinformation campaigns and attacks on our democracy. And while our physical security is obviously critical, the security of our Constitution and our constitutional values is also, in my view, part of the responsibility of DHS.

So there is plenty to do, but I will leave by saying I still believe that the vast majority of people who work at the agency are committed to the mission, if given proper leadership and direction and support, will happily execute that mission, and all of us depend upon the ability of the Department to do its work.

So with that, I thank you very much, and I look forward to answering questions.

[The information follows:]

**Hearing before the Committee on Appropriations**
**Subcommittee on Homeland Security**
*"DHS Management Challenges"*
*March 17th, 2021*

**The Honorable Michael Chertoff**
*Former Secretary of Homeland Security, 2005-2009*
*Former Judge of the United States Court of Appeals for the Third Circuit, 2003-2005*
*Former United States Assistant Attorney General for the Criminal Division, 2001-2003*
*United States Attorney for the District of New Jersey, 1990-1994*
*Co-Founder and Executive Chairman, The Chertoff Group, 2009-Present*

As we approach the twentieth anniversary of the 9/11 attacks, the impetus behind the Department of Homeland Security's (DHS) creation in 2002, I believe that the case underpinning the Department's creation is as strong as ever. Today's domestic security and disaster risk landscape requires a multifaceted, coordinated approach that addresses the discrete aspects of our most pressing challenges, which include an easing but still-deadly pandemic, cybersecurity threats to both public and private networks, foreign-based terrorist threats, and, increasingly, domestic terrorism threats that pose a significant threat to the core of our democracy. A robust, organized, and well-coordinated Department of Homeland Security is, in my view, vital to addressing these challenges and ensuring the security and safety of this country.

In testifying before the Subcommittee today I bring not only my perspective as a former Homeland Security Secretary, but as Federal Appellate Judge, Assistant Attorney General for the Criminal Division, United States Attorney for the District of New Jersey, and as a consultant who now helps private clients address their organizations' physical and cybersecurity risks. Throughout my career I have sought to help our country address some of its most salient security challenges and have seen first-hand the dangers posed by natural disasters, pandemics, cybersecurity threats, and terrorism, both foreign and domestic. I trust and hope that the Department will continue to lead governmental efforts to address these dangers.

That is not to say that the Department is without its fair share of challenges. An evolving threat landscape requires the Department to adapt its approaches and priorities to better reflect both enduring and emergent threats. Perhaps the greatest at the moment, the COVID-19 pandemic, is something that caught many public health and safety officials around the globe off guard. The Department, the United States, and the world at-large were poorly prepared to confront a pandemic of the size, scale, transmissibility, and lethality that confronted us. Contingency plans for such an event created during my tenure at the Department and updated in subsequent years, were later neglected. When the pandemic hit, whatever plans remained were either ignored or proved inadequate to address the scale of the challenges presented by COVID.[1] The Department must learn the lessons of this pandemic, ensuring that contingency plans for such an event are properly maintained, that the Federal Emergency Management Agency is empowered to respond under such a contingency, and that the Department properly coordinates its plans and response with the Department of Health and Human Services, the Department of Defense, the White House, and other government partners.

[1] *See* https://www.jsonline.com/in-depth/news/2020/10/14/america-had-worlds-best-pandemic-response-plan-playbook-why-did-fail-coronavirus-covid-19-timeline/3587922001/

Terrorism-related threats to the United States also continue to evolve, with a particularly sharp rise in domestic terror activity over the past several years, fueled by rampant disinformation, conspiracy theories, and discriminatory ideologies hostile to our vibrant, pluralistic, and diverse democracy. While the Department has, historically, been more focused on foreign terror threats, it must adapt and evolve in ways that allow it to better address domestic threats, as evidenced by the intelligence and security failures of January 6, 2021 at the United States Capitol.[2] The Department's intelligence and law enforcement components need an enhanced ability to detect, investigate, and respond to domestic terror threats while remaining vigilant to the threat posed by foreign-based terrorist organizations. This will require a change in how the Department and its components think about terrorism-related threats.

The Department also faces significant cyber risks, as demonstrated by large-scale compromises involving SolarWinds, likely Russian in origin, and exploitation of Microsoft Exchange Server vulnerabilities by a Chinese hacking organization dubbed "Hafnium."[3] The creation of the Cybersecurity and Infrastructure Security Agency (CISA) within the Department was a necessary move, expanding the Department's cyber capabilities while enhancing its ability to coordinate cybersecurity efforts across the government. Even with the Agency's success, it is clear that we must continue to ensure it has the resources it needs to both coordinate the cybersecurity of government systems and respond to large-scale attacks affecting private and public entities.

In addressing these challenges, it is important that the Department maintains its ability to respond across both physical and cyber domains. Today's threats are rarely, if ever, limited to either the physical or cyber worlds. The widespread application of smart technologies to every aspect of our lives has brought with them new capabilities and threats. Cyberattacks on critical infrastructure have only served to highlight this sort of threat. Last month an unknown attacker remotely accessed the computer systems controlling the water treatment plant in Oldsmar, Florida in a brief, and thankfully unsuccessful, attempt to poison the city's drinking water.[4]

This failed attack is a warning about the dangers of connecting critical infrastructure to the wider Internet without implementing the appropriate security measures. It also makes clear how activities in cyberspace can affect deadly outcomes in the physical world, just as the cutting of fiber optic cables in the physical world can have significant repercussions in cyberspace. It is a strength, not a weakness, that the Department is responsible for addressing threats in both domains, allowing for a unity of effort that can better address threats spanning the cyber and physical worlds. This is also, in my view, a strong case for keeping the United States Secret Service and its significant cybercrime investigatory capabilities, and Executive protection capabilities, within the Department. These capabilities complement both the Department's physical security capabilities and its cyber defense and response capabilities housed within CISA. The Secret Service's presence within DHS also helps to ensure more effective coordination of National Special Security Events (NSSE), large scale events, like the Inauguration, which are planned by the Secret Service.[5]

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[2] *See* https://www.politico.com/news/2021/02/23/congress-answers-jan-6-insurrection-471000
[3] *See* https://www.reuters.com/article/us-cyber-solarwinds-microsoft/solarwinds-hack-was-largest-and-most-sophisticated-attack-ever-microsoft-president-idUSKBN2AF03R *and* https://krebsonsecurity.com/2021/03/at-least-30000-u-s-organizations-newly-hacked-via-holes-in-microsofts-email-software/
[4] *See* https://us-cert.cisa.gov/ncas/alerts/aa21-042a *and* https://krebsonsecurity.com/2021/02/whats-most-interesting-about-the-florida-water-system-hack-that-we-heard-about-it-at-all/
[5] *See* https://fas.org/sgp/crs/homesec/R43522.pdf

In addition to these external challenges, the Department has faced significant internal challenges over the past four years. By the end of 2020 there were incredibly few Congressionally confirmed individuals leading the Department, leaving it in the hands of acting officials without the authority to properly run it. The large number of acting officials and the amount of time they served in those roles also resulted in questions regarding the legality and validity of decisions they made.[6]

While perhaps politically expedient, this strategy was detrimental to the mission of DHS. This strategy left the Department in the hands of individuals with limited authority to lead. Constant leadership churn left employees across the Department demoralized, uncertain if the individuals in acting leadership roles would be there tomorrow. Individuals uniquely qualified to lead a particular agency or mission suddenly found themselves running a different organization. Qualified and skilled individuals serving in acting roles were handicapped, unable to develop long term strategies or build relationships with their staff or other agencies. This sort of leadership turnover and uncertainty would be detrimental to the running of any organization but was particularly damaging at DHS. I would strongly encourage Congress to clarify and tighten the authority of the President to appoint acting officials to fill vacant, Senate-confirmed leadership positions in order to help prevent a repeat occurrence.

The previous administration's motivation to pursue this strategy was largely driven by its almost singular focus on just one of DHS's many missions—immigration. This is not to suggest that immigration and border security are not important elements of the Department's mission—they clearly are, but it is both inappropriate and dangerous to narrowly focus on these missions at the expense of other core DHS functions, including emergency response and planning, aviation security, the investigation of cybercrime and fraud, and counterterrorism, perhaps most notably the rising tide of domestic terrorism.

Slowly but surely, the administration worked to refocus as much of DHS as possible on its immigration policies and accompanying border security plans. Funds were redirected to support the construction of more border fencing, taking them away from other physical and cyber security missions. Personnel were redirected from the Transportation Security Administration (TSA) to support border operations, limiting the number of Federal Air Marshals on US flights.[7] United States Citizenship and Immigration Services (USCIS) was asked to dramatically slow immigration to the United States via any number of tactics, including the slowing of visa processing and new restrictions on legal immigration.[8]

In other instances, lawful authorities at some DHS agencies were overstretched to further the administration's immigration objectives. For example, Customs and Border Protection (CBP) was found by the DHS Inspector General to have violated multiple court orders in its aggressive enforcement of the previous administration's first ban on travel from seven Muslim-majority countries, preventing some individuals from traveling to the US despite being legally able to do so.[9] While some DHS components, including TSA and CISA, were able to make significant progress despite this singular focus, many others were forced to neglect their core missions in the service of a single White House priority.

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[6] *See* https://www.justsecurity.org/72456/at-least-15-trump-officials-do-not-hold-their-positions-lawfully/
[7] *See* https://www.nytimes.com/2019/05/15/us/politics/federal-agents-border-migrant-surge.html
[8] *See* https://www.nytimes.com/2019/02/21/us/immigrant-citizenship-naturalization.html *and* https://www.cnn.com/2020/12/31/politics/trump-immigration-restrictions-pandemic/index.html
[9] *See* https://www.reuters.com/article/us-usa-immigration-travelban/u-s-border-officials-violated-court-orders-on-travel-ban-watchdog-idUSKBN1DL216

This is not to say that border security should be deprioritized. The last several weeks have occasioned significant spikes in unaccompanied minors crossing the Southern border.[10] It is important that the new administration, and the Department, properly calibrate itself to the challenges it faces and remain committed to its border security mission and the rule of law. The Department must address its full mission set and not neglect any of its core responsibilities as a result of political considerations.

As the Department works to address its challenges, it will need the support of Congress, not only to ensure adequate appropriations, but to address legal, organizational, oversight, and planning issues. First, as Congress considers reauthorization of the Department of Homeland Security, it should seek to be clear on DHS's mission set and the authorities of DHS and its constituent agencies, ensuring that both reflect the changing threat environment and increasing cyber and domestic terrorist threats.

Second, Congress needs to streamline Congressional oversight of the Department. At present, some 90 different committees and subcommittees have jurisdiction, creating a lattice work of overlapping oversight hearings and information requests as well as a nightmarish process for DHS leadership to navigate in order to secure needed changes to legal authorities or appropriations. This mess of overlapping jurisdiction is a lingering relic of the Department's formation when Committees were loath to lose jurisdiction over the various agencies and offices that were combined to create DHS. While Congressional committees are often hesitant to curtail their own oversight authorities, the reality is that it is high past time for Congress to address this issue and bring a more sensible oversight structure to DHS.

Third, Congress should reevaluate the role of the National Response Framework and prioritize the role of emergency planning within DHS and the government as a whole. The pandemic, recent large-scale climate-related disasters, cyber-attacks, and the January 6th assault on the Capitol have demonstrated the need for more robust response planning. It is vital that DHS work with its government partners to stockpile key emergency response supplies and resources more effectively. Congress should also direct DHS to develop more robust response plans in the following areas:

- **Pandemics**: DHS must return to the drawing board on its pandemic response planning, revisiting the playbooks left behind by the Bush and Obama administrations while incorporating lessons learned from the past year. Epidemiologists and other scientists have made it clear that the risk of global pandemics will continue to rise in the coming years, making it that much more imperative that we are properly prepared for the next pandemic event.[11]
- **Climate-related Disasters**: Climate change is real, and is helping to fuel stronger, more destructive hurricanes, larger and more dangerous fires, and more extreme flooding events. The scale of destruction from these events has grown dramatically over the past twenty years and climate scientists indicate that we can expect the scale and frequency of such disasters to grow.[12] We can, and must, better prepare ourselves to respond to such disasters and put in place the infrastructure needed to mitigate their impacts when they occur. FEMA has a critical role to play in both mitigating and responding to the effects of climate change.
- **Cybersecurity**: The frequency and impact of cyber events continues to grow, fueled by the increasing

[10] *See* https://www.wsj.com/articles/biden-restarts-program-to-reunite-central-american-children-with-parents-in-u-s-11615401191
[11] *See* https://www.vox.com/future-perfect/2018/10/15/17948062/pandemic-flu-ebola-h1n1-outbreak-infectious-disease
[12] *See* https://www.washingtonpost.com/climate-solutions/2020/10/22/climate-curious-disasters-climate-change/

ubiquity of computer infrastructure in all aspects of our lives, highly motivated nation-state and criminal actors, and continued vulnerabilities in our computer systems. Foreign offensive cyber operations have also been demonstrated to have clear impacts on the United States as well, most notably in US elections, protest movements, disinformation campaigns, and pandemic response, among others.[13] We must continue to invest in CISA and its capabilities while also building the agency's capacity to coordinate and leverage the expertise and resources of its Department of Defense (DOD) counterparts. DOD has capabilities and, frankly, resources that cannot be matched within CISA or DHS, and better cooperation is required if we are to make necessary progress on cybersecurity in both the public and private sectors.

- **Domestic Terror and Capitol Security:** The January 6th assault on the Capitol demonstrated how woefully unprepared we were for domestic terrorism fueled by extreme ideologies and misinformation. As Congress ponders how it plans to respond to General Honoré's initial report, I would encourage Congress to focus on how it can help to streamline lines of communication and coordination between the large number of federal, District, and adjoining state agencies responsible for keeping both the US Capitol and the Capital region secure from domestic terror threats.[14] We must work to ensure that relevant intelligence information is properly shared, that the right resources are in place to allow for rapid incident response, and that lines of communication are effective. I would also encourage us to find security solutions that minimize, to the extent possible, large amounts of fencing and other barriers that effectively militarize our nation's capital and temple to democracy.

While I know that the Department of Homeland Security may face many challenges, I feel that the above outlines some of the most pressing for a Department that is vital to protecting our national security and responding to national disasters and emergencies. The last four years have weighed on the Department and its dedicated staff, stunting some key capabilities while demoralizing its workforce. I believe that it is important for Congress to help address the Department's challenges and give it the tools and support needed to once again address the breadth of its mission set. With such support I believe that the Department will be able to meet the vast array of domestic security and safety challenges confronting this country in these difficult and trying times. Thank for your invitation to testify before the committee and I look forward to answering your questions.

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[13] *See* https://www.npr.org/2020/11/18/936214790/how-the-u-s-fended-off-serious-foreign-election-day-cyberattacks, https://slate.com/technology/2018/05/russian-trolls-are-obsessed-with-black-lives-matter.html, *and* https://www.justsecurity.org/73699/covid-19-and-international-law-series-vaccine-theft-disinformation-the-law-governing-cyber-operations/

[14] *See* https://www.washingtonpost.com/context/read-the-report-task-force-1-6-capitol-security-review/91993776-3301-4d92-bb97-658d65c864dc/?itid=lk_inline_manual_4

Ms. ROYBAL-ALLARD. Thank you.

Secretary Johnson, please begin.

Mr. JOHNSON. Thank you very much. Let me begin by apologizing for the darkness in my office here. It is a little hard to see me, but at least you get a panoramic view of midtown Manhattan. I am sitting in my law office in New York City.

Madam Chair, Ranking Member Palazzo, it is good to see so many friends of mine on the subcommittee. As a matter of reflex, so I have been in private life for four years now. When the appropriators call, I still respond. I welcome the opportunity to testify at this hearing concerning management challenges at DHS. I also welcome the opportunity to testify alongside my good friend and predecessor, Mike Chertoff. Though we served administrations of different parties, Mike and I have often collaborated on a number of projects and events.

As you know, DHS is the third largest cabinet department of our government. It is a fraction of the size of the Department of Defense, where I served as general counsel from 2009 to 2012. But in many respects, it feels much larger. Without a doubt, DHS is the most decentralized cabinet department with the most diffuse set of missions and workplace cultures, all under the umbrella of Homeland Security, ranging from CISA, TSA, the Coast Guard, where my son serves, and the United States Secret Service.

No matter whether you regard DHS as too big or too small, the reality, however, is that DHS' current structure is outdated to meet all current homeland security threats. DHS was created in the wake of 9/11, as you well know, ostensibly for the counterterrorism mission.

In 2002, terrorism was regarded primarily as an extraterritorial threat. The view then was that the consolidation into one cabinet-level department of the regulation of all the different ways a person can enter our homeland, land, sea, or air, is the effective way to counterterrorism. Now, almost 20 years later, we know that the principal terrorist threats to our homeland are domestic-based. In recent years, most attacks have been committed by domestic groups or individuals, not by those directed or inspired by foreign terrorist organizations.

Beyond that are the other serious threats to our Homeland Security, namely, COVID–19, cybersecurity, climate change, and other things. The Department of Homeland Security must meet all these challenges, plus administer and enforce our immigration laws. But DHS has, in recent years, been under constant siege and in constant crisis, while suffering from management upheaval and leadership vacancies.

Over the last 50 months, there have been nine, nine people, including myself and the incumbent, to occupy the role of Secretary of Homeland Security, four Senate-confirmed, and five acting. Over the last 4 years of the Trump administration, there was no Senate-confirmed director of ICE at all.

There have been public calls, as you know, for the elimination of certain components of DHS, or the casting off of certain components of DHS, and even the elimination of DHS in its entirety. In the current environment, it is easy to forget that DHS is responsible for the vital missions of protecting the American people and

their homeland from land, sea, and air, and in cyberspace. The Coast Guard performs the vital maritime safety, national security law enforcement, and counter drug functions. The Secret Service protects the President and others. TSA provides basic aviation security to Americans every day. FEMA is the Nation's disaster response agency. CISA is the U.S. Government's primary information exchange hub for the Nation's cybersecurity.

These are matters in which politics should play a little role, and around which there should be bipartisan consensus and support.

You have my extended prepared statement in which I put forth a number of observations and recommendations, places where I think DHS has improved and where it still has a challenge. I look forward to answering your questions in our discussion. Thank you.

[The information follows:]

**Prepared Statement of Jeh Charles Johnson**
**Hearing before the House Appropriations Committee,**
**Subcommittee on the Department of Homeland Security:**
**"DHS Management Challenges"**

**March 17, 2021**

Chairwoman Roybal-Allard, Ranking Member Fleischmann and members of the Subcommittee:

I welcome the opportunity to testify at this hearing concerning management challenges at the Department of Homeland Security. I also welcome the opportunity to testify alongside my good friend and predecessor Mike Chertoff. Though we served administrations of different parties, Mike and I have often collaborated on a number of projects and events.

As you know, DHS is the third largest cabinet department of our government. It is a fraction of the size of DoD (where I served as general counsel in 2009-2012) but in many respects it feels much larger. Without a doubt DHS is the most decentralized cabinet department, with the most diffuse set of missions and workplace cultures all under the umbrella of "homeland security" – ranging from CISA, TSA, the Coast Guard, to the Secret Service.

DHS is in some respects too big and in some respects too small. Like many things in Washington, its creation in 2002 was the result of imperfect political compromise. One could argue that, to meet all current and future threats to homeland security, one cabinet-level official should have oversight of a far more comprehensive cluster of federal law enforcement agencies. Missions could then be de-conflicted, and certain functions like intelligence gathering and sharing, public threat advisories, budgets and acquisitions, could be centralized.

On the other hand, there would no doubt be numerous objections to the creation of such a large and powerful cabinet department. Many, supported by recent history, would argue the dangers of such a large domestic security department under the control of a president with authoritarian impulses.

No matter whether you regard DHS as too big or too small, the reality is that DHS's current structure is outdated to meet all current homeland security threats. DHS was created in the wake of 9/11, principally for the counterterrorism mission. In 2002, terrorism was regarded primarily as an *extraterritorial* threat. The view then was that the consolidation into one cabinet-level department of the regulation of all the different ways a person can enter our homeland – land, sea or air – is the effective way to counter terrorism. Now, almost 20 years later, we

know that the principal terrorist threats to our homeland are *domestic*-based. In recent years most attacks have been committed by domestic groups or individuals, not by those directed or inspired by foreign terrorist organizations.[1] Beyond that are the other serious threats to homeland security, namely COVID-19, cybersecurity and climate change. The Department of Homeland Security must meet all these challenges, plus administer and enforce our immigration laws.

Last but not least among its challenges, DHS has in recent years been under constant siege and in constant crisis, while suffering from management upheaval and leadership vacancies. There are public calls for the elimination of certain components of DHS, and even DHS in its entirety. DHS leadership has in recent years been overwhelmed by the politically contentious and emotional immigration mission and the crises that have existed on the southern border – to the exclusion, I fear, of all of these other important homeland security missions.

In the current environment, it is easy to forget that DHS is responsible for the vital missions of protecting the American people and their homeland from the land, sea, and air and in cyberspace. The Coast Guard performs vital maritime safety, national security, law enforcement, and counterdrug functions. The Secret Service protects the President and others. TSA provides basic aviation security to Americans every day. FEMA is the Nation's disaster response agency. CISA is the U.S. government's primary information exchange hub for the Nation's cybersecurity. These are matters in which politics should play little role, and around which there should bipartisan consensus and support.

Informed by recent studies I have co-chaired or contributed to,[2] here are my specific observations and recommendations concerning DHS management challenges.

**Stable, credible leadership.** Over the last 50 months, there have been *nine* people (including myself and the incumbent) to occupy the role of Secretary of Homeland Security – four Senate-confirmed and five acting. Over the four years of the Trump Administration, there was no Senate-confirmed director of ICE at all.[3] This type of turnover among the senior leaders of DHS erodes confidence and credibility both within and without the department. No one leader in recent years has had the opportunity to right the ship, set an agenda, or be taken seriously. I am pleased that Alejandro Mayorkas is now the Senate-confirmed

[1] *Murder and Extremism in the United States in 2018*, Anti-Defamation League (Jan. 2019), available here.
[2] Thomas Warrick and Caitlin Durkovich, *Future of DHS Project: Key Findings and Recommendations*, Atlantic Council (Sept. 2020), available here; *Commission on the National Response Enterprise: A Call to Action*, Bus. Exec. for Nat'l Sec. (Feb. 2021), available here.
[3] Celine Castronuovo, *ICE acting director resigns weeks after assuming post*, The Hill (Jan. 13, 2021), available here ("ICE has had six directors under the Trump administration, though the agency has not had a Senate-confirmed director during the past four years.").

leader of DHS. I urge the President and the Senate to move swiftly to fill the other Senate-confirmed senior positions in DHS.

**Time for another QHSR.** In 2010 DHS delivered to Congress a Quadrennial Homeland Security Review to spell out leadership's comprehensive and long-term strategy for the future. Another one was issued while I was Secretary in 2014. Seven years later, DHS has not delivered one since.[4] This is a worthwhile exercise, and Congress should insist upon it.

**Centralized functions.** When I arrived at DHS in December 2013, I was surprised to find that many basic headquarters functions such as budgeting and acquisition were stove-piped and lack maturity, and there were multiple financial systems across DHS. During my time in office we worked to centralize the budget process, for example, driven by mission rather than component. The next DHS Undersecretary for Management should continue on this path.

**Joint assignments.** Like the Department of Defense with the passage of Goldwater-Nichols in 1986, DHS should further integrate through joint assignments and missions. Many DHS component missions (particularly among the immigration components) overlap but lack coordination. In 2014 I created Joint Task Forces for southern border security.[5] Naturally, component leadership resisted this. But, Congress later codified the concept into law and even went a few steps further.[6] Since then, the JTFs have either been badly mismanaged or disbanded altogether.[7] Congress should insist that JTFs be restored. Likewise, Congress should encourage headquarters joint duty assignments, similar to the joint staff at the Pentagon, as a pathway to career advancement within DHS overall.

**Morale.** For years DHS has among cabinet departments been at the bottom of the list in terms of morale. The good news is that, since 2016 levels of morale at DHS (according to the annual Federal Employee Viewpoint Survey) have bottomed out and are increasing slightly.[8] I believe much of the credit for this goes to the hard work of DHS's Chief Human Capital Officer, Angela Bailey. Her office should be encouraged and supported in its efforts.

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[4] Dep't of Homeland Sec., *Quadrennial Homeland Security Review (QHSR)* (last visited Mar. 14, 2021), available here.

[5] Memorandum from Jeh C. Johnson, Sec'y of Dep't of Homeland Sec., Southern Border and Approaches Campaign at 2 (Nov. 20, 2014), available here.

[6] National Defense Authorization Act for Fiscal Year 2017 § 1901, 6 U.S.C. § 348.

[7] Anna Giaritelli, *DHS secretly shuttered Obama-era task force, empowering Border Patrol parent agency*, Washington Examiner (Oct. 9, 2020), available here; Office of Inspector General, *DHS Cannot Determine the Total Cost, Effectiveness, and Value of Its Joint Task Forces* (Sept. 30, 2020), available here.

[8] Thomas Warrick and Caitlin Durkovich, *Future of DHS Project: Key Findings and Recommendations* at 20, Atlantic Council (Sept. 2020), available here.

**No reorganizations, at least for now.** There are many who believe the answer to DHS's problems is a wholesale restructuring, the elimination or casting off of components to other departments, or the outright elimination of DHS entirely. I do not believe Congress or DHS should undertake any reorganization of DHS, at least for now. Reorganizations are time-consuming, stressful and will distract leadership from their critical homeland security missions. DHS needs time to stabilize. Nor do I believe splintering the various federal security agencies across the federal government (as they once were) is in the best interests of the safety of the American people. Secretary Chertoff and I co-authored an op-ed[9] arguing against the effort to move the Secret Service back to the Treasury Department, and that effort appears to have lost steam.

**Promote FEMA's role.** FEMA is perhaps the crown jewel of DHS. Its ability to quickly mobilize, coordinate and deploy resources is likely unmatched anywhere in the federal government. In the face of emergencies like COVID-19 or the recent surge at the southern border, FEMA should be promoted to coordinate DHS and other federal agencies. Congress should review whether FEMA and DHS have the necessary authorities to do that job.

**Combating violent extremism**. As described above, DHS is ill-equipped to deal with the current threat of domestic-based violent extremism. With the support of Congress, in 2015 DHS established an office for countering violent extremism.[10] During the Trump Administration that office was renamed, reorganized and to a large extent defunded. DHS must reinvigorate its CVE mission. I was pleased to see the recent announcement[11] that DHS will require that a certain percentage of its grants to state and local authorities must be spent on countering domestic-based violent extremism.

**Cybersecurity.** Another piece of good news. From what I see, DHS's efforts in cybersecurity have improved. I am pleased that Congress approved the reformation of DHS's cumbersome National Protection and Programs Directorate into the Cybersecurity and Infrastructure Security Agency, or CISA.[12] Under the leadership of Chris Krebs, CISA built an effective working relationship with many state election officials to improve the cybersecurity of our Nation's election infrastructure prior to the 2020 election. We suffered the devastating SolarWinds cyberattack, but many of the most sophisticated public and private entities, beyond

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[9] Jeh Charles Johnson and Michael Chertoff, *Leave the Secret Service in Homeland Security*, The Hill (Jul. 9, 2020), available here.

[10] Press Release, *Countering Violent Extremism Task Force*, Dep't of Homeland Sec. (Jan. 8, 2016), available here.

[11] Press Release, *DHS Announces Funding Opportunity for $1 87 Billion in Preparedness Grants*, Dep't of Homeland Sec. (Feb. 25, 2021), available here.

[12] The Cybersecurity and Infrastructure Security Agency Act of 2018, 6 U.S.C. § 652.

CISA, failed to detect and prevent that attack early. In general, I believe DHS and CISA are headed in the right direction on cybersecurity.

**Immigration.** It continues to consume DHS. Whether the current situation at the southern border is regarded as a "crisis," an "emergency," or a "challenge" – the problems are many and the solutions unattractive. There are no quick and easy fixes. Personal experience teaches me that there is no level of border security or deterrence than can address the powerful push factors that prompt families and children to make the dangerous journey to America. The long term solution, which President Biden endorses, is aid to help eradicate the poverty and violence in Central America. The Obama Administration began with an investment of $750 million to Central America in FY2016, aid was discontinued during the Trump Administration,[13] and the Biden Administration seeks to restore it.[14] Informed sources have told me that the aid appropriated in 2016 was beginning to make a difference. The legislative and executive branches – through multiple administrations – should resume and stay this course.

**Congressional oversight.** Finally, no honest discussion of DHS management challenges is complete without reference to the long-running problem of far too many committees of congressional oversight. In 2002 the executive branch realigned itself to consolidate homeland security functions but Congress did not. There are dozens and dozens of committees and subcommittees of Congress that purport to exercise oversight jurisdiction over DHS. Speaker Pelosi's announcement on January 25 of an MOU between and among House committee chairs to better collaborate on congressional oversight of DHS is a positive step in the right direction.[15] There is much more to do on this front.

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I look forward to your questions.

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[13] Lesley Wroughton and Patricia Zengerle, *As promised, Trump slashes aid to Central America over migrants*, Reuters (June 17, 2019), available here.
[14] Exec. Order 14010, 86 Fed. Reg. 23, 8267 (Feb. 5, 2021).
[15] Memorandum of Understanding regarding principles for the 117th Congress, chairs of committees with jurisdiction over the Department of Homeland Security (Jan. 25, 2021), available here.

Ms. ROYBAL-ALLARD. Thank you.

Secretary Johnson, there has been a longstanding criticism about how DHS was created and structured by combining multiple, somewhat disparate agencies into a new department without giving its leadership sufficient authority to exert effective control over components which too often operated independently. You attempted to address this with your unity of effort initiative. Unfortunately, much of the progress that you made seems to have been lost since your departure.

Both you and Secretary Chertoff served as senior advisors or board co-chairs of the Atlantic Council Future of DHS project which issued a number of recommendations in December, including ones focused on internal challenges. Importantly, it recommended that policy and budget officials work more closely together.

Do you agree that a power imbalance exists between headquarters and the components, and if so, what reforms are needed, either statutorily or administratively, to address the problem?

Mr. JOHNSON. I do agree with that statement. When I got to DHS in 2013, frankly, I was surprised to find out that the budget process was still very stovepiped. The acquisition process lacked maturity. We, in my three years, revised the budget-making process to focus more on missions than components, and told the components to bring forth budgets that took account of overlap. Let's focus on the mission.

As you probably know, and I know Henry knows, we created joint task forces for border security on our southern border. Congress in the NDAA one year actually codified joint task forces into law. Regrettably, it is my understanding that they have been disbanded or not used.

I think the answer to your question is that there has to be a commitment across several administrations to keep in place certain things to give the Department-wide more authority over the components. It is simply not enough time for one Cabinet secretary over one 3- or 4-year period to try to change all of this. There has to be a multi-administration commitment to doing so, and I think the answer there is Congress. Congress can take care, through codification of a lot of this, that multiple administrations pay attention to reforming the Department and making it function better.

Ms. ROYBAL-ALLARD. Secretary Chertoff, it has been several years now since you left the Department. How would you rate the Department's management progress over the years, and what would you recommend as the top management reform for the current Secretary?

Mr. CHERTOFF. Well, thank you, Madam Chair. I agree with what Secretary Johnson, my friend and successor, said. I certainly think we have slipped back over the last 4 years. And as I indicated, I think one of the critical reasons is that there was such churn in the leadership that the message went out to some of the component heads that they didn't really need to pay attention to what the Secretary said because that job is going to change in about 10 minutes.

So I do think having consistency in leadership is critical, but I would also agree that we ought to codify the need for having coordinated unity of effort within the Department. And, frankly, one

of the reasons we had a problem with that is there are so many different authorizing committees which exert jurisdiction over the Department, which give some of the components the feeling that if they don't succeed with one committee, they can run to another committee and get support there. I think combining the authorization to a single oversight committee for Homeland Security would be a big step forward in getting this unity of effort.

Ms. ROYBAL-ALLARD. Mr. Palazzo.

Mr. PALAZZO. Thank you, Madam Chair.

And just to follow up on what Secretary Chertoff just mentioned, I believe what he just described, if we could codify the authorizing committees under one committee of jurisdiction, it would save a lot of the problems. That is also one of the last 9/11 Commission findings that has not been implemented, if I recall that from my time on the Homeland Security Authorizing Committee. So, Secretary Chertoff, thank you for bringing that up.

You know, I have been very focused on two borders: the maritime border and the southern border. And, you know, when we focus on the southern border, we have a tendency to not focus on the maritime border. And we know those who are trying to find their way into our country, whether it is to work, smuggle in hard narcotics, foreign nationals, or human trafficking, they are going to find a way. So we have got to be cognizant of all of our borders.

And I love the way you described the air, the land, the sea, and space as an important mission. And as Secretaries, both of you, I mean, you had a huge, monumental task, you know, under the Homeland Security Department, because it covers so many various responsibilities, but I would like to just direct my questions to Secretary Johnson.

You know, you are probably familiar with the National Security Cutter, you know, and it is crazy that in Homeland, you deal with flood insurance. You get a question on flood insurance under FEMA. The next day, you get a shipbuilding question from the Coast Guard. Can you tell me how beneficial the National Security Cutter has been filling in the gaps for the United States Navy, but also fighting the war on drugs? I mean, sometimes they are the only American presence in South and Central America, and they have stopped and prohibited tons of cocaine and hard narcotics from finding its way into America. So can you take a moment and just, you know, share your thoughts on the National Security Cutter program?

Mr. JOHNSON. Yes. I have been aboard several NSCs. It is a wonderful vessel. The first time I was on the Stratton in 2015 which is in Alameda, California, I wanted to meet the master helmsman of the ship, this 400-foot cutter, and they brought her up for me. She was 19 years old. She had just finished high school the year before, but she had demonstrated her acumen on the bridge, and they made her the master helmsman. It was a wonderful testament to what someone can do in a short period of time.

Sir, I will tell you this: I know that the Coast Guard is very busy in the Pacific Ocean with drug interdiction. The cartels are active to this day. One Coast Guard unit of eight people on board the Gabrielle Giffords, a littoral combat ship, seized $290 million worth of cocaine. That is public information. They were very busy.

As you probably know, the Coast Guard serves in the Persian Gulf as well, supporting the Navy, supporting the security for the Navy, which over the last year or so, was a particularly intense mission.

When I came into office, I learned that the Coast Guard has the oldest fleet of vessels of any Navy in the world, and we need to recapitalize. We need to continue that effort. When I was Secretary, there were efforts to try to cut back on NSCs, on the OPCs, the midsize cutter. I think we need to keep at this.

People forget. The Coast Guard is not just maritime security, pulling somebody out of the water when their jet ski capsizes. It is a vital national security mission on the 1-yard line, not the 30-yard line, not the 50-yard line, but on the 1-yard line. So I could not agree more with the spirit of your question, sir.

Mr. PALAZZO. Well, thank you, Secretary Johnson, for sharing that. You know, the National Security Cutters—and we have seen this. They pay for themselves. Just in the drugs that they take off the ocean before they find their way into America's backyards, destroying families, destroying communities, they pay for themselves. And we still have the same issues with OMB, and people not requesting them in their budget, because they know Congress will find a way to fund the Coast Guard shipbuilding program. But I wish, you know, the fact that the Coast Guard currently is actually deploying to counter China in the areas of our country, it is just amazing what they have done. And so, again, thank you, and I will save my questions for the second round. Thank you.

Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Mr. Cuellar.

Mr. CUELLAR. Thank you, Madam Chair. And I also want to thank both Secretaries. It is always a pleasure.

I think both of you understood the balance between security and letting legitimate goods and people into the United States, so I appreciate both of y'all understanding that balance because there are a tendency that people push too much to one side and not understand that.

As the chairwoman said a few minutes ago, and Secretary Johnson, actually, my first question has to do with the unity of effort. And along with that, as you mentioned, if we don't do that, as you know, there are several overarching Homeland Security missions. And, especially if you are talking about security, border security, how do you go ahead and put all of that together?

You are right. I got calls back in November, December that they were dissolving the Joint Task Force West, and I thought it was a mistake, but as you know, it was something that got done by the prior administration.

So my question, I would ask you, and Secretary Chertoff, if you want to add on this, you know, should we put back the joint task force again? I assume both of you will say yes and tell us why that is important. Question number one.

And then question number two for both of us, for both of y'all, temporary travel restrictions. The balance between letting people in, and how do we secure the border. As you know, this March, in about a week, we will have 1 year of not letting the legal visa hold-

ers from Canada and from Mexico come into the United States. They can fly in from Mexico, but they cannot drive or cross.

And I am talking about what they call non-essential, which is, in my opinion, very important because before the pandemic, Mexicans would spend—18 million Mexicans would come over and spend over $19 billion. Laredo, about 45, 50 percent of all their retail is made by Mexican shoppers.

So there has got to be a way that we can safely let people in, into the United States, and still help our economy. So I don't know if y'all are familiar with that particular border restrictions, but if y'all want to answer both questions. And thank you for—both of y'all, for being on board with us.

Mr. JOHNSON. I will start, if I could. The first time I went to the southern border of Texas was in 2014, early 2014, and I met in a large conference room at the Border Patrol station with everybody who was devoted to the effort on the southern border at that moment. You had Border Patrol; you had air and marine; in the brown uniforms, you had the Customs; in the blue uniforms, we had FEMA; we had USCIS. We had ICE ERO. We had, like, 30 different people from 10 different components of DHS.

And the oddity that struck me was that I was the only person in their chain of command that they had in common; me, the person at the very top of that organization. We were way too stovepiped, and, so, we created joint task forces modeled after a pilot program in Arizona that was working well, and modeled, frankly, after my experience in the Department of Defense with joint command structures.

I thought it made a tremendous amount of sense, but when something is new, you are always going to have bureaucratic resistance to change. And, so, unless there is a sustained commitment to getting used to things in a new manner, it is going to fall apart. And that is exactly what happened over the last 4 years to the detriment, in my view, of border security.

On the travel restrictions, the one thing I will add there is it is not an all-or-nothing proposition. You can have travel restrictions that are very targeted, very nuanced, like, for example, instead of just banning all travel from a certain country, you can funnel people into certain airports. The Secretary of Homeland Security actually has the authority to require that passengers coming from a particular country only land at two or three airports in this country where they might receive a heightened health screening. That is what we did during the Ebola crisis in 2014. And so, travel needs not—it need not be an all-or-nothing proposition. Over to Mike.

Mr. CHERTOFF. I agree with what has been said. Let me just, on the travel point, make the observation that as we get more vaccinated people, having some kind of a travel document, or even electronic travel record that indicates that you are vaccinated could be an important element in allowing for your travel.

I would also say you need to look at this issue, which kind of is—I am not quite sure it has been implemented, but it has been discussed, which is a rule that would say that even U.S. citizens, or permanent residents, returning from overseas, can't board the plane or can't come in unless they are tested. And if they test posi-

tive, they have to stay in the foreign country until they test negative.

And I have to say, now putting on my hat as a former judge, I am wondering at the legality of saying over an extended period of time to Americans, not that they have to quarantine themselves, but that they have to quarantine themselves outside the U.S.

So, again, having a consistent policy that doesn't overreact, I think, is going to be very important as we hopefully emerge from this.

Mr. CUELLAR. Thank you.

Ms. ROYBAL-ALLARD. Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, Madam Chair.

I apologize profusely to you and the members of the subcommittee. Madam Chair, I was working on an issue that you and I have discussed before, and so my profuse apologies.

To Secretary Chertoff, thank you very much for your outstanding service to our country. I did not have the pleasure to serve with you. I thank you for being here today.

Secretary Johnson, I want to specifically and profusely thank you. I had the privilege of serving on this subcommittee with you, and I also want to thank you for giving back. Even during the last administration, you were always very kind with your time and advice, and I appreciate your great dedication to not only to this issue, but to our Nation, sir, and I thank you.

I will start with some questions. As you know, the situation at the southwest border is escalating to be a crisis greater than we saw in 2019. I was there just this weekend. It is—it is scary. Think of any negative adjective, and it is there. Should there be a set of criteria that triggers action like FEMA, Stafford Act declaration that gets put into motion when apprehensions reach a certain number, or time in custody measures exceed thresholds, or intel about activities in Central America and Mexico alert that caravans are enroute? And I will defer to both gentlemen.

Mr. CHERTOFF. I can begin. I think, Representative Fleischmann, yes. The short answer is that I know FEMA has now been mobilized. The challenge is how do you deal when you have an expansion of particularly unaccompanied minors, and you need to have humane and secure facilities in which they can be kept while they are being processed.

Now, I understand from what Secretary Mayorkas said the other day that there are, for adults and families, people simply being expelled and being sent back, either into Mexico or their home countries, but it is not always possible to do that. And particularly with a pandemic, having safe and secure facilities becomes important, and they have to be humane. So I think there is a challenge in scaling up, and part of the planning process which I talked about earlier is you have got to have standby plans for dealing with these kinds of surges, much as we do in hurricane season when we understand we may have to do evacuations on a large scale. So I would agree, this ought to be part of this unity of effort we have been talking about.

Mr. FLEISCHMANN. Thank you, sir.

Secretary Johnson.

Mr. JOHNSON. Congressman, nice to see you again. I was just in your home State a couple of weeks ago. My father passed away, and we buried him in his hometown of Nashville, so I had an opportunity to visit your State just recently, though it was a sad occasion.

As I listened to your question, it occurred to me that it is appropriate to have, in place, mechanisms to deal with a border surge like invoking FEMA, like invoking Title 42, public healthcare laws. I would not adopt specific triggers for those measures. I would leave it to the discretion of the Secretary of DHS to invoke them, depending upon circumstances.

For example, two years ago, if we had tried to develop specific benchmarks for when we would invoke FEMA or doing other things, I suspect very few of us would have anticipated a global pandemic like the one we are facing now. And, so, I would leave it discretionary in terms of when emergency authorities are invoked. Of course, always with the oversight of Congress.

Mr. FLEISCHMANN. Thank you, sir. And in the interest of time, I will yield back with our condolences, Mr. Secretary, on the passing of your father.

Madam Chair, I will yield back.

Ms. ROYBAL-ALLARD. Ms. Underwood.

Ms. UNDERWOOD. Thank you, Madam Chair. Thanks for calling today's hearing.

As the Department of Homeland Security nears the end of its second decade, I look forward to working with the committee and the administration to help the Department mature its mission and organization. I think it is important to know exactly what we are talking about when we refer to the Department's mission.

Mr. Johnson, you oversaw an update to the Department's mission statement in consultation with Mr. Chertoff and the other former Secretaries. That mission, which is still in effect today, is, quote, "With honor and integrity, we will safeguard the American people, our homeland, and our values." And I am interested in hearing more about how the Department's work at the border fits into that mission.

When you served as Secretary, you testified to Congress that DHS was committed to providing for migrant safety, security, and medical needs, and to treating all individuals with dignity and respect. Mr. Johnson, can you elaborate on why basic medical care is such a critical part of the mission of safeguarding both our values and our safety?

Mr. JOHNSON. I agree with that statement. People under our care and custody, and we are most often talking about families and children, deserve, in my opinion, as a matter of basic humanity, healthcare. They deserve a certain level of healthcare. We are facing COVID–19 right now. I cannot begin to comprehend the complexity of dealing with a border surge on top of COVID–19.

I believe that the question you raise requires further study. I believe that Congress should consider calling upon DHS to address exactly what levels of healthcare should be provided to migrants who have been apprehended at the border, particularly when you are dealing with a situation like the one we have right now.

Ms. UNDERWOOD. And can you briefly explain what the function of the Chief Medical Officer is and how that office fits into the Department's mission of safeguarding our values?

Mr. JOHNSON. I dealt most often with the Chief Medical Officer during the Ebola crisis of 2014. She was in my office every day and was critical in terms of the advice she provided to me and to our components wrestling with the issue. We had many medical experts across the Federal Government and in HHS, including Dr. Fauci, who was at the table in 2014 in the Situation Room. But it was good to have in a public health challenge like the one we had in 2014, our own in-house Chief Medical Officer and advisor.

Ms. UNDERWOOD. Right. So how did that person help you in terms of safeguarding the values?

Mr. JOHNSON. In terms of safeguarding the values, I would say that it goes very much to the honor and integrity of those who work at DHS. Honor and integrity includes treating people humanely, in my judgment. Incidentally, I wrote that statement, and I am glad it is still part of DHS' mission.

Ms. UNDERWOOD. Yes, sir. Thank you. I am also conscious of the medical needs of DHS staff whose work often puts them on the front lines of the pandemic. Mr. Johnson, as a former leader of the DHS workforce, would you agree that vaccinating its own frontline workers should be a top priority of the Department right now?

Mr. JOHNSON. Yes.

Ms. UNDERWOOD. And do you have any explanation about why that might be so important?

Mr. JOHNSON. For the reasons you just stated. They are on the front lines. They are on the front lines dealing with vast numbers of people at the ports, the land borders, and they are essential government workers. I don't know why they wouldn't be a priority.

Ms. UNDERWOOD. Yes, sir. It is certainly, at the front of my mind, as I think about how DHS' medical leadership could be strengthened and empowered to support ongoing efforts to care for both department staff and the migrants they encounter. This issue is more urgent than ever as we look to the current situation at the southern border. The damage done to our immigration system by the previous administration was profound, and it will take time to rebuild the capacity to process migrants in a humane way at the scale currently required.

Providing appropriate medical care to these migrants is an essential part of humane treatment, and it is key to our national security. If we fail to meet migrants' basic health needs, especially during a pandemic, that threatens public health and makes Americans, including the DHS officials and law enforcement officers who interact with them, it makes our country less safe.

Each component within the Department has a different mission and interacts with migrants in different ways, so "appropriate care" can mean different things. In some cases, it means initial medical screenings. In others, it means influenza vaccinations, or COVID testing. I think it is time to assess how medical care is managed department-wide, and consider whether the current organizational structure is adequate to protect public health along our border, and achieve the mission of safeguarding our values. Thank you, Madam

Chair, and thank you to our witnesses for being with us today. I yield back.

Ms. ROYBAL-ALLARD. Thank you.

Mr. Price.

Mr. PRICE. Thank you, Madam Chair. And welcome to our two former Secretaries, both of whom I have fond memories of working with, very cooperatively, when I was chair and ranking member of this subcommittee.

Both of you have referred in your statements to the preoccupation of the last administration with immigration, and you have portrayed that as working to the detriment of other departmental priorities and functions. I am presuming you mean by that not just the degree of attention given to immigration, but also major changes in policy. After all, it hasn't been that long since Secretary Chertoff was the leader of a Republican administration's efforts to achieve comprehensive immigration reform. We are certainly a long way from that now.

And on The Hill here, we have seen Homeland Security, this subcommittee, go from being the least controversial of our appropriations bills to the most controversial, and the reason for that is solely immigration.

Now, we are moving back to a more balanced view of immigration at the top of the administration, but there are many reminders of the divisiveness and the toxicity of the Trump policy, many reminders on the ground, many reminders in this body, and many reminders at DHS, and that is what I want to ask you both about.

In the culture of DHS, you have seen the troubling reports of punitive attitudes and behavior trickling down to the front lines of DHS agencies. You know the controversies about what kind of restraints are honored, what kind of norms are with respected with respect to the treatment of desperate people, for example, the separation of families. There is a question of the agency's discretion, the Department's discretion, and there are lots of discretion that is exercised, as both of you very well know, in setting priorities, for example, for enforcement and deportation, in dealing with local law enforcement, how to deal with local law enforcement and so on.

So it has been a traumatic 4 years. And my question to you, in terms of management challenges, is what do those challenges look like as a result in the immigration area? Particularly, we are talking about the culture of the Department. We are talking about the level of morale. We are talking about the discipline within the Department. We are talking about the sense of the Department's mission. We are talking about its legitimacy in the society. It looks to be like a long list of challenges, and I would very much value your reflections on them.

Mr. JOHNSON. Mike, do you want to go ahead?

Mr. CHERTOFF. Congressman, it is good to be dealing with you again, and I do have fond memories of doing that. And I think you have hit the nail on the head. I think this is very challenging. It is like turning a big ship around. It is not going to happen on a dime, and I know Secretary Mayorkas recognizes this. I mean, I saw that not only in his statements but in conversations I have had with him.

So let me be blunt. The prior administration treated wanton cruelty and disdain as actually policy tools in what I think was a deeply misguided effort to discourage unauthorized migration and also, frankly, to clamp down on legal migration, including visas and similar types of legal mechanisms. And there was a manifest hostility that was articulated from the very top of the administration.

So, the first thing that needs to happen is there needs to be a reframing of the narrative, an understanding that we still need to have borders that we secure. We need to make a decision who gets admitted and who doesn't, but we also honor our obligations to refugees and to asylum. We recognize that there are some important reasons to have immigrants come in, either on a temporary basis, or even, ultimately, to be on a permanent basis, and we need to express that in word and deed in a way that is not unduly encouraging people to think it is open borders, because that is not helpful either.

If the smugglers all of a sudden get the opportunity to smuggle, you know, vastly more people to the border and make money off of it, and then there is people who are getting sent back, the only winners are the smugglers. So this is a daunting challenge to calibrate the message to be clear and balanced.

And at the same time, I think we need to look more generally at the system as a whole. And this is an issue that Congress visited multiple times. When I was Secretary, President Bush was very interested in pushing this. It has got to be some combination of legal mechanisms for people who are filling employment needs in the U.S., or have other humanitarian reasons to come in, but also to enforce the rules so that it doesn't just become willy-nilly, you know, everybody comes in when they feel like it.

And I think this is going to require an all-hands-on-deck approach at the Department. As I said earlier, migration is not the only mission, but is certainly will be, at least for the foreseeable future, one of the things that is on the front burner.

Mr. JOHNSON. Good morning, David. I am going to answer your question with two comments. First, in my experience, you talked about the culture of the Border Patrol, and others. In my experience, working at DHS, in November 2014, we adopted new priorities for deportation, for enforcement. They were very clear. They were very concise. Before I even issued them, I spent hours with our enforcement personnel, with ICRO, with the border patrol leadership, CBP leadership, as well as people advising me who reflected more so the viewpoints on the left, and we collaborated on those priorities.

And people like Tom Homan will say—and Tom was the head of ICRO when I was there. He is now a Fox commentator. He will say, and he has said publicly that not everything he advocated made it into our enforcement priorities, but he was very comfortable adopting them, implementing them, supporting them, and explaining them to his workforce.

So, in answer to the first part of your question, my experience, if you have a leadership style that is collaborative, inclusive, and people feel like they have been heard, they are prepared to support what you do, even though it is not exactly what they would do.

Big picture on the issue of immigration, on the issue of our southern border. In my experience—and part of this I learned from just listening to Michael Chertoff and his advice. In my experience, the things you could do at our southern border to heighten enforcement, heighten border security that may have an effect in the short term, but as long as the conditions in Central America and in Mexico persist long term, we are going to be dealing with illegal migration, because people in that region of the country are making the very basic choice to flee a burning building, and there is no amount of deterrence, border security, or a wall that will stop them.

We have to address the problems in Central America. We began that effort in 2016 with an appropriation of $750 million. I am told by experts that that money, though it was a drop in the bucket, was beginning to make a difference, and I think we need to stay that course. We have to give people in Central America a reason to want to stay. And that is the only way, in my observation, we are going to deal with this problem long term.

Mr. PRICE. Thank you.

Ms. ROYBAL-ALLARD. Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Madam Chair.

Let me first say, I agree completely with Mr. Johnson's last soliloquy about Central America, South America, and our need to address their social issues. And I think we have had some good success in those countries, like Colombia, Honduras, but more needs to be done. And, in fact, I think Secretary Mattis, when he was talking about the military, he said it best of all. He said, If you are going to cut the State Department budget which is where these funds would come from to assist down there, if you are going to cut the State Department budget, buy me more bullets, because I think he understood that we have got to be about winning the hearts and minds of people around the world and lifting people out of poverty.

The fact of the matter is capitalism has lifted more people out of poverty than any other economic system in the world, and, so, that is one reason we need to keep our economy strong.

But I can tell you as a lifelong police officer, what concerns me and what I see at the border going on, this policy—you know, Mr. Chertoff, you were talking about a policy that was inhumane, I will paraphrase, in that it discouraged people from coming. I think it is inhumane that we have a policy now that is encouraging people to come into desperate situations.

And so, as a law enforcement officer, my greatest concern with DHS and CBP is what are we doing? After 9/11, DHS—and we have to remember this. After 9/11, DHS was formed because we had all these agencies that were working in silos. And the challenge within law enforcement is not lack of information, it is turning that information into intelligence through good analytical tools.

And so, we missed a lot. And so I am afraid with this mass of humanity that is coming across the border down there right now, that is a crisis that is completely policy-driven; we need to know that, you know, everybody is sharing information because we just captured four folks off the terrorist watchlist coming across down there.

I am very familiar with the opioids. My hometown, Jacksonville, Florida, has the highest opioid death rate from Fentanyl and

opioids back just a year ago. And, so, I know a little bit about these drugs and the cartels that are bringing them and children across our border.

So my question is what system does DHS have in place to help communicate with State and local partners? And how are they making sure that we are not going back to those pre-9/11 silos of information? And, Mr. Johnson, if you would like to start.

Mr. JOHNSON. Sure thing. Yes. The principal objective of the Intelligence and Analysis Directorate is vertical information sharing. When I was ramping up for my job, I asked, "What does DHS need with an intelligence directorate?" And I was told vertical information sharing with State and local law enforcement. So if they are failing in that mission, they are failing in their principal mission.

But I want to go back to something you said about intelligence from Central America, which really rings a bell with me. When I was in office, I used to urge our intelligence community, can you please devote some of your resources to helping me in Central America. It wouldn't be that hard to find out what the coyotes are saying on the streets of Guatemala to people about why they should come to the United States. That way I know what is coming before it shows up on our front door in Texas or Arizona, to put the resources from the intelligence community so that we can see these waves before they show up.

And I would urge Congress to urge the intelligence community to do the same thing. It shouldn't be that first sign of a wave of 100,000 people in a month is when they show up at the holding stations in McAllen or Brownsville or El Paso.

Mr. RUTHERFORD. Thank you. The only thing I would say to that is, we have seen the caravan coming for quite some time. But you are right. The genesis of it is what I would like to see us get down to. So thank you, Mr. Johnson.

And I see, Madam Chair, my time has run out, so I yield back.

Ms. ROYBAL-ALLARD. Mr. Ruppersberger.

Mr. RUPPERSBERGER. Well, first I want to thank you all for your service in the past. The Department of Homeland Security really was stood up after 9/11 and a lot of different agencies and different missions. And then, thank God, we had the Coast Guard, which was a well-managed operation that kind of led the charge. And then when you all came into leadership, I think you both, based on your past experience, just did a lot to build on where we needed to go.

As far as when I came to this subcommittee, one of my tasks was to equip and resource the Department properly so we could meet the moment on the Federal Government cybersecurity challenges and coordinate better with State and local governments and private sector.

Now, I have to give a great deal of credit to the leadership of this subcommittee now and in the past and the full committee. I think we have taken CISA from around $1.5 billion to now well over $2.2 billion. And we just gave them an additional $650 million in the American Rescue Plan passed last week.

One of my questions to CISA last week was, when can we expect them to submit their posture review, as required by the fiscal year

2021 NDAA, so this subcommittee can have a better idea of resource planning well into the future.

And I think what I am really concerned about is that the mission that CISA has, as far as Homeland Security and cybersecurity, is massive.

I happen to represent NSA. They are in my district, and I was one time ranking on the Intel Committee. And I think NSA, until recently, was right on their game as it related to Russia and China. I am a little concerned about the attacks, the Russia attacks, now the Chinese, as far as our defense is concerned, and I think we have a little bit more to do in that regard.

But what do you think of the future of CISA? How well do you think they are managed internally in the Department? How do we see their ability to take on, Federal Government, the cybersecurity mission? And it increasingly grows larger and more complex. And, hopefully, we would never have a another world war, but I see a lot of it in the cyberspace and in the space, space itself.

Now, how should we approach—approach is my question—to the final line of giving CISA the tools to do the job, but not directly competing with the robust U.S. cybersecurity service market, that sector, private sector?

And the one thing that I would put on the table is that I feel that the cybersecurity issue is so large, and we just created a Space Force, I think there is a need to have cybersecurity set out in maybe another area with a direct line to the administration, because of all the areas and issues that we are going to deal with in the future. We keep growing, growing, and we are getting attacked now on a regular basis.

So if you can just give me your opinion on that, the possibility of taking cybersecurity into another level. And start, I guess, with Mr. Johnson and then Mr. Chertoff.

Mr. JOHNSON. Thank you for that question, Congressman. First of all, regrettably, the executive branch often does not take congressional deadlines seriously. The last QHSR was—it was supposed to be every 5 years, but the last one was the one that I helped write in 2014. And going through the exercise of delivering to Congress a report on the future is a worthwhile exercise, because it forces us to focus on that as an agency or as a Department.

My general assessment of CISA is that it is going in the right direction. I am pleased that Congress approved reorganizing from NPPD, which was a cumbersome directorate, to an agency devoted to cybersecurity and infrastructure protection. I think Chris Krebs did a good job. I think that CISA did a good job preparing us for the 2020 election, in terms of election infrastructure. They worked effectively with State and local election officials on that.

The report that was declassified yesterday indicates that there was no attack on our election infrastructure per se, but there is still a lot of work to do. The SolarWinds attack was, in my observation, the most devastating cyber attack on our Nation perhaps in history.

The big challenge that I see for DHS—and I would not rewicker the structure right now. I would give the current alignment time to stabilize. The biggest challenge that DHS has is talent, as you suggested. Just on my watch, some of our best cybersecurity people

were stolen away by the financial services sector, who could pay them two or three times what the government pays them.

And my approach has been come and serve your country for just a couple of years. Give us your expertise for just a couple of years before you go off and work at Goldman Sachs or Citigroup or the defense industry, and learn from working for our country the insights there. But recruiting and retaining talent, in my judgment, in cybersecurity is our biggest challenge.

Mr. RUPPERSBERGER. And an example, Chris Krebs, though, I think did an excellent job. He moved forward. And because he made the comment that he felt that the election was secure, which is not what Trump was putting out for whatever reason, he got fired. And that inconsistency of leadership is not good either.

So I agree with all of your comments, and we are losing good people. We just need some smart people in the cyber field to stay 3 or 4 years.

Ms. ROYBAL-ALLARD. I believe that ends our first round, and we do have some time for a second round.

So I would like to talk a little bit about employee morale. Each year since the creation of DHS, based on the Federal Employee Viewpoint Survey conducted by the Office of Personnel Management, employee morale has consistently ranked among the worst in the Federal Government.

I know that you, Secretary Johnson, and Secretary Chertoff, have worked very hard to address this issue during your tenure, but the problem still persists.

Secretary Johnson, what responsibility does the departmental management have in addressing this issue? And what steps should be taken by today's leaders within the Department to address the systemic low morale, and is there anything that Congress can do to help?

Mr. JOHNSON. When I came into office, I was beaten over the head by Congress during my confirmation process about improving morale. It was at the bottom of the list in terms of Cabinet departments, and I was going to raise morale if it killed me.

Our third year, my third year in office, according to FEVS, the morale within DHS, which is no small lift because you are talking about multiple components, went up a whole 3 percentage points. Interestingly, the most dramatic increase was in ICE my last year of office, 7 whole percentage points.

And morale is not just a general indicator of whether the workforce believes in their mission, but it also was the recruitment tool. It also reflects directly on the prestige of the agency. And morale, according to, if you look at FEVS from 2016, we bottomed out in 2016, and it has increased steadily ever since.

It has to be a focused, sustained commitment to paying attention to this issue. I believe that the current human capital officer, Angie Bailey, has done an excellent job. She was hired in 2015 or 2016. I think she is doing an excellent job.

In terms of what Congress can do, I will tell you one episode. I came to work one morning and I read in The Washington Post that a subcommittee—I can't remember which one it was—was holding a hearing on worst places to work in the Federal Government. And one of my people had been called to testify, because Congress was

going to highlight that DHS was one of the worst places to work in the Federal Government.

And I said to my staff, let's not send so-and-so, I will go. And I got lots of pushback from my staff, but I went anyway. And I said to the chair of the subcommittee at the time, Mr. Meadows, would you please stop holding hearings telling people how terrible it is to work at DHS. That doesn't help me. Help me.

And so I am glad that we were able to finally turn the corner. It is a sustained effort, and it is a very, very big agency. And leadership on this must have a cascading effect. You have got to get the component leaders to focus on it, their subordinates and their subordinates, and it has to trickle down through the organization.

Ms. ROYBAL-ALLARD. Secretary Chertoff, do you have any recommendations?

Mr. CHERTOFF. No. I agree it does require sustained effort and appreciation being shown, not just by the leadership of the Department, but by the leadership of the administration.

I recognize that one of the challenges is that the people at some of the components are interacting with the public under circumstances in which the public is usually a little bit grumpy. For example, TSA, nobody really likes the experience at the airport, and TSA is really right on the front lines of that. Like our CBP, you know, the border inspectors run up against people who are tired and a little bit cranky.

So we need to recognize that, maybe with the possible exception of IRS, there is no Federal agency that has as much direct, repeated, and sometimes challenging contact with the public as does DHS.

But with that, I agree, emphasizing and celebrating the importance of the mission and highlighting where the mission has made a difference in a positive way is one thing I would like to see as a response to this challenge.

Ms. ROYBAL-ALLARD. Okay. DHS has gone through a number of reorganizations since it was first established. And there have been various suggestions made, such as I think, Secretary Chertoff, you mentioned the fact that there was discussion about moving the Secret Service. And there have been also calls to dissolve the Department and move its operations to other departments and agencies.

What is the argument for maintaining DHS as a Federal department, and are additional organizational changes needed to ensure its success?

Mr. CHERTOFF. I will try to be very succinct. First, I think the Department, if it is being led properly, does foster unity of effort among a number of the components that complement each other. For example, some of the capabilities and tools TSA has are shared with CBP and vice versa, and that means that we are able to both strengthen our border for air travelers and our aircraft and airplane security for our air travelers.

As I said earlier, the Secret Service and its capabilities in the area of personal protection and physical security mesh very well with other missions of the Department at CISA that are also focused on the issue of critical infrastructure.

If you separate these out, you are not going to make the mission disappear, you are just going to make it very difficult to coordinate

and everybody is going to pursue their own thing. So I think it would be a tragic mistake to go back to the old days when we actually promoted stovepipes and separation.

Finally, I would say, as a general matter, reorganizations cost time, money, and always set us back in progress. So I don't know that I would do any significant reorganizing even within the Department. What is needed now is consistency of leadership, strategic vision, clear communication, and attention to execution.

Ms. ROYBAL-ALLARD. I see that my time is up, but I would like to ask Secretary Johnson if he has any thoughts on this subject.

Mr. JOHNSON. Yes. Well, first of all, on the subject of morale, I think the single best thing I did was one day—I don't know if you can see this—one day I went to BWI and I literally put on a TSA uniform and worked the line. I played undercover boss. And all the TSA officers loved it, and I think it was a good shot for morale.

From where I sat as Secretary, I thought it made a tremendous amount of sense for one person to have eyes and ears on all the different ways somebody can enter our country—land, sea, and air. And there is a very practical benefit to having Secret Service and his and all these other components in one place.

When you have large national security events, like a papal visit or a U.N. General Assembly, the Secret Service has the lead, but it draws upon all these other DHS components to augment the security mission, which would be very difficult if they are spread across multiple Cabinet departments.

So that is the one thing I would like to add to what Michael said. Michael and I, we coauthored an op-ed about keeping the Secret Service within DHS, and I am glad that in Congress that effort seems to have been set aside for the time being.

Ms. ROYBAL-ALLARD. Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you again, Madam Chair.

Components submit their annual budget requests to DHS headquarters budget office and ultimately through OMB. Unfortunately, due to the highly politicized environment we currently live in, the priorities of an individual agency may get shelved in favor of the highest priorities of the Department or the executive branch.

Currently, only one DHS agency provides a list of priorities that were not included in the budget justifications. The Coast Guard submits an unfunded priority list that helps the committee undertake our own evaluation of needs and investments.

But we have cybersecurity investments at CISA that can't always be accommodated, or technology and infrastructure improvements we should be investing in at the borders. And we are not always given information about those needs through the budget process if we can't see what tradeoffs were made during formulation.

While the Coast Guard has significantly higher capital and infrastructure investment needs than many of the other agencies, do you feel it would be advantageous and in the interest of greater transparency for other agencies within DHS to submit a similar report to Congress? For example, CISA and CBP. And I would like both gentlemen's response, please.

Mr. JOHNSON. Can I start?

Mr. FLEISCHMANN. Yes, sir.

Mr. JOHNSON. My answer is no.

Mr. FLEISCHMANN. Okay.

Mr. JOHNSON. From where I sit—from where I sat as the Secretary and from where I sat in DOD leadership, I think that unfunded priorities lists mean the Secretary and OMB lose control of the process. I am being very blunt here.

This originated in the Department of Defense. And somebody has got to have—somebody has got to look at the big picture in terms of budget priorities. As you know better than I do, as an appropriator, you simply can't fund everything that somebody wants to pay for.

And so, at the very least, if we are to have unfunded priorities lists, the Secretary should have eyes and ears on the process and have an opportunity to comment on the process. Because the components, whether it is a military service, God bless them, or any other agency, don't always have the big picture perspective in terms of overlap with other departments and other missions.

Mr. FLEISCHMANN. Thank you, sir.

Secretary Chertoff.

Mr. CHERTOFF. I am in strong agreement. In fact, as we talked about earlier, you know, one of the challenges with the Department has been the sense that there has not been enough central coordination and unity of effort across the Department, particularly when you have individual agencies essentially end-running around the leadership of the Department.

So I think having individual agencies kind of go themselves and try to promote their agenda over the Department's agenda would really undercut the ability of leadership to have a coordinated, strategic approach.

Now, it may be that the Secretary and the Department as a whole ought to submit a list of priorities that have not been funded, but it ought to be done as a unified effort and not as a fragmented effort.

Mr. FLEISCHMANN. Thank you. Both Secretaries, I want to thank you all for your testimony today.

Madam Chair, thank you for holding this very helpful hearing to us all. With the interest of time, I will yield back, but my sincere thanks.

Ms. ROYBAL-ALLARD. Mr. Cuellar.

Mr. CUELLAR. Thank you, Madam Chair.

I have a quick question for both of you. There are three messages that people in Latin America are hearing right now. One is from the administration says, don't come now, come later.

The second message is what I call the friends, family, neighbors message. Hey, Pedro, I just came across. You can come over. Come on over at this moment. And they see images on televisions in Latin America showing people crossing the border into the United States.

And the third message is the criminal organizations that target, that target, aggressively market their services, because they make a lot of money. For example, in February, we had a little bit over 100,000, and the narcos charge them—and it varies, I have numbers here—$4,000 if you are Mexican. If you are an unaccompanied kid from Latin America, it might go up to $7,500. So let's say an average of $6,000. So that means that on just the—not the

getaways, but just the ones that they encounter, they made over $600 million for the month of February.

So that message—there are three messages. And I know—you know, I think you all know this—they are listening to message number two and number three.

My question is, what should be the message from the administration? Because, in my opinion, when they say, don't come now, come later, that is a horrible message.

And, Secretary Johnson, I know you and I worked on visuals, you know, when we return people, showing them being returned, because otherwise, they are just seeing people coming over. And you were very good at that under the Obama administration when we had the surge in 2014–2015.

So my question is, what should be, from the opinion of both of you all, should be the message, the counter-message number two and number three from the administration?

Mr. JOHNSON. Don't come here illegally, period. I have had to go to Central America. This is awkward. I have had to go to Central America, stand next to the President of the country and tell his people, don't come to my country, which is an awkward message to deliver, but it is an unambiguous one.

And you are right that the smugglers, for their own economic benefit, take whatever policy statements come from the United States and they distort them. They exaggerate them. They extrapolate from them for their own benefit.

And so in 2014, for example, when I would talk to the kids on the border at the Border Patrol stations, I would ask them, why did you come here? And they would tell me, because the coyotes told me that the Border Patrol are giving out "permisos," free passes, if you come to the border. And then when I would press them and say, well, what are you talking about, they would say, well, I was handed a piece of paper. It turned out the piece of paper was a notice to appear in a deportation proceeding.

So a clear and unambiguous message has to be sent, accompanied by incentives or disincentives to make the dangerous journey. You know, processing in place, for example, which was something we tried to begin in the Obama administration, allowing people to apply for asylum in place, in country, rather than make the dangerous journey. And as I said earlier, addressing the reasons why people flee in the first place. But messaging clearly does have an impact and an effect.

Mr. CHERTOFF. Yeah, this is not a new problem. We dealt with this issue back, you know, when I was in office. And I would agree, I think it is important to be clear and straightforward in your message that there are legal ways you may be able to come, but don't come without legal permission, whether that be asylum—and I agree with processing in place—or if you can get a temporary work visa. And as I think I have said previously, expanding some of the lawful ways people can come actually relieves some of that pressure to cross illegally.

But I would say two other things. We do need to look at root causes. And, you know, if there is violence or disorder in the Northern Triangle, people are going to flee a burning building. So we need to work on that.

We also need to work with our counterparts in other countries in Latin America. I read a news story today that says Mexico may start to now reinforce its southern border against migrants. So a cooperative approach with a consistency of message can be very helpful here.

And, finally, we need to go after the gangs, because they create all kinds of problems with not just human smuggling, but drug smuggling and disorder in places like Mexico.

Mr. JOHNSON. If I could add to that, one of the ways we dealt with the 2014 surge was we got the Mexican Government to help us on their southern border. They don't have a lot of border security, border patrol on the border between Mexico and Central America, but they stepped it up and it made a difference.

Mr. CUELLAR. And here is the article that you all are talking about Mexico doing this. In fact, in 2014, Madam Chair, we added about $14 million to help Mexico secure the southern border. And at one time, they were actually stopping more people than Border Patrol was at their southern border.

Thank you very much, both of you all.

Thank you, Madam Chair.

Ms. ROYBAL-ALLARD. Mr. Palazzo.

Mr. PALAZZO. Thank you, Madam Chair.

And I think what Congressman Cuellar was mentioning was we have had these conversations in Homeland Security. You know, the Mexican southern border is a lot smaller than the American-Mexican border. And it just makes sense to push resources there and help our allies and our partners address this problem before it even makes its way to the Mexican border, the southern Mexican border, or the American southern border.

Real quick, you know, again, Secretary Johnson, you know, when I get stuck on an issue, I kind of keep beating it up. Right here, this is from JIATF South home page. Real quick, Coast Guard cutters offload 7,500 pounds of cocaine and marijuana, estimated cost $126 million; Coast Guard transfers three smugglers, over $5.6 million in seized cocaine near the U.S. Virgin Islands; Coast Guard seizes $156 million of cocaine by Coast Guard Pacific; Atlantic area-based Coast Guard cutters offload more than $330 million worth of illegal narcotics; Coast Guard, Navy offload $211 million worth of cocaine, marijuana.

This is all in the first 2–½ months of the year. Just what I am seeing—and there is probably more that hasn't been reported—that is $829 million in hard narcotics that was taken off the ocean before it finds its way into our schools, our backyards, and devastating our communities.

And I wish the OMB and others would take this seriously. We need more National Security Cutters, more Offshore Patrol Cutters for the Coast Guard, not less. And so an NSC costs, on average, $670 million. It paid for itself in the first 2–½ months.

Madam Chair, I hope as we go through, we can take a hard look at maybe trying to find at least a one-for-one replacement in the National Security Cutters that replaced the heavy endurance cutters. Right now, we are one shy. But, look, we could use it. I think we need it.

And so, shifting gears real quick, you know, I am looking at press releases and hearings from 2014, Secretary Johnson, and to me, it feels like a lot of this is déjà vu, déjà vu all over again. You know, you could almost fill in the blank. You know, President so-and-so sent a clear message of disregard to the U.S. Congress, the American people, when he enacted so-and-so like provisions by executive order.

And, you know, there is a crisis on our border. We cannot ignore that. And we have to be compassionate, right? I mean, I hear that word tossed around. But we also need to make sure there are certain deterrents down there.

And I have been a huge proponent of the National Guard. I think some of our hearings when I was on Homeland, the other Homeland committee, we talked about utilizing the National Guard.

And now, while the Border Patrol are becoming babysitters, taxicab drivers, nurses, you know, whatever they are doing, they are not doing their core job. And to me, that could demoralize people. They weren't hired for those positions, but we have thrust them into those areas of responsibility. They want to be out—they want to be in the canyons. They want to be chasing those coming over illegally, smuggling drugs, people, foreign nationals and things of that nature.

And, Secretary Chertoff too, I know you are no stranger, because, you know, several Presidents in the past have utilized the National Guard. I know they kind of fill in for the Border Patrol, but can we expand their mission on the border? And I will give both of you an opportunity to address it.

Mr. JOHNSON. Let me start, if I could. First of all, this problem always looks simpler from the comfort of a law office in midtown Manhattan than it did when I owned the problem for 3 years and the complexity. I suspect that the dynamic has changed over the last 7 years, so it may be a little different than how I saw it in 2014, 2015, 2016.

We have to always remember that the National Guard, the U.S. military is limited by our laws against the posse comitatus. Congressman, I know you know that. There can be a role during surges, during emergencies for the Guard.

Bottom line, the most compassionate thing we can do is address the reasons why people are leaving Central America in the first place. And I don't believe that it is an insurmountable task. We have done this before with, say, a Plan Colombia.

It is just up to Congress to keep up a sustained effort at this. If we really want to address illegal migration on our southern border, I am convinced that is the answer. We can talk about the Guard, we can talk about more surveillance, more Border Patrol agents, changing our asylum laws, but so long as the problem continues to exist in Central America, we are going to continue to be banging our head against the wall trying to find answers.

Ms. ROYBAL-ALLARD. Mr. Ruppersberger.

Mr. RUPPERSBERGER. Okay.

Mr. PALAZZO. Real quick, if you don't mind. Secretary Johnson and Madam Chair, I think you will find there is a lot of agreement with many of the members on the committee that would agree we have to address the root causes, but we also have to address the

immediate surge and problems that it is causing for, you know, putting Americans in danger currently.

So I think you will find some common ground if we could just get past the politics and put the American people and good policy ahead of those politics.

So, thank you, Secretary Johnson, for you being here, and Secretary Chertoff.

Madam Chair, I am sorry, I yield back.

Ms. ROYBAL-ALLARD. Mr. Ruppersberger.

Mr. RUPPERSBERGER. Yes. First, I agree with my friend Steve about the Coast Guard. A fantastic organization, and they have limited resources, but they do the job.

I also want to acknowledge, as I did before, I think the leadership of both Secretary Johnson and Chertoff, to stand up an operation, any department, and with all the missions you have, I think you really guided this ship very well in your leadership.

I want to get into the issue of ports. I think right now, I think since the Department was set up in 2002, Customs and Border Protection have made great strides in securing our southwest border. They have a lot more work to do. The Coast Guard, I said, has protected our waterways, and TSA has made flying safer.

However, I am not fully convinced that the Department of Homeland Security has ever truly emphasized the need to secure our seaports. The Port of Baltimore, which I represent, is an economic powerhouse, generating over 33,000 jobs—33,900 jobs, in fact—and $2.2 billion in regional business revenue. It might not be Long Beach or Newark, but we had a banner year of 43.6 million tons in 2020, and this number includes well over 1 million 20-foot equivalent units. That is 1 million containers so far.

But so far, CBP has a lot of work to do. As some officers admitted when I visited the port, opioids, including Fentanyl and cocaine, is flowing through our seaports, because Baltimore is simply ill-equipped. It is not that the work ethic isn't there at CBP, but it is just ill-equipped, don't have the resources.

So my question for both of you is, how can DHS better position itself to intercept drugs and other contraband at our seaports? And is it simply more personnel, installation of nonintrusive inspection technology, or a change in policy and philosophy? Both of you.

Mr. CHERTOFF. I will step up first. I think some of it is technology. I think noninvasive technologies that operate at scale and at speed can be helpful, but I think a lot of it is intelligence. And we talked about this earlier. It is collecting intelligence, both analytics about the nature of what is coming in, what are higher risk shipments that need to be looked at, but also intelligence collection from the source points that indicate where there might be particular vessels or particular types of freight entities that are more likely to be used by smugglers.

So I think it is a combination of these things. We use these techniques at the land borders as well as kind of an all-of-the-above approach.

Mr. JOHNSON. I agree with Michael. I think that continued investments in technology, surveillance, and I believe also that there is a definite role for the Coast Guard in the port security mission. Over.

Mr. RUPPERSBERGER. Good answers. Thank you.

I yield back.

Ms. ROYBAL-ALLARD. Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Madam Chair.

Secretary Johnson and Secretary Chertoff, first let me say thank you both for what you accomplished while you were in office. I think you all did really a yeoman's job.

Let me ask you about—and, Secretary Johnson, I agree completely about having to fix the environment in Central America if we are really going to stop these migrants from coming. And part of what concerns me—and I think we found some headway.

I think, Secretary Chertoff, you mentioned I think Colombia and some of the successes that we have had. I know in Honduras, for example, when we went in and assisted with the purge of the Honduran National Police, the acceptance of their law enforcement went from like 20 percent up to 60 percent.

They were going through the same purge—well, sort of the same enhancement process with their courts and prosecution with MACCIH probably 5 years ago. So there are some good things going on to help bring justice and democracy to these countries.

What concerns me is when I travel to Suriname and Guyana in South America, and I see where the—and the Chinese have already been there. And the Chinese are in Ecuador. They now have a 160-vessel fleet in the Galapagos Islands.

My question is, during your time, did you see the beginnings of this Chinese move into the Western/Southwestern Hemisphere?

Mr. CHERTOFF. Let me start. I mean, this was not a big issue when I was in office, but I have been involved in watching this ever since. And what we have seen the Chinese do, particularly under Xi, Xi Jinping, who has not really made much of a secret about it, is they have attempted to extend their tentacles all around the Southern Hemisphere.

They have done it in the Indian Ocean. They have done it in Africa, and now they are doing it also in Latin America. And they do it with a combination of using funding for certain kinds of projects, helping particularly authoritarian governments build capabilities to oppress their population, and then trying to post their assets in other parts of the world.

So this is part of a larger conversation, and it will obviously have [inaudible] right now, talking about the need to pull together our allies in the region to counterbalance the Chinese. But this, I think, is, to my mind, maybe the largest geopolitical challenge we face strategically over the next 4 years.

Mr. RUTHERFORD. Secretary Johnson, would you like to add to that?

Mr. JOHNSON. I agree with what Michael said. I would give the same answer from my perspective from the time I served.

Mr. RUTHERFORD. Thank you. And, listen, I would recommend to folks there is a great report out. It is a report about 13 different countries and where the Chinese have gone in and through what they call a process of elite capture. The name of the report is the malign Chinese influence and the dissolving of democracy, and it is by the International Republican Institute.

I can tell you that is a game plan. It shows exactly what the Chinese are trying to do, and they are in our backyard fulfilling that. And I think a lot of the problems that are being exacerbated down there with the drug cartels and the transnational organizations is a direct result of what is going on with the Chinese.

But I see my time is just about up. So thank you both very much.

I yield back.

Ms. ROYBAL-ALLARD. Thank you.

Time is almost up, but I do have one more question that I would like to ask. And it has to do with acquisitions.

Major acquisitions have been a challenge for DHS. GAO has cited numerous times how the Department has failed to meet scheduled and cost projections. Other challenges include systemic stovepipes within each component that can lead to duplicative programs and a failure to leverage capabilities that exist in other components.

Secretary Johnson, how can DHS better integrate acquisitions to head off duplicative programs and leverage component programs and capabilities across the Department? And how should we be reviewing these program requirements at the DHS level to ensure components are not pursuing stovepipe programs?

Mr. Secretary, I think you are muted.

Mr. JOHNSON. Sorry, sorry.

I will make two points. In my opening statement, I noted the fact that over the last 50 months, there have been nine people who have occupied the job of Secretary of Homeland Security. Obviously, in that kind of circumstance, no one Secretary or no one Under Secretary for Management has the time to devote to addressing the answer to your question, which is a difficult one. We need a more mature acquisition process in DHS.

The reality is, with big government contracts, big acquisitions, what looks like a good idea in year one, which then takes 10 years to implement, by the time you get to year seven or eight, somebody says, I can build a better bicycle. And programs will often outdate themselves, given the life of the time it takes to put them in place.

So I think across the Federal Government, we know how to do this if DHS could learn how to embrace best practices. I suspect that the process has not improved much since five, six years ago when I was there, simply because there have not been people in place that have had the time and the attention span to deal with it.

Ms. ROYBAL-ALLARD. Secretary Chertoff, do you have any thoughts on this?

Mr. CHERTOFF. I agree with what Jeh said. And I think, you know, part of the issue is you have got to have empowerment by the Secretary of the chief acquisition officer of the Department to play a role with respect to all the components, and that some of that may require some tweaks in legislation, but some of it requires consistent leadership and strategic vision.

And I know when I was in office, you know, there were times I had to call everybody in and make it clear, on a regular basis, that there needed to be exchange of information, cross-cutting collaboration, and ultimately a unified position on some of these issues.

Ms. ROYBAL-ALLARD. I believe that finishes the second round. And I would just like to say to Secretary Chertoff, Secretary Johnson, thank you so very much for your time for helping us to think through these challenges. Your insights and your recommendations have truly been invaluable.

If there is no further business, the Subcommittee on Homeland Security stands adjourned.

WEDNESDAY, MARCH 24, 2021.

# TARGETED VIOLENCE AND TERRORISM PREVENTION

## WITNESSES

**JOHN COHEN, ASSISTANT SECRETARY FOR COUNTERTERRORISM AND EMERGING THREATS, DEPARTMENT OF HOMELAND SECURITY**

**JOHN PICARELLI, DIRECTOR OF THE OFFICE OF TARGETED VIOLENCE AND TERRORISM PREVENTION, DEPARTMENT OF HOMELAND SECURITY**

**RICHARD ABORN, PRESIDENT, CITIZENS CRIME COMMISSION OF NEW YORK CITY**

**TYLER COTE, DIRECTOR AND CO-FOUNDER, OPERATION250**

**SAMMY RANGEL, EXECUTIVE DIRECTOR AND CO-FOUNDER, LIFE AFTER HATE**

Ms. ROYBAL-ALLARD. The Committee on Homeland Security will come to order.

This hearing is being conducted virtually. I want to remind members that they are responsible for muting and unmuting themselves. When you are recognized to speak, if I notice that you have not unmuted yourself, I will ask you if you would like the staff to unmute you. If you indicate approval by nodding, staff will unmute your microphone.

To avoid inadvertent background noise, the chair or staff designated by the chair may mute participant microphones when they are not recognized to speak.

We will be operating under the 5-minute rule. If there is a technology issue during a member's speaking time, I will move to the next member until the issue is resolved, but you will retain the balance of your time.

The timer on the screen will turn yellow with one minute remaining, and will turn red when a member's time has expired.

We will follow the speaking order set forth in the House rules, beginning with the chair and the ranking member, followed by members present at the time of the hearing is called to order in order of seniority, and we will alternate by party. Next, we will go to members who were not present when the hearing was called to order until every member present has had a first round.

Members can submit written information for any of our hearings or markups via an email address that has been provided to your staff.

Now let's begin.

I want to welcome everyone to this important hearing on the growing problem of targeted violence and terrorism, particularly domestic violent extremism.

We will have two panels this morning.

The witnesses for our first panel are John Cohen, the Assistant Secretary for Counterterrorism and Emerging Threats at the De-

partment of Homeland Security; and John Picarelli, the Director of the Department's Office of Targeted Violence and Terrorism Prevention.

Thank you both for joining us this morning.

The second panel will feature representatives from organizations that have been awarded grant funding from the Department to develop and model strategies for preventing targeted violence and terrorism.

January 6 was a wake-up call for many people, but we have seen evidence of a growing problem of targeted violence and domestic violent extremism over the last several years. Former Secretary Johnson was an early advocate of investing in this area, and we worked with him late in the fiscal year 2016 funding cycle to establish a grant program focused on countering violent extremism.

Unfortunately, the focus of the program took a wrong turn at the beginning of the last administration, focusing insufficiently on countering domestic extremism with the result that no additional funding was appropriated for the grants between fiscal year 2017 and fiscal year 2019.

I am glad that this effort seems to have righted itself in the last couple of years resulting in an appropriation of $10 million in fiscal year 2020 for TVTP grants and $20 million for fiscal year 2021.

Overall, our fiscal year 2021 bill included more than $80 million for TVTP activities across the Department, an increase of $61 million, including a total of $16.5 million for the Office for Targeted Violence and Terrorism Prevention.

This morning, we want to find out more about the Department's role in countering violent extremism of every kind, what you are learning about the causes of radicalization that leads to violence, and how communities can help prevent it.

Our hearing is particularly timely given the release last week of a report by the Office of the Director of National Intelligence entitled "Domestic Violent Extremism Poses Heightened Threat in 2021."

Unfortunately, it is also highly pertinent in light of the murder of eight people at Asian-American businesses in Georgia last week and the targeted killing of ten people at a grocery store in Colorado this week.

I would like now to turn to the distinguished gentleman from Tennessee, Ranking Member Fleischmann, for his opening remarks.

Mr. FLEISCHMANN. Thank you, Madam Chair, and I really appreciate your holding this subcommittee hearing at this difficult time in our history and on this very sensitive and difficult subject matter.

It is truly a somber and serious issue that is affecting many in our country and our communities and, for some, even within our families. This issue hits home for me. For some of my new colleagues, you may not know, but, on a beautiful day in June a few years ago, my colleagues and I were shot at and nearly assassinated on a baseball field in Virginia by a lone shooter driven by hate.

Almost 4 years later, I still feel blessed to have walked off that field that day basically physically unharmed. I got a little bit blood-

ied in my hands and my knees running from the shooter and diving in the dugout, but thank God I was not shot. Others were, including some of our Capitol Police and Members.

But I am saddened that, at this time, the same type of extremism and hate is driving more people to commit acts of violence. Even more alarming is that violence is coming from our fellow Americans.

Let me say this: It is wonderful to have ideas for passions or a cause. It moves people to lead or help others. We are in this hearing, obviously felt a passion to run for office to represent people in our districts and serve this great country. We don't always agree. We debate.

However, it is a very different and dangerous situation when a passion for ideas and civil discourse in the face of disagreement instead turns into extremism and violence. I support the investments that this committee has made to try to turn that tide for the safety of all people.

I thank all the witnesses today, Assistant Secretary Cohen and Director Picarelli with the Department of Homeland Security, and everyone on the second panel who run some of the organizations that have received DHS grants to work to defuse the violence or the potential for violence.

I am eager to hear how DHS and these nonprofits are working to identify ways to mitigate these threats. I look forward to your testimony.

Again, Madam Chairman, thank you for holding this hearing, and I yield back.

Ms. ROYBAL-ALLARD. I would now like to turn to the chair of the full Appropriations Committee, Ms. DeLauro.

The CHAIR. Thank you very, very much, Chairwoman Roybal-Allard, and I thank you and Ranking Member Fleischmann for holding this hearing this morning, and I want to say a thank you to our witnesses for testifying.

Quote, "Enough is enough, thoughts and prayers, not one more, quote, "nevermore." Does anyone else feel like the speaker from Edgar Allan Poe's poem, "The Raven," as he ponders, quote, "weak and weary at the tapping, constant rapping heard at his chamber's door"? Like the specter of death, the Raven comes again and again, recalling the memory of a loved one lost, and again and again the Raven repeats the unchanging, slightly irritating, almost infuriating refrain, quote, "nevermore."

It reminds me of the words we hear following each new incident of targeted violence in this country: Enough is enough, thoughts and prayers, not one more, nevermore.

Never more will the 10 families in Boulder, Colorado, see their loved ones smile again. Never more will the six families in Atlanta, Georgia, embrace their mothers, their sisters, their wives. Never more will children in our schools and shoppers in our stores, and even Members, the Congress and staff in our Capitol, feel safe, unless we stop the spread of violence and domestic terrorism.

We must stop our ceaseless yapping. We must stop the constant tapping. We must stop the endless rapping at our chamber's door. There is no question why this keeps occurring. We already know the cause. Domestic violent terrorism and extremism has been

growing in this country for years. Fueled by the rise of social media and the internet, extremist, violent, toxic ideologies have spread and contributed to a growing domestic threat from violent extremists, particularly White supremacists.

To be clear, these attacks are certainly not all fueled by White supremacy, but racism and far-right extremism have led to three times as many targeted attacks on U.S. soil as Islamic terrorism. Since 2018, White supremacist groups have been responsible for more deaths than any other domestic extremist group.

And, while there is certainly many contributing factors that lead to these instances of violence and hate, often there is a common invariable refrain: young men, young men with guns, young men with guns radicalized by extremist ideologies filled with hate. It was true in Atlanta. It was true in Charlottesville. It was true at the Walmart in El Paso.

With the COVID–19 pandemic, we have been talking a lot this past year about how we can get back to normal, but, as I have said before, going back to normal is not good enough. This new normal is not normal. Violence, especially domestic terrorism, is a disease, a disease that has been taking the lives of innocent Americans long before this COVID–19 pandemic.

So what are we going to do about it? How are we going to stop the tapping? How are we going to stop the rapping? How are we going to stop the continual return of death? We are already developing the tools to help communities, States, and local governments understand what leads to radicalization. We already have the tools to develop strategies and prevent frameworks for off-ramping individuals from violent extremism.

The Congress has a duty to ensure our Department of Homeland Security is armed with these important tools and equipped with the funding and the resources it needs to stop this never-ending violence. And we must also summon the will to act to stop the widespread availability of weapons of war on our streets.

The background check bills which passed the House last week are a good start, but not nearly enough to keep our families and our communities safe. And we owe it to every person in this country who has felt the pain of targeted violence or domestic terrorism to ensure that no more lives are lost to gun violence. Nevermore.

And, with that, I thank the chairwoman and the ranking member, and I yield back.

[The prepared statement of Chair DeLauro follows:]

**REMARKS OF THE HON. ROSA L. DELAURO**

**HOMELAND SECURITY SUBCOMMITTEE- TARGETED VIOLENCE AND TERRORISM PREVENTION**

**WEDNESDAY, MARCH 24, 2021**

Thank you Chairwoman Roybal-Allard and Ranking Member Fleischmann for holding this hearing and to our witnesses for testifying.

"Enough is Enough." "Thoughts and prayers." "Not one more." "Nevermore." Does anyone else feel like the speaker from Edgar Allen Poe's poem The Raven, as he ponders, "weak and weary" at the "tapping", constant "rapping" heard at his chamber's door? Like the specter of death, the Raven comes again and again, recalling the memory of a loved one lost. And again, and again, the raven repeats the unchanging, slightly irritating, almost infuriating refrain, "nevermore."

It reminds me of the words we hear following each new incident of targeted violence in this country. Enough is enough. Thoughts and prayers. Not one more. Nevermore.

Nevermore will the ten families in Boulder, Colorado see their loved ones smile again. Nevermore will six families in Atlanta, Georgia embrace their mothers, their sisters, their wives. Nevermore will children in our schools, and shoppers in our stores, and even Members

and staff in our Capitol feel safe … unless we stop the spread of domestic terrorism. We must stop our ceaseless yapping, we must stop the constant tapping, we must stop the endless rapping at our Chamber's door.

There is no question why this keeps occurring. We already know the cause: domestic violent terrorism and extremism has been growing in this country for years. Fueled by the rise of social media and the internet, extremist, violent, toxic ideologies have spread and contributed to a growing domestic threat from violent extremists, particularly white supremacists. To be clear, these attacks are certainly not *all* fueled by white supremacy. But racism and far right extremism have led to three times as many targeted attacks on U.S. soil as Islamic terrorism. Since 2018, white supremacist groups have been responsible for more deaths than any other domestic extremist group.

And while there are certainly many contributing factors that lead to these instances of violence and hate, often there is a common, invariable

refrain. Young men. Young men with guns. Young men with guns radicalized by extremist ideologies filled with hate. It was true in Atlanta. It was true in Charlottesville. It was true at the El Paso Walmart.

With the COVID-19 pandemic we have been talking a lot this past year about how we can get back to normal. But as I've said before, going back to normal is not good enough. This new normal is not normal. Violence, especially targeted domestic terrorism, is a disease: a disease that has been taking the lives of innocent Americans long before this COVID-19 pandemic.

So, what are we going to do about it? How are we going to stop the tapping, how are we going to stop the rapping, how are we going to stop the continual return of death? We already have the tools to help communities, states, and local governments understand what leads to radicalization. We already have the tools to develop strategies and prevention frameworks for off-ramping individuals from violent

extremism. And we already have the metrics for evaluating programs and interventions that are most effective. The Congress has a duty to ensure our Department of Homeland Security is armed with these important tools and equipped with the funding and resources it needs to stop this never-ending violence.

And we also must summon the will to act to stop the widespread availability of weapons of war on our streets. The background check bills, which passed the House last week are a good start, but not nearly enough to keep our families and communities safe.

We owe it to every person in this country who has felt the pain of targeted violence or domestic terrorism to ensure that no more lives are lost to gun violence, nevermore.

With that I thank Chairwoman Roybal-Allard, and Ranking Member Fleischmann and I yield back.

Ms. ROYBAL-ALLARD. Assistant Secretary Cohen and Director Picarelli, we will submit the full text of your official statements for the hearing record.

Assistant Secretary Cohen, please begin your oral summary, which I would ask that you keep to 5 minutes.

Mr. COHEN. Madam Chairwoman, Ranking Member Fleischmann, members of the committee, thank you very much for the opportunity to be here with you today.

I appreciate that you invited us to attend this important and timely hearing. Based on the events of the last 8 days, the two tragic, horrible shootings in the Atlanta area and in Boulder, Colorado, the timing of this hearing could not be more prescient.

Over the past 8 days, the Nation has experienced two separate mass casualty attacks. I would like to say these events were unusual or these events were uncommon or they were anomalies, but, sadly, for the reasons stated by both of you and Chairwoman DeLauro, I can't. These types of targeted attacks have become way too common in our country.

And, while I appear before you today as the top coordinator for counterterrorism and Assistant Secretary for Counterterrorism and Emerging Threats at the Department of Homeland Security, the perspectives I will share with you today come from not only my current responsibilities but also the work I have been engaged in over the past 10 years, both at the Department and also outside of the Department, examining mass-casualty attacks, acts of targeted violence, and domestic extremism in the United States and Europe.

So, while the motives behind the two attacks referenced earlier in the Atlanta area and Boulder, Colorado, are still under investigation and while the motives have yet to be thoroughly identified, we do know already that there are striking similarities between both of those incidents and incidents that have been experienced across the country in the past.

And I will use my time to share a little bit of perspective on the emerging—on the current threat environment and some things that the Department has initiated since January 20th to address that threat.

But we often hear from people after these types of incidents that they can't be prevented. They are difficult. I will tell you, as somebody who has spent over 35 years in law enforcement and homeland security, that is just simply not true. These types of attacks can be prevented. There are things that we can do to make them less frequent.

There are actually examples around the country where targeted attacks directed at schools, houses of worship have been prevented. In some cases, they have been prevented by the actions of a joint terrorism task force or another law enforcement investigation and prosecution, but there are a growing number of cases that have been prevented or incidents that have been prevented by the actions of organizations such as those who are going to be appearing before you later today.

They have been—these incidents have been prevented by the actions of mental health professionals, community groups, faith leaders. And it is those types of prevention activities that, through the

Office of Targeted Violence and Terrorism Prevention, we are seeking to expand upon.

So, over the past several years, the United States has experienced a number of targeted attacks by angry, disaffected individuals. In some cases, these individuals have been motivated by extremist ideologies or ideologies of foreign terrorist organizations. In other cases, they have been motivated by some form of personal grievance.

In every case, these individuals have spent inordinate amount of time online viewing extremist, violent materials, engaging with likeminded individuals, and ultimately communicating online their intent to commit some type of violent act.

In many cases, these individuals are inspired by conspiracy theories or extremist narratives that are spread online by a variety of foreign adversaries or domestic thought leaders. These attacks have targeted a cross-section of our society. People and facilities have been targeted because of their faith, their race, their gender, or ethnicity. They have targeted government facilities, law enforcement, Members of Congress, as Ranking Member Fleischmann referred to. They have also targeted simply places where people gather.

Addressing this threat is complicated. It requires a multidimensional approach, and the Department has taken a number of steps to expand our ability, working with the rest of the administration, our State and local partners in the private sector and nongovernment entities. We are conducting a 60-day review of our posture. We are expanding our intelligence and analysis.

We issued a bulletin under the National Terrorism Advisory System. We have expanded and prioritized domestic violent extremism in our FEMA grants. And, just today, we issued a notice of funding opportunity for prevention grants that will be awarded by the Office of Targeted Violence and Terrorism Prevention.

So I look forward to answering your questions, and thank you again for the opportunity to appear before you today.

[The information follows:]

**Written Testimony of**

**John Cohen**
**Counterterrorism Coordinator and**
**Assistant Secretary for Counterterrorism and Threat Prevention**
**Office of Strategy, Policy, and Plans**
**Department of Homeland Security**

**and**

**John Picarelli**
**Director of Office for Targeted Violence and Terrorism Prevention**
**Office of Strategy, Policy, and Plans**
**Department of Homeland Security**

**For a Hearing on**
**Office for Targeted Violence and Terrorism Prevention**

**Before the**
**U.S. House of Representatives Committee on Appropriations**
**Subcommittee on Homeland Security**

**March 24, 2021**

**Introduction**

Chairwoman Roybal-Allard, Ranking Member Fleischmann, and distinguished Members of the Subcommittee, thank you for holding today's hearing about the Office for Targeted Violence and Terrorism Prevention (OTVTP).

The Department of Homeland Security (DHS) stands committed to enhancing our collective ability to prevent all forms of terrorism and targeted violence.[1] We need to make it harder to carry out an attack and reduce the potential loss of life by preventing individuals from radicalizing to violence at the earliest possible moment.[2] Achieving this objective is beyond the Federal government's capability and role alone. Thus, DHS has adopted a whole-of-society approach that builds trusted partnerships across all levels of government and among a multidisciplinary set of local actors, including houses of worship, civic organizations, health practitioners, government agencies, law enforcement, and others. In short, the DHS prevention mission centers on building a local capacity to prevent targeted violence and terrorism.

All forms of terrorism and targeted violence weaken the very fabric of our society, injecting trauma, fear, mistrust and despair into the body politic. But the events of January 6th bore witness to the changing threat landscape facing us. Recent Congressional testimonies from both the Director of the Federal Bureau of Investigation (FBI) and our own Secretary delivered a simple message—the danger posed from Domestic Violent Extremism (DVE) represents one of the most serious terrorism-related threat facing the United States today. The Department is harnessing all its relevant resources to address the threat from DVE and will continue building this comprehensive approach. At the same time, we remain vigilant about the threat of international terrorism, including the threat posed by individuals who are inspired by the ideology of terrorist organizations overseas, such as ISIS and Al-Qaeda remains

[1] "In 2019, the Department added 'targeted violence' to its prevention mission, to expand beyond terrorism. The goals of any targeted violence attack may lack a discernable political or ideological motive, but inflict the same type of trauma on communities. Consequently, OTVTP works with communities to prevent these types of attacks which include attacks on schools, workplaces, public gatherings, and other settings.

[2] Radicalizing to violence can be defined as the process wherein an individual comes to believe that the threat or use of unlawful violence is necessary or justified to accomplish a goal. It is limited to the process by which individuals come to engage in terrorism or targeted violence.

The Department's targeted violence and terrorism prevention mission is central to our national response to this changing threat landscape. OTVTP seeks a resilient America where communities are united to bring an end to the tragedies inflicted by acts of targeted violence and terrorism. To accomplish this, OTVTP provides technical, financial and educational assistance to establish and expand local prevention frameworks. The Office also serves as the key node for the Department's prevention efforts, serving as the primary liaison to federal departments and agencies, state and local governments, non-governmental organizations, industry, and international efforts related to terrorism and targeted violence prevention.

OTVTP has made significant progress since it received enhanced resources in Fiscal Year (FY) 2020, and the task of ensuring all localities have access to prevention resources is a demanding, multi-year effort that we continue in FY 2021. We look forward to sharing our progress with you today and continuing to work with you to further our efforts across the country.

**Addressing Violent Extremism**

The recent expansion of the DVE threat is tied to a growing list of motivations based on a diverse set of catalysts. Today, acts of terrorism and other ideologically motivated violence by DVEs pose a lethal and persistent terrorism-related threat to the homeland. This threat encompasses a range of DVE actors, including racially or ethnically motivated violent extremists and anti-government violent extremists, and is fueled by false narratives, conspiracy theories, and violent extremist rhetoric spread through social media and other online platforms. A range of issues motivates these individuals, including anger over COVID-19 restrictions, the 2020 presidential election results, and police use of force, as well as a broad range of extreme racial, political, anti-government, anti-law enforcement, societal, and even personal ideological beliefs. The events of January 6th have only emboldened DVEs who feel inspired by the attack on the Capitol, may view violence as increasingly normalized, and harbor a volatile mix of grievances and continue to seek opportunities to incite or commit violence.

Addressing DVE is a top priority for DHS, and we are taking immediate steps to ensure all available resources are devoted to combatting this violence. This undertaking requires nothing less than a Department-wide effort, which the Secretary has initiated. Within the first 30 days of the Secretary's tenure, he designated me (Assistant Secretary John Cohen) as the senior official

to organize, plan, and oversee the Department's operational coordination and response to all terrorism-related threats, including those from DVEs. He also released a National Terrorism Advisory System Bulletin in late January highlighting the DVE threat. This was the first Bulletin that had been issued in the past year.

Additionally, one of our most critical missions at the Department is to provide intelligence to the broadest audience, at the lowest classification level possible, while protecting privacy, civil rights, and civil liberties. In support of this objective, the Secretary also is reviewing the Department's intelligence analysis and information sharing capabilities, particularly in collaboration with state and local partners. The Secretary also designated combating DVE as a National Priority Area for the FY 2021 State Homeland Security Grant Program and the Urban Area Security Initiative grant programs at the Federal Emergency Management Agency (FEMA), thereby requiring 7.5 percent (up from 5 percent) of awards to support efforts combatting DVE.

In the coming months, the Department intends to continue enhancing its efforts to address the DVE threat and the factors driving its growth. As referenced in the recent ODNI/DHS/DOJ threat assessment, the links between domestic extremists and foreign actors are a concern. We seek to better understand the growing operational collaboration between DVEs in the United States with those operating in Europe and other parts of the globe. The Department also looks to expand the ability to use the watch-listing process, screening and vetting protocols, and travel pattern analysis to detect domestic and foreign travel by known violent extremists. We are working closely with our government partners, and foreign counterparts, on this work.

Additionally, DHS is enhancing public awareness and resiliency to disinformation and other false narratives that continue to inspire DVE. The Cybersecurity and Infrastructure Security Agency (CISA) leads part of this effort through its Mis/Dis/Malinformation Task Force (formerly known as the Countering Foreign Influence Task Force). The Department is also updating its "If You See Something, Say Something®" public awareness campaign and refreshing the Nationwide Suspicious Activity Reporting Initiative to build our partners' ability to identify, assess, and report tips linked to potential acts of targeted violence and terrorism, regardless of ideology.

**Expanding the Prevention Mission**

The Department's focus remains on increasing its partnerships and investments in local communities to enhance our targeted violence and terrorism prevention capabilities nationwide. A core component of this effort is empowering our partners to identify and counter the false narratives and extremist rhetoric that incite violence that are often spread through social media and other online platforms. The Department also works with industry partners, particularly technology companies, to develop voluntary, innovative approaches to identify and mitigate violent extremist content under their terms of service and community standards. This includes building greater public awareness and resilience to disinformation by developing and sharing digital media literacy and online critical thinking resources. All such efforts operate with appropriate oversight to ensure the protection of civil rights and civil liberties.

Additionally, the Department will increase available training and technical assistance to communities to build behavioral threat assessment and management capabilities necessary to identify individuals at risk of radicalizing to violence.[3] For example, we are working with FEMA, the United States Secret Service (USSS), and the Federal Law Enforcement Training Centers (FLETC) to provide training to state and local law enforcement on topics such as the use of crisis intervention teams and how to integrate multidisciplinary threat assessment and management teams into efforts to prevent terrorism and targeted violence.

OTVTP plays an essential role in coordinating these efforts across DHS in a unified approach. The Office has three key roles in facilitating the Department's prevention mission:

1. Capacity Building: OTVTP provides financial, educational, and technical assistance to state and local partners to build local prevention frameworks to reduce the number of people susceptible to radicalization to violence, while also helping those who may be radicalizing to violence to disengage before violence occurs.
2. Address Emerging Violent Narratives: While protecting civil rights and civil liberties, OTVTP will continue building upon its existing efforts and collaboration with industry and non-governmental partners to identify online narratives that can incite violence, and initiate efforts to prevent, impede, and counter their spread.

[3] For more on behavioral threat assessment and management teams, see https://www.dhs.gov/sites/default/files/publications/threat_assessment_and_management_teams.pdf.

3. Departmental Coordination: OTVTP serves as the central coordinating body for the Department's targeted violence and terrorism prevention mission and ensures activities across the Department advance the objectives set forth in the Department's *Strategic Framework for Countering Terrorism and Targeted Violence.*

The Office will continue endeavoring to fully empower a whole-of-society approach that builds trusted partnerships across all levels of government and among a multidisciplinary set of local partners.

**Local Prevention Frameworks**

The central organizing principle of OTVTP's prevention mission is the local prevention framework that empowers state and local partners to prevent targeted violence and terrorism. These frameworks focus on providing help to individuals who may be radicalizing, or who have radicalized, to violence. Local prevention frameworks empower concerned individuals and organizations to put awareness training into action by ensuring bystanders are aware of locally available prevention resources and know how to get help for individuals radicalizing to violence. Successful prevention frameworks are locally designed and implemented because each community is unique, with different needs, resources, and challenges. Research shows that those radicalizing to violence exhibit behavioral indicators during their progression that are recognizable to many but best understood by those closest to the individual, such as peers, friends, and family. These changes in behavior and verbal cues serve as potential openings to refer and seek help for that individual before he or she commits an act of targeted violence or terrorism.

An effective local prevention framework succeeds by connecting all segments of a community through stakeholder engagement, public awareness, threat assessment and management, and support services.[4] Later this year, OTVTP intends to publish a comprehensive baseline capabilities resource that outlines the recommended minimum functional requirements for an effective local prevention framework.

The potential for prevention efforts to impinge on protected speech or other civil rights and civil liberties is a real concern that OTVTP takes seriously. Recently, OTVTP implemented

[4] For more on local prevention frameworks, see https://www.dhs.gov/tvtp.

a strategic engagement process with civil rights and civil liberties organizations, as well as other community-based organizations, to address concerns regarding targeted violence and terrorism prevention activities. The Office plans to initiate a listening tour with organizations that express concerns regarding prevention activities, and to establish an ongoing community engagement process on this topic. In the meantime, OTVTP continues to work closely with the DHS Office for Civil Rights and Civil Liberties to ensure all programs consider the potential impacts on rights and liberties prior to implementation now and in the future.

**OTVTP Support for Local Prevention Frameworks**

OTVTP utilizes a diverse set of resources to establish and expand local prevention frameworks. Through the provision of technical assistance services, the Office provides subject matter assistance to establish and expand local prevention frameworks. Through grants and other financial assistance, OTVTP invests in local prevention efforts that generate promising practices that can also serve as models or templates for replication in other localities. Finally, through education and awareness training, OTVTP ensures that all stakeholders possess the knowledge needed to recognize and prevent targeted violence and terrorism.

Technical Assistance

OTVTP's Field Operations team works alongside state and local partners and leverages technical assistance services to accelerate the establishment and expansion of local prevention frameworks. Regional prevention coordinators (RPCs) engage the whole-of-society at the local level by helping communities establish and expand prevention frameworks tailored to their specific environment. They also provide a wide range of services such as convening and engaging stakeholders, information sharing, trainings, and prevention-related exercises. OTVTP field-deployed personnel are currently located in Atlanta, Denver, Los Angeles, Boston, Chicago, Dallas, Newark, Omaha, Richmond, Sacramento, and Seattle.

The Field Operations team accomplishes its mission through cultivating trusted partnerships with state and local stakeholders representing whole-of-society within any one locality. The team engages a wide range of government and community-based organizations to build the multidisciplinary teams foundational to local prevention frameworks. For example, in Texas, Virginia, and Illinois, RPCs have convened school safety personnel to discuss how

localized behavioral threat assessment and management programs could assist educators in K-12 schools, as well as colleges and universities. The RPCs in Newark, Atlanta, Denver, and Chicago are working with Federal partners and behavioral health professionals to recommend case referral processes for those showing behavioral indicators of radicalization to violence, including collaborations with the FBI and other parts of the Department of Justice to identify available resources that may help to mitigate, disrupt, and/or deter subjects of concern from targeted violence.

Our most developed program is in Colorado, a state where we have had the longest duration of field staff presence. Over the past five years, the RPC in Denver worked alongside colleagues from the U.S. Attorney's Office, the State of Colorado's Homeland Security Advisor's Office, and numerous state and local partners to craft local prevention frameworks blanketing the state. The RPC trained and supported law enforcement crisis intervention teams, school threat assessment teams, and mental and social service professionals across the state to ensure they had the knowledge and tools needed to act on potential cases of individuals radicalizing to violence. Results of this work show that 100 individuals displaying behavioral indicators of radicalization to violence entered into behavioral threat assessment and management through these prevention efforts.

Financial Assistance

Financial assistance is a key complement to OTVTP's technical assistance services. OTVTP funds prevention capabilities with nonprofits, universities, and state, local, tribal, and territorial government (SLTT) agencies. Specifically, the Targeted Violence and Terrorism Prevention Grant Program invests in the establishment and expansion of local prevention frameworks, the construction of specific programs that support larger prevention frameworks (e.g., training initiatives or engagement vehicles), and the innovation needed to ensure future prevention approaches are more efficient and effective. In FY 2020, OTVTP worked with FEMA to award $10 million to 29 grantees across 15 states. These funds provided support for the establishment of 10 new local prevention frameworks and the expansion of two existing frameworks, as well as several innovative prevention projects.

In the current fiscal year, OTVTP will double its investment in these programs to $20 million. OTVTP is also building a more transparent capability to share lessons learned and

promising practices from these investments, so that localities can employ them when building their own prevention frameworks. To support this effort, OTVTP worked with the Office for Management and Budget and the DHS Science and Technology Directorate to develop and implement a robust evaluation plan for the grant program. The resulting assessments and evaluations explain how and why grantees met the goals and objectives of their proposals, and provide evidence supporting the future adoption of promising practices and lessons learned.

Educational Assistance

OTVTP coordinates, implements, and updates the Department's education efforts addressing local prevention frameworks. Currently, OTVTP is developing a fully integrated curriculum to support the knowledge requirements of SLTT partners who are establishing and expanding local prevention frameworks. OTVTP is updating its educational offerings to better reflect the evolving threat landscape and new lessons learned about effective prevention programs. OTVTP also is creating new educational products to discuss the behavioral changes that could indicate radicalization to violence, and will soon launch a new online awareness toolkit to inform the public of the risks that exist within the online environment and how to quickly identify signs of harmful online activity.

Later this year, OTVTP plans to launch a nationwide public outreach campaign designed to provide practical information on how to participate in local prevention efforts, in a similar manner that the Department's Blue Campaign has built awareness and public action to address trafficking in persons.

**Strategic Engagement and Addressing Online Elements of Prevention**

OTVTP provides outreach to various sectors, including government, civil society, and private industry, to ensure that they understand, validate, support, and champion local prevention efforts. Stakeholder engagement and coordination are at the forefront of every program and activity OTVTP conducts. One example of this effort is OTVTP's strategic engagement with the technology sector. A key mechanism for this work is through *Digital Forums on Targeted Violence and Terrorism Prevention*. These Forums provide participants with greater awareness of activity online that radicalizes to violence, increase digital literacy, and offer a platform for local and sector-specific leaders to engage with tech companies, practitioners, and experts to

discuss innovative responses in the digital space. The most recent Digital Forum focused on the online gaming and eSports industries and included nearly 300 attendees from non-governmental and non-profit organizations, state and local governments, academia, and the tech sector. Participants discussed the manipulation of gaming platforms by malicious actors, and also highlighted the positive ways that gaming helps provide a sense of community and fosters important protective factors against radicalization to violence, particularly in times of social isolation.

OTVTP's strategic engagement with the technology industry is not only limited to DHS-led efforts like the Digital Forums. OTVTP, representing DHS, along with the National Security Council and other departments and agencies, engages with technology companies on counterterrorism and terrorism prevention efforts, most notably by working through the Global Internet Forum to Counter Terrorism (GIFCT), which has issue-specific working groups. The GIFCT is a nongovernmental organization bringing together technology industry, government, civil society, and academia to foster collaboration and information sharing to counter online terrorist and violent extremist activity online.

**Conclusion**

The Department's targeted violence and terrorism prevention mission is central to our national response to the changing threat landscape, especially online. While OTVTP has made significant progress bringing this prevention mission to scale, DHS knows that ensuring all localities have prevention frameworks will take more time and effort. We look forward to continuing to work with you and other Members of Congress as we implement this critical effort.

Thank you again for the opportunity to testify today and we look forward to your questions.

Ms. ROYBAL-ALLARD. Okay. Thank you.

Director Picarelli, please begin your 5-minute statement.

Mr. PICARELLI. Thank you, Chairwoman Roybal-Allard, Ranking Member Fleischmann, and distinguished members of the subcommittee, and thank you for holding today's hearing about the Office for Targeted Violence and Terrorism Prevention, or OTVTP, and this incredibly important topic.

My name is John Picarelli, and I am the Director of the office. I have served the office since December 2016 and have worked in the prevention space or over a decade.

Prior to joining DHS, I established research and evaluation grant portfolios that focused on radicalization of violent extremism, trafficking in persons, and transnational organized crime at the Department of Justice. Much of that work focused on prevention.

All forms of terrorism and targeted violence, as we have already heard, weaken the fabric of our society. They inject trauma, fear, mistrust, and despair into the body politic. OTVTP seeks a resilient America where communities are united and empowered to bring an end to the tragedies of targeted violence and terrorism.

Building from you generous support in the last two budget cycles, OTVTP is poised to bring and scale prevention efforts nationally. But this will require continued congressional engagement and support.

The office focuses on local prevention frameworks. Rooted in the public health approach to violence prevention, these frameworks address societal conditions promoting targeted violence and terrorism while offering help to individuals before they commit a crime or violence.

Research shows time and again that these individuals often exhibit behavioral indicators that are best understood by those closest to the individual, such as peers, family, and friends.

So OTVTP consists of five teams that support these local prevention frameworks. The regional prevention coordinators of our field operations team cultivate trusted partnerships among the many local stakeholders that are needed to build multidisciplinary teams that form the backbone of these local prevention frameworks.

Our first and most developed local prevention effort is in Colorado, where our coordinator in Denver has worked alongside colleagues from Federal agencies and numerous State and local partners to build frameworks that now blanket the State.

Another team oversees the Targeted Violence and Terrorism Prevention Grant Program, which invests in local prevention frameworks, in specific programs that support these frameworks, and in innovative projects that craft future prevention approaches.

Last year, we worked with our partners at the Federal Emergency Management Agency to award the full $10 million to 29 grantees in 15 States, and that included financial support for 10 new local prevention frameworks. This year, thanks to the support of this subcommittee, our office will double that investment in these programs to $20 million, and, as Secretary Cohen—Assistant Secretary Cohen—sorry—noted earlier, we just released the notice of funding opportunity for this year's competitive grant program just this morning.

My office also has a team that educates society about prevention. This education team is developing a curriculum that supports the full knowledge requirements of our local partners. It is also updating our courses to better reflect the public health approach I described earlier, while also capturing the evolving threat landscape that we face today.

The fourth team in our office engages national representatives of prevention stakeholders. We do this so that they understand, validate, support, and champion local prevention efforts. For example, this team enhances awareness of harmful online activity, increases digital literacy, and offers a platform for innovative approaches in the digital space by hosting digital forums on targeted violence and terrorism prevention.

Another important effort we are working on is to ensure the public has easy access to prevention-related materials and resources. For example, the fifth team in my office is drafting comprehensive baseline capabilities that outline the recommended and necessary minimum functional requirements for effective local prevention frameworks. We will also launch a nationwide public outreach campaign designed to provide practical information on how to participate in local prevention efforts later this year.

My office understands that prevention efforts have the potential to impinge on protected speech or on other civil rights and civil liberties. We are now establishing an ongoing community engagement process to further address this topic with the CRCL community, and we continue to work closely with the DHS Office for Civil Rights and Civil Liberties to ensure all programs consider the potential impact on such rights and liberties prior to implementation.

Our office has made significant progress towards bringing prevention to scale, yet our goal of ensuring that all communities have access to prevention frameworks will take more time, effort, and resources. We look forward to continuing this work with you and other Members of Congress to ensure we properly resource and implement this critical effort.

Thank you again for the opportunity to testify today, and I look forward to your questions.

Thank you.

Ms. ROYBAL-ALLARD. Assistant Secretary Cohen, in 2019, under the leadership of former Acting Secretary Kevin McAleenan, the Department issued a Strategic Framework for Countering Terrorism and Targeted Violence, which stated in clear terms that "racially- and ethnically motivated violent extremism in particular, violent White supremacism—is one of the most prevalent and abhorrent of these anti-American ideologies. There is no moral ambiguity on this issue, end quote.

The ODNI report released last week confirms that ethnically motivated violent extremists and militia violent extremists present the most lethal threat of mass-casualty attacks against civilians and government entities, respectively.

Can you please elaborate on what the intelligence is telling us about the domestic extremist threat, what is motivating it, and what leads someone to take that last step from alienation to violence?

Mr. COHEN. Thank you for your question, Madam Chairwoman.

As I stated earlier, what we have experienced in this country is a growing level of violence by lone offenders or small groups of people who are inspired and motivated to violence by extremist ideologies or a combination of ideologies or some type of personal grievance.

Essentially, the way it has been described to me in the past by members of the intelligence and law enforcement community is we have angry, disaffected individuals in this country who are seeking an excuse to use violence as a way to express that anger, and they will spend time online consuming large amounts of extremist material, material about past violent acts. They will become susceptible to being influenced by disinformation and conspiracy theories.

They ultimately will self-connect with an extremist ideological cause or formulate in their mind a personal grievance or a combination of both and use that as the justification for going out and committing mass murder.

In that total population of those who have committed acts of violence motivated by extremist ideologies over the past several years, the most significant number of those attackers have been motivated by White supremacist, antigovernment militia, or a combination of both of those extremist ideologies. So, from a lethal attack perspective, the overwhelming majority of people who have committed lethal attacks have been inspired by those extremist ideologies.

What is driving this, in large part, is two factors. One, the angry polarized nature of our society, coupled with the fact that social media and other online platforms provide the opportunity for these disaffected, angry people to consume and come in contact with a large amount of information that ultimately serves as the source of inspiration for their act of violence.

Ms. ROYBAL-ALLARD. This question is both for Secretary Cohen and Director Picarelli.

And, Secretary, I think you have just touched on this a little bit.

The ODNI report indicates that, quote, "domestic violent extremist attackers, often radicalized independently by consuming," as you have said, "violent extremist material online and mobilizing without direction from a violent extremist organization, making detection and disruption difficult," end quote.

Given the centrality of the internet for spreading extremist ideology, are you working with social media companies to reduce the amount of radicalizing content, and what do you think they can—the role that they can play in countering the extremist narratives?

Mr. COHEN. Yes. I will answer real quickly and then turn it over to Director Picarelli.

Yes, this is a major part of our efforts, Madam Chairwoman. We are engaging with the tech industry, with academia, with other nongovernment organizations who are doing an extensive amount of research into narratives, the toxicity of these narratives, how those narratives influence violence.

And some of the analysis that we are looking to be able to do more effectively at the Department is to work with those outside entities, understand the narratives that are emerging, whether they are being introduced into the ecosystem by a foreign intelligence service, an international terrorist organization, or a domes-

tic extremist group, and then assess which of those narratives are most likely to result in violent activity, and then the potential targets of that violent activity so we can work with the communities to take steps to mitigate that risk.

I will turn it over to my colleague, Director Picarelli, for additional.

Mr. PICARELLI. Thank you. I will be brief and echo what Assistant Secretary Cohen said.

In my office, we are working on this issue with significant focus. And I will give you four brief examples of the breadth by which we approach this issue.

First, we are looking to use our innovative grant portfolio to focus on it. And, last year, we funded projects, one or two of which you will hear later today, but another one at American University that has been in the public eye of late focuses on inoculation theory, trying to get as early as possible to reach folks who may consume this online hate and inoculate them towards it. So that is one approach.

Another approach was one I mentioned, and that is the Digital Forums for Targeted Violence and Terrorism Prevention. Our most repeat digital forum was held earlier this month. We had over 350 participants for 4 days who focused on how the gaming industry and eSports can work with local community partners to better understand how radicalization to violence could be occurring through those platforms but also to empower local community partners to use those platforms in order to enhance digital literacy and to be more proactive about being safe online.

We are also about to launch, as I mentioned, new digital literacy campaign materials. And we also, just earlier this year, launched a program to fund a competitive approach among college-age students at 25 universities and colleges across the country to tap their innovative spirit and have them help us think about new ways we might be able to address this online space through this competition.

So we will look forward to keeping you informed of all of these as we proceed forward.

Thank you.

Ms. ROYBAL-ALLARD. Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, Madam Chair.

Assistant Secretary Cohen and Director Picarelli, I want to thank you again for your testimony today and for your serious attention to this issue that is facing our country.

I have a few questions.

In your written statement, I note with interest that combating domestic violent extremism is a national priority area for fiscal year 2021 State Homeland Security Grants and the Urban Area Security Grants.

How are you working with States and localities to best identify practices or effective and competent groups to partner with in order to craft a successful grant application, and, more importantly, implement a successful program with the grant funds?

I am going to ask you a followup if I may. How many States already have established systems or organizational structures to ad-

dress domestic violence extremism in their States or assist localities to address these issues?

And I will wait for both of your responses.

Mr. COHEN. Thank you, Ranking Member, for the question.

On the first question, we are working closely, meaning my broader office of counterterrorism and emerging threats, and also Director Picarelli's office are working closely with FEMA and therefore through FEMA with the State grant administrative agencies, law enforcement, the State and local fusion centers to help them better identify programs and resources that are potentially available to support those needs.

One of the areas we are very interested in providing greater support for is training, technical assistance in the area of threat assessment, investigations, and threat-management strategies. These are capabilities that have been used for decades by the Secret Service and by the Behavioral Analysis Unit of the FBI, where they combine mental health expertise with law enforcement expertise to evaluate the risk posed by an individual who comes to their attention.

As we have learned from a number of these attacks, these potential attackers don't always fit into a neat definitional box when they first come to the attention of law enforcement, so understanding whether this person represents a risk of violence is critically important.

So expanding those opportunities for State and local is a major part of our priority.

I will turn it over to Director Picarelli to address the other parts of your question.

Mr. FLEISCHMANN. Thank you, Mr. Secretary.

Mr. PICARELLI. So thank you for the questions. They are great ones.

In terms of the grants, I will keep my answer brief. One of the concerns that we always have when it comes to grant programs is ensuring that the barriers to entry are as low as possible. So, in that regard, we are working through a number of mechanisms, by regional prevention coordinators, by grants teams. We are using webinars to provide assistance to applicants to ensure that we get as large and robust and rich of an application group as we possibly can.

This is a competitive grant program that we have run, so more competition is better. And so, last year, I think we had close to 100 applications. We are hoping to see a significant increase on that this year. A hundred applications, given we had been paused for at least 3 years, was a great number to see last year, and it is a good foundation, and we hope to continue to drive that number up this year through all of our efforts.

In terms of your other question, which is, again, another great question, I did mention, through grants, we have funded programs in 15 States. We also, through one of those grants, are working up a better picture of what kinds of capabilities do State and local partners have for what Assistant Secretary Cohen mentioned? What are the existing resources that we can build off of and supplement through our regional prevention coordinators and through our grants? That is something that is underway.

So it is certainly something that I think would be great for us to continue to get you that information to your staff as we proceed so that you have a more comprehensive picture of just, where are the capability gaps and how is my office addressing those in the future?

Mr. FLEISCHMANN. Thank you for your comprehensive answers, gentlemen. Very helpful.

I will be brief. My time is ticking down, so I will just ask one question.

In your testimony, you mentioned that you are working with science and technology offices on metrics and a method for evaluating the effectiveness of grants. When do you hope to roll out an evaluation?

Mr. PICARELLI. Sir, I believe that question was for me.

We are currently running those evaluations right now. We are finalizing and updating a more comprehensive plan for evaluations as we speak, but we have already started working with the Directorate of Science and Technology to start selecting grantees from last year's competition, and will again this year, to do thorough impact evaluations on those awards.

We also will be rolling out more robust measures to assess the entirety of the grant program to ensure that we are doing the best job possible in order to get those grants out to the folks that need them and that we are building the right programs.

So, again, we will be continuing that throughout the year and in the years to come because impact evaluations is something that is very, very important to me and is exactly how we can come back to you in the future and tell you what is working and what is not and why.

Thank you.

Mr. COHEN. And, Ranking Member, if I can just add very, very quickly, that——

Ms. ROYBAL-ALLARD. Certainly.

Mr. COHEN [continuing]. This is such an important issue because what our goal is to take the lessons learned from last year's grants, this year's grants, and then take that knowledge and feed it into the broader grant program so we can replicate those programs that work in communities across the country.

Mr. FLEISCHMANN. Thank you, gentlemen.

I yield back.

Ms. ROYBAL-ALLARD. Okay.

Ms. DeLauro.

The CHAIR. Thank you. I thank the chair, and I want to thank the witnesses, Secretary Cohen, Director Picarelli.

Let me just—and, first of all, I just want to get more information and knowledge about the grant programs in terms of intervention and prevention, I think which is very helpful. But let me just ask you—and this first question is kind of, if you will, a yes or no. Do you agree that this country has a problem with or danger, if you will, from private unauthorized militia groups? Yes or no?

Mr. PICARELLI. Yes.

Mr. COHEN. Yes.

The CHAIR. Director? I can't hear you, Director.

Mr. PICARELLI. My apologies. Yes.

The CHAIR. Thank you. Okay.

Now, it is also my understanding that, under Federal law, there is no criminal or civil statute that prohibits the existence of private militia groups. Should we have a law that prohibits unauthorized private militia groups? There is now no Federal law, no criminal or civil statute with regard to private—unauthorized private militia groups.

Can I get each of you to comment on that, please?

Mr. COHEN. I will. I will start, Madam Chairwoman.

Your question actually hits at a core issue because part of the challenge in addressing domestic violent extremism is being able to distinguish between behavior that may be constitutionally protected under free speech and assembly rights and that behavior which is tied to violence, to illicit activity.

And so simply joining a group may not be unconstitutional or illegal, but joining a group that has the intent to commit violent acts is. And what we have to do is make sure that we have the information, the intelligence capabilities, the investigative abilities, to be able to distinguish between an individual or group's actions that may be constitutionally protected speech and when that transition to be illegal or violent behavior. And, as it relates to militia groups, that is exactly the point.

The CHAIR. Uh-huh. And do you believe that—just further question here now, and I want to hear from the Director. Do you believe we have the tools, the intel analysis, or what we need to be able to identify the nature of the group that proclaims they are patriots or whatever they are, and then they—you know, anyway, I am just trying to get at that core issue. Do we have the capability to be able to discern with these groups?

Mr. COHEN. This is exactly the question that I have been asked to answer within the context of the Department of Homeland Security by the Secretary. My sense is that we have a lot of the tools, but we need——

The CHAIR. Okay.

Mr. COHEN [continuing]. To be ready to use them differently.

The CHAIR. Okay. Okay. I want to then—and what do you mean about using them differently?

Mr. COHEN. So one example includes how we monitor and evaluate online content. We, across the Federal Government, multiple Federal agencies operating under different authorities, have the ability to monitor what occurs in the online space.

The CHAIR. Uh-huh.

Mr. COHEN. However, it is not the same as collecting intelligence between two foreign terrorists who are communicating with each other on forums or encrypted platforms or through other communications devices because a lot of the speech or a lot of the activity that occurs on those online forums, even domestic—even forums that are known to be locations where domestic violent extremists congregate, much of that speech is constitutionally protected free speech.

So providing our analysts the training so they can distinguish between speech that is simply somebody expressing their anger or their disagreement with the government, or whether it is a threat-related activity is important.

The CHAIR. Okay. Thank you, because I want to get to Director Picarelli. My time is running out.

So, if we had—looking at the tools and the training and what we need, should we have a law that prohibits unauthorized private militia groups, in your learned opinion?

Mr. PICARELLI. Thank you for the question.

The CHAIR. Well, let me get—Director, let me get the Secretary to answer the question outright first, and then I will move to you.

Mr. COHEN. Any group that engages in illegal activity and violent activity should be a group that is in violation of the law. Depending on your question—I mean, based on your question specifically, it very much would depend on what the language of the law is.

The CHAIR. Yes. Got it. Okay.

Director Picarelli.

Mr. PICARELLI. Sorry for stepping on the Assistant Secretary.

The CHAIR. No. It is okay.

Mr. PICARELLI. I will just add that, in the prevention space, ma'am, everything that the Assistant Secretary just said is true. What we are most concerned about are behavioral indicators that we can provide to family and friends of individuals so they understand when someone may be radicalizing to violence.

The CHAIR. Okay. I am sorry, because my time has expired, and the chair is going to, you know——

Mr. PICARELLI. I understand.

The CHAIR [continuing]. Call me out of order here.

But, again, given what you have said, what the Secretary has said about the training, the law, should we have a law, carefully crafted, carefully written, dealing with what the nuances of that prohibit unauthorized private militia groups?

Mr. PICARELLI. I believe the Assistant Secretary already answered that, so I will defer to him in case he has any additional comments.

The CHAIR. This is yes or no in terms of making laws, which is what our responsibility is in this body and in this subcommittee, to protect the people of this country.

Mr. Secretary, do you want to venture a yay or nay answer on this?

Mr. COHEN. Yeah, Madam Chairwoman, I am not trying to be evasive. I think I operate in a very concrete world. I am a law enforcement professional, and I certainly think that, if there is interest on the Hill, on Capitol Hill——

The CHAIR. Gotcha.

Mr. COHEN [continuing]. In establishing that type of law, we would work closely with you to do so.

The CHAIR. Fine. You have answered my question, and I say that to you, Director, as well. I think it falls within the purview of the Congress, of our looking at this in a new and different way, with a new tool that deals with unauthorized private militias who are engaged not in free speech but in violent activity vis-a-vis whether it is the Congress of the United States in a January 6th insurrection or whether it is what was going on in this country for the last number of years and puts families in jeopardy and in fear of their lives.

Madam Chair, I yield back. I apologize for going over the allotted time. Thank you.

Ms. ROYBAL-ALLARD. Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Madam Chair.

Listen, first, I want to thank Secretary Cohen and Director Picarelli.

And I would like to address very quickly the issue that Chairwoman DeLauro just brought up about these unauthorized violent militias. In fact, gentlemen, I want to ask both of you—we have laws against that. We have RICO statutes, Racketeering Influenced Corrupt Organizations. We have gang statutes.

Now, I want to say this to both of you as well before I make any other comments, and that is: I want to congratulate you on the great job you are doing because people don't realize it is hard to talk about what doesn't occur, but when I see the efforts through 15 States, $10 million, over a hundred people who have been identified as having, you know, this bizarre behavior that could lead them into mass violence, that is a pretty good—that is a pretty good number.

Now, I have the same situation in Jacksonville. When I was sheriff there running a very large organization, I knew how many incidents we prevented through our initiatives like Eye Watch, through SARs reports that—Suspicious Activity Reports—that were coming through from citizens.

And what I wanted to ask was: Are those initiatives, like SARs, like Eye Watch, which drives those SARs reports, going to the fusion centers or the JTTFs, do—are you guys beefing that up? I mean, I saw where you are talking about adding $20 million to these initiatives next year, and I think this is the key. On prevention and intervention, it goes to intelligence.

Intelligence is always the challenge, and it is usually not that police don't have enough information. They usually have so much information that the real intelligence gets lost in all the mega data. And so are you guys working on tools to give you an analysis versus just data dumps because there is a big difference between data and intelligence.

So can you comment on that, please?

Mr. COHEN. Yes. Congressman, thank you for that question. A very important point, and I am not surprised, being a former sheriff, that you would raise this issue.

In addition to—in the current grant guidance for UASI and State Homeland Security Grant, in addition to prioritizing domestic violent extremism, Secretary Mayorkas also prioritized intelligence and information sharing specifically for the reasons that you said.

We have spoken to fusion centers, police departments, major county sheriffs, you know, small—small county sheriffs, and they all say the same thing that you do, is that, if we are going to be more effective in preventing these acts of violence, we need to do—we need to have more tools so we are better able to identify those individuals who are experiencing the warning signs, exhibiting the suspicious activities, whether they appear online or in the community.

We need to make sure our officers and analysts are trained to recognize and place those behaviors into context. We need to have

more tools at the local level so, once we identified someone who is high risk, we may not have enough to arrest that person, but we still need to address the risk that they pose, so whether it is mental health services or other programs.

So this is a core part of the Department's efforts——

Mr. RUTHERFORD. And I will tell you very quickly, too, that, after the Parkland shooting, I had a piece of legislation that was the STOP School Violence Act that we were able to get signed into law. It really is about collecting this information that you just mentioned.

You know, after almost every one of these shootings, including Parkland, after these shootings, people said: You know, I always thought something like this. But, you know, there is always those telltale signs that they knew about.

Now, in Parkland, it went way beyond telltale signs. Law enforcement down there dropped the ball, local law enforcement to begin with. And it was a chain all the way up to the FBI.

But the point is—and I think you just touched on it—once we identify these individuals, we have got to have laws that allow us to help these people until they are ready to go back to society because I tell you, it is just like sexual predators. You know, it is not what they do; it is who they are. You know, robbers rob banks, but that is not who they are. These guys, it is who they are because it is—they inculcate this stuff so much.

So can you talk a little bit about how can we, number one, slow down this indoctrination that is going on online? And I also throw out our jails and prisons.

Mr. COHEN. So, Congressman, a great question again.

A number of police departments and sheriffs' offices around the country have put in place threat management units. They are working closely with their communities to make community members aware of sort of the warning signs that may be exhibited. You know, one of the things that I have found personally frustrating being a former police officer is the number of stories I have heard from members of the community who said: I picked up the phone and called my local police department. I expressed concerns about, you know, my son or my brother or my friend, and they said: Well, if they haven't committed a crime, there is nothing we can do.

There are things we can do. So we have a big responsibility to make sure not only the community is aware and the community has confidence and trust in the police agency or law enforcement agency to make that call, but that the law enforcement agency is working with the right disciplines and know what to do.

As far as the indoctrination, another extraordinarily key point. And, in fact, it is actually the tech industry that is beginning to do quite a bit of work and research in figuring out how individuals who are susceptible to being influenced by toxic narratives, things that can be done to prevent that.

So a big part of this is social media literacy, having parents understand that their kids are spending way too much time online and they are consuming violent material. It is establishing programs in our schools, and it is working with the tech sector and others to make sure that they use their skills to reduce the potential of this indoctrination, as you call it.

Mr. RUTHERFORD. Great answer. Thank you, Mr. Cohen.

And I yield back.

Ms. ROYBAL-ALLARD. Okay.

Ms. Underwood.

Ms. UNDERWOOD. Well, thank you, Madam Chair, and thank you for calling today's hearing.

I know that the threat of violent extremism has received renewed attention in the wake of the January 6th insurrection, but those of us who have long been sounding the alarm about this problem are eager to finally see it be taken seriously.

Domestic violent extremists, and particularly violent White supremacists, pose a deadly threat to our homeland. To save lives, Federal law enforcement and their partners must seize on opportunities to intervene before violence begins in ways that preserve civil rights and civil liberties.

Mr. Picarelli, can you briefly explain to the committee why the grant programs and other work supported by the Office of Targeted Violence and Terrorism Prevention are a good investment of Federal resources and how they fit into the Department's efforts to counter domestic terrorism in particular?

Mr. PICARELLI. Thank you for the question. It is an excellent one. And I will hit a lot of points very quickly.

So, in 2019, the RAND Corporation published a study where they looked at this comprehensively, how to proceed with prevention. And their two key findings were that, first, they saw great value in building local programs through financial assistance, through educational assistance, through technical assistance.

The other was to urge the government to invest in local field staff to be there with communities to help them through the challenges as they stood up these programs.

As you have heard already today, this is a very complex situation that is fraught with potential for overstepping boundaries of privacy or civil rights and civil liberties. Having staff there present with these programs to then harness this education and financial assistance was the key.

So the prevention efforts like ours are really the first opportunity to dissuade someone from committing targeted violence and terrorism. And, when fully functional, it reduces the number of individuals progressing to violence. It eases the burden on the protection efforts that have gone into hardening houses of worship or schools, or reduces the workload that is already there for counterterrorism and investigation resources.

And, in an era, as you have heard, where individuals are mixing personal grievances with the tropes of domestic terrorism, often seen online, our programs are usually the first and only chance these individuals have to hear about an alternative to using violence to find some significance in their lives.

That is where we exist. We are the very first point of contact for these individuals. And, if we are doing our jobs right, everything that follows us that we have talked about here today has less work to do and will result in less violence.

Ms. UNDERWOOD. Thank you. I agree that the TVTP grants are a good investment in the safety of our communities. And, in our

second panel, we are going to hear even more about the critically important work that some of these grant recipients are doing.

But, as I am sure you are both aware, some communities are wary of engaging with DHS at all, particularly those who already receive a disproportionate amount of negative attention from law enforcement.

Mr. Cohen, what civil liberties protections are currently in place as part of the Department's counterterrorism work, and what additional steps is the new administration taking to strengthen those protections?

Mr. COHEN. Good. Thank you, Congresswoman. A very critically important question.

I mean, you know, after 35 years in law enforcement and homeland security, I know that we can't do our job to protect our communities if the communities don't trust us. And, if I am just going to be candid, I would have to say that, at the same time we are experiencing this diverse and dynamic threat, there are a number of communities, particularly communities of color, that simply do not trust local government, do not trust the Federal Government.

So we have to change that. And the way we change that is by establishing lines of communication, by engaging, by listening to people and taking what they say seriously, by understanding that there are decades—sometimes decades of experiences that are influencing their attitudes toward us.

During our transition period, we met with a variety of community groups, faith-based groups, you know, and other community-based organizations. And, since January 20th, we have—I have already personally met with a broad representation of community, immigrant, and faith-based representatives.

Ms. UNDERWOOD. Mr. Cohen.

Mr. COHEN. Yes.

Ms. UNDERWOOD. My time is expiring.

I just want to emphasize that we want to encourage the administration to pursue new options. Those sound like existing outreach opportunities, which are important, but we know that this is not going to—this problem will not be solved by doing the same things we have always done.

I am particularly concerned about this issue because the same communities of color who have been historically targeted by DHS are now targeted by actual terrorists, and the Department has repeatedly been sued for subjecting Muslims to unwarranted surveillance. And, just last year, DHS agents participated in the inappropriately militaristic Federal response led to—or Federal response to protests led by Black activists.

And we have seen Secretary Mayorkas in a Washington Post op-ed say that domestic violent extremism poses the most lethal and persistent terrorist threat to our country today. And the FBI Director reiterated that.

And I just want to remind everybody that DHS has a mission to protect Americans from that threat, but it has been made more difficult by the Department's past abuses of the public's trust.

And, with that, I yield back.

Thank you.

Mr. COHEN. Congresswoman or Madam Chair, if I could just respond very quickly to the Congresswoman.

Ms. ROYBAL-ALLARD. Sure.

Mr. COHEN. Everything we do in my world at DHS, whether it is OTVTP or anything we are doing from a counterterrorism perspective, we are working closely with our civil rights and civil liberties office, and we are working closely with our office of privacy. We take the concerns of the community seriously. And I will say on a personal level I am the brother—my sister is a civil rights lawyer, her husband is a civil rights lawyer, they would not allow me to do anything different than to respect the issues that you have just raised.

So, this is a top concern for the Secretary. It is a top concern for me. And I can guarantee you that any operational actions we take are going to take the concerns you raised into mind.

Ms. UNDERWOOD. Thank you.

Ms. ROYBAL-ALLARD. Mrs. Hinson.

Mrs. HINSON. Thank you, Madam Chairwoman. I appreciate you holding this very important hearing today on an issue that I think we clearly can work together to improve here as a committee.

My first question this morning is for you, Assistant Secretary, Mr. Cohen. Thank you for coming before us today. I went to point out that in your opening testimony, you really gave us hope for prevention of many of the things we have talked about through your office and the hardworking law enforcement officers around the country, putting their lives on the line every day. So thank you for coming before us today.

I want to start off by asking you about prevention activities of our Border Patrol agents. And I want to reference today a recent Axios report, which I would like to enter into the record with your permission, Madam Chairwoman.

Ms. ROYBAL-ALLARD. Certainly. So be it.

Mrs. HINSON. Thank you. Customs and Border Patrol and Protections, which falls under DHS, arrested four people on the terrorist watchlist attempting to cross our southern border.

In your expert opinion, would you agree that it is a threat for several of these who are on the FBI terror screening database to come into our country that way?

Mr. COHEN. So, thank you for your question, Congresswoman. So, I have to tell you, after September 11, in my earlier days in the Department of Homeland Security and when I worked in the Office of the Director of National Intelligence during the Bush administration, I assumed that we would see a large influx of terrorists coming in from south of the border, and seek to enter the country through the southern border. And we developed over the course of years extensive measures to be able to track individuals who are coming from terrorist safe havens, who are coming into Latin and South America, and to be able to identify when they were trying to cross the border.

What we found is, it just wasn't happening as much as we thought it would. In fact, it was happening very rarely. So on the one hand, we haven't seen the development of that threat to the degree that we anticipated. And secondarily, we couldn't [inaudible] Extensive security measures to be able to detect any potential

terrorist who would enter that region, and seek to enter the United States through the southern border.

Mrs. HINSON. Well, I would say, though, that four getting across the border is a threat, and those people were clearly on the watchlist for a reason. So what would you say we should be doing then to address the emerging threat, because all it takes is one, as you know?

Mr. COHEN. Absolutely. And I would be happy to provide you additional details in a more secure setting. But what I can tell you the derogatory information associated with those four individuals may not have been as significant to cause a high degree of concern.

People are on the watchlist for a variety of reasons. Some of it is that they may have had contact with someone who is potentially a known or suspected terrorist. In other cases, it may be that they are actively involved. We use the watchlist to provide a broad range of potential actions, ranging from simply tracking someone's travel, to putting more scrutiny on them as they are traveling, to no-flying those people. Simply being on the watchlist does not mean the person is a terrorist.

Mrs. HINSON. Understood. Well, I think we definitely need to take all of it very, very seriously, as we are aware of whether it is homegrown or out of this country, it is still definitely a threat to our national security.

My next question is for you, Mr. Picarelli, according to your website, obviously, you support mandates beyond extreme terrorism to include targeted violence. I would ask that you may share some examples of targeted violence which could be based on some of the ideology we have heard today, just so my constituents have a clear example of what you are targeting.

Mr. PICARELLI. Thank you for the question. And I am having some technical difficulties, so I believe [inaudible.] examples of targeted [inaudible]. What [inaudible] According to excellent example is the shooting that we saw a year or so in [inaudible].

Ms. ROYBAL-ALLARD. I think we lost connection with Mr. Picarelli.

Mrs. HINSON. Okay. I will submit some questions for follow-up then, so we can make sure we can get some backup and have a chance to ask questions, too. But I think we need to be very targeted. I wanted to ask questions about reconnecting with communities [inaudible] Where procedures are happening [inaudible].

Mr. PICARELLI. [inaudible].

Mrs. HINSON. So I will follow up, but we need to make sure we are targeting our resources to rural communities as well.

And with that, Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. And we will get your questions to him and he will be able to answer them.

Mrs. HINSON. Thank you.

Ms. ROYBAL-ALLARD. Mr. Price.

Mr. PRICE. Thank you, Madam Chairman. And thanks to our witnesses today for some useful, very useful information about efforts that are underway, and what might be in prospect.

I want to explore, if we might, the connection between these White nationalists and other extremist groups and weaponry, both as organizations and at the individual level. I guess partly this

would be a question of what kind of coordination you have with the Bureau of Alcohol, Tobacco, and Firearms and other relevant agencies in terms of what kind of weaponry these groups are assembling? What they—what kind of checks, if any, they are subject to? What kind of enforcement efforts are indicated, or new laws are indicated with respect to the arming of these groups, and what they might do with those arms?

And I think there is also a question at the individual level. I will give you a quick example. We had a hate crime in my district 6 years ago with three Muslim university students were killed by a neighbor of theirs. And in retrospect, there were plenty of signs of trouble with that neighbor. He had an arsenal in his apartment, and he had been engaged in menacing behavior.

On the face of it looks like a situation where a red flag law, for example, might well have prevented that tragedy. But, of course, there was no red flag law, and no attempt to prevent him from assembling that arsenal.

So I ask you to explore, this is obviously an important connection. It is on our minds right now for obvious reasons. What is the nexus between violent extremism and weaponry? And what kind of mechanisms do we have to enforce present laws? And what kind of new laws might be indicated? And I am asking this at both the collective and the individual level.

Mr. COHEN. Congressman, thank you for the question. It is a very relevant question. So part of the dynamics of the current threat is that these individuals, and I think it was the chairwoman who brought this up, these individuals, who once they have connected with an ideological cause, may go from anger to violent—to mobilization to violence in a relatively quick time period.

For those individuals who follow that progression to violence, they will typically acquire a weapon that is easy to acquire. If they don't already own a gun, or a knife, or a car, or a vehicle that they are going to use at the attack, they will go out and acquire a weapon that is easily accessible. And if they are not on the—if they are not precluded from buying a firearm, they can walk into a gun store, and essentially, as long as they don't have an adjudicated mental health case, or a felony criminal record, they can purchase the gun.

In the cases where we have groups of individuals who have adopted an extremist ideological belief, they tend to have more sophisticated weaponry. They have been meeting for a period of time. They may have military or law enforcement background, or at least they are wannabe military and law enforcement types, they do their research. They may—we have seen them in possession of high-powered weapons, large capacity clips, some even obtaining silencers.

So the question of what type of weaponry are they using varies into what part of the threat environment they fall into. Are they an individual who is upset who connects and moves rapidly to violence? They may have a pistol or some other type of weapon of convenience. If they are an organized group that has been planning for a significant period of time, they may have more sophisticated weaponry.

Mr. PRICE. My question is about the adequacy, I guess, of the present information that you have, and also, of present enforcement. Is anything happening to prevent the amassing of these arsenals by these groups, if not by you or by other agencies?

Mr. COHEN. So we work closely with the FBI, with ATF, with others. Part of the challenge is that unless those individuals fall within one the specific categories under law that preclude them from being able to acquire a gun, it is very difficult to prevent them, unless we have an articulable reason why they shouldn't be able to get a gun.

As far as your point about the red flag law, I am a huge fan of red flag laws, not because of my current position, but because of my background in law enforcement. I have actually seen those laws leveraged by local law enforcement, and local communities on multiple occasions to prevent acts of violence. I know that there have been some concerns raised by some at a local level about red flag laws, but as a law enforcement professional, I think they are one of the most important tools we can use as part of a multidisciplinary threat management strategy.

Ms. ROYBAL-ALLARD. Mr. Quigley.

Mr. QUIGLEY. Good morning, thank for being here. Thanks for your service. As you know, I serve on the Intel Committee as well. I would like your perspective, maybe give us a report card. You reference that there are multiple agencies that monitor activity, including online activity. What is your assessment of how we are doing sharing that information within agencies, across agencies that is, and with local governments?

Mr. COHEN. I think there is an area of improvement. The Secretary has asked us to take a hard look at how various elements of the Department are engaged in assessing online activity. We have some organizations within the Department that conduct that type of work within their law enforcement authorities; others that do it under their screening and vetting authorities; and then elements of the Department, like intelligence and analysis, which do it under their intelligence responsibilities.

So, we are looking at, are there more effective ways for us to leverage all of that lawfully gathered data to conduct analysis. And what are the challenge—how do we overcome the challenges about sharing that information with State, and locals, and others, particularly when we are talking about some information that may be constitutionally protected speech.

We have to make sure that in that analysis we are very, very careful about distinguishing between constitutionally protected speech, and threat-related activity in the online environment.

Mr. QUIGLEY. How can you distinguish? I mean, something can be constitutionally protected speech, but at the same time, to be vital information piecing things together to understand a threat?

Mr. COHEN. Absolutely. And it is that piecing things together, which, I think, we need to do a better job on. So just because someone posts something online doesn't necessarily give you the complete picture. You have to look at other indicators, other pieces of information that relate to that post in order to assess whether it is potentially a threat-related activity.

Mr. QUIGLEY. No. And again, how it pieces with something else that some other agency or local government may have that makes something make more sense and constitutes an overall threat.

Mr. COHEN. Absolutely. And the Secretary has given directions for us to look at three things: One, how can we do a better job sharing within DHS and use the information we gather at DHS to conduct analysis; second, how do we connect with what is going on across the Federal Government; and then third, working with outside the Federal Government, State and locals, there is a lot of work going on in fusion centers across the country where they are looking at online activity. And there is a lot of work going on in the nongovernment sector as well. I have been directed to look the all of that and come up with a strategy very quickly on how we are going to do a better job in assessing that type of information.

Mr. QUIGLEY. If you could pass that on to the committee to share, I would certainly appreciate it. And, finally, in the 2 minutes I have left, I think, the report also talks about lone wolf, the lone offenders. You touched on that through answering some of the other questions, but just a little bit deeper dive on how you are addressing that and the unique threat that it poses?

Mr. COHEN. Yes. So just real quickly, what we have found is the majority of these attacks are individuals who don't necessarily have longstanding relationships with an ideological cause, or an ideological group, but these are people who exhibit certain consistent behavioral characteristics, and they spend a lot of time online. And as their anger at society increases, they ultimately self-connect with some ideology, and they conduct an attack on behalf of that ideology.

In some cases, it may be an individual who decides they are associated with ISIS. In another case, it may be somebody who has decided they are now a White supremacist, or antigovernment militia, or they believe that the government is illegitimate, or that they are upset because they are self-proclaimed involuntarily celibate, or sometimes it is a combination of all of those.

But the point is, if they spend time online, they consume lots of material, they consume material about past attacks, they ultimately decide what ideological, or group of ideological causes, they are going to use to justify their act of violence. The issue here, though, is that while these people may not engage in activities consistent with past terrorists, people who are associated with terrorist groups, they aren't under the radar. They exhibit behaviors that other people observe, whether in the community, their family, or local law enforcement, or even other people online. So the challenge here is being able to gather and assess all that information and identify those people who are high risk, even if they are not engaging in what I would call traditional terrorism-related activity. They are not in contact with a foreign terrorist organization, or a known or suspected terrorist. They are not traveling to training sites. They are not engaging in terrorist-type travel. They aren't receiving materials, or supplies, or resources from terrorists, financiers, or terrorist suppliers. They are different, but their behaviors can be detected and their violence can be mitigated.

Mr. QUIGLEY. Thank you. I yield back.

Ms. ROYBAL-ALLARD. Before I go to Mr. Aguilar, I understand that Director Picarelli's technical problems have been fixed, so I would like to give him a minute to answer Ms. Hinson's question. Ms. Hinson, do you want to repeat the question?

Mrs. HINSON. Absolutely. Thank you, Madam Chair. Basically, my question, Mr. Picarelli, was specific to—I heard you reference, you know, having those conversations with community partners and sharing information. So, I am just wanting to know how you are looking at targeting specifically in rural areas where our law enforcement agencies may not have the major infrastructure in place as some of our major cities in the 1st District in Iowa. For example, Cedar Rapids is a major police department, right? They are big. They can handle a lot of this versus smaller communities, like Belle Plaine might not be able to. So I just would be interested on your take on that.

Mr. PICARELLI. Thank you because that is an excellent question. And I apologize that the internet decided not to cooperate when you asked it earlier. So, the approach we take is to call it a local prevention framework, but we base that on the type of infrastructures that are present. And so, we have done a lot of work actually to look at how to expand local prevention framework, so that they are as applicable to an urban neighborhood, to a suburban town, to a rural county, or whatever is the method of organization.

And where I come to this is, when you look at law enforcement, in 19,000 State law enforcement agencies across the country, you have some with an incredibly small geographical footprint with a large law enforcement presence, and, then, you have counties that are incredibly large and they are a sheriff's office with four or five sworn officers covering that.

We need our prevention programs to scale just to that infrastructure. So we are working through our regional prevention coordinators in rural areas to understand and map out how are behavioral help services provided? How are schools provided? And working within those infrastructures to have prevention overlay them.

We also did a grant with the Nebraska Emergency Management Agency in 2016 to look at this very question, asking them how to take this idea, and now, let's look at it in different rural contexts. And in last year's awards, we actually pushed that even further, so now we are looking at Tribal authorities. And so, we are looking at how does this work in Indian Country, which is yet another challenge from our perspective in terms of a different jurisdiction, a different sense of sovereignty and so forth.

So we are definitely trying to ensure that whatever we establish isn't tied to geography, it has to be scalable.

Mrs. HINSON. And I appreciate that. I have Iwaki Tribe as well in my district as well, so I appreciate the reference to Tribal as well. So I look forward to following up with you and working with you on these issues. Thank you.

Thank you, Madam Chair.

Ms. ROYBAL-ALLARD. Mr. Aguilar.

Mr. AGUILAR. Thank you, Madam Chair.

Director Picarelli, since my district was targeted, just like Mr. Price had mentioned, so many of our districts have gone through similar circumstances. Mine was an act of domestic terror in De-

cember of 2015. And I have been committed to looking at ways that we can continue to work with local governments to give them the tools necessary to prevent this type of tragedy.

This year, I introduced the PREVENT Act, Preventing Radical Extremist, Violent Endeavors Now and Tomorrow, that would require DHS to provide trainings to State and local governments to learn how to counter the threats of terrorism, violent extremism, and White nationalism. This type of work falls within the line of the mission of your office, and DHS' strategic framework for countering terrorism and targeted violence.

Director, how has the Office—how has OTVTP, the Prevention Office, worked with their field offices and adapted that outreach, kind of building off of the last answer that you were talking about, to ensure that we were including these radicalized domestic actors as well?

Mr. PICARELLI. Thank you. It is a great question. We focused first and foremost on ensuring that all of our educational products that we push out through our regional prevention coordinators and other methods of technical assistance, adopt accurate behavioral indicators that captures much of the targeted violence terrorism prevention space as possible. Many of these are aspecific, they will be applicable to all forms of targeted violence and terrorism, but some are very specific to incel violent extremism, or violent White supremacy. So we build that in as well.

We then, of course, use all-of-society approach. We are trying to ensure that we bring all partners to the table that we get this information to the entirety of the locality, so that we can then work with and get access to behavior threat analysis and management from anyone who wishes to access it.

Mr. AGUILAR. Gentlemen, building off of Ms. Underwood's questions as well about civil liberties, and how we ensure that folks receive the proper information and aren't excluded, but these are the same communities in the past that have hesitancy toward working with DHS. You talked about this a little bit, Mr. Cohen. And could you elaborate on the new strategies that we could employ to ensure that civil rights were front and center of what we are doing?

Mr. COHEN. Thanks, Congressman. We—while I realize that this may sound similar to what was done in the past, I think part of what I have learned is that there is never too much collaboration and partnership, and communication with these groups. And it is not just simply holding meetings, and us telling them what we are doing, and how we need them to help us, but it is engaging with those groups on a regular basis, those communities and groups and organizations, on a regular basis, and using their input, their observations, their insights into the development of programs, into the way we talk about programs, in the language that we use, and in the way that we will allow programs.

Separate and aside from that, I can meet with groups all day long, but if they have an encounter with a CBP officer, or an ICE agent, or a TSA agent, or somebody else that is negative, then that will potentially undermine any good words of any good interaction that I have.

So, in large part, part of the change and part of our ability to be able to more effectively work with communities, particularly

those communities who feel that they have a negative view towards DHS, or they feel like they have been targeted by DHS, is, in part, based on how the Department is changing the way it deals with these communities. It is what all of us do. And that comes from the culture at the top.

And the Secretary has made it very clear that no matter what we do, whether it is an interaction at an airport checkpoint, or it is the way that ICE and CBP behave in the field and conduct operations, it will be done in a respectful way; it will be done in a way that recognizes the humanity and the moral issues associated with these activities, and it will be done in a way that absolutely is consistent with the Constitution and law.

Mr. AGUILAR. Thanks, Assistant Secretary. Director?

Mr. PICARELLI. I would just add that one of the concerns that I have had, and I have started working with our Office of Civil Rights and Civil Liberties on, in fact, we have a detail from their office with us right now to work on this and a number of other issues, is, because of the distributed nature of what we are establishing, we are relying on State and local partners to implement prevention.

I want to ensure that there is always a way that anyone who feels that there is an infringement on civil rights or civil liberties has a way to contact us, or a neutral third party, to ensure that that is identified and corrected as soon as possible. And we will continue to use that and other mechanisms to ensure that our actions meet our words when we say, We put civil rights and civil liberties at the forefront of everything we do in the office. Thank you.

Ms. ROYBAL-ALLARD. Mr. Ruppersberger.

Mr. RUPPERSBERGER. I want to thank the two gentlemen, Mr. Cohen, Mr. Picarelli—is that the correct pronunciation? Whatever, with a name like Ruppersberger, I try to get it right.

First thing, over the last decade, a few decades, White supremacists and other far right extremists have made almost three times as many targeted attacks on U.S. soil as Islamic terrorists. Since 2018, the White supremacist groups have been responsible for more deaths than any other domestic extremist groups.

Now, I was recently on a call with the leadership in the Baltimore FBI office, field office, and talking about what happened on January 6. And during this discussion, they spoke at length about the storming of the Capitol, including what went wrong, how to prevent it from ever happening again. One of challenges that they highlighted was the increased tendency for bad actors to use the dark web to communicate with coconspirators.

When I was a prosecutor investigating crime organizations, it was easier than it is now, we secured a warrant and got to work. Now, those who wish to harm can fly under the radar completely invisible to law enforcement.

Now, with encrypted messaging applications, virtual private networks, and anonymous browsers such as Tor, they are able to be downloaded within minutes. I fear that we will only see more communications being pushed to the underbelly of the internet.

Now, my question is to either Mr. Cohen or Mr. Picarelli, is Federal law enforcement technologically and statutorily capable of

tracking domestic terrorists on the dark web, or does the trail immediately go cold? Now, also, with the temporary closure of the social media website Parler, by the way, are you familiar with these names that I am giving to you?

Mr. COHEN. Yes.

Mr. PICARELLI. Yes, sir, Congressman.

Mr. RUPPERSBERGER. Oh, okay. Which some have dubbed the right-wing Twitter, have you seen more malcontents and dissidents move underground to the dark web? And basically that is my first question.

Mr. COHEN. The short answer is yes, while there is a large level of activity that occurs on public facing sites, and that is actually an element of the playbook that these extremists thought leaders and terrorist groups, and foreign intelligence services use to incite violence by people, what we have found is that as more and more law enforcement activities have focused on scrutinizing that activity, these extremist groups who are engaging in operational planning are moving to encrypted sites in particular, and using encrypted applications such as the ones you described. It is very difficult for law enforcement to monitor those conversations on those encrypted sites.

Mr. RUPPERSBERGER. What are we going to do about that? Because it seems that is where they are going now, and we are dealing in this new world of technology. And if we don't find a way and we have [inaudible] pursuant to our Constitution, our laws in the United States. What are your recommendations going to be to go forward?

Mr. COHEN. So Congressman, not to date myself, but I think you and I began having these conversations back in the 1990s. And I think that is the million-dollar question. I know that the Justice Department is developing a series of recommendations. We are working closely with them on how to best address this issue. But you identify a real problem, and it is something that is not only impeding our ability to deal with domestic extremism, but other areas of criminal activity, the use of these platforms. The easily acquired, encrypted applications make the monitoring of communications very difficult.

I mean, I used to be concerned when drug traffickers were using pay phones. The environment today is so much more complicated because of the ease of access and use of these encrypted platforms. So we looked forward to working with you in trying to figure out a solution to that.

Mr. RUPPERSBERGER. And the one thing you need here is teamwork, Federal, State, and local. I think, looking back in my days years ago in law enforcement, that the JTTF probably was the best team where you had Federal, State, and local; not only did you receive intelligence, collect intelligence, but you had intelligence analyzed. And if you don't have that moving forward, and this is—I see my time is running out, but we also have to talk about how, from a constitutional way, that we can get more from NSA to help you all, because they have no jurisdiction in the United States. So that is something we are going have to investigate and look at. So thank you and I yield back.

Ms. ROYBAL-ALLARD. Can this concludes our first panel. Assistant Secretary Cohen and Director Picarelli, thank you very much for your time this morning. You have provided us with some very valuable insights and important information. And we want to continue to work with you to better address and prevent radicalization that leads to violence.

We will now take a short recess to make sure that the second panel is ready to begin. Thank you, again, Secretary Cohen and Director Picarelli.

[Recess.]

Ms. ROYBAL-ALLARD. The subcommittee will now come to order. We will now go to the second hearing panel, which includes Richard Aborn, the president of the Citizens Crime Commission of New York City; Tyler Cote, director and cofounder of Operation250, and Sammy Rangel, executive director and cofounder of Life After Hate. We appreciate your joining us this morning to discuss how each of your organizations is using DHS grant funding to counter radicalization that leads to violence. We will submit the full text of your official statements for the hearing record.

Mr. Aborn, please begin your oral summary which I ask that you keep to for 5 minutes.

Mr. ABORN. Thank you so much, Madam Chairwoman. And thank you for not only calling this hearing, but for all members of panel for attending, it is a very important topic, and we really appreciate your attention.

My name is Richard Aborn. By way of background, I am a former violent crime and homicide prosecutor from the Manhattan D.A.'s office, and I have also done an enormous amount of work on the illegal gun issue in the United States, including having had the privilege leading Jim and Sarah Brady's gun control group at the time, called Handgun Control, now called the Brady Center, and led, at the time, during the legislative fights over the Brady bill, the ban on assault weapons, and the ban on large magazines. In that context, permit me a moment to offer my deepest condolences to the victims of the families—the survivors, sorry—of Atlanta and Boulder. It is a terrible tragedy and I particularly want to point out the heroism of Police Officer Eric Talley. Eric Talley embodies the best of the American police officer who gives him and herself selflessly every day to protect us in our communities.

In the Crime Commission, which I now run, we practice something called precision prevention. That is, we try to identify those who are most likely to commit acts of violence, and try to intervene in those acts before they actually happen. Our mandate is to develop innovative ideas around the most vexatious forms of violence. So in that context, we work on gangs, high-risk gang members, illegal guns, illegal gun trafficking, kids and guns, and, of course, domestic and international terrorism.

The way we got involved in this program that I am going to describe now was that we received a phone call from the head of the national security division in the Eastern District of New York who asked a rather straightforward question. He conveyed that he had adequate tools to respond to serious acts of terror, both domestic and foreign.

However, what he lacked were tools to help intervene with those cases that might not rise to the level of meeting a terrorism charge, or if a terrorism charge was required, not requiring a lengthy jail sentence or any jail sentence at all. He literally did not know what to do. So we was very worried about those cases not receiving attention.

In response to that, we looked at the intervention we do around gang work. We intervened with gang members, and looked to see whether or not we could adapt that work into the terrorism space. And it turned out that we could. We spent well over a year studying the behaviors associated with mobilization. We spent well over a year understanding those emotional drivers that could be moving somebody to engage in this sort of ideologically driven violence, and developed a program which we call DEEP, which is the subject of this grant, which is now a custom-tailored program that tries to understand and identify those emotional drivers that may be moving somebody to mobilize towards ideologically driven violence.

What we are not is a deradicalization program. By that I mean we believe that people in America are entitled to their beliefs, we may not agree with the beliefs, but we believe people are entitled to their beliefs. However, we do not believe that people are entitled to engage in violence based on those beliefs, and that is where we come in. We look at the pathway to mobilization and try and stop the mobilization. And we do that through a multi-tiered process.

So the way the operation works is the prosecutors, we work with the Eastern District of New York, the Southern District of New York, Manhattan District Attorney's office, and the Brooklyn District Attorney's office, as well as the FBI, and NYPD intel. They will refer matters to us. These matters can be either prearrest; postarrest; they can be preconviction; post conviction; it can even individuals who have done short amount of time in prison.

They will be released to us, they come into our program and we engage them with a therapist who has been trained in this specialized methodology, which we call DEEP. That methodology is applied in a therapeutic session for as long as 9 to 12 to 18 months, if need be.

Assuming that person successfully completes the therapeutic interventions, we then pass that person along to a role we call a transitional specialist. That transitional specialist helps the person understand and actualize the lessons that they have learned in the therapy and get back into their normal lives.

We then have a specialized job-training unit, which helps place high-risk individuals—and these can be high-risk individuals, they also do that in the gang space—into jobs.

Now, we have just launched this. We are just getting off the ground; we are just taking our first cases. But that is the plan that we intend to implement with the assistance of this grant. We will be evaluating as we go along.

The DEEP program, in my mind, and frankly all of the work that is being done around this issue very nicely incorporates both the issues of understanding of the intersection between mental health, and potential criminal offending, which is a critical component to any sort of crime-fighting apparatus in the United States. We must focus on the mental health piece. And it also very nicely ties in a

public health approach. So in government, government's very fond of saying we have a whole-of-government approach, this really is, as John Picarelli said, a whole-of-society approach. And it is really a critical way to try to respond to this growing threat we face in the United States.

There is no doubt that this will need to stay in funding. And I am very pleased to see that DHS, just today, has introduced another round the funding. And I hope Congress will continue to fund this very critical work. It is not easy work. It is not something that with have years and years and years of experience doing. We are all learning in some ways as we go along. But there is an enormous amount of skill can I applied to this, now which is very, very good for the future, because I think as we build out across the country, a framework, to use DHS's term, that allows citizens to turn to various individuals who understand the mental health side of this issue, we will begin to build more and more resiliency across the country, which is obviously very important.

Before I conclude, I do want to mention three people in particular: I want to mention Seth DuCharme, who was the U.S. attorney in the Eastern District, who actually helped us get this program off the ground. It was very good of Seth to understand the role of prevention in terrorism. That was a big step, and it was an important step, and I think it is going to pay off, and pay off very handsomely.

And I really have to mention John Picarelli and his unit at DHS. Long before Congress began thinking about these grants, as far as I know, John and his group were there supporting us, helping us making connection for us, acting a sounding board. They simply could not have been more support, and we are really indebted. And I am, frankly, very indebted to Congress for putting up this money, because we could not operate without this support. Thank you.

[The information follows:]

Testimony of Richard Aborn

President, Citizens Crime Commission of New York City

House Appropriations Subcommittee on Homeland Security

*Targeted Violence and Terrorism Prevention*

March 24th , 2021

## The Citizens Crime Commission's DEEP program

*Working to Prevent Terrorism and Targeted Violence*

The Citizens Crime Commission of New York City is a not-for-profit organization. Our mandate is to develop innovative ideas to help prevent the most vexatious forms of violence. We work on issues of violence related to gangs, illegal gun trafficking, illegal gun carriers (with a specific focus on kids and guns), violent crime and extremism both foreign and domestic. We are also extensively involved in the police reform discussion and related issues around police community relations. While we will occasionally help with the design of law enforcement operations, particularly around illegal guns, our focus is on what we call "precision prevention"; that is, focusing prevention services on those most likely to commit an act of violence. We have done this work in NYC, NYS and other cities in the US. Our multi-disciplinary staff is composed of individuals with backgrounds in psychology, research, professional development and technology. This permits us to develop comprehensive interventions to address the complex behaviors that drive violence.

Our involvement with extremism prevention began with a request from the United States Attorney's office in the Eastern District of New York. The Eastern District asked if we would be willing to consider using our expertise from our gang intervention work and expanding it to the extremism space, and showed us a nascent project they were developing called "DEEP." There was a clear need. Law enforcement would find itself with extremism cases where a lengthy prison sentence would not be appropriate, but had no other adequate response mechanism. Our DEEP program addresses this need. It is classic prevention. DEEP provides law enforcement with a specialized behavioral intervention, which we deliver, to aid an individual in disengaging from low to mid level extremist activity. It can be utilized at any stage of the criminal justice system, from pre-arrest to post conviction. In traditional terms, it operates as an alterative to incarceration and is now being utilized at both the federal and state level.

After careful internal review, we indicated to the Eastern District that we would undertake the task of creating a specialized behavior-based intervention to address the behavioral drivers motivating an individual toward ideologically-based violence.

To create the program, we spent a year engaging in in-depth research to understand both the progression to engaging in extremist violence, and the most effective interventions for

disengagement from violent extremism. We started by engaging in literature reviews and with subject matter experts to get a solid understanding of the problem and the theories surrounding violent extremism and disengagement. We then delved into a variety of case studies – both from public source data and from law enforcement partners – to understand the behavioral drivers that present in this space for this population. We mapped the identified behaviors against corresponding mechanisms of behavior change – this formed the basis of what we knew would need addressing as part of the intervention. In developing the model itself, we drew heavily on the research to determine what works in the disengagement and violent risk reduction spaces. Based off the research, we identified six domains to address as intervention targets for our model: social skills; anxiety; trauma; use of free time, work and education; critical thinking; and family/partner issues. Additionally, we will address other issues that fall outside the areas outlined. This may include, but are not limited to: mental health; serious mental illness; substance use; housing instability; medical issues; and anything else that might need addressing. DEEP is a demobilization program, not a de-radicalization program. That is, we believe that one is entitled to their own beliefs, but not entitled to engage in acts of violence, and DEEP is designed to prevent that from happening. The earlier we can engage, the better. DEEP is ideologically agnostic. We will work with individuals across the entire ideological spectrum; the specific ideology is irrelevant to our intervention work.

While DEEP is only in its initial deployment, in its current form, DEEP receives referrals from the criminal justice system. After we make a preliminary assessment, the case is then referred to an independent forensic psychologist for evaluation. If an individual is deemed low risk, we will likely accept the matter. If the person is deemed moderate risk, we will engage in additional inquiry. In determining an individual's eligibility for the program, we utilize a number of risk and threat assessments, including risk for violence, suicidal ideations, substance abuse, as well as assessment tools specific to the violence extremism space, namely the VERA-2R.

On acceptance, the individual (now referred to as a participant) is referred to a therapist who has been trained in the DEEP methodology. The therapist will develop a treatment plan along with the individual. The intervention will last as long as the person requires (we anticipate nine to fourteen months) and will then be assigned to a transition specialist, and if need be an employment specialist. The transition specialist will help the participant apply the skills, insights and understanding, learned during the intervention into the participant's normal life.

DEEP is in its early stages of implementation. We intend to engage in piloting and evaluation and then, if there is interest, share the learning with other localities.

We will also build community and high school components in an effort to offer the DEEP program to those who may want help de-mobilizing as well, as to family and friends of those who know of someone who is mobilizing. Community outreach will be done with great care to avoid the stigmatization that occurred in past government and civil society efforts.

We understand that the concept of prevention in the terrorism space can be controversial and perhaps unsettling. But prevention is now accepted as a critical component of any public safety strategy, and should be no less for terrorism, especially as we wisely see the greater utilization of

a public health approach to crime prevention. We understand that things will not always work out. But if we are careful and methodical, we can greatly impact the risk of violence, which is well worth the effort.

We are very grateful to Seth DuCharme, US Attorney in the Eastern District who not only originated the idea of DEEP but was willing to lend his personal support to our efforts to develop and implement the program. And to the Office for Targeted Violence and Terrorism Prevention at DHS, and in particular its Director, John Picarelli. Long before Congress appropriated funds to this effort, John and his team quickly became a very capable partner in our endless discussion of how to best develop prevention of extremism in the US and in particular, lent us significant expertise and introductions as we went about our work. It is not overblown to say that we would not be here but for their support. Finally, we ae deeply indebted to Congress for appropriating these funds. Without this funding we would not be able to operate our program.

Ms. ROYBAL-ALLARD. Mr. Cote.

Mr. COTE. Chairman Roybal-Allard, Ranking Member Fleischmann, and members of the subcommittee, thank you for inviting me to testify on the Office of Targeted Violence and Terrorism Prevention's grant program today. I am Tyler Cote, cofounder and director of the nonprofit organization, Operation250, and I am honored to appear before you.

Operation250 is a preventative, educational organization, headquartered in Massachusetts that works with students and educators with the ultimate goal of keeping it safe from threatening materials and individuals while online.

Our work is through a series of educational workshops and training with students, ranging from the age of 9 to 18, and with educators from elementary, middle and high schools. The pillars of our programming are focused on using online safety, antihate and antiextremism, and problem-solving education, to impact the threat and the level in online materials and individuals compose on youth.

Starting in 2016, as part of the Department of Homeland Security and Adventure Partners, peer-to-peer challenging extremism innovation program, myself and my colleagues developed Operation250. Upon the completion of that program, which we finished third in the country, we formed a partnership with the Harvard T.H. Chan School of Public Health to begin the process of evaluating our curriculum. Then, starting in 2019, the University of Massachusetts Lowell, researching Georgia State University and researching Harvard T.H. Chan School Public Health and Op250, received funding from the National Institute of Justice to evaluation the Operation250 student workshop models efficacy.

Such workshops are original research-based lessons designed and delivered by the Operation250 team that combine two skilled acquisitions lessons with one skilled application activity for the students to engage with. The goals of these workshops are for the students to acquire skills about recognizing unsafe online behaviors, the psychology of online decisionmaking, enhancing their understanding about hate and hostile out-group attitudes online, and identifying risks and threats when they are on an online space.

These skills have been applied by the students in an activity at identifying how these issues might impact their own community, their own school, and their own friend groups, and for them to develop potential solution ideas that they can all then participate in.

Over the course of these evaluations, we have found that our student workshop programming has shown significant improvements in students' ability to identify online disinhibited behaviors, and the effects of them, which is a key element of our online safety education. Toxic online disinhibition is the phenomenon of when an individual loosens up, and feels more comfortable because they are online, causing them to be more willing to engage and participate in more hostile and toxic material on the online space.

The ongoing evaluation also has shown they are approaching significance in student's ability to correctly identify risks while online. Organizationally, we find measuring and fully understanding the impact of our educational programming has to be critical in our effort. In 2020, we were awarded the funding from the Department of Homeland Security's Office of Targeted Violence and Terrorism

Prevention to replicate our student workshop, student lecture, and educator training programs. This funding offers us the opportunity to replicate this program, and throughout Massachusetts, and to extend into new school systems in New Hampshire. The funding will allow us to reach an estimated 930 students through our workshop; another 1,000 through our lecture series; in addition to being able to deliver teacher training to approximately 630 educators, school administrators, and school counselors as well.

This funding will also allow us to grow our team by training more educational program trainers who will be able to deliver the variety of operations for program offerings for the organizations to communities and schools.

Since 2017, Op250 has delivered programming to approximately 1,100 students, and over 1,000 educators in Massachusetts through our workshops, lectures, and trainings. With the funds granted by the OTVTP, our organization has the opportunity of doubling our reach, and ultimately expanding our impact to new communities and schools.

With our focus of online safety, we are able to offer prevention education to communities. As a nonprofit in the space, this funding grants us the opportunity to work with, and be flexible to communities and schools to ensure that our programming uniquely suits the audience it is working with, and to be a preventative in ongoing efforts against terrorism and extremism, such of that as White supremacy online.

This grant program offers organizations, like Op250, the opportunity of being a preventative solution. Prevention is about readiness, preparedness, and acting ahead before something happens.

In striving to improve youth online safety and digital literacy skills, and educators' confidence and understanding, and teaching strategies, and improving youth online behavior, youth will be better equipped to critically think, analyze, and ultimately be protected from malevolent influences online.

Thank you for affording me the opportunity to speak today. And I look forward to questions the subcommittee may have.

[The information follows:]

Written testimony of

Tyler Cote
Co-Founder and Director

Operation250
Lowell, Massachusetts

Targeted Violence and Terrorism Prevention

Before the U.S. House of Representatives
Appropriations Committee
Homeland Security Subcommittee

March 24, 2021

**Introduction**

Chairwoman Roybal-Allard, Ranking Member Fleischmann, and members of the subcommittee, thank you for inviting me to testify on the Office of Targeted Violence and Terrorism Prevention's grant program today. I am Tyler Cote, Co-Founder and Director of the nonprofit organization, Operation250 and I am honored to appear before you today.

Operation250 (Op250) is a preventative educational organization headquartered in Massachusetts that works with students and educators with the ultimate goal of keeping youth safe from threatening materials and individuals online. Our work is through a series of educational workshops and trainings with students ranging from the ages of 9 to 18 and with educators from elementary, middle, and high schools. The pillars of our programming are focused on using online safety, anti-hate and anti-extremism, and problem-solving education to impact the threat malevolent online materials and individuals can pose to youth.

With widespread access to, and subsequent engagement with hate-based and terrorist related content online, the need for prevention efforts thwarting this threat is clear. It is agreed upon that longtime exposure to hateful and extremist content can be costly. Such exposure has been seen to reinforce discriminatory views and attitudes against vulnerable groups[1]; and in studies focusing on youths' exposure to hate online, it has shown that visiting hate sites is

[1] Abraham H. Foxman and Christopher Wolf, *Virtual Hate: Containing its spread on the internet.* (Macmillan, 2013).

associated with serious violent behavior[2]. Research has been finding that 57% of students are coming across hate messages in the previous two months[3]. In addition to this, data from the ongoing research evaluating Operation250's student workshop program has shown that youth are experiencing, on average, 2.7 harmful events online in just the previous month.

This research is particularly troubling when considering just 23% of educators feel "very prepared" to teach about hate speech in a classroom[4], and just 17% report feeling "confident they know enough about online safety to speak about it"[5]. Considering this, in developing strategies to prevent extremism, a focus on preventative skills and knowledge to address underlying risks associated with online exposure to hateful and extremist content, and the subsequent behaviors that can keep youth safe from such materials and individuals is key in the day-to-day effort to protect from targeted violence, terrorism and extremism online.

**Operation250's program and goals**

Starting in 2016 as part of the Department of Homeland Security's Peer-to-Peer: Challenging Extremism (P2P) innovation program, myself and my colleagues developed the organization, Operation250. Upon the completion of the P2P competition, at which we finished third in the country, we formed a partnership with the Harvard T.H. Chan School of Public Health to begin the process of evaluating our educational curriculum. Then, starting in 2019, the University of Massachusetts Lowell, Georgia State University, the Harvard T.H. Chan School of Public Health, and Op250 received funding from the National Institute of Justice to evaluate the Operation250 student workshop model's efficacy.

The student workshop model being evaluated is made-up of two skills acquisition lessons and one skills application activity for students to engage with over the course of two-to-three hours. These workshops are original, research-based lessons that offer students the opportunity of acquiring skills about recognizing unsafe online behaviors, the psychology of online decision making, enhancing their understanding about hate and hostile out-group attitudes, and identifying risks and threats when online. These skills are later applied by the students in an activity which is aimed at identifying how the issues discussed throughout the workshop might impact their community and allow for the students to develop ideas for potential solutions they can all participate in.

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[2] Michele L. Ybarra, Kimberly J. Mitchell, and Josephine D. Korchmaros, "National trends in exposure to and experiences of violence on the internet among children", *Pediatrics* 128, no. 6 (2011), https://pediatrics.aappublications.org/content/pediatrics/128/6/e1376.full.pdf.

[3] Nigel Harriman et al. "Youth exposure to hate in the online space: An exploratory analysis", *International Journal of Environmental Research and Public Health*, 17, 8531 (2020).

[4] "The state of k-12 cyberethics, cybersafety, and cybersecurity curriculum in the United States". National Cyber Security Alliance. May 2011. https://staysafeonline.org/wp-content/uploads/2017/09/State-K-12-Cyberethics-resource.pdf.

[5] "Be internet awesome: Online safety & teachers". Google Survey. December 2018. https://services.google.com/fh/files/blogs/parent_teacher_survey_us.pdf

Over the course of these evaluations, we have found that our student workshop programming has shown significant improvements in students' ability to identify online disinhibited behaviors and its effects, which is a key element of our online safety education; online disinhibition is the phenomenon of when an individual "loosens up, feels less restrained, and expresses themselves more openly" online, leading to benign disinhibition (e.g. being more willing to seek for help online), and toxic disinhibition (e.g. taking more risks; being more hostile toward others)[6]. In addition to this, the evaluation has also shown an approaching significance in students' ability to correctly identify risks when online. Organizationally, we find the importance of measuring and fully understanding the impact our educational programming has being critical in our efforts.

Our educational program has been built, developed, and undergone evaluation to measure the overall goals of improving online behavior in students. This is reflective of our commitment to prevention, aiming at improving youth online self-regulation, perspective taking, and overall problem-solving skills. In focusing on the preventative skills of improving youth online behavior to remain safe online, Op250 has situated itself to be an impactful player in the whole-of-community effort at preventing targeted violence and terrorism.

**Impact of OTVTP grant program**

In 2020, Op250 was awarded funding from the Department of Homeland Security's Office of Targeted Violence and Terrorism Prevention (OTVTP) to replicate the student workshop, student lecture, and educator training programs. This funding offers us the opportunity to replicate this programming throughout Massachusetts and to extend into school systems in New Hampshire. The funding will allow us to reach an estimated 930 students through our workshops, and another 1000 through our student lecture series, as well as being able to deliver teacher trainings to an approximate 632 educators, administrators, and school counselors. In addition to expanding our reach to school systems and communities around the Commonwealth of Massachusetts and the State of New Hampshire, this also grants us the opportunity to train more educational program trainers, who once are trained, will be able to deliver the variety of program offerings we make available to schools and communities for the organization.

Since 2017, Operation250 has delivered programming to approximately 1,139 students and 1,029 educators in Massachusetts via our student workshops, lectures, and teacher trainings. With the funds granted by the OTVTP, our organization has the opportunity of potentially doubling our reach and ultimately expanding our impact to new communities and schools.

**Conclusion**

With our focus of online safety, we are able to offer prevention education to communities. As a nonprofit in the space, this funding grants us the opportunity to work with,

[6] John Suler, "The online disinhibition effect". *Cyberpsychology & behavior* 7, no.3 (2004): 321-326.

and be flexible to communities and schools to ensure our programming uniquely suits the audience it is working with and at being a preventative tool in the ongoing efforts against terrorism and extremism, and specifically that of white supremacy and hate online. Prevention is about readiness, preparation, and acting ahead before something becomes a problem. This grant program offers organizations like Op250 the opportunity of being a preventative solution to extremism and terrorism. In striving to improve youths' online safety and digital literacy skills, and educators' confidence and understanding in the teaching strategies aimed at improving youth online behavior, youth will be better equipped to critically think, analyze, and ultimately be protected from extremists' influences while online.

Thank you for affording me the opportunity to speak about the mission and work of Operation250, and the impact the Targeted Violence and Terrorism Prevention grant program will have on our organization moving forward. I look forward to any questions the subcommittee may have.

Ms. ROYBAL-ALLARD. Thank you. Mr. Rangel.

Mr. RANGEL. Thank you, Chairwoman Roybal-Allard, Ranking Member Fleischmann, and members of the subcommittee, thank you for the opportunity to appear before you today to discuss how the Department of Homeland Security is supporting our work, disrupting the threat of White supremacist violent extremism.

My name is Sammy Rangel, and I am the cofounder and executive director of Life After Hate, the first nonprofit in the U.S. dedicated to helping men and women leave the violent far right. Our vision is a world that allows people to change, and contribute to society without violence. We extend our condolences to Atlanta and Boulder.

Life After Hate's story begins in 2011, when a group of formers, that is the term we use to describe former violent extremists, came together knowing two things: We had each gone through the complicated work of exiting violent extremism without peer or professional support. And we were committed to making sure that anyone wanting to exit would never have to do it alone.

Four years later, we have launched ExitUSA, the intervention program of Life After Hate. Last year, ExitUSA managed more than 220 new cases, a sharp increase over the previous 2 years. We expect this trend to continue during the current grant program and beyond.

Life After Hate is built on the belief that anyone taking steps towards accountability for their journey creates the possibility for redemption. I want to share a story of one of our colleagues, Thomas Engelmann, an example of the potential strength of this program, as well as the obstacles formers face. Thomas overcame great odds to become the person he was. He spent much of life engaged in violent White supremacy, and it nearly cost him his life at the hands of his group when he left.

Sadly, Thomas passed away unexpectedly in August 2020. He lived the ideals of compassion, and he continues to inspire us. Thomas once said, I really want to help people. The fact that I survived getting shot in the face is my motivation. I am doing my best to dedicate the rest of my life to becoming the person I should have been all along.

How the world viewed Thomas after he changed his life was not the same as how Thomas viewed himself. That is important because when formers attempt to make amends and reintegrate into society, they face many obstacles.

In addition to violence, death, and incarceration, formers face many emotional obstacles to exiting, including shame, guilt, and a loss of identity. These are the problems that our organization was founded to solve, easing the sense of loneliness and mending disconnection from society. We have learned is that individuals are more likely to disengage and begin the process of deradicalization, if there is a community waiting for them with support to help them through the process.

We have identified three key areas of focus to achieve our mission and vision: ExitUSA intervention aftercare services; training and capacity building; and community engagement. These three areas are supported in part by the Department of Homeland Security's 2-year grant.

Our first focus is to expand ExitUSA by hiring additional staff, as well as enhancing existing roles. Second, we recognize that alone, we cannot assist every person who wants to exit, every family concern about a loved one, or every professional struggling to work with formers.

In response, we developed an initiative with ExitUSA to train and support local capacity, and develop cultural competency for government and civic organizations. This grant will promise to scale that training.

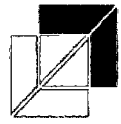
Finally, community engagement is a critical component of Exit. Communities that are informed and engaged are more likely to support formers, and, in turn, to promote disengagement and exit as a viable option. This grant will give us the resources we need to optimize existing, and introduce new outreach strategies to raise awareness and drive more at-risk individuals to ExitUSA.

Many of these men and women will, at times, experience a flicker of disillusionment when their expectations about the ideology clash with reality. Some White supremacists cycle out without confronting their involvement. Without guidance, where does that leave them, and where do they go from there? If we are not in the position to offer them the support they need to recover, we have missed a critical opportunity.

Through the support of the Department of Homeland Security, we are better positioned to scale our mission and contribute to the whole-of-society approach to make our country healthy and safer. Thomas escaped White supremacy barely clinging to life. He could have stayed away, but he came back to help others find a way out. This is the ultimate expression of our ideals, and that is the work we continue today.

Thank you.

[The information follows:]



LIFEAFTERHATE

Written testimony of

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Life After Hate

Targeted Violence and Terrorism Prevention

Before the House Appropriations Committee
Subcommittee on Homeland Security

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**Introduction**

Chairwoman Lucille Roybal-Allard, Ranking Member Chuck Fleischmann, and members of the subcommittee, thank you for the opportunity to appear before you today to discuss how the Department of Homeland Security's Targeted Violence and Terrorism Prevention (TVTP) program is supporting Life After Hate's work to better understand and disrupt the threat of white supremacist violent extremism.

My name is Sammy Rangel, and I am a cofounder and the current executive director of Life After Hate, the first nonprofit in the U.S. dedicated to helping men and women leave the violent far-right to connect with humanity and lead compassionate lives. Our vision is a world that allows people to change and contribute to society without violence.

I have more than 20 years of experience building and leading direct service programs and teams for at-risk youth and adults at the local and national levels. I spent most of my youth in and out of correctional institutions. Though I was deemed "incorrigible" at just 17 years old, I made it out of the criminal justice system alive and began the lengthy process of changing my life. I eventually went on to earn a Master of Social Work and fully dedicated my life to helping other people change.

That's how Life After Hate's story begins. Our organization was founded in 2011 by former violent extremists (formers) who came together knowing two things: 1. We had each gone through the complex, exhaustive work of exiting violent extremism without peer or professional support, and 2. We were committed to making sure that any one wanting to exit would never have to do it alone.

Four years later we launched our flagship program ExitUSA, the US-based intervention program of Life After Hate, modeled on the examples of successful exit programs in Germany, Norway, and Sweden.

By 2020, our group has grown to serve hundreds of individuals and families, and we count among our allies some of the most respected names in the field, including academics, practitioners and other experts.

In addition to direct client services, we also partner on research projects to advance the public's understanding of white supremacy and ideologically-driven violence, as well as contribute to the field, in general; assist in launching online messaging campaigns to expand our reach; and train mental health practitioners, law enforcement and other direct community service providers as we build a robust national response to the growing need.

White supremacist violent extremism is the most pressing national security issue facing the U.S. right now, and Life After Hate is a critcial part of the whole-of-society approach to make our country healthy and safer.

We have identified three key areas of focus to achieve our mission and vision: ExitUSA intervention and aftercare services; training and capacity building; and community engagement. These three areas are directly supported, in part, by the Department of Homeland Security's generous two-year grant.

**ExitUSA Intervention and Aftercare Services**

Life After Hate is built on the belief that anyone willing to take steps toward accountability for their journey creates the possibility for redemption.

Participation in ExitUSA is voluntary and is informed, in part, by the client's risk, needs, goals, and barriers to change. Cases are categorized as response (i.e., short-term) or support (i.e., long-term), with the latter often requiring 70+ interactions. Following the intervention, clients may continue engagement with ExitUSA aftercare services and support. Since our founding, we have helped more than 500 individuals and family and friends grappling with hate groups and the deadly ideology.

As a program designed and informed by formers, Life After Hate is a credible voice for anyone who grows disillusioned with white supremacist violent extremism. Many adherents do eventually become disillusioned— a process that begins when an individual observes a "gap between their memory of the past or their initial expectations of the movement and their perception of the present."[1]

We also know that many non-ideological factors can contribute to a person's decision to join and stay in an extremist group. Multiple research projects explored the relationship between these factors and radicalization to violence. In one paper published in 2016, a research team (which included Dr. Pete Simi, one of our board members and a consultant on the current grant) conducted intensive life history interviews with 44 former members of violent white supremacist groups who lived in 15 different states across all regions of the U.S.

Some of what the research found:

- 45 percent of those interviewed reported being the victim of childhood physical abuse while 21 percent reported being the victim of childhood sexual abuse; 46 percent of those interviewed reported being neglected as a child.
- 57 percent of the sample reported experiencing mental health problems either preceding or during their extremist involvement.
- 72 percent of the subjects reported having problems with alcohol and/or illegal drugs.[2]

This type of research supports our overall strategy to help individuals disengage from violent behavior and begin the exit process.

Radicalization to violent extremism is not a linear process and very often does not begin with the ideology. Deradicalization, or, the cognitive

[1] Mehr Latif , Kathleen Blee , Matthew DeMichele , Pete Simi & Shayna Alexander (2020) Why White Supremacist Women Become Disillusioned, and Why They Leave, The Sociological Quarterly, 61:3, 367-388, DOI: 10.1080/00380253.2019.1625733

[2] Simi, Pete, Karyn Sporer and Bryan Bubolz. 2016. "Narratives of Childhood Adversities and Adolescent Misconduct as Precursors to Violent Extremism: A Life-Course Criminological Approach." Journal of Research in Crime and Delinquency, 53, 4: 536-63.

break from the ideology, therefore, is not about challenging the belief system; it's about helping the person trapped behind it. As one of our clients said recently: "ExitUSA is helping me process my transition and find ways to improve my mental health. I've only been communicating with them for a month but I'm already learning to be more empathetic and forgiving."[3]

A major component of successful exit programs, including those in Germany, Sweden and Norway, includes the construction of an alternate community away from violent ideology. We saw similar success when we created a safe space online for formers to talk about their experiences. What began as a secret Facebook group in 2012 has evolved into a community of individuals who have been touched in some way by white supremacist violent extremism and who mentor and support one another today.

In June 2020, we relaunched our online "Community Forum," which offers compartmentalized, secure spaces for formers, individual exit clients, friend and family clients, and volunteers. Each sub-community has its own trajectory. Individual exit clients, for instance, are given graduated access to different permission-based levels of the forum as they transition through their service plans.

Individual ExitUSA clients are encouraged to maintain participation in the forum to continue to build resilience and reduce the likelihood of re-engagement as they face new challenges and opportunities post-exit, reintegrating back into society while negotiating potentially persistent feelings and thoughts of shame and guilt. Additionally, continued participation offers the opportunity for mentorship, self-healing, and personal growth.

Friend and family clients, on the other hand, are encouraged to remain active in the forum to build and foster resilience, not only for themselves and their loved ones, but for those new to our community who are looking for understanding and support.

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[3] Life After Hate. (2020). [Unpublished raw data on ExitUSA client survey].

The forum offers tailored discussion groups as well as open forums for organic conversations on timely issues. Forum users can also discover and share new resources, such as news articles, academic papers, and Life After Hate's "Former's Media Toolkit," in user-friendly, dedicated resource areas.

*How DHS funding advances ExitUSA Intervention and Aftercare Services*

ExitUSA managed 200 new cases in 2019 and 128 in the year prior; these data are exclusive of ongoing cases which can span months or even years. During the two-year grant period, we anticipate 360-450 new cases. With DHS's support we will expand our ExitUSA staff to meet this anticipated increase, including new hires and enhancing existing staff roles. In addition, we will build out client supportive services and resources, including life skills coaching, developing our referral network, creating new resources for the "Community Forum," and updating the intake process for family and friends by refining existing screening tools.

**Training Mental Health Practitioners, Formers and Other Co-Responders**

Most ExitUSA individual clients have self-identified a dissonance between their personal needs and the reality of their lives. There is often a sense, however vague, that they wish to get back to a version of their lives before their involvement.

Our overall strategy through the use of adapted Motivational Interviewing and Trauma Informed Care is to broaden a client's awareness about the decisions needed to affect positive life changes. Motivational interviewing is an evidenced-based approach that enhances systems of support so practitioners operate through a shared language and framework to help clients safely work through their exit. Trauma Informed Care is a treatment framework that recognizes trauma and acknowledges its impact.

In order to expand our network of mental health referral partners and ultimately build capacity, we have developed an online training to build a

cadre of volunteer mental health professionals to support ExitUSA. (All ExitUSA staff must also complete this training as part of onboarding).

In the Mental Health Professional Co-Responder Development (MHPCD) training, participants learn ExitUSA's novel Motivational Interviewing + Trauma Informed Care approach as well as complete our Violent Far-Right Extremism 101: Cultural Competency (101) training.

Life After Hate developed the 101 training in 2017 in part using the 2014 National Institute of Justice (NIJ)-funded "Research and Evaluation on Domestic Radicalization to Violent Extremism: Research to Support Exit USA" led by RTI with subject matter experts Drs. Pete Simi and Kathleen Blee.[4] The 101 provides practical tools to identify white supremacist violent extremism ideology and its manifestations.

So far, we have trained 19 mental health practitioners since the very first cohort training in September 2018. The feedback has been incredibly promising. Trainees describe feeling empowered to work with this population. "I feel as though I have a few more tools to use when communicating with clients," one volunteer said. "And a greater appreciation of all that Life After Hate offers formers, current extremist members and their families."[5]

Additionally, formers who demonstrate the willingness to work on themselves and who are accountable for their past choices, among other things, have and will continue to be trained to become mentors to others.

Thomas Engelmann, who passed away suddenly and unexpectedly in August 2020, was an example of the strength of this program. Thomas overcame great odds to become the person he was. He spent much of his life engaged in violent white supremacy—and it nearly cost him his life at the hands of his own group when he left. He lived the ideals of compassion

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[4] Supported by the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), National Institute of Justice (NIJ) through Award No: 2014-ZA-BX0005, https://nij.ojp.gov/funding/awards/2014-za-bx-0005.

[5] Life After Hate. (2020). [Unpublished raw data on ExitUSA training survey].

and he continues to inspire us.

"I really want to help people," he once said. "The fact that I survived getting shot in the face with a .45-caliber handgun at point-blank range and lived is my motivation. I am doing my best to dedicate the rest of my life to becoming the person I should have been all along."[6]

ExitUSA recognizes that alone it cannot assist every person who wants to exit, every family concerned about a loved one, or every professional struggling to work with formers. In response, we developed an initiative to train and support local capacity and cultural competency for those in state, local, tribal, and territorial, mental health, law enforcement, faith-based groups, and nonprofits (i.e., local prevention networks) to effectively identify and address white supremacy violent extremism in their practice and community.

*How DHS funding advances Training for Mental Health Practitioners, Formers and Other Co-Responders*

During the two-year grant period, we will hold eight Mental Health Professional Co-Responder Development training sessions, each composed of 5 – 10 participants, of which we expect half will volunteer with ExitUSA. During the grant period, we also anticipate four formers will complete mentor requirements, of which at least one will be hired as an ExitUSA Outreach Specialist. The former-mentoring effort will be formalized and externally reviewed. In addition, we will train up to 50 direct service providers from existing and new local prevention networks beginning in grant year 2 in at least five states, including California and Colorado.

[6] A *former member of the Aryan Brotherhood talks about why he joined, and how he finally got out.* Life After Hate. (Nov. 21, 2018). https://www.lifeafterhate.org/blog/2018/11/21/gampa-break-away-at-any-cost-a-former-member-of-the-aryan-brotherhood-talks-about-why-he-joined-and-how-he-finally-got-out?rq=thomas.

**Building Individual and Community Awareness & Resiliency**

In addition to violence, death and incarceration, formers face many emotional obstacles to exiting, including shame, guilt and stigma. We have learned that individuals are more likely to exit if there is an alternate community waiting for them, and support to help them through the process.

We can mitigate barriers to exit, in part, by expanding our community outreach and educational campaigns. Ultimately, the problem of white supremacist violent extremism requires a major paradigm shift where compassion and empathy are the main vehicles for reconciliation and intervention. Reconciliation must also include taking responsibility for past harmful actions; making amends in communities where harm was caused; and personal development, self-healing and awareness, at a minimum. We define empathy as listening with open minds and hearts to the journeys and experiences of others. This creates an environment that supports change, healing, and accountability. While we never condone hurtful actions, we also do not condemn the human being.

Community engagement is a critical component of exit. Communities that are informed and engaged are more likely to support formers and, in turn, to promote disengagement and exit as a viable option. One of the most effective ways to inform and engage communities is through the use of firsthand former accounts, which humanize the issues around white supremacist violent extremism, and demonstrate change is possible to someone contemplating exit.

About half of our ExitUSA cases come from concerned family and friends, many who similarly report feeling shame, guilt and stigma. One mother who is now a Life After Hate volunteer, Jeanette Manning, described not knowing where to turn when her teenage daughter became involved in a neo-Nazi network. “That’s why I kept it to myself,” Jeanette said. “There’s a lot of shame involved when your loved one starts believing things that are so different from what they grew up with. Their values change, they become a different person. There’s so much shame involved.

There's guilt, there's shame, there's humiliation."[7]

Today, Jeanette is one of the most active voices in our forum, which continues to grow its resources for friends and families.

We also work with Moonshot CVE to create and launch campaigns to proactively reach more vulnerable populations. In testifying before the House Committee on Foreign Affairs in 2019, Moonshot's co-founder and CEO, Vidhya Ramalingam, who is also a current Life After Hate board member, outlined Moonshot's work: "Efforts to repurpose advertising technology can radically improve the availability of content which discredits extremist narratives, or simply offers alternatives, to those seeking dangerous content."[8]

*How DHS Funding Advances Building Individual and Community Awareness & Resiliency*

During the two-year grant period, we will optimize existing, and introduce new, outreach to raise awareness of the exit process as well as ExitUSA. These complementary activities will drive more at-risk individuals to ExitUSA and build societal resilience against white supremacist violent extremist drivers. We will develop and launch five video counter-narrative campaigns. We will launch an online messaging campaign with Moonshot CVE to reach at-risk populations using existing advertising technology.

**Conclusion: Incubating Hate**

For decades, researchers have faced the impossible task of quantifying membership to white supremacist hate groups. While the internet further obscures this task, it offers reliable clues. For example, before removing pages associated with QAnon last year, Facebook noted

[7] Life After Hate. (2021). [Unpublished interviewed]
[8] Examining the Global Terrorism Landscape Before the House Committee on Foreign Relations (2019) (statement of Vidhya Ramalingam, Founder & Director, Moonshot CVE), https://docs.house.gov/meetings/FA/FA13/20190430/109376/HHRG-116-FA13-Wstate-RamalingamV-20190430.pdf.

that there were as many as 3 million followers to the top pages.[9] Parler, an alternative to Twitter that attracted white supremacists, was downloaded nearly 1 million times in the days following Jan. 6.[10][11] It has more than 11 million users, 9 million from the U.S. In a nine-month period following the deadly Unite the Right rally Charlottesville, the Daily Stormer, a neo-Nazi website, received 997,000 visits and 284,000 unique visitors.[12] And anti-Semitic tweets number in the millions on Twitter in recent years.[13]

White supremacist violent extremism persists today not just because of a small group of ideologues—they come and go—but because its ideas have a persistent shelf life in the cultural history of the U.S.

We feel this dynamic acutely. As formers, we have an obligation to make amends not just by helping pull others away from hate, but by actively fighting systems of injustice. This process takes years.

While we initially focus on non-ideological factors to hate and violence, our work is deeply informed and motivated by the relationship between overt racism and its more discreet variations; especially more recently, as these points converge more and more. Success therefore means we guide one more hateful voice to a place of empathy and compassion. We get there by broadening an individual's perspective enough so that they recognize how their experiences and socialization have primed them to accept the extreme versions of white supremacy as a solution to problems, real and perceived. In doing so, we're also removing

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[9] *QAnon groups have millions of Facebook, documents show*, NBC News (Aug. 10, 2020), https://www.nbcnews.com/tech/tech-news/qanon-groups-have-millions-members-facebook-documents-show-n1236317.

[10] *Parler: Where the Mainstream Mingles with the Extreme,* Anti-Defamation League (Nov. 12, 2020). https://www.adl.org/blog/parler-where-the-mainstream-mingles-with-the-extreme.

[11] *Parler is offline, but violent posts scraped by hackers will haunt users,* Washington Post (Jan. 12, 2021), https://www.washingtonpost.com/technology/2021/01/12/parler-data-downloaded/.

[12] *Op-Ed: What's the alt-right, and how large is its audience?,* Los Angeles Times (Aug. 22, 2017). https://www.latimes.com/opinion/op-ed/la-oe-main-alt-right-audience-20170822-story.html.

[13] *Groundbreaking ADL Analysis Estimates 4.2 Million Anti-Semitic Tweets in One-Year Period,* Anti-Defamation League (May 7, 2018). https://www.adl.org/news/press-releases/groundbreaking-adl-analysis-estimates-42-million-anti-semitic-tweets-in-one.

that harmful voice from the environment that catalyzes hate to violence; an environment that is making white supremacy increasingly more palatable to mainstream audiences.

Some white supremacists cycle out without confronting their involvement. Without guidance, where does that leave them and where do they go from there? If we do not offer them the support they need to recover from the violent ideology, we've missed a critical opportunity.

Through the support of the Department of Homeland Security we are better positioned to scale our mission and contribute to the whole-of-society approach to make our country healthy and safer. Thank you for the opportunity to share more about this important work.

Ms. ROYBAL-ALLARD. Thank you, Mr. Rangel.

My first question is for Mr. Aborn. In your opening statement, you covered a lot of what I was going to ask with regards to the DEEP program. But by the time a participant is placed into the program, as I understand, they are already engaged with law enforcement and may have already been convicted of a crime. Although your testimony indicates that community outreach and referrals could be part of the future program phases, how much more difficult is it to help a participant demobilize after they have already crossed into the line of criminal activity? And how long do you anticipate it will take to see results from the program's intervention with participants?

Mr. ABORN. Thank you for that question. It is clearly more difficult once a person has crossed the line into committing actual criminal acts, but they are not by no means beyond redemption. We know from lots of experience in traditional crime space that people who have committed even violent acts, can be treated, can be helped to understand why they have done what they have done. They can be given the skills to not repeat that conduct, and to reenter a more, for lack of a better term, normal life.

So we are very optimistic about this program. We have done an enormous amount of research. We have consulted with some of the top forensic psychologists and general psychologists in the country, as well as people throughout law enforcement, to understand the behaviors. We believe we have a very good understanding now of what those behaviors are that drive this ideological-driven violence. And this program is deemed, it is designed to address precisely those.

Our next phase, which we are now contemplating, trying to figure out how to do, is to reach out into the community. But I want to make sure that when we do that, we don't commit any of the past mistakes that have occurred in this area. And I am also, because we do a lot of work in the police reform space, I am very mindful of some of the distrust that now exists between communities of color, and law enforcement. So I want to make sure that when we do this, we do this in a way that is received well by the community.

Ms. ROYBAL-ALLARD. Mr. Rangel, Life After Hate's approach is focused on helping individuals who, at some level, may have already begun to be illusioned, or disillusioned, with a path that they are on. Are there common factors, either in personality or experience, that help predict which people will be more open to exiting violent extremism, and when they might be more open to it?

Mr. RANGEL. Thank you for the question. We do know that for each person that is coming to us, they have a unique set of circumstances, and a unique set of outcomes. And each of them do require a different set of assistance skills, or direction, or focus. So it is difficult to say that there is a singular, or even just a common thread. But we do see, across different populations, that some cases, there are issues where they need needs met, and so we try to pair them with mental health professionals that are within our own service's ability to provide for them, or we refer them out.

But it is difficult to say whether or not there is a straight line, it is not a straight line. And often, we have to spend some time try-

ing to understand all the different variables that each of those unique individuals bring with them.

Ms. ROYBAL-ALLARD. Well, you have mentioned that there is a degree of correlation between violent extremism and past drama, mental health problems, and addiction. For those who don't have those factors, either in the past or present, what seems to drive people to extremist violence in those cases?

Mr. RANGEL. One of the things that has really stood out to us since we have started doing this work is that it doesn't always start with the ideology. I think that is often what surprises us most. A lot of times, there are real or perceived grievances, that are real or perceived fears. And I think there are groups that are out there who are ready to exploit those vulnerabilities through a number of ways. But one of those ways is making a message that seems relatable to them, and then drawing those individuals further in and eventually leading towards a path of adopting those types of violent extremist beliefs.

Ms. ROYBAL-ALLARD. Mr. Cote, Operation250 approaches the problem of violent extremism from a different vantage point, before it has a chance to take hold. What factors, in your experience, make you particularly vulnerable to extremists, and towards—particularly online?

Mr. COTE. Thank you for the question, Chairwoman. So what we see and what we focus on in our work is predominantly focus on kind of those online behavior and online decisionmaking in youth. So, in terms of vulnerabilities as I understand your question of what maybe—may happen, or what youth may come across, and what we are seeing is just general exposure to hate messages online can come with—come at great risk.

It could be something as though youth are—it will reinforce discriminatory views that individuals may already have. And it also, one example that we have used in classrooms is visiting a hate website; that type of behavior is correlated with, or connected to, potentially serious violent behavior as well.

So, we really try and focus on some of those online decisions that youth are making, recognizing what it is that maybe they are more willing to take a risk online than they would be offline, and recognizing when that happens, and then how to stay clear of making those types of decisions.

Ms. ROYBAL-ALLARD. Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, Madam Chair, and to all of the witnesses. Thank you very much for addressing this situation that needs our attention, I think in all of our communities, at all levels of government, and a very, very good hearing.

I want to say that your written testimonies have been very compelling, and I thank you all for your hard work and commitment.

Mr. Cote, you state in your testimony that 57 percent of students come across online hate messages in the past 2 months. This is a frightening statistic. What can parents do to protect their kids from being exposed to hate online, especially since they are spending more and more time online until the schools go back?

Mr. COTE. That is a phenomenal question, and thank you for asking it. It is one thing, and some of the research that we have been included in with some of the research partners that I had

mentioned in my testimony, is we are seeing that some of—one big correlation is the time the youth are spending online increases their likelihood of coming across something online. Of course, during the COVID–19 pandemic, youth are online at a rate higher than we have probably ever seen before, and it was already quite high before the COVID–19 pandemic as well.

For parents, I know that what we have seen in some research is that the more their parents are involved in youth online behavior, trying to be some sort of ally, and trying to understand what it is that they are looking at online, trying to be as much of a help in terms of if they have any questions, to be able to come to them, to be that, because that can really make a difference in terms of youths becoming susceptible to hate messages online.

The hate messages may coming across just normal social media platforms, or places where a lot of young individuals may be spending time online. So, it is becoming more and more challenging to keep them safe from becoming exposed to such content. But for parents, the more that they can attempt to be involved to try and be as much of a help to their youth, in having conversations with them, we are seeing that that can definitely play a helpful role.

Mr. FLEISCHMANN. Thank you. And please continue to get it this message out. Thank you so much, sir.

My next question is for the panel in the time remaining, and time is winning, but what have you all been able to accomplish with the DHS grant funds that you were not able to do before? And how has your program become more effective and reached more people? And let me address that to the entire panel, please.

Mr. ABORN. Well, I am certainly happy to start, Congressman, thank you. We, frankly, would not be able to operate without this funding. It is very, very hard for a not-for-profit to raise money to do this kind of work with the criminal justice system, and without support from the government, frankly now and probably going forward we would not be able to do it.

We have launched a program essentially 3 weeks ago now, we already have three participants in. I received just another email while this hearing has been going on. So I expect that number to grow. We now have evaluation methods in place. And as we build a greater body in number of cases, we will be able to give you some real feedback on how well this is working.

Mr. FLEISCHMANN. Thank you, sir.

Next.

Mr. COTE. I am happy to take it next. As I mentioned in my testimony, we are going to—with the DHS funding, we are going to be able to nearly double our reach in terms of the individuals that will be able to—over double our reach, in terms of the individuals that will be able to run online programing with, so it certainly helps with our online safety programming. So it certainly helps with our scalability, and being able to fund our time, and effort, and planning, and prep, and everything that gets involved with that to be able to deliver that programming to schools.

Mr. FLEISCHMANN. Thank you, sir.

Mr. Rangel, do you want to take a shot at it?

Mr. RANGEL. Yes. Thank you.

I think one of the things we do know is that we anticipate, like, our online campaigns developed with Moonshot will lead to additional cases coming to us and which is why we have increased staffing in the grant year to assure appropriate caseload coverage, so that we have the right capacity there to respond.

We are also looking forward to developing counter narrative video campaigns. I think we are going to do at least five under this grant to help direct new at-risk individuals and concerned family and friends to ExitUSA. And then, in part, the support, you know, is part of what we are trying to do is extend our referrals through avenues like through our toll-free telephone number and the help phone that we have located on our website to direct people towards us.

So those are just some of the things that we might be able to do, that we will be doing under this grant.

Mr. FLEISCHMANN. Thank you, sir.

And, gentlemen, thanks again for your very important testimonies.

Madam Chair, I will yield back.

Ms. ROYBAL-ALLARD. Okay. Ms. Underwood.

Ms. UNDERWOOD. Thank you, Madam Chair, and thank you to our witnesses for sharing their expertise with us.

I am particularly pleased that my colleagues had the opportunity to hear from Mr. Sammy Rangel about the work he is doing with Life After Hate, a leading national organization based in the great State of Illinois.

It is so good to see you again, and I hope the next time, it can be in person.

Mr. Rangel, your organization has brought healing and peace to many families in Illinois and across the country. How will you use the Federal resources that you are receiving through the TVTP grant program to scale up your work so that you can reach even more people?

And if you can quantify it—I know that you just responded to Mr. Fleischmann similarly, but with a quantification, it would be helpful.

Mr. RANGEL. Thank you. And it is good to see you again, too.

Well, the grant helps us in three ways. First, we are able to hire additional staff. We are building the capacity to do that. I mean, immediately upon receiving the grant, we started to develop that capacity and—so that we could adequately staff for what we know is an increased number of people that we see coming to us, and those numbers have continued to increase over the years, as I mentioned in my opening statement.

Second, we are going to expand individual and community outreach to reach more at-risk individuals. We have to get the message out. There are people who are unaware that services like this exist, and, as I heard one of our panelists answering a question earlier, before 2017, families didn't know we were a resource. Today, they make up half of our caseload. They are reaching out to us.

And, finally, we are going to train co-responder and local prevention networks to help us scale our work beyond. One of the things I recognized right away when coming on as the executive director

is that, while we wanted to make referrals, not many of the professionals that we could refer to knew anything about this space. And so scaling that work, scaling our education and what our approach—what successes we are having with our approach becomes critical to this point.

Ms. UNDERWOOD. Thank you. I am so glad to hear that you are working to expand your reach at this important time.

The FBI identified violent White supremacy in particular as a leading threat, and I have heard from my own constituents they are concerned about the rise of so-called militias and other extremist groups in our communities.

Mr. Rangel, do you have the resources you need to meet this high-level demand for the type of services you provide? And, if not, what additional resources would be helpful?

Mr. RANGEL. The short answer is, no, we aren't fully resourced. Intervention is resource-intensive, and it is so intense with the—intensive with the person-to-person component and also knowing that these services, as we have heard from other panelists, can take months and years.

Ms. UNDERWOOD. Uh-huh.

Mr. RANGEL. And, because we are serving at a national level, we have to be able to provide those services wherever those people are at.

I think, in addition to hiring more social workers and mental health practitioners, which I will make a note that there aren't very many of us in this space just yet.

Ms. UNDERWOOD. Right.

Mr. RANGEL. I am often alone in rooms where we are having these same discussions. We also need to invest in activities that fall outside the current scope of the grant, including research that informs our work.

Outside the grant, we are working on developing a risk assessment tool for this population because there currently isn't one that has been validated in the U.S. context. Those are just a couple of things I would say to that answer.

Ms. UNDERWOOD. Thank you. And, Mr. Rangel, Life After Hate has established a partnership with Facebook to redirect users who search for extremist content towards information that can help them disengage from violent groups and ideologies.

What remains to be done to intervene in online radicalization, and how would additional Federal resources help you to advance your work in this area?

Mr. RANGEL. I think one of the primary points I would like to make here is that content moderation alone does not work. The power of social media in particular is to connect people who need help with resources that they need.

Radicalization to violence may occur, in part, online, but the violence is real. We know this. We are here to help with that off-ramping part of the process.

So part of that process then becomes costly to scale. It is having—we need resources and programs to support those disengaging from violent extremism and also create a meaningful relevant content that speaks to their specific needs.

We are also working with Moonshot CVE through this grant. We will be able to use their redirect model to reach at-risk individuals. One of the most—one of Moonshot's cofounders, Vidhya Ramalingam, is often talking about leveraging the same ad technology that big brands use to sell people to reach these groups online.

And we have a similar challenge creating persuasive content to sell people on the idea that White supremacist violent extremism does not support their well-being or meet their personal needs. That content is both the message that gets them to ExitUSA, but also it is the program itself.

Ms. UNDERWOOD. Well, I certainly am so grateful for your leadership in this space and your dedication to helping folks, you know, recover and reengage in our community in healthy peaceful ways, and I certainly look forward to continuing to work with you in the days to come.

With that, Madam Chair, I yield back.

Mr. RANGEL. Thank you.

Ms. ROYBAL-ALLARD. Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Madam Chair.

And I want to thank the panel. You all are involved in what I think are the most important segments of what I call the PIE for fighting crime or protecting communities. And that is prevention, intervention, and then enforcement comes third. And you all are out there doing the yeoman's work on prevention and intervention.

And I want to ask Tyler about Operation250. You know, in 2018, as I mentioned in the former panel, we passed the STOP School Violence Act of 2018, and there is grant money available there to help teach students how to recognize not the focus of online threats and dangers but the dangers of the student that might be sitting in the classroom with them.

And, actually, it also provides dollars for schools' mental health providers and law enforcement that come together to create a network so that, when these students see this kind of behavior, they actually have somewhere to report it and something gets done about it.

So my question, Mr. Tyler, is number one, did you know about the STOP School Violence Act, and have you accessed any of the dollars that are available there because it seems like it would plug right into your program?

Mr. COTE. Thank you for your question, Congressman.

Yes. So, actually, this is very timely as well. Recently, over the last—forgive me. I forget the exact timeline, but over the—pretty recently, over the last handful of months, we have received funding as a subaward, as a small part of a larger grant to a school system up in Massachusetts that they received funding through the STOP School Violence Program, and we will be running teacher trainings to kind of help educators.

So what we are seeing in our—in some of the research and—the research that isn't connected to us, but wider research, is that educators are not prepared to talk about online safety in the classroom. If they are not prepared, they are just not comfortable talking about it in the classroom.

Mr. RUTHERFORD. Right.

Mr. COTE. So what we are aiming to do with that project is to work with the health teachers of that school district to run training programs on, you know, these are some of the strategies that we have seen and research that worked with online safety education. These are a lot of the topics that we as an organization focus on and that we have seen impacts in student behavior, and then these are some of the strategies that, importantly, have shown not to work in terms of actually educating about online safety.

So that is something—STOP School Violence funding is something that we are aware of, and it is something that we are obviously going to be participating on projects over the next few years.

Mr. RUTHERFORD. Good. Great to hear that.

Listen, Sammy, you are—Sammy, you are in an entirely different place in this chain, this progression of people being indoctrinated, people moving into extreme violent—domestic violence entities and then coming out.

What I would like to ask you, Sammy, in the Life After Hate work and the work that you do with people to leave these communities of violence, based on your work, you mentioned earlier that it is not linear, this radicalization, and I think it is important—you mentioned how to do those risk assessments and that sometimes you are the only person in the room.

You know, I will tell you DOJ has some great risk-assessment tools that were developed, you know, by the—developed—I think the Domestic Violence Intervention Program way back, but there is some great risk assessment tools there that you could look at.

But my question is for you: What are you—what forum do you see most people being radicalized in? I know it is not linear, but what proves to be the most dangerous forum for them to be radicalized?

Mr. RANGEL. That is a question that makes me try to reflect on what it is that we are seeing. I think what your question makes me think of is the state that they are in when they come to us, and the state that seems to be leading to this idea that they need to maybe reflect and reconsider their choices is that it is when they hit a point of disillusionment where what they thought they were getting into, what they thought they were following or subscribing to at some point doesn't match up with the reality of the situation they now found themselves in.

After these large events, they are often questioning themselves as to whether or not that is what they really signed up for. And I think we even saw in more recent times people questioning how did they end up in the predicament that they are now in because that is not who they originally saw themselves as.

And I think that——

Mr. RUTHERFORD. More importantly, I guess, how did they get out of it?

And, Madam Speaker, I see my time has run out.

But, Sammy, thank you again for everything you all are doing. God bless you.

Mr. RANGEL. Thank you, sir.

Mr. RUTHERFORD. Yield back.

Ms. ROYBAL-ALLARD. I have several questions. We are almost out of time, but I would like to try and get some of these in.

Mr. Rangel, I understand that the Department is increasing the number of cases that it takes—that you take to expand your outreach. How much demand is there for what you are actually doing at this time?

Mr. RANGEL. Well, since our profile increased in 2017, our numbers have—annually have grown exponentially. We continue to meet new heights. I think, within the last couple of years, we have actually surpassed what we did in all the years prior to those couple of years.

And, as I mentioned before, after 2017 events, families became aware of our program, and those numbers went from zero to half of our caseload where they are looking for assistance and guidance on what to do with—about the person that they are concerned with, that they are close to or loved ones, so it is exponential. And what we do—as I mentioned earlier, we do predict that those numbers will continue to increase monthly, annually.

Ms. ROYBAL-ALLARD. Okay. You talked about the importance of a sense of community. What is it about community that can make the difference between a path of violence and one of reconciliation?

And, also, you also talked about—and I was struck by the fact that you talked about compassion and empathy in helping people exit from violent extremism. Given all the public anger toward hate groups and extremists, what challenges do you have convincing the public that yours is the right approach?

Mr. RANGEL. I think, as long as we also include accountability with compassion and empathy, it can help the community understand what we are trying to do. The sense of community, I believe, is innate to all human beings. We all want to belong. But what has happened is that oftentimes we have to consider what we belong to and what those groups that we belong to profess or want.

And, oftentimes, I think, through our work, right, we are using motivational interviewing and trauma-informed care as the basis of our theory around what is effective, and those theories are really rooted in understanding that the person in front of us is not broken beyond repair, is not incorrigible or disposable. And, although they might need an enormous amount of help, they are worthy of that enormous amount of help.

But it also supports this idea that, when it comes to public safety, we are all better served if we have alternatives other than condemnation for someone who has committed violent acts.

I think our founders are prime examples of that, including myself, where that redemption is possible, but it can be made more possible when the community is there to receive them when working through their issues and their concerns with support.

Ms. ROYBAL-ALLARD. Okay. I see that Mr. Rutherford—no. Mr. Ruppersberger has returned. Mr. Rutherford, you had another question. I can go to you before I go to Mr. Ruppersberger.

Mr. RUTHERFORD. Okay, Madam Chair. Thank you.

I will follow up on—one of the things that we discussed during the last panel was a report that was outlining some of the violent extremist groups—antigovernment, antiauthority, violent extremism; racially, ethnically motivated violent extremism; even animal rights and environmental rights violent extremism; abortion-related extremism.

Sammy, during your time in trying to get—help individuals who are extricating themselves from these violent extremist groups, is there one of these that seems more dangerous to you now than the others?

Mr. RANGEL. Well, our cofounders are particularly tuned in based on their own personal experiences to violent White supremacy extremism, sir. And I think a lot of the partners on this call would support the fact that most of the data points towards perhaps the single most threat that we all face is coming from these violent White supremacist extremist groups.

Mr. RUTHERFORD. Yeah.

Mr. RANGEL. And so that is where we choose to try to leverage our experiences and our methods to make the biggest impact for our country.

Mr. RUTHERFORD. So, to follow up on that, Sammy, so do you see this population, then, as somehow being—you know, when you look at the fact that it is not linear, as you mentioned earlier, but it is a combination of things that occur to them—sexual violence, family violence, those kind of things—are you seeing more of that in these White supremacist—the environments they are coming out of?

Mr. RANGEL. Thank you for that.

I do think certainly that is a part of what we see, but we also see people who have very real or perceived grievances and/or fears. And, to be honest, while listening to some of the grievances or fears that these men and women share with us, some of them appear to have valid basis, and so it is not all as if they have no actual grievance or actual fear to be concerned about.

What we do try to focus and redirect our attentions to is, how do we address that through prosocial methods? How do we take into account that there are other ways, peaceful ways, to address those issues without having to condemn a group or use violence?

Mr. RUTHERFORD. And so, Sammy, let me ask you this: Is that kind of an indictment, then, of a system where someone is—for example, these—the antigovernment folks, White supremacists who are against, you know, government, the sovereign citizens, that sort of thing, are these—do you find a lot of these folks are people who have a grievance that has not been properly addressed after they raised it, and then they have kind of hit this dead end in the system, and then they decide to go outside the system?

Is that a pretty common occurrence?

Mr. RANGEL. I would say that I relate to what you are asking there in the sense that, in the days before my change, I felt violence was the only voice I had, and I think that that is oftentimes the end result of feeling you are not being heard, that you are perhaps being dismissed or discounted or invalidated or not taken seriously.

And, of course, there are many other factors, but I do suspect that—and our experience in listening shows us that many times it—the one thing that we are doing that is working, if I may start over, is listening, which is an uncommon occurrence today, especially to these populations.

And so I do believe that is the basis for a lot of the success that we are having, is that we find that listening is a part of the validation that they have been screaming for and a part of the process

towards developing a meaningful relationship that will allow us to engage with them in a meaningful way.

Mr. RUTHERFORD. Thank you. And I appreciate that answer. And I tell you, that is why I think—coming from the law enforcement community particularly, which often creates some of these grievances, I think it is so important that individuals have a way to address those grievances with those agencies where it has occurred. And that was one of my main concerns when I was a sheriff, was making sure that people knew they were being treated fairly and that they had that voice.

So thank you for all you are doing.

Mr. RANGEL. Thank you, sir.

Mr. RUTHERFORD. And, Madam Chair, I see my time has run out. I yield back.

Ms. ROYBAL-ALLARD. Okay.

Mr. Ruppersberger.

Mr. RUPPERSBERGER. Yes. Thank you, Madam Chair.

Executive Director Rangel, I have to admit that, before this hearing, I was unfamiliar with your organization. However, after reading about your programs, I am already a huge supporter.

Your work is quite similar to groups in my district like—or my State, like ROCA, R-O-C-A; Safe Streets in Baltimore; and the Violence Intervention Program at the Maryland—University of Maryland Shock Trauma, by the way, which is rated one of the top trauma systems in the world.

I believe mental health counseling and support groups go a long way, especially if it is being led by those who were once victims of trauma and indoctrination themselves.

In fact, I trust your strategy so much that I introduced a bipartisan bill with Representative Adam Kinzinger to establish grant funding to hospital-based violence intervention programs.

Now, these operations offer wraparound services to victims of violent crime while they are recuperating on hospital beds, effectively making them a captive audience. Now, patients are offered counseling and support that can include substance abuse treatment; job training to help find—really find them jobs; and, finally, affordable housing, which really would—if they can get to that level, would take them out of the environment where they came from.

Now, at Shock Trauma program, that program I just talked about, the participants have shown an 83-percent decrease in rehospitalization due to intentional violent injury and a 75-percent reduction in criminal activity and an 82-percent increase in employment. And those are pretty good numbers.

Now, while the demographical groups may be different, the experiences are quite similar. Most individuals are a product of their environment. And my question for you is something that I want to take back to the groups I just mentioned.

How do you make the initial connection and build trust with individuals who have been radicalized? And then, also, to what extent is socioeconomic conditions a factor in who gets wrapped up in hateful and violent groups?

Mr. RANGEL. Thank you for that.

You know, I want to make sure I understand the first part of your question. Could you please repeat that?

Mr. RUPPERSBERGER. Yeah. Sure. I wanted to take back to these groups, okay, that I mentioned in my area or my State, how do you make the initial connection and build trust with individuals who have been radicalized?

Mr. RANGEL. Sure. Part of the experience that I am leveraging here at Life After Hate comes from a planning and implementation grant I participated with in reentry, working with some of the groups like the—that you mentioned. And what we learned there is that the approach that any organization or agency uses is often a bigger predictor of outcomes than the actual ability of the person to change.

So basically—and that is one of the reasons we are using MI. So, while MI works with clients, it also informs those of us at—you know, leading the charge into helping—how to approach these spaces, so how do—that approach is what is effectively establishing the relationship that you are asking about.

So it comes from respecting the person regardless of what they have done and demonstrating that respect through your policies, through your administration, through your partnerships, through the advocacy work that you are doing. They need to see that not only are you addressing risks and needs that they have but also barriers that exist in the community. That is a major part of our model right now.

Aside from that, once they are talking with us, as I mentioned earlier, that listening—the onset of listening for them is often enough to kind of shake through their defenses, because they are prepared for a fight. What they are not necessarily used to getting is acceptance and that acceptance of them as a human being who is still worthy of assistance, not necessarily anything that they have done or said.

And I think, when you can preserve that part of the interaction with an individual, then they start to trust you enough to open up and start sharing the parts that you actually need to work on with them.

Mr. RUPPERSBERGER. That is why this is so important.

The other thing is that to what extent is socioeconomic conditions a factor in who gets wrapped up in hateful and violent groups?

Mr. RANGEL. I do think it is a factor that we should take in, but, even as of late, and maybe even perhaps since 2017, we recognized that not all of these men and women fit that older model of broken homes and separated families or poverty or lack of education because quite a few of these men and women were coming from wealthy families that were intact, who have college degrees, or who have professional careers.

And so I think there are many factors that we need to be taking in, and some that maybe we haven't historically considered before.

Mr. RUPPERSBERGER. Well, thank you for what you are doing. It is needed, and it is necessary. Thank you.

Mr. RANGEL. Thank you.

Mr. RUPPERSBERGER. I yield back.

Ms. ROYBAL-ALLARD. Okay. I have a question, and, in the interest of time, I have a question for Mr. Cote, and I am going to put them all together.

Is there a particular age at which young people are particularly vulnerable to extremist influence, and is there a case for developing appropriate programming for kids younger than nine, and what kind of reception are you getting from school administrators and educators?

Mr. COTE. Thank you, Chairwoman, for the question.

We—so, in our work, we haven't come across—there—just in the work we have done specifically, we haven't come across anything that would suggest a certain age is the most susceptible.

Now, of course, as I had mentioned in a previous question, the more individual—the more time individuals are spending online, the more likely that they are to become exposed to potentially harmful material.

So, with that understanding, the idea—the older you get, the more attention that you may want to start paying to—in terms of the types of questions that we have run, we talk about the time that youth are spending online, their relationship with their technology and such.

Now, in terms of developing workshops and some sort of toolkit with—for younger than nine, we ran a—it is the only time we have ever run programming with youth younger than the age of nine. It was a part of a Girl Scouts Cybersecurity Day with students as young as, I believe, seven and eight.

And we ran programming just specifically on online disinhibition, and the way that we did it was we gave all of the Girl Scouts 3D glasses, and we said: Well, if you have these 3D glasses, it is as if you are indivisible, or invisible—pardon me—and, if you are invisible, what are you more likely to do?

And so you have all the students coming out or all the girls coming out with things: Well, I am going to sneak downstairs when I am not supposed to. I am going to be doing things, you know, taking a few more risks.

And then we lent that back to, when we go online—and it may not be something that they are all doing right now, but it may be something that they do in the future—they may end up feeling more comfortable to do something online than they would offline, just like they would if they were invisible in the real world. So trying to work with them to try and identify when they have that feeling.

So that is our experience with working with youth younger age. Now, youth are coming into contact with technology quicker than they were really at any other point in human history, I would say. So I definitely think that there needs to be age-appropriate programs and workshops and toolkits, anything of sort to really sort of help youth be introduced into technology in a very healthy way, something that we would love to do moving forward.

Unfortunately, we don't have the resources to be able to do everything, but it is something that definitely would be helpful for youth of a younger age, even younger than nine.

Ms. ROYBAL-ALLARD. Okay. And what kind of reception are you getting from school administrators and educators?

Mr. COTE. Oh, right. So apologies for missing that question.

So the reception that we have been receiving, of course during COVID–19, it has been a challenge. School districts are trying to maneuver on the virtual or hybrid platforms and classroom management. So that has been a challenge in terms of actually being able to work with as many schools as we would like to, of course.

Now, in the past, with the partnerships that we have had with schools, very receptive, very interested in online safety programming. Of course, like I had mentioned, a lot of research is showing that teachers aren't feeling as comfortable talking about online safety in the classrooms, so whenever they can have individuals—of course, our team is a team of young individuals, so being able to come in and connect with the youth to talk about online safety is something that a lot of schools have expressed a lot of interest in and they are fans of, yes.

Ms. ROYBAL-ALLARD. Okay.

And my final question is for Mr. Aborn and any of the other panelists that may want to chime in, and I don't mean to put anybody on the spot, but what recommendations do you have for the Department in terms of how it is implementing the grant programs? And what recommendations do you have for this committee as we think about how to prioritize funding for the coming fiscal year?

Mr. ABORN. Well, I think that is probably the critical question for this hearing and certainly is a complicated one because there are so many factors at play here.

Obviously, scalability is something you are going to hear over and over and over again. There are lots of good programs out in the country, but they struggle, frankly, to maintain their day-to-day existence and to expand to meet the need.

In our own particular case, as soon as we get our evaluations in, I know there is interest in just—in the Department of Justice and districts across the country, prosecution districts, to do this work there as well.

We have to be very mindful of the fact that we know from the traditional crime space that recidivism is a big issue. The last thing in the world we want is recidivism in the terrorist space. So we need to confront that head-on.

So we need to be thinking about evaluations, as the Department is doing; target populations; and also building interlocking circles of support out there so that the members of our society know they have resources to go to when they confront the particular problem.

There are—we want to reach out to families and loved ones of people who are known to be mobilizing, particularly when those family members will not necessarily pick up the phone and call the FBI or call the NYPD or any other local law enforcement agency. We need to make sure they have access to the kinds of services that can help stop that mobilization process.

And that is the key, and that is why I say we want to focus on precision prevention. We want to understand who those individuals are who are beginning to mobilize towards violence and break that cycle. That, to us, is the challenge.

Mr. ROYBAL-ALLARD. I have just been told that our Webex time has run out, so I apologize to the other two panelists. If you have some suggestions, please submit them to the subcommittee.

And, with that, I want to thank the witnesses for joining us today, and I look forward to hearing about further progress on your TVTP programs. And the best of luck to all of you for the work that you are doing.

The Subcommittee on Homeland Security stands adjourned.

[Material submitted for inclusion in the Record follows:]

QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE DAVID PRICE**

**John Cohen, Assistant Secretary for Counterterrorism and Emerging Threats**
**John Picarelli, Director of the Office of Targeted Violence and Terrorism Prevention**
**Department of Homeland Security**
Committee on Appropriations
Subcommittee on Homeland Security
*Targeted Violence and Terrorism Prevention*
March 24, 2021

**Domestic Violent Extremist Investigations**

***Background:*** The threat of extremist groups increased last year and is expected to continue to rise in 2021 due to false narratives of election fraud, the emboldening impact of the U.S. Capitol attack, COVID-19 pandemic conditions, and the rise of additional conspiracy theories promoting violence.

***Question:*** **How is DHS currently identifying, investigating, and monitoring homegrown violent extremism, particularly of the lone offenders that were mentioned in last week's ODNI-DOJ-DHS DVE assessment?**

- **How do you partner with other agencies, including members of the intelligence community, DOJ, and state & local law enforcement agencies, to combat these increasing threats?**

***Answer:*** The Federal Bureau of Investigation (FBI) serves as the lead Federal agency for all investigations of violent extremism. DHS is coordinating with our state, local, tribal and territorial (SLTT) and private sector partners, as well as the FBI and other federal partners to share information and explore opportunities to address the mobilization and radicalization to violence by domestic violent extremists (DVEs). For example, one of our most critical missions at the Department is to share timely and credible intelligence on domestic violent extremists, and their associated tactics and techniques, to the broadest audience, at the lowest classification level possible, while protecting privacy, civil rights, and

civil liberties. In support of this objective, the Secretary is reviewing the Department's intelligence analysis and information sharing capabilities, particularly in collaboration with SLTT and private sector partners as well as other Federal partners.

Since the beginning of the COVID-19 pandemic last year, the DHS Office of Intelligence and Analysis (I&A) has released several dozen finished intelligence products to our SLTT and private sector partners at the U//FOUO or U//LES level providing analysis of DVEs, drivers of violent civil unrest, and critical infrastructure protection. Additionally, the Department leverages the National Terrorism Advisory System (NTAS) to effectively communicate information about terrorist threats by providing timely, detailed information to the American public. For example, on January 27, 2021, DHS released a NTAS bulletin, highlighting that ideologically-motivated violent extremists with objections to the exercise of governmental authority and the presidential transition, as well as other perceived grievances fueled by false narratives, could continue to mobilize to incite or commit violence. The Department will continue to publish products on threats and trends associated with DVE.

Additionally, DHS is enhancing public awareness of and resilience to disinformation and other false narratives that continue to inspire DVE. The DHS Center for Prevention Programs and Partnerships (CP3) is increasing its efforts to enhance digital literacy, including publishing a new online awareness toolkit for the public, sponsoring a youth-driven competition to innovate responses to disinformation, and increasing engagements with nongovernmental experts to stay abreast of disinformation campaigns. The Department is also updating the "If You See Something, Say Something®" public awareness campaign, which was originally implemented and trademarked by the New York Metropolitan Transportation Authority and is licensed to DHS for the purpose of creating a nationwide campaign. DHS is also refreshing the Nationwide Suspicious Activity Reporting Initiative to build our partners' ability to identify, assess, and report tips linked to potential acts of targeted violence and terrorism, regardless of ideology.

The Department is also increasing efforts—consistent with civil liberties and privacy protections—to more comprehensively assess how violent extremist actors exploit and leverage social media and other online platforms, and how those online activities are linked to real-world violence. DHS has initiated a concerted effort to consider all approaches that enhance DHS's ability to assess and respond to the risk of violence by those inspired by violent extremist narratives. DHS is also executing a Department-wide effort to ensure operational coordination and

establish common standards and processes focused on making the best use of social media and other available information regarding emergent threats, consistent with civil liberties, privacy, and the rule of law.

DHS is also addressing the radicalization to violence by DVEs and other threat actors through the provision of financial, educational and technical assistance. These resources are available to state and local partners wishing to establish local prevention frameworks through CP3. The Secretary also designated combating DVE as a National Priority Area for the FY 2021 State Homeland Security Grant Program and the Urban Area Security Initiative grant programs administered by the Federal Emergency Management Agency (FEMA), thereby requiring 7.5 percent (up from 5 percent) of awards to support efforts combatting DVE.

## Access to Firearms

***Background:*** In the joint ODNI-DOJ-DHS DVE assessment released last week, one sentence stood out to me: *"DVE lone offenders will continue to pose significant detection and disruption challenges because of their capacity for independent radicalization to violence, ability to mobilize discretely and access to firearms."* I understand that multiple federal agencies work together to address the issues of domestic terrorism, and that DHS is not primarily focused on access to firearms. But preventing guns from getting into the hands of terrorists should is in everyone's interest.

***Question:*** I am curious how firearm prevention could factor into the Department's various programs that work to stop homegrown extremists.

- One of the Center for Prevention Programs and Partnerships'(CP3) strongest assets is it relationships with state and local partners— **could you detail any information sharing or other aspects of firearm prevention that the Department conducts with these entities?**
- **Is there a role for DHS to work with its federal partners to strengthen our national background check system?**

***Answer:*** The educational, financial, and technical support that CP3 provides to state and local partners by establishing and expanding local prevention frameworks

focuses on reducing risk factors catalyzing radicalization to violence, enhancing resilience to radicalization to violence, and getting help to individuals before they commit a crime or act of violence. The DHS approach to prevention does not address the legal acquisition of firearms or other weapons. Rather, CP3 focuses on providing information on how best to get help to individuals before they might use firearms or other weapons in support of terrorism or targeted violence.

DHS also provides our partners with strategic awareness on terrorist and DVE use of simple weapons and tactics, including firearms, to conduct attacks. Multiple DHS intelligence products during the last several years have shared the assessment that the predominant threat to the Homeland stems from lone offenders and small cells, including DVEs and individuals inspired by foreign terrorist organizations, using small arms and other simple tactics.

## COVID-19 Pandemic

***Background:*** The isolation and unrest from the COVID-19 pandemic has affected so many of us, and I could envision it resulting in an increase of violent behavior and rhetoric.

***Question:*** **Have you seen any increase or changing trends in hate-based, domestic violent extremist rhetoric during the COVID-19 pandemic, both online and in-person?**

***Answer:*** CP3's mission is to help communities build local prevention frameworks. These frameworks address risk factors – characteristics that may make an individual more susceptible to radicalization to violence. Risk factors are not causal and are not linked to any particular ideology. An individual may have one or more risk factors and never engage in targeted violence or terrorism. While CP3 engages in information sharing about these risk factors, local communities are best positioned to identify the prevalence of risk factors in their community and direct resources to address those risk factors. The COVID-19 pandemic exposed a higher percentage of the population to multiple risk factors than in previous years. Of particular concern was the risk factor of social isolation. In FY2020, the Office for Targeted Violence and Terrorism Prevention (now CP3) alerted our local partners to the increase in risk factors associated with social isolation – particularly among

youth – and provided a comprehensive list of mitigation activities recommended by the CDC as well as a list of free resources that can help communities address social isolation.

On 23 March 2020 DHS/I&A published an intelligence assessment noting that DVEs and terrorist groups were utilizing the COVID-19 pandemic—and associated government restrictions—to motivate others to violence. This is a trend DHS continued to see through 2020 and into 2021, and which DHS noted in numerous intelligence products.

WEDNESDAY, APRIL 28, 2021.

# COAST GUARD READINESS

## WITNESSES

### ADMIRAL KARL L. SCHULTZ, COMMANDANT OF THE UNITED STATES COAST GUARD

Ms. ROYBAL-ALLARD. The Subcommittee on Homeland Security will come to order.

As this hearing is being conducted virtually, I want to remind members that you are responsible for muting and unmuting yourselves. When you are recognized to speak, if I notice you have not unmuted yourself, I will ask if you would like the staff to unmute you. If you indicate approval by nodding, the staff will unmute your microphone.

To avoid inadvertent background noise, the chair or staff designated by the chair may mute participant microphones when they are not recognized to speak. If there is a technology issue during a member's speaking time, we will move to the next member until the issue is resolved, and you will retain the balance of your time.

We will be operating under the 5-minute rule. When you have 1 minute remaining, the clock on your screen will turn yellow. When your time has expired, the clock will turn red, and it will be time for me to recognize the next member.

We will follow the speaking order set forth in the House rules, beginning with the chair and ranking member, followed by members present at the time the hearing is called to order, in order from seniority, and we will alternate by party. Next, we will go to members who were not present when the hearing was called to order until every member present has had a first round.

As a reminder, members can submit information in writing for any of our hearings or markups to the email address that was provided in advance to your staffs.

Now let's begin.

I welcome everyone to this morning's hearing on Coast Guard readiness.

Admiral Schultz, we are pleased to have you testify before us today. I would like to start by extending my gratitude to you and all the men and women of the Coast Guard for your service to our Nation.

This past year has been difficult for so many. The Coast Guard in particular has shown once and again to be a resilient force in protecting our Nation. The Coast Guard has been a critical Federal asset in response to the COVID pandemic.

From the early days of the COVID virus, the Coast Guard was at the forefront of disembarking nearly 300,000 cruise ship passengers and crew, coordinating the deployment of medical staff and

supplies, as well as safe medivac, and later, delivering vaccine to communities in Alaska. The Coast Guard's role is one that only can be performed and built by this incredible service organization.

The COVID pandemic also required the Coast Guard to pivot from its everyday operational requirements. In some cases, to maintain safety protocols, ship crews had to forego port calls and multiple times isolate for 2-week periods. The Coast Guard also endured distressing events such as fires on the national security Waesche and the icebreaker Healy. In both cases, the crews mitigated damage to the cutters and quickly began repairing the fire damage. The Healy also required moving a 100-ton motor from Baltimore to California and installing it onto the ship. This was no small feat.

In addition to its normal workload and these extraordinary challenges, the Coast Guard was also faced with responding to the largest number of named tropical storms and hurricanes ever.

I am pleased the subcommittee was able to maintain our commitment to support the men and women of the Coast Guard by providing over $12.8 billion in our fiscal year 2021 funding bill. This amount was above the request and included funding for an extensive number of items on the Coast Guard's unfunded priorities list. Many of these items directly support the well-being and readiness of the men and women of the Coast Guard.

I am also pleased we were able to fund important investments to recapitalize the Coast Guard's air and marine fleets. This includes four additional fast-response cutters to finish the FRC's program of record, an additional HC–130J aircraft, additional MH–60T helicopters, and continued support for the offshore patrol cutter and Polar Security Cutter programs.

Unfortunately, the preliminary budget document for fiscal year 2022 makes no mention of the Coast Guard. We can only glean from this that the request is unlikely to include any substantive enhancements for the service. I hope next month when we get the full budget request this will not be the case.

Admiral Schultz, we look forward to your testimony and how you are executing current funding. We are also interested in hearing your thoughts on the future of Coast Guard readiness. While some of our questions may be oriented toward activities anticipated for the coming fiscal year, we understand at this time you are not at liberty to specifically address most 2022 budget requests.

Thank you again for joining us, and I look forward to your discussion.

I now turn to the distinguished gentleman from Tennessee, Ranking Member Fleischmann, for his opening remarks.

Mr. FLEISCHMANN. Thank you, Madam Chair.

And, Admiral Schultz, I want to begin with a sincere and strong thank you to you. I have always had a great, warm relationship with the Coast Guard, but, sir, your service and outreach to me with your staff has been nothing short of exemplary, and I appreciate that. It has allowed me to get to know more about the Coast Guard, and your veterans are so proud of what you are doing, but thank you. Your work has allowed me to do my job in a much better fashion, sir.

I would like to extend a warm welcome to all of our Coast Guard folks. It is always a pleasure to hear about the many successes of the Coast Guard and the many important mission areas covered by the men and women of the service, all with the goal of protecting our country and her people.

I am hopeful that your people are well, considering the challenges and demands of fulfilling the mission of operating during a pandemic. It is a credit to the Coast Guard men and women and their families for the resilience they have shown in their service.

Normally this time of year, we would be discussing the budget request for the next fiscal year, and it is unfortunate that we are unable to have that discussion in this hearing. I believe there is value in hearing directly from the agencies about the initiatives and investments that are proposed for the coming year.

For the Coast Guard, the budget request is often centered on readiness. Looking back at your written testimony, sir, over the past few years, readiness is in the front and center in the message you deliver to the Congress about your goals for the Coast Guard, from the people to the planes.

I commend you for looking across the service to identify what your workforce needs, how they can be successful and representative of the people in our Nation, as well as looking at the assets and infrastructure to ensure that the Coast Guard remains a modern military and law enforcement force, first responder, and maritime steward. I am hopeful that we, the subcommittee, can continue to be partners in these endeavors.

I am going to apologize. I will be briefly stepping out. I am going to stay with this committee, leave, because we have got another subcommittee hearing going on concurrently, but then I am going to come right back after my questioning. And during that time, I am going to ask my dear friend and colleague, Mr. Palazzo, to serve as the ranking member in my absence, but I will be back.

But again, Admiral Schultz, thank you, sir, for your service to our country, to your service to the great United States Coast Guard. I look forward to your testimony, sir.

I yield back.

Ms. ROYBAL-ALLARD. Thank you, Mr. Fleischmann.

To ensure everyone has ample opportunity to ask questions, I ask each member to keep their turn to the allotted 5-minute per round.

Admiral Schultz, we will submit the full text of your official statement for the record. Please proceed with your oral testimony.

Admiral SCHULTZ. Well, thank you. And good morning, Chairwoman Roybal-Allard and Ranking Member Fleischmann and members of the subcommittee. I appreciate the opportunity to testify before you today, and I appreciate my written testimony being entered for the record.

Let me begin by thanking you for your unwavering support of the United States Coast Guard. The fiscal year 2021 appropriation provides critical momentum for Coast Guard service and aviation fleet recapitalization, it injects much needed funding to improve our aging shore infrastructure and information technology, and makes essential investments in our most critical asset, our people, our workforce.

With your assistance, we must sustain momentum in our efforts to restore readiness, and we must continue to transform into a 21st century Coast Guard, one that stands ready to meet an increasing demand for our services and is able to operate in an increasingly complex, interconnected, and technologically advanced maritime domain.

Readiness is not achievable without deliberate action. With your support, we continue efforts to build the Nation's first new heavy polar icebreakers in nearly a half century. The engineering casualty, our medium-endurance—excuse me—medium icebreaker *Healy* last summer highlights the lack of resilience in the U.S. icebreaker fleet and reinforces the importance of our ongoing polar security cutter acquisition efforts.

Additionally, the funding provided in fiscal year 2021 appropriations allows us to continue our offshore patrol cutter acquisition. Continued progress on this program is essential to recapitalizing the capability provided by our fleet of 210- and 270-foot medium-endurance cutters, some of which have over 55 years of service under their belts. Despite extraordinary effort, our medium-endurance cutter fleet has lost nearly 500 annual patrol days over the last 2 years due to unplanned maintenance and repairs. Replacing this fleet is absolutely essential for the Coast Guard to effectively carry out its missions in the future.

Any effort to address readiness must also include the Coast Guard's aviation fleet. Our fleet of MH–65 Dolphin helicopters is increasingly difficult to maintain, and the rapidly declining availability of parts for these aircraft is affecting our ability to field this capability. Accordingly, the Coast Guard must take immediate actions to begin transitioning our rotary wing fleet towards a single airframe comprised of MH–60 Jayhawk helicopters.

Additionally, I want to thank you for the $110 million provided in fiscal 2021 for the purchase of our 18th HC–130J Hercules long-range surveillance aircraft. This highly-capable modern aircraft improves our interoperability with the Navy, Marine Corps, and Customs and Border Protection, and allows for real-time sharing of critical mission-related data, enhancing maritime domain awareness and mission effectiveness.

To improve our readiness, we must continue targeted investments in our shore infrastructure and our information technology systems. We greatly appreciate the $363 million provided for critical shore facility and housing projects in 2021. Our shore facilities serve as the basis for all of our operations, and these investments provide modern facilities that enhance the resilience of our shore infrastructure portfolio against both natural hazards and climate change.

Moreover, the $185 million provided between the CARES Act and the fiscal 2021 appropriations have allowed us to begin vital technology upgrades to our network, hardware, and software that serve as the first investments in our technology revolution initiatives.

Technology enables every facet of Coast Guard operations, and improving technological readiness is an imperative for successful mission execution and our ability to recruit and retain a capable, talented workforce, moving into the future.

While cutters, aircraft, and infrastructure are mission enablers, the Coast Guard workforce engages in essential people-to-people interaction at the local, national, and global levels. Readiness requires empowering this workforce with the information, knowledge, skills, and support systems that allows them to excel across the full spectrum of Coast Guard operations. And I am incredibly grateful to the Congress for your tremendous support of our people.

As the pool of Americans eligible to serve in the Armed Forces become smaller, the Coast Guard must provide parity with the other military services. Readiness is also about the attractiveness of our service in a highly competitive job market. This includes bonuses and retention pay, modernized training, expanded educational benefits such as tuition assistance, and access to reliable childcare.

In closing, I would like to thank you again for all that you do for the Coast Guard. Your unwavering support is essential for the building and supporting the Coast Guard our Nation needs and enabling our dedicated workforce to remain Semper Paratus, "always ready."

Thank you for the opportunity to testify this morning, and I welcome your questions.

[The information follows:]

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**TESTIMONY OF**
**ADMIRAL KARL L. SCHULTZ**
**COMMANDANT, U.S. COAST GUARD**

**ON**
**"COAST GUARD READINESS"**

**BEFORE THE**
**HOUSE APPROPRIATIONS**
**SUBCOMMITTEE ON HOMELAND SECURITY**

**APRIL 28, 2021**

**Introduction**

Chairwoman Roybal-Allard, Ranking Member Fleischmann, and distinguished members of the subcommittee, I appreciate the opportunity to testify today and thank you for your enduring support of the United States Coast Guard as evidenced in the Fiscal Year (FY) 2021 Consolidated Appropriations Act. The funding provided sustains critical momentum for Coast Guard surface and aviation fleet recapitalization, injects much needed funding to improve our aging shore and information technology infrastructure, and makes essential investments in our workforce.

While I must defer discussion of the FY 2022 budget details until after the President transmits the full budget to Congress, I will use this opportunity to discuss the current state of the Coast Guard and my sustained focus on Service readiness.

Demand for Coast Guard services remains unprecedented and this past year has challenged the Service as never before. Amidst the global pandemic, Coast Guardsmen, like so many individuals across the Nation, have managed childcare, online schooling, and in some cases care for elderly family members while standing the watch and executing their professional duties.

Undoubtedly, the greatest burden fell on our deployed forces as COVID protocols and restrictions made already demanding in-port training and cutter maintenance periods all the more challenging. Additionally, to keep crews healthy and COVID free, cutters and other deployed personnel operated without port calls or shore-side liberty, making demanding operations even more arduous. However, despite these challenges, your Coast Guard answered the call and delivered mission excellence.

A year ago, in the early stages of the coronavirus pandemic, the Coast Guard, working in close coordination with the Centers for Disease Control and other federal, state, and local municipal interests, facilitated the safe debarkation of over 250,000 passengers and 70,000 crew from cruise ships, including vessels that had been turned away by other nations. Last spring, the Service mobilized 500 Reservists in support of COVID-19 response efforts, and today, Reservists are deployed across the country in support of the Federal Emergency Management Agency's nationwide vaccination roll-out. Throughout the pandemic, the Coast Guard deftly managed COVID impacts and risk across the U.S. Marine Transportation System (MTS), ensuring the continued flow of goods vital to our Nation's economy.

As we adapted to the unique challenges of the pandemic in the past year, Coast Guard forces responded to new threats in the cyber domain, interdicted 130 foreign vessels engaged in illegal fishing in the U.S. Exclusive Economic Zone, conducted 16,000 search and rescue cases, and responded to the most active Atlantic Basin hurricane season on record with 30 named storms, 12 making landfall in the contiguous United States, and six of those landfalls at hurricane strength.

Similarly, in a maritime environment that is increasingly complex, the Coast Guard continued to provide the trusted access, broad authorities, and unique capabilities essential to advancing U.S. interests around the globe. This year, for the first time in nearly 40-years, a Coast Guard heavy icebreaker – the 44-year-old POLAR STAR – deployed to the Arctic in the winter, overcoming treacherous environmental conditions and engineering casualties to project U.S. sovereignty and conduct vital scientific research. Coast Guard cutters on patrol in the Eastern Pacific and Caribbean Basin interdicted 158 metric tons of illegal contraband worth $5.6 billion, reducing Transnational Criminal Organizations' illicit profits, as well the "push factors" that trigger illegal migration and fuel violence and instability across Central America. National Security Cutters (NSCs) STONE, BERTHOLF and KIMBALL, and Fast Response Cutters (FRCs) OLIVER BERRY and JOSEPH GERCZAK worked with strategic partners in Oceania and Latin America to combat the threat of Illegal, Unreported, and Unregulated (IUU) fishing. IUU fishing creates ecological damage to the marine environment, jeopardizes food access and sustainable fisheries, threatens the economies of fragile coastal states, and undermines the global maritime rules-based international order. Earlier this month, two of the Service's newest FRCs, CHARLES MOULTHROPE and ROBERT GOLDMAN, began their trans-Atlantic voyage to their new homeport in Manama, Bahrain. These vessels will replace two of the legacy 110-foot patrol boats stationed at Coast Guard Patrol Forces Southwest Asia, where they provide support to the U.S. Navy's Fifth Fleet operations in the Arabian Gulf.

As Service Chief, I am extraordinarily proud of our workforce, and I am incredibly grateful to Congress for your enduring support of the Coast Guard. It is a transformational time for our Service, and we must maintain momentum restoring readiness and making strategic investments in the Coast Guard the Nation needs. With the support of both the Congress and the Administration, we must continue recapitalization of our surface and aviation assets, revitalization of our aging shore infrastructure, and strategic investment in modern technologies to recruit, train, and retain a new generation of Americans who better reflect the demographics of the public we serve. In short, we must continue to transform from a 20th century Coast Guard into a 21st century Service – one that stands ready to operate in an increasingly complex, inter-connected, and technologically advanced maritime domain.

**Surface Readiness**

With the support of the Administration and Congress, we continue efforts to acquire the Nation's first new heavy polar icebreakers in almost half a century. The $555 million provided in the FY 2021 Consolidated Appropriations Act funds construction of the second Polar Security Cutter, and funding for the third cutter in this class will be requested in the out years. When fully operational, these Polar Security Cutters will provide the global reach and icebreaking capability necessary to ensure sustained operations in the Polar or High Latitude Regions, access which is critical to projecting U.S. sovereignty and protecting our national interests, countering malign actors, and responding to new mission demands created by climate change.

Further, the FY 2021 Coast Guard appropriation included $546 million for the Offshore Patrol Cutter (OPC), the Service's highest acquisition priority. Continued progress on the OPC program

is absolutely vital to recapitalizing the capability provided by our legacy fleet of 210-foot and 270-foot Medium Endurance Cutters (MECs). While these legacy fleet workhorses have served the Nation with distinction, in some cases for more than 55 years, the MEC fleet is becoming more difficult and expensive to maintain, and we continue to see degradations in operational availability. Despite the extraordinary efforts of our men and women, over the last two years alone, our MEC fleet has lost nearly 500 annual patrol days due to unplanned maintenance and repairs, the equivalent of 11 percent of annual MEC fleet capacity. Replacing these aging assets with OPCs is a Service imperative, and absolutely essential for the Coast Guard to effectively carry out its missions in the future.

I am also pleased to report that we are making progress on the recapitalization of our inland tender fleet – some of which have been in service since the 1940s. These cutters have the herculean responsibility of maintaining both fixed and floating aids to navigation on the U.S. MTS – the 25,000 miles of rivers and navigable channels that support $5.4 trillion in annual commerce and 31 million jobs. The MTS is the lifeblood of the U.S. economy, supporting 26 percent of our Nation's Gross Domestic Product (GDP). However, this aging fleet is plagued with increasing maintenance costs due to unplanned casualties, and their configuration cannot support mixed gender crews. The $25 million provided in the FY 2021 appropriation will help us maintain momentum on our Waterways Commerce Cutter (WCC) acquisition. These cutters – which will replace our legacy inland tender fleet – will feature a modern design, including propulsion and crew habitability, and will enable gender equity in this segment of our cutter forces community for the first time in history. The Coast Guard anticipates awarding a detail design and construction contract for the WCC in FY 2022, with delivery of the first ship scheduled for FY 2024.

**Aviation Readiness**

As Atlantic Forces Commander and now Commandant, I have become increasingly concerned about our ability to sustain operations with our legacy rotary wing fleet. Our current fleet includes 98 MH-65 Dolphin and 48 MH-60 Jayhawk helicopters. Both helicopters are undergoing essential Service Life Extension Programs (SLEP) to push current capabilities into the mid-2030s. However, the rapidly declining availability of MH-65 parts is revealing that SLEP alone will no longer ensure MH-65 readiness that far into the future.

Even with a healthy supply chain, the MH-65 fleet will exceed its service life well before 2040. Conversely, the DoD operates more than 4,000 H-60s and is poised to continue H-60 operations until Future Vertical Lift technologies are fully deployed. Combined with the rapid growth in use of the H-60 variant in the civil aviation sector, the domestic H-60 supply chain will remain viable well past 2040.

So, while completion of the MH-65 and MH-60 SLEP remains an imperative to maintaining current capability, <u>the Coast Guard must immediately begin transitioning towards a single-airframe rotary wing fleet comprised of MH-60 helicopters.</u>

With investment, the Coast Guard can assemble MH-60s and increase the MH-60 program of record at our Aviation Logistics Center, using proven production processes for converting and assembling either relatively low hour former Navy hulls in what we call the "sundowner" program, or new hulls from the Original Equipment Manufacturer. Transition to an all MH-60 fleet improves mission effectiveness due to the Jayhawk's greater range, endurance, and power-to-weight ratios, and would serve to streamline the Service's training and logistics systems, while providing for a smaller total fleet inventory.

The FY 2021 appropriation contains $29 million to enable the Service to convert Air Station Borinquen, Puerto Rico from MH-65 to MH-60 helicopters this summer, a critical first step towards this rotary wing fleet transition.

We are also incredibly thankful for the $110 million contained in the FY 2021 appropriation for the purchase of our eighteenth HC-130J long range surveillance aircraft and mission systems. This aircraft continues the modernization of our fixed-wing aviation assets. The HC-130J is far more capable and modern than the HC-130H it replaces, with increased range and fuel efficiency, state-of-the-market avionics, including all-glass cockpit displays, improved navigation equipment, and the Minotaur mission system suite. Minotaur promotes interoperability between the Coast Guard, Navy, Marine Corps, and Customs and Border Protection (CBP), and allows for real-time sharing of critical mission-related data, enhancing maritime domain awareness between assets and organizations. This and further investment in the HC-130J will directly support the Coast Guard's capability to safeguard life at sea, secure the U.S. border and approaches, disrupt and dismantle TCOs, and respond to contingencies.

**Infrastructure Readiness**

I am particularly mindful of the condition of our aging shore infrastructure and the adverse effects it has on readiness across all mission areas. The Coast Guard currently has a $2 billion shore infrastructure recapitalization backlog that includes cutter piers; sectors, stations, aviation and base facilities; training centers; and military housing units. Additionally, struggling to keep pace with needed recapitalization rates, the Coast Guard is also accruing a backlog of nearly $1 billion in deferred, depot-level shore infrastructure maintenance projects. At the same time, as we bring new cutters and aircraft online, we have a need to construct new or to upgrade existing infrastructure to homeport these assets and support our crews. Of note, construction is underway on the first Offshore Patrol Cutter homeport in San Pedro, California, and we continue to plan for major homeport infrastructure investments in Kodiak, Alaska; Charleston, South Carolina; Newport, Rhode Island; and Seattle, Washington. We expect substantial growth in Coast Guard assets and personnel in these locations in the coming years.

We greatly appreciate the more than $363 million provided by Congress in FY 2021 to support critical shore facility investments in Alaska, Florida, Hawaii, Maine, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, and Washington. Sustaining this momentum going forward is essential to providing our Coast Guard men and women with the modern facilities necessary to support 21st century Coast Guard operations.

While these investments enhance the resilience of our infrastructure portfolio, we still have more work to do as our facilities face new threats from natural hazards and the impacts of climate change. We are in the midst of a multi-year, multi-phase effort to assess the vulnerability of our shore infrastructure to hazards, including seismic risk, hurricanes, and sea-level rise. These shore infrastructure vulnerability assessments will help us better understand the risks to our infrastructure and how we can best protect our investments from future damage.

As we consider investments in our aging infrastructure, we are also conscious of the need to address environmental remediation issues and divest of properties we no longer need. Given the Coast Guard's $130 million backlog in Environmental Compliance and Restoration (EC&R) projects, we appreciate Congress' support of $2.5 million in additional EC&R funding in the FY 2021 appropriation to carry out environmental remediation activities at Coast Guard housing sites, and the additional $5 million to evaluate potential impacts of emerging contaminants – specifically, per- and poly-fluoroalkyl substances, also known as PFAS – at Coast Guard facilities. The Service is committed to pursuing preliminary assessments and site investigations – modeling processes established in the Comprehensive Environmental Response, Liability, and Compensation Act (CERCLA) – to determine the extent of PFAS contamination at Coast Guard facilities and to respond appropriately.

**Technological Readiness**

In February 2020, I announced the start of a Coast Guard "Technology Revolution" – a "Whole of Service" effort to ensure that our dedicated workforce is supported by a reliable, mobile, and integrated information system. With your support in the 2020 Coronavirus, Aid, Relief, and Economic Security (CARES) Act, the Coast Guard was able to make over $85 million in investments towards crucial modernization efforts, from hardware and network upgrades that facilitated remote work and telehealth capabilities, to modern data analytics tools whose versatility helped Coast Guard leaders mitigate the unprecedented challenges of the COVID-19 pandemic with accurate and up-to-date personnel protective equipment and vaccine tracking and distribution.

Furthermore, with the more than $100 million provided in the FY 2021 appropriation, we will continue investments in software modernization and network defense, replacement of obsolete hardware, and we will begin the transition to an enterprise big data platform. We will also significantly improve connectivity for our men and women at sea, facilitating uninterrupted administrative functions while underway, and providing improved work-life balance and an increase to both their personal and professional developmental opportunities.

To have a truly 21st Century Coast Guard, we must build off this momentum and accelerate our efforts. We must continue to make critical investments in our network, hardware, and software – including tools that improve the efficiency and effectiveness of our operators in the field. Our personnel need mobile solutions where they will have the most impact, whether that's a recruiter with a portable toolkit or a marine inspector verifying the safety of commercial vessels entering our ports. Mobile and reliable capabilities require a modern information technology backbone, and we must leverage redundant broadband networks, Wi-Fi, and resilient architecture through last mile delivery to our operational units to ensure no single point of failure. Mobile tools and modern infrastructure will also provide the Coast Guard with the opportunity to leverage enterprise data. A big data platform, combined with tailored analytical capabilities like Artificial Intelligence and Machine Learning, will allow the Coast Guard to harness data at scale, improving the effectiveness of our operations and the efficiency of our organization.

The Coast Guard's "Technology Revolution" initiatives must also enhance our support of the U.S. maritime industry – particularly our merchant mariner licensing and documentation processes. The security and integrity of U.S. mariner credentialing depends upon a world-class, data-driven credentialing system; however, the current antiquated program is unreliable and obsolete. Each year, the Coast Guard's National Maritime Center issues approximately 125,000 credentials, endorsements, and medical certificates; however, these efforts are impeded by a system that is outdated and has deficiencies with records management, quality control, examination tracking, and data verification. I am grateful for the $12 million Congress appropriated between FY 2020 and FY 2021 to start the modernization of our legacy merchant mariner credentialing and vessel documentation systems. We must build on the momentum generated by this funding to develop and deploy a world-class credentialing and vessel documentation system for our Nation's maritime industry.

In addition to improvements in Coast Guard IT systems, we must also focus on the growing vulnerability of the nation's MTS to cyber threats. With $5.4 trillion in economic activity flowing through our ports, waterways, and inland rivers, the U.S. MTS must be resilient in the face of modern threats. As the lead federal agency for maritime cybersecurity, the Coast Guard is actively working with federal, state, local, and industry stakeholders to help protect the MTS from cyber incidents and respond, when events occur.

The FY 2021 appropriation included over $30 million for defensive cyber capabilities to facilitate a more resilient MTS and better defend Coast Guard networks. This places Coast Guard cyber experts at critical ports of entry, resources a second Cyber Protection Team to deter, prevent, and respond to malicious cyber activity targeting the MTS, and helps start to address some of the most critical cyber vulnerabilities in our own information systems. In the face of increasingly sophisticated adversaries, the Coast Guard must rapidly build upon these initiatives and continue to develop the competencies and capabilities to effectively operate in the cyber domain.

**Personnel Readiness**

At the core of Coast Guard mission success resides our extraordinary people – a diverse workforce of over 56,000 Active Duty, Reserve, and Civilian personnel, supported by 25,000 Coast Guard Auxiliary volunteers. The Coast Guard entrusts and empowers its personnel at every level to lead with a bias for action – taking on-scene initiative and bringing solutions to complex problems. While extremely valuable in executing the Service's missions, these traits may also serve to veil the true impacts of the Coast Guard's readiness challenges. As Coast Guard men and women take it upon themselves to accomplish the mission at all costs, the thousands of added hours required to overcome asset, technology, and infrastructure readiness issues drive workforce fatigue, and come at the expense of training and critical skills retention.

I am incredibly thankful for the FY 2021 appropriation that included $164 million in pay and benefits increases for our workforce, as well as additional funding to continue our critically important transition to electronic health records and to bolster our childcare subsidy program. FY 2021 funds also support accelerating the modernization of our training system, investing in critical course development; the hiring of additional recruiters; and substantial investments in family housing projects in Kodiak, Alaska and Staten Island, New York. Additionally, this funding enables the Coast Guard to provide increased resources to support workforce mental health needs, enabling the Service to continue efforts started as part of our multi-faceted response to the coronavirus pandemic.

With your support in the 2020 CARES Act, we were able to mobilize Coast Guard reservists to staff Permanent Change of Station assistance teams. These teams facilitated the safe transfer of over 13,000 Coast Guard members and their families during the coronavirus pandemic, ensuring members were aware of local risks and safety measures as they moved their families to new duty stations. Perhaps most importantly, through language contained in the FY 2021 National Defense Authorization Act, the Coast Guard Military Retirement and Survivor Benefit Plan liabilities will permanently transfer to the DoD Military Retirement Fund. The Coast Guard is working in lock-step with DoD to transition the payment of obligations no later than October 1, 2022. This historic provision provides parity with the other Armed Forces and will guarantee that our retirees are paid in the event of a future government shutdown.

Going forward, I remain committed to providing our dedicated and talented workforce with the tools, resources, and policies that will enable them to professionally thrive and personally grow. As the Coast Guard brings new assets online, it becomes increasingly critical that we remain focused on our personnel. In order to attract new Coast Guard members into a sea going career, and retain them in that career path, the Service must have the available resources to not only invest in sea-duty retention pay and other bonuses, but must also be able to make critical investments in areas such as cutter underway connectivity, shore-side maintenance support, and new training and educational opportunities. Likewise, we must continue to pursue policies and practices that enable the Service to recruit and retain a workforce increasingly representative of the American public we serve. We remain committed to creating an environment that not only attracts the best of our Nation's diverse talent, but also provides an inclusive environment and rich experience that positions the Coast Guard to be an employer of choice in a highly competitive marketplace for talent.

**Conclusion**

The Coast Guard is in the midst of the largest recapitalization effort in its history – an effort critical to building the Coast Guard the Nation needs to meet increasingly complex national security threats, and to advance America's economic prosperity. New assets alone are insufficient to sustain a mission-ready Coast Guard. Service readiness also requires investments in people, infrastructure, and technology. We must also maintain momentum on these critical fronts.

With the continued support of both the Administration and Congress, your Coast Guard will live up to our motto – *Semper Paratus* – Always Ready. Thank you for your enduring support of the men and women of the Coast Guard, and for the opportunity to testify here today.

Ms. ROYBAL-ALLARD. Thank you, Admiral.

I would like to begin on one of the things that you addressed in your opening statement, and that has to do with readiness and diversity.

As you know, the subcommittee has a history of investing in recruitment and retention aimed at increasing diversity, and we have discussed many of your efforts to encourage a more female and family-friendly environment and there is no better way to encourage diversity than by modeling it.

So I want to congratulate the Coast Guard for recently announcing the President's intent to nominate Admiral Linda Fagan to be the first female vice commandant. If confirmed, she will also be the first woman four-star admiral in the history of the Coast Guard.

So could you please spend a few minutes to discuss the outcomes of your diversity initiatives and investments and your ideas on how you can continue the progress in this area?

Admiral SCHULTZ. Chairwoman, thank you for the question. And we are excited for Vice Admiral Linda Fagan's nomination to be our first four-star female officer and future vice commandant, 32nd vice commandant. She is a fantastic officer, and we are excited for that to move forward in the Senate.

Ma'am, to answer your question, you know, so my goal—and you know that since day one, 1 June 2018—is a Coast Guard more reflective of the Nation we serve, and we operate in a very competitive environment for talent. I am looking for about 4,000 young enlisted men and women on an annual basis and about 500 officers, and we compete with the other Department of Defense Armed Force services that are out there, looking for about 1,000 folks every few days.

And for us there is—I have 54 recruiting officers across the Nation. We scoped that down in the sequestration period of 2013 from 104. We have got 320 or so recruiters. You know, on a comparative basis, the Marine Corps recruits about 30,000 recruits a year. We recruit 4,000. Our recruiters average about 12.5 recruits, the Marines about 7.5, and they do it with a workforce that is exponentially bigger than ours and they have, you know, about 48 recruiting offices, but then they have depot-level sub-offices in the hundreds.

So we are working hard there, ma'am. I think our progress is that, you know, we commissioned a RAND study, holistic study, to look at women and retention issues a couple of years back. We have actioned that. We are waiting for our RAND study that looked at underrepresented minorities in the service, and I will take receipt of that report in July. I think what we have worked hard to do is knock down those inhibiters, you know. When we were retaining women, somewhere between 5 and 10 percent, depending on what point, you looked into the career trajectories at a lower rate than their male counterparts and we are addressing some of those things. We have initiated programs where we bring in reservists. So first-time moms or people that had additional members of their family, they can maximize the available leave to them, maternity leave, which is up to 84 days.

But if you are in a small operational unit, stepping out when you are in a left and right forward or starboard rotation is very difficult

for 84 days, but we have brought in a reservist to sit in the seat, to run the boats those 90 days so our people can maximize those programs and understand what first-time parenting or an additional person to your family looks like.

We have made a commitment where we have many of our female colleagues also have spouses that serve in the Coast Guard or other Armed Forces, and we made a commitment when we assign them places. Sometimes in the past, one member would have a 4-year assignment, one would have a 2-year assignment. How do you reconcile that in your decisions for living, your decisions for childcare? We have aligned those on the front side for E–6 and below and lieutenant and below. We try to do that for folks senior to those ranks where we make a guarantee for folks in those more junior ranks. So we are looking at more stability in areas.

We put out a diversity inclusion action plan the summer of 2020 as a build-out of our efforts that have been, you know, 24 months leading up to that. And we have about 20 of 125 what we call diversity inclusion action plan change agents that will finish up their training in June. The remaining 105 will be done by the end of September, and these individuals will deploy across the Coast Guard. They will plug in at the Leadership Diversity Advisory Councils. They will have the conversations to elevate at the field level just how important being a more inclusive Coast Guard is, and they have the training. They have the skills to engage in the difficult conversations.

We have also brought on board—and I am winding down, ma'am. We brought on board five new officer recruiters that will be linked to minority-serving institutions, Historically Black Colleges and Universities. And they will be in Atlanta. They will be in Norfolk, Virgina; New Orleans and Hampton Roads, and one programatically in Washington. I think this is the start of an increasing footprint there.

But we are trying to take our recruiting efforts to parts of America that will allow us to grow the ranks. You know, one good news story: In an organization that is 15 percent women, our academy graduating class this spring will be about 40 percent women. And then it is not just bringing them to the accession points, getting them through the training; it is how do we retain them in the service.

I think holistically, Madam Chair, we are looking across all that and I think we are making progress, but it is slow. If I did nothing but bring women into Cape May, 4,000 a year for the next 4 years, and every single woman I brought in stayed in the service, we would only move 15 percent to probably 18 percent. And I can't go find 4,000 women right now at that pace, but our goal is 25 percent women, 35 percent underrepresented minorities.

So as we go out and recruit that difficult space, we are getting those targets up. So I think we are on a good trajectory, ma'am, but this is going to be a little bit of long ball to really see the movement. But I think we win when we can retain members and they see themselves rising to whatever level success looks like in the service to them as individuals.

Ms. ROYBAL-ALLARD. Okay. My time is up. But I do—I believe you did mention it, but I am certainly pretty sure that our invest-

ments also in expanding childcare for the Coasties has also been a very positive factor in being able to retain the women in the Coast Guard.

Admiral SCHULTZ. Madam Chair, we have 10 child development centers. You have been to some. The childcare subsidy and you amplifying that dollar amount is where we went. That has been fantastic, and that has made a difference. We are located in major metropolitan areas—Seattles, Miamis, L.A., San Francisco, New York City—all high-cost areas, and we don't have childcare centers other than in those 10 locations. That is how we win and retain our families, ma'am. So thank you very much to you and the committee for that critical injection.

Ms. ROYBAL-ALLARD. Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, Madam Chair.

Good morning again, Admiral Schultz.

In your testimony, sir, you referenced many of the investments, including in the fiscal 2021 Appropriation Act, to recapitalize assets across the board for surface, air, and shore facilities. Some of these assets, like the refurbishment of helicopters and new icebreakers and the replacement of older cutters with the new OPC, are very important to readiness and response, especially since the delivery timeline for some of the new assets are racing against the usable life and age of the older equipment.

Sir, how has COVID impacted your acquisition timelines? And have you had to adjust any schedules to reflect the challenges of the past year?

Admiral SCHULTZ. Well, Ranking Member Fleischmann, thank you for the question. I think the good news story is our major acquisitions programs are on track, on schedule. The U.S. shipbuilding industry, like many other, most other U.S. industries had some impact. We have not adjusted any contractual dates yet on any of our shipbuilding programs. We have—list some of those challenges here down at Elizabeth City where we do overhaul people of the maintenance on our helicopters and we found some learned—some resiliency lessons. Some places we are one or two employees deep. And when we had some folks that we had to quarantine or tapped out for COVID, we had to shut some product lines.

So we have done some internal learning on our own capabilities from a maintenance sustainment standpoint. But with industry, we have seen HII, Huntington Ingalls Industries, down there maintain, you know, progress on the NSCs. Could there be some dates that we haven't, you know, fully understood and manifest yet? And these shipbuilding programs are long-term, you know. The tenth and the eleventh NSCs, national security cutters, are under construction.

We are imminent on the award of OPC production number three and long lead on four, and we will be—you know, we are in that process of communicating with the committees this week on that. So I think we are tracking there. Polar Security Cutter, we still hope to start cutting steel in the coming months.

And you mentioned aviation, one of the things I had mentioned in my opening statement. We are really finding some challenges with our 98 Dolphin helicopters. Aerospatiale Airbus, the parent

company, stopped making those aircraft in 2018. We have the biggest fleet in the world at 98. And things like gearbox, it is very difficult to get the parts. So right now, we are flying them at about 70 percent of programmed hours just because none of the parts are supported, and we are going to have to make some tough decisions. We have got six on the beach right now that are down for lack of availability of parts but probably 10 by the end of June. And as the chairwoman mentioned, heading, you know, into the last year's hurricane season, this is the time of year come hurricane season that kicks off on 1 June. We really want every available asset ready in the barn or out doing other missions and ready for the fight on that front.

So thank you, sir.

Mr. FLEISCHMANN. Yes, sir.

Creating a new type of cutter, Admiral, must always present challenges to the Coast Guard and the shipbuilders as you bring the next generation of cutters to the sea. The offshore patrol cutter, however, has seen more than its fair share of challenges on the road to delivery. Can you please provide an update, sir, on how the delivery of the first hulls is coming along? Will we see delivery by 2022, sir?

Admiral SCHULTZ. Congressman, thanks for that question. And as I mentioned briefly, we anticipate announcement here this week on OPC number three and long lead time materials on number four. So that is a good story. OPC number one, the Argus, is more than 40 percent complete on her build. OPC number two, the Chase, is in the low teen digits on her build. So I think the 2022 delivery, latter half of the calendar year, late part of 2022, I think we are still tracked. There has been no contractual modifications to that.

You alluded to some of the challenges. You know, we awarded a contract for the first build early on my watch in the fall of 2018, and then within 10 days, Hurricane Michael, after the fact recategorized as a Category 5 hurricane, smashed through Panama City down there where Eastern Shipbuilding Group is located. And we did some work with the Department and oversight from the Hill, some extraordinary contractual relief, but I think that program is progressing forward very positively. And, you know, that contract was for up to four ships, and we have—we will be looking at a potential re-award here with many different vendors in the coming months. So OPC, sir, I feel confident is in a good place.

Mr. FLEISCHMANN. Thank you, sir.

Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Mr. Price.

Mr. PRICE. Thank you, Madam Chair.

Good morning, Admiral. We appreciate your testimony this morning and your leadership in so many ways. We appreciate your being here.

I want to raise some questions initially about Coast Guard base Elizabeth City here in my home State of North Carolina. In 2019, before the curtain, the pandemic curtain, fell, you and I were able to visit the base. It does contain, as you know, a joint civil- and military-use airport. The Coast Guard has done an outstanding job in that region, and I just want to acknowledge that. We have a

prized HBCU, Elizabeth City State University, that has benefited greatly from the Coast Guard's presence and partnership, including being able to use the runways at the Coast Guard base for their flight training program. It is the only 4-year professional flight training program in the north—in the State of North Carolina, and it has grown by 50 percent over the last 2 years. So it is important to us.

Unfortunately, the growth has been stymied by the need for an additional working runway at the air station. So that is what I wanted to just ask you how we are doing on that. Without a renovated runway, student pilots aren't going to be able to log the hours and earn the FAA licenses they need for their degrees.

The December omnibus bill provided $25 million for the Coast Guard to renovate and recapitalize this runway, allowing the airport to provide better service to the Coast Guard, to university flight students, and to general aviation. Along with that $25 million, December's conference report encouraged the Coast Guard to work with the State and local partners, including institutions of higher learning, to mutually benefit the enhancements, to undertake mutually beneficial enhancement to this runway.

So that is what I want to focus on here for a few minutes. Can you provide an update on these discussions, the plans for repairing this critical runway, including any cost estimates that we should know about, the estimated timeframe you have for completion, and any financial or operational partnerships, commitments that you have made?

Admiral SCHULTZ. Well, Congressman Price, good to see you, sir, and I appreciate our chance to go down there. And as you noted, sir, the 2021 appropriation does have that $25 million for runway 119, and we are absolutely excited about that.

You alluded to our strong strategic partnership with Elizabeth City, that university, and the aviation program there, the shared use of that runway. That runway has suffered, you know, crosswind challenges here. And that is a critically important runway for us, sir. So where we are, I think we are in the planning phase for that. I will have my team circle up with your staff to give you a more detailed location. I don't have fidelity on exact on that planning process. The appropriations, you know, rolled in a few short months ago. It takes us a while to spool up. There is many partnerships here at the county and local level, sir. But I will make sure we circle back and give your team the real fidelity on where we stand today and projected timelines. I have not heard anything to indicate the appropriated funds does not get us out of the gate where we need to be, Congressman.

Mr. PRICE. All right. I will take you up on that. We would appreciate that kind of update, and we will—we need to take stock of this and see where we are and what might be required from our side going forward. So I appreciate that offer, and we will be conferring with you immediately on this. It is important to us, and I know you understand that.

Admiral SCHULTZ. Yes, sir.

Mr. PRICE. In the time I have remaining in this round, I want to pick up on the chairwoman's line of questioning having to do with the workforce. I know this is a major focus of yours. It has

also been a major focus of the subcommittee, and we have had some challenges because these items were flatlined for many years, but I know we have these investments underway now. The latest budget gave you the ability to address some workforce readiness issues, including childcare subsidies, recruiting initiatives.

Let me just ask you to back away a bit and see if there are major needs you would identify. In fact, let me just ask you this way: What do you see as the greatest unmet need in your workforce?

Admiral SCHULTZ. Well, Mr. Price, I appreciate that question. Just one last—circle back on just the last question. So E City State University, we use that as a feeder for our CSPI, our College Student Pre-Commissioning Initiative. That has been a great feeder program for that. So just really thank you for that partnership.

In terms of our workforce, I think the way forward, sir, there, the committee picked up—there was many things in the budget and they picked up many key issues off the unfunded priority list, as Madam Chairwoman spoke to, and things—behavioral health technicians, psychologists, sociologists—we have hired about 11 of 13 slots. We are still trying to make some final two hires up in Alaska where it is a little bit more challenging to find people to go to some of those remote areas, but that is a big deal.

Training and course development, the $6.4 million there helps our workforce that is highly professional. They don't get a ton of training.

Those key training interventions, we are doing blended training. Where we used to send somebody for a longer school, we are trying to figure out if we can shorten that up, keep them at their operational unit longer, do some training online to shorten the period. It is a little more targeted. Someone that is at a small boat station that goes to boatswain mate A school has already gotten many of the skills that the first few weeks of that training involve. So we are getting more strategic, smarter. Those funds have been helping there. Recruiting and retention, that was an unfunded priority list pickup to the tune of $6 million.

I think the key part of that, Congressman, is sustaining momentum, you know. So these one-time injects are helpful. A couple of them got folded into the future-year budgets. The ones that come off the UPL, not all of them, get moved forward. So where we can get on a healthy trajectory of 3 to maybe 5 percent annual growth, I think that is where we continue to win in the competitive space.

And I will just go back to my comment about recruiting in a very difficult environment. You know, retention bonuses, we have given about 2,000—not retention—session bonus, about $2,000. The bleak season for bringing recruits into Cape May, New Jersey, is January, February, March. So we sweetened the pot. We actually went up to about $7,000 because it was hard to find young Americans to get on the bus and show up in Cape May this past winter in the COVID environment.

We use it about $2,000. We cap out at $10,000 for, you know, certain skill sets. The Army starts that conversation at about $12,000. If you ship out in the first 30 days, it is a $12,000 bonus. If you ship out 31 to 60 days, it is a $5,000 bonus. They go upwards of $40,000 to $60,000 for certain skill sets. The Marine Corps is most

common to us. They are about 3,000 recruits. They go up to about $12,000 for targeted skill sets.

So it is about 27 percent of Americans viewed eligible to serve, 10 percent with a propensity, and we are in that difficult space. And I will tell you we don't have a big budget for marketing and you don't see a lot of Coast Guard big marketing during major sports events and the gaming conferences. So we have to be very targeted through those 54 recruiting officers.

I think it is steady, continued partnership on the 3 to 5 percent growth. I think that is what puts us on the healthiest trajectory with respect to workforce, sir.

Ms. ROYBAL-ALLARD. Okay. Mr. Palazzo.

Mr. PALAZZO. Well, thank you, Madam Chair and Ranking Member Fleischmann.

Thank you, Admiral Schultz, for being here today to discuss the readiness of the Coast Guard and for your dedication to the men and women you lead within your agency. I believe you have done an extraordinary job with making sure the Coast Guard is ready for what the future has in store. I am proud to have worked with you and your team last year to ensure Coast Guard retirement benefits are protected from future government shutdowns. I am a huge fan of the Coast Guard. I believe that they are the jack of all trades within the Department of Homeland Security.

And as many of my colleagues also know, I do not miss a chance to talk about the Coast Guard in their new and improved national security role. Today, the Coast Guard has taken on a bigger role than just securing ports in our maritime border. In fact, it now has a global mission. The Coast Guard's vessels and aircrafts are constantly deployed around the world to protect America's economic prosperity, national security, and borders, while also having a presence in cyber.

One of the biggest missions of the Coast Guard is their role in the tri-service maritime strategy that focuses on the threats from China and Russia. Along with the Navy and Marine Corps, the Coast Guard's capabilities expand the options to joint force commanders for better cooperation and competition.

The Coast Guard's mission profile also makes it the preferred maritime security partner for many nations, and at the cornerstone of this all is the national security cutter. Since the first commissioned cutter in 2008, the national security cutter has been a vital deepwater asset to the Coast Guard. They have partnered with numerous countries in fighting illegal, unreported, and unregulated fishing, which directly impacts my district's economy on the Mississippi Gulf Coast, as well as many other coastal communities.

NSCs have seized billions of dollars, billions with a "B," in drugs. And most recently, in around December 2020, the NSC James offloaded $365 million worth of drugs that would have entered our country, our communities, and found a way to harm our kids.

NSCs have also been tasked to northern waters to monitor Russian activities. The NSC *Stone*, the newest to the fleet, has been tasked to work with the Navy's Fifth Fleet and Central Command. One NSC has recently been deployed to the East China Sea, partnering with a Navy destroyer to enforce U.N. sanctions against

North Korea. And just yesterday, the NSC *Hamilton* transited into the Black Sea in support of our NATO allies.

Now, when it comes to a price tag, the national security cutter absolutely pays for itself within the first year of the deployment. And when it comes to capabilities, it is second to none, an extremely capable, multi-mission ship. Now I have said it many times before, but I won't hesitate to say it again: A further investment for a twelfth NSC would ensure our Coast Guard stays ahead of our adversaries and meets the military needs hoisted upon them.

With that, Commandant, my first question for you today is: As the United States looks at our near-peer threats like Russia and China, what role do you think the Coast Guard will have deterring these new threats?

Admiral SCHULTZ. Well, Congressman, thank you for the question, and thanks for highlighting, you know, sort of the global stage that the Coast Guard is finding itself increasingly a relevant instrument of national security upon. Our National Security Cutter *Hamilton*, as you mentioned, did enter the Black Sea, first time since 2008, and they got some very exciting partnerships with NATO allies in the region. That is an incredible class of ships.

You know, I think the Coast Guard brings a unique—I look at the world of this flat table surface, you know, zero to 180 degrees. You know, our continuum: We will cooperate, compete, and lethality. I think that zero to 150-degree arc is the cooperate and compete base. And then lethality, we are written into the war plans and we will support our DOD brethren and sisters here in the high-end flight with national security cutters, fast-response cutters, and port security capabilities.

In that day-to-day world of competition and cooperation, I believe the Coast Guard, the world's best Coast Guard, can call out a nation-state like China that, you know, they use their Coast Guard, their people's maritime military militia to run down, you know, Philippine or other Malaysian fishermen that are in disputed regions. The world's best Coast Guard doesn't operate that way. We champion a rules-based order, maritime governance. I think our racing stripe, which you see replicated across the globe, it is iconic and it denotes, connotates, you know, rules-based order and adherence to all those right things about facilitating commerce in what are free and open parts of the ocean. So I think we bring an interesting voice.

The Stone was off the East Coast of South America. First time we have been down there. We partnered with the Uruguayans, the Argentinians, the Brazilians on IUU, illegal, unregulated, and unreported, fishing. The largest—the largest deepwater fishing fleet in the world is under the China flag state. There was about 350 of them a year ago, and we are watching to see what shakes out this year on the East Coast or—excuse me—the West Coast of South America.

350 of them are operating around the Galapagos Marine Reserve, a critically important maritime habitat. The Ecuadorians asked us to come in and help them understand what was going on. We sent the national security cutter there. In a short few days, we identified some portion of a couple of dozen vessels that seemed to be potentially spoofing their AIS's, which connotates illicit activity.

So that deep water fleet is off the coast of Africa, East and West. It is off the eastern coast of South America, and there is no flag state oversight. So I think what we bring to that is I don't have enough cutters to be the world's fish police, but we can take a global leadership. We can integrate academia, nongovernmental organizations, and like-minded partners with their maritime capabilities and we can call out that behavior.

So I think it is an increasing role. You mentioned sanction enforcement against the DPRK back in 2019. We had two national security cutters 5-month heel-to-toe deployments there. We just got back with the Kimball out in Oceania, working out with the Fijians and others.

There is—I will stop with just saying there is four law enforcement detachments on Navy ships as we speak this morning, two in the Pacific, two in the Oceania and Maritime Security Initiative Patrols, and two in the Caribbean on that vector between Venezuela and the Dominican Republic, Haiti. Hispaniola, there has been two drug interdictions in the last 36 hours on that vector alone with airborne use of force, Navy helicopters employed by a Coast Guard precision marksman. And we are working closer than we ever have, sir. And you mentioned the Hamilton. And those two fast response cutters are on their way to Bahrain right now to join the Fifth Fleet, sir.

Mr. PALAZZO. Thank you, Commandant.

Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Mr. Quigley.

Mr. QUIGLEY. Thank you.

And that touched on an issue I was going to ask about, the illegal, unreported, unregulated fishing. I mean, as deep a dive as you want to take, I wouldn't mind—I don't know how close you are to where we can actually go out there and see how this work is going, just how this problem has grown, and what else we can be doing to help you.

Admiral SCHULTZ. Congressman, thank you. You know, I will turn the clock back to the fall of 2018. The Navy in Newport every other year has the International Seapower Symposium, and I went up to talk about the work of the Coast Guard to international partners. And many of the world's navies and maritime forces look a lot like the United States Coast Guard. So we have a connection there that just sort of forms naturally. I was ready to take a lot of questions on counter-narcotics and other threats, violent extreme threats. What I heard the most about in 2018 was their concern with IUU fishing, and I think we have processed that. We have upped our game and put out a strategic outlook, a 10-year strategy this past fall that talks about an elevated role for the Coast Guard. Again——

Mr. QUIGLEY. If you could send that to us, to my office again. We have probably got it, but if you could send that to us again, I would appreciate it.

Admiral SCHULTZ. Congressman, we will send it up, and I would be happy to come up and if your team would like a briefing, offer that as well.

Mr. QUIGLEY. Absolutely.

Admiral SCHULTZ. Essentially, sir, it is a food sustainment issue. It is a maritime governance issue. What we see is these fishing states, these large states—you know, the IUU schema, China is the largest fishing water fleet. Taiwanese, No. 2. It is South Koreans, Japanese, Spain.

What the downside is, a lot of legitimate fishing goes on, but the folks that are violating fishing norms, they come into areas. There is ecological damage. We have seen what has happened off the nearshore waters of China. Essentially, they have been forced to push their fleets further. Jinping said, hey, build bigger ships and go across the globe to find fish. About a third of the fish we consume in this country comes in through probably IUU-sourced fisheries.

So it is an issue at home. It is a competitive disadvantage. We hold our American fishermen to standards. We are an active flag state. There is also, you know, when you look at the African Continent and you project out population growth, you know, 40 percent of the protein on that continent comes from the ocean. The Chinese are operating off the east and west coasts. There is backroom deals with no transparency.

Mr. QUIGLEY. How close are they on those coasts?

Admiral SCHULTZ. Sir, they are—they should be working outside the exclusive economic zones of these nations, but these nations have very little organic capacity to patrol their waters. So, arguably, they are probably working as close to their shores as they are not visible, and those catches get put on processing ships and they go back to China. There is very little local benefit derived economically from these large-scale fishing operations.

Mr. QUIGLEY. But how close to our shores are they?

Admiral SCHULTZ. Well, sir, our shores, we have an active presence. So we try to stymie, you know, illicit fishing inside our EZ. And we are pretty darn good at that. It is at the end of the day we have very few forum violations.

Where we see some challenge is we have some illegal Mexican panga fisheries down in the Gulf of Mexico, and we thwart that. And there is some, you know, challenging things with neighboring partners and things that, you know, we are managing that. That caseload is up and we are working with our NOAA counterparts and State Department counterparts. But we are large, sir. This is large-scale, industrial fishing. It has a deleterious impact to the coastal state. It has a deleterious impact to legitimate fishermen that are doing things by the rules. And we would be happy to educate you and your staff, sir, if you would like to learn more on that.

Mr. QUIGLEY. Yeah, please do. And I am going to yield back. But if you could reach out to my office, they are aware that you will. We would like further briefings and try to see some of this firsthand.

Admiral SCHULTZ. Yes, sir.

Mr. QUIGLEY. Thank you so much.

I yield back.

Admiral SCHULTZ. Thank you for the question, Congressman.

Ms. ROYBAL-ALLARD. Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Madam Chair.

And thank you, Admiral Schultz, for being here with us today, talking about the men and women of the Coast Guard, and, you know, the important role and the growing role, I think, that the Coast Guard is going to play in our national security interests.

And I want to echo too the comments that the chairwoman made earlier in her opening statements. I was really concerned when I didn't see any mention of the Coast Guard in the skinny budget, which is a little disconcerting to me when, you know, I know recently you mentioned that you need to see a 3 to 5 percent growth to close the readiness gap over the next 5 years. And so I am asking if the President's administration understands the importance of closing that gap and, I think, recognize the growing role that the Coast Guard is playing around the globe in our national security interests.

And so I want to ask this, Admiral, because when you say 3 to 5 percent over the next 5 years and we look at where we need to go, moving forward, I think with the growth of the mission, and then we also look at, you know, the fact that we already have, I think, a $2 billion backlog of infrastructure needs, shore infrastructure needs, is that—is that 3 to 5 percent, is that really going to be enough, Admiral? I just want to make sure you are not selling yourself short here. And what does that include? Does it include the Jayhawks? Does it include the $2 billion?

Admiral SCHULTZ. Well, Congressman, thank you for the question and for your assessment of the landscape. I believe the demands on the Coast Guard are unprecedented at this point. There is a good news story in there, and there is a challenge in there.

The good news story is I think people are seeing the unique capabilities of our people and our platforms and our new capabilities that we are building out with the support of the committee.

On the infrastructure piece, I will start there, then I will backfill on sort of my forecast of the budget without, you know, crossing lines I shouldn't cross at this stage.

You know, when you look at our infrastructure, the average age of our shore facilities is 38 years. Our housing average age is 45 years. You know, a healthy organization recapitalizes somewhere between 2 and 4 percent of their infrastructure on an annual basis. We are somewhere between 10 and 20 percent of that healthy rate in the Coast Guard, which, you know, if you kind of project that out, we would be recapitalizing our infrastructure every 267 years. So that is unsustainable, and we pull a huge backlog.

With the help of the committee, we are making some progress. When I turn the hands of time back to the 2018 budget, the former administration came in and identified challenges in the readiness of the Nation's Armed Forces. There was a 12 percent budget growth there. Outside of the Department, we didn't win in that space, but we have been on a much healthier trajectory with the support of this committee and your senatorial counterparts, and that is a, you know, a positive slope in the right direction. I think we need to continue that.

You know, with the support of this committee, we have raised the narrative about Coast Guard readiness, and I had more conversations than I suspect many of my predecessors in the previous administration with the national security apparatus, and that has

translated to the new administration. So we have—I have been in the room with the National Security Advisor and Jonathan Winer and subordinate elements, many phone calls. I think folks recognize the critical importance of the Coast Guard in the Arctic, to the Indo-Pacific. You know, cooperate, compete continuum I alluded to earlier in Mr. Palazzo's questions.

Congressman, I am guardedly optimistic that we are, you know, pushing out a compelling narrative. And, obviously, till the budget reaches the Congress here, you know, I am sequestered on that, but we have had a chance to put our voice into that, more so than in the past, and this committee has been, you know, paramount to those efforts.

So I remain guardedly optimistic that we are on a positive trajectory. You can certainly accelerate that. And you asked about the helicopters. That is a big, evolving need. We didn't anticipate that urgency and that is not a tomorrow urgency, but as we wait for future vertical lift coming out of DOD, you know, 15, 20 years down the road, we are going to have to press into that. And we have already got some help with replacement hulls, service-life extension hulls—yes, sir.

Mr. RUTHERFORD. So, Admiral, if I could ask specifically about the Jayhawks, so were they part of that 3 to 5 percent growth or is that on top of?

Admiral SCHULTZ. Well, sir, we had some funding in the 2020 appropriation, the 2021 appropriation for new hull service-life extension program. We have the capability in Elizabeth City, Congressman Price's district, at the Aviation Logistics Center. We can take former Navy hulls. They take a 60 helicopter with $8,000, $10,000. They put it out to the boneyard.

We can take the good hulls. There is about a 6 or 8 percent failure rate. But 92 percent of those hulls, we have got somewhere north of three, four dozen hulls on site now. We can reconfigure those hulls almost like the overhaul show, the car show. We can do some remarkable things. Now, there are only a few a year. Now there is a program Senator Shelby has been very much championing with some new hulls, new cabins, and I think between a blend of those sundowner former Navy hulls, some new hulls that have been appropriated in 2021, some running room ahead to still bring some more in and some maintenance for manpower, we can build that fleet out I think in the coming years. We owe more fidelity to the committee on that, but I think we are on the start of that but there is some additional funds to support that, sir.

Mr. RUTHERFORD. Okay. Admiral, thank you very much for that answer and clarifying that situation.

My time has expired. I will yield back.

Ms. ROYBAL-ALLARD. Mr. Aguilar.

Mr. AGUILAR. Thanks so much, Madam Chair.

Good to see you, Admiral. Thanks for joining us.

And just piggybacking off of those last comments, I appreciate that you feel you have more visibility into the budgeting process moving forward than you have in the past.

I wanted to ask you, in your 2021 State of the Coast Guard address, you talked, just as you talked to Mr. Palazzo, about the national security threats and some of the tonnage that you have cap-

tured of illegal drugs over the last few years, 2.4 million pounds of illegal drugs over the last 5 years this year alone. Coast Guard Cutters *Bertholf* and *Munro* seized 7,500 pounds of cocaine in San Diego in March, and the Coast Guard and Navy jointly interdicted over 11,400 pounds of cocaine in February.

It is clear that the U.S.'s efforts to fight drug trafficking and prevent these illicit drugs from reaching our soil are conducted mostly through the Coast Guard. What capabilities most assist you in these drug interdictions? And what additional capabilities or resources do you feel would ensure that you would continue to have effective counter-drug trafficking visibility into these transit zones?

Admiral SCHULTZ. Well, Congressman, thank you for the question. And there is a lot of parts to that. But we historically have been averaging about 460,000 pounds, you know, about 200, 210 metric tons a year removed by Coast Guard forces. There is a good news story. As the work of U.S. Southern Command working through the Coast Guard flag-led Joint Interagency Task Force South, we see partner nations here in the Western Hemisphere contributing to about 65 percent of the cases. And about 40 percent of those cases, they are responsible for endgame. You know, it is below the tear line information provide those nations and their forces supported through the Department of State initiatives, Department of Defense initiatives. There is some places where you buy boats to support. You know, the State Department might buy a boat for the Guatemalan forces of Special Naval. Then SOUTHCOM can layer in some outboard engine repair, some communications capabilities, some Coast Guard training, maybe some special force training. Then those forces go out and they conduct law enforcement operations with good success.

Where that hasn't matured is, as those forces go out and interdict, they don't have the same level of prosecutorial success. You know, we interdict folks at sea, high seas. We bring them back. We bring them into what we call the interdiction cycle. They go before a—you know, they go—turn them over to another agency. We detain them. They effect an arrest. They appear in the U.S. criminal justice system. You know, there is a deal copped, so they do a sentence. Then they turn some information. That feeds the interdiction cycle.

Our operations, counter-narcotics operations, are increasingly informed by intelligence. So what are those key partnerships? It is national intelligence capability. We compete with, you know, the ongoing China pacing threat. We compete with the VEO threat, you know. So there is a finite amount of national intelligence capability, and we try to get some portion of that satellite-based information, et cetera.

Our Navy colleagues, I mentioned the two law enforcement captions onboard Navy ships. We did have an enhanced counter-narcotic operation last year with more naval presence. I am the last guy to say the Navy should or shouldn't be doing more counter-narcotics work. They have many competing demands, you know, with that increasingly aggressive Russia and the Med and the Black Sea where we are operating now with China pacing it.

But when there is a Navy surface combatant, I will put a law enforcement detachment. I will put a precision marksman on their

helicopter. We will expand our capacity. DOD contribution to maritime patrol aircraft, those P–8s, high demand across the globe. But when we get those P–8s in the SOUTHCOM region, the eastern Pacific, the Caribbean Western Center Security, those are the best detection platforms out there.

Customs and Border Protection inside the DHS team fence line, they support a lot of the maritime patrol aircraft. So support for CBP Air and Marine, that is a key enabler. And we are looking to build out some more capability in our long land-based unmanned aero systems. So right now, we are partnered with CBP on what we call the MQ–9 maritime Guardian. There is a bigger model out there that Insicha (ph) has and we would like to continue to partnership with DHS S&T, with CBP, with SOUTHCOM.

And, sir, it is capacity game. You know, we are effective and, again, on target. We just got a finite amount of capacity to put against the challenge.

Mr. AGUILAR. The administration has talked about addressing the root cause of migration in Central and South America. Much of the instability is caused by gangs and other criminal organizations in that region.

You talked a little bit about the coordination with Latin America partners, but what other roles can we expect the Coast Guard to play as the administration engages in Latin America?

Admiral SCHULTZ. Yeah, Congressman, I would tell you, you are spot on. I would tell you, you know, the Central American quarter, the Northern Triangle countries—Honduras, El Salvador, Guatemala—they are absolutely the corruption, the instability, the squalor that takes—you know, sends people to send their children north to try to cross the U.S. southwest land border is very much tied to the counter-narcotics work.

I think where you see increasing roles is we will continue to partner. We will continue to build out that success of the partners in the region and their capabilities. I think when we can stop those drugs from making landfall in those areas, we can, you know, help drive down the instability. I pay keen attention to what is going on, you know, what the administration discussions are down there.

Iota and Eta, the two hurricanes that, you know, ravaged the region, close proximity, close proximity on the calendar and geographically. You know, on occasion we have Coast Guard assets that will send helicopters in or support our southbound colleagues, to offer some immediate relief and, you know, immediate food, water, rescue type work. I think it will be capacity building, sir. It will be continued counter-narcotics work.

Mr. AGUILAR. Thanks, Admiral. My time is up. I am so sorry. Thanks, Admiral.

Admiral SCHULTZ. My apologies, sir. I was a little long on your time. My apologies.

Mr. AGUILAR. Thanks, Madam Chair.

Ms. ROYBAL-ALLARD. That completes the first round, and we do have time for another round in which, Admiral, you will be able to expand on many of the questions that have been asked.

I know that there are several issues that have been touched on that I was going to ask some questions about, but I would like to talk a little bit about some of the items that were on the unfunded

priorities list which we funded. And these items fall under the category that you designated as the technology revolution, and includes investments in cybersecurity readiness and the next generation underway in cutter connectivity.

Could you describe some of the technology challenges the Coast Guard has faced and how these appropriated funds are making a difference? And, in addition, if you could please describe other investments that you would prioritize to continue modernizing the Coast Guard's technology infrastructure.

Admiral SCHULTZ. Yes, Madam Chairwoman, thank you for that question. And the funding and the funding items off the unfunded priorities list have been usually impactful and helpful. Phone system monitorization at our 35 sectors—we have a antiquated phone system—this allows us to go to modern voice-over-internet protocol. So this is basic stuff, that we can't hear the mariner in distress and have a functional system, you know, we can't respond in a timely manner. And we are getting after that with the funding there, the $6.5 million in many of our sectors.

And now as I have traveled the Coast Guard in the last 24 months, a little less so the past year than I typically do, I have heard that in many sectors and we are actioning that as we sit here today.

Next generation cutter underway connectivity, and that is to the tune of $15 million. So you think about those deployed ships that are down range, particularly in a COVID environment, the only liberty, time off, or port visit they see is to go in and get fuel and groceries. So our men and women have been at sea 185 days, you know, broken into 70-, 90-, 60-day chunks of that with no port call. So the ability to do their job, link back to mother Coast Guard and do their work, which is all computer-based today, it is enhanced by connectivity, to have some reach back to their families, when they, you know, can't get to a cell phone or pay phone or go shore, hugely impactful.

Cutter connectivity allows us to optimize the productivity of our ships. It is the high-end information to do operations. It is the day-to-day business of the ships. So when a sailor is back at the dock, they can take some time off after, you know, an arduous 90-day patrol, get a 72-hour, 96-hour break, then come back to the workplace. They don't have to hold all that workload and batch load it at the dock here when they should be home spending time with families or with their interests.

Cyber readiness, absolutely. We are building out our second cyber protection team with funding, our cyber—CMT, Cyber Mission Team. We are building that workforce out that is really going to allow us to excel as a regulatory net cyberspace. So our 365 or so ports, we fielded people at our two area commands in our nine districts this year that will interface on cyber, bring some expertise to the field because that increasingly complicated landscape—out in your State, ma'am, California, 40 percent of all America's goods come from the ports of L.A. and L.B., the containerized traffic.

And they come up through the rail system to the hard haul. You go about 72, 96 hours from some kind of a man-made cyber intrusion that shuts the port down, [inaudible] Back here a couple of years ago, you know, that can cripple that port, and we will feel

that on the shelves of Walmart and Macy's and Target in less than a week. So there is a cyber element that the funding has helped us get after.

Cyber retention. Those are bright young men and women. Bringing them in, keeping them in, we have got to think about different agility and permeability for that workforce. But, ma'am, those big data platform, I had a team in yesterday. We have our senior leaders holding a conference this week, and we need to inform our decisionmaking with that analytics.

So we have, you know, followed data streams. We need to clean up our data. We need to get it into a clean data lake, and then we could start harnessing that data, that information, to really be a data-informed, agile, decisionmaking organization.

So, ma'am, that tech revolution, as I sort of coined the term a couple years back, and the dollars against that have been hugely impactive. In our young workforce, we are fielding mobility. You know, those inspectors in Los Angeles, Long Beach, they go out and they spend 8-, 10-hour day, doing, you know, Act C (ph) inspections, regulatory inspections, for safety, environmental compliance, make sure if it is a cruise ship, that someone's aunt or grandparent goes out there, the crews is trained, the lifeboats are certified.

They have to come back and fat-finger all that inspection work for hours at their desks. It is mobility that enables that. The inspect application just rolled out. We started with a mobility solution, about 600 iPads, and we didn't have the technology to really enable them.

We have been talking about this for years. Now—it started off like a Kindle. They didn't have to bring a backpack of books. Now they actually have the inspect application, they are doing the data upload in the field. We are going to do that for our law enforcement team.

So the funds, ma'am, have enabled us to really compete for the smart young minds and keep them in the Coast Guard because they don't have more mobility on their personal device than they have in the Coast Guard-provided solution set from a technology standpoint.

Ms. ROYBAL-ALLARD. Thank you.

Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, Madam Chair, and I am back. I want to thank Ranking Member Palazzo for sitting in for me while I asked my questions of the Labor Secretary.

Commandant, you and I have gone up to the Arctic together, and I really appreciated that trip. We have seen over the past few years a rise in military activity by the Russians and the Chinese in the Arctic, sir.

I know we talked about this at length with Admiral Bell when we were in Alaska almost 2 years ago, but recently, we are seeing news of greater activity and Russian military investment in the Arctic. How is the Coast Guard responding or preparing for this emerging threat? And are you getting support from the Department of Defense and through budget to get resources that you need to continue with your frontline position in the Arctic, sir?

Admiral SCHULTZ. Well, Congressman, you spoke to the increasing geostrategic importance of the Arctic, and that is absolutely

critical. I just came back from Alaska this past weekend and had the privilege of meeting with Governor Dunleavy and the two Alaska Senators. We talked a lot about what is necessary in the Arctic.

You know, I have used the phrase that presence equals influence in the high latitudes, both Antarctica and the Arctic. And we haven't had much presence up there. You know, we lost the *Healy* last summer, and that was unfortunate.

But the *Healy* is back. We will send the *Healy,* working closely in collaboration with the Canadians across the Northwest Pass. So they will enter through the Bering, transit across North America. We will push the *Healy* out to the Atlantic, probably up to Greenland. I wish I could push her further, but the amount of available days—she will have scientists on board. We will have international partners. We will have Navy sailors on board. We will be building out our Arctic capabilities.

What we saw last year—and this is open-source information—you know, China has an increasingly repetitive presence in the Arctic. Probably 6, 7 or the last 8, 9 years, they have been up there with one of their two research—they started with one Ukrainian-obtained research vessel, the *Snow Dragon I*. They built a second ship——

Ms. ROYBAL-ALLARD. Admiral? Admiral, I am going to have to ask you to stop. That phone call was that apparently we have lost our live stream, so we have to pause for a few minutes so it can be reset.

Admiral SCHULTZ. Yes, ma'am. We are holding here.

Ms. ROYBAL-ALLARD. Okay.

[Recess.]

Ms. ROYBAL-ALLARD. So, Pete, yeah, unfortunately, they are not able to fix it, but I see that we have both you and Rutherford who stayed on. So if there is anything that you would like to ask of the admiral, even though we won't be, you know, streaming, I want to give you that opportunity. And I think we can thank the ranking member, Fleischmann,for that opportunity. That was the discussion we just had.

Anything that you want to follow through with?

Mr. AGUILAR. Yeah. I would just say, Admiral, real fast, you know, just to kind of pull at that thread a little bit more about the transnational drug trafficking. You know, you talked a little bit about the Latin American, you know, posture and what we can do.

You know, how can we kind of complement that on the mil-to-mil side, you know, as well? You know, that was probably going to be my next question.

Admiral SCHULTZ. Yeah, Congressman, I think as I—you know, there is—the package that allows the Coast Guard to be most effective down there is a what we call a large cutter, a national security cutter or offshore patrol cutter, and some of the medium endurance-class cutters.

We are doing some innovative things with the fast response cutters that the committee has been tremendously supportive. Funding in the 2021 actually built out the last four hulls. So 58 domestic, four or six over in the Arabian Gulf.

But they are complemented by maritime patrol aircraft. That DOD piece, we get a lot of support from them. So Customs and

Border Protection are inside the DHS family, Coast Guard C–130 airplanes, sometimes a CASA 235 is a little shorter range, those DOD P–8s, other capabilities.

There is contract work, though, that SOUTHCOM does. It is a bunch of government-owned, contract-operated aircraft down there. All those things come together, sir.

Really it is a capacity conversation. When we can put more in the fight, we have got intelligence to see 70, 80 percent——

Mr. AGUILAR. Yeah.

Admiral SCHULTZ [continuing] Of the activity. We don't have the capacity. But, again, I am cautious with all the demands on my Navy brethren here, you know, across the globe, to not sign them up for more. But I will enable a Navy ship with a law enforcement attachment which brings the ability to do law enforcement there.

We will continue to work with the partner nations. I mean, we are good at that mission, sir. It is just the——

Mr. AGUILAR. Yeah.

Admiral SCHULTZ [continuing] You could take the entire United States and kind of lay it in the eastern Pacific Ocean. And I make the analogy at times, like the handful of police operating from Columbus, Ohio, doing speeding across the whole Nation, checking the whole Nation. They got to bring them into the station when they catch them.

So it is a vast area, but what we have done and do does matter, sir. It matters, as you said, in that Central American quarter, to the instability in that region that fuels the migration. It is all sort of interplayed, inter-tied there, sir.

Mr. AGUILAR. Okay. I appreciate it. Thanks, Admiral.

Admiral SCHULTZ. Thanks for your interest in that too.

Mr. AGUILAR. Of course.

Mr. RUTHERFORD. Madam Chair, if I could ask just one quick question——

Ms. ROYBAL-ALLARD. That was another call. Actually, we are back on streaming, so, Pete, your question was live. Any other question that you want to ask? I know you have to run, and then I am going to turn to Mr. Rutherford.

Okay, John. Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Madam Chair.

And, Admiral, thank you for being here with us even through the downtime.

I want to go back to the issue of China, the challenges that we are going to face with China and are facing around the globe. And Coast Guard response, you mentioned earlier, for the Galapagos Islands and that 15 fleet that China has [inaudible.] You know, I am very concerned when I look at this whole Belt Road Initiative that China is really pushing their influence deep into hemisphere now. And we see that with Ecuador, we see that they have been in Guyana, they have been in Suriname. It is disconcerting to see these moves.

The South China Sea is another area that I know you all are addressing as well. Can you talk a little bit about the future needs? You know, what can we do in Congress to help you with, really, this global national security aspect in pushing back on the Chinese?

Admiral SCHULTZ. Yeah, Congressman, thank you for the question. I would say, starting at the end with your question, I think where the Congress can be the most helpful is maintaining momentum on our major recapitalization program, so those initiatives that Madam Chairwoman has led the committee—and Mr. Fleischmann—on people initiatives. I think people readiness, new capabilities that allows us to be the Coast Guard the Nation needs.

I look out to the Oceania region—I mentioned there are a few law enforcement attachments on naval combatants today—Oceania Maritime Security Initiative, doing that. We have got three fast response cutters that the committee has supported in Guam. I will be out there commissioning those ships in August.

Those are tremendously capable. They are 154-foot length over the water, crewed by 24 Coast Guard men and women. They got about 10,000 miles of expeditionary range. I think we bring a people-to-people way to partner.

You know, it is not as expedient as a checkbook, but I believe that region of the world, you date back to the history of the war and, you know, when we fought on the beaches of Guadalcanal and throughout the Solomon Islands and other places.

I believe they value our Western—our lifestyle, our cultures, our democratic ideals. I think the Coast Guard is in that space on a people-to-people basis, sir. So I think that is important. Offshore Patrol Cutters will give us a further reach in that part of the world, sir.

I think it is this IU fishing where we can call out those distant-water behaviors, funding to help us link up—the tech revolution ties to that—an enabled workforce, the ability to do data interlinks as we look into those increasingly complicated problem sets.

And then I think there is a piece where we see, you know, nation states in the cyber domain. And I think, you know, we have seen——

Mr. RUTHERFORD. Right.

Admiral SCHULTZ [continued]. You know, the SolarWinds linking back to Russia. We need to protect the 95 percent of U.S. economic commerce that happens on the oceans. That is an increasingly complicated threat scape. And as we build out cyber capabilities, I think all those things are places, sir, where the United States Coast Guard, with that 3 to 5 percent growth—probably we will catch up—but if we stay on the trajectory that Congress has set us on, maybe a few infusions, continue to pick some things up, you pull above the President's budget. So I think we have the Coast Guard that pulls us into the 21st century, and we can be a real useful tool for the United States, writ large, as we compete in this great power paradigm we find ourselves.

Mr. RUTHERFORD. Exactly, Admiral. And that is going to require that you have the best training, the best prepared leadership possible. And so that is one reason I am very proud to serve on the Board of Visitors for the Coast Guard Academy. And I want to ask—you know, one of the things that I am trying to do is really make the Coast Guard Academy attractive to our military service academy applicants.

Are there some things that you think we can help you with in achieving that mission of bringing those young men and women in?

And I think the things that you talked about earlier with the chairwoman on, you know, this diversity of outreach and all is going to be very important in that success. Can you talk a little bit about that?

Admiral SCHULTZ. Sure, Congressman. I would tell you our flagship institution for officer development and commissioning officers, all our officer programs at the Academy, both the Officer Candidate School and the Coast Guard Academy, it is about a 50/50 split that we feed officers, even some direct-commission officers maybe come in with law degrees. We bring them in as an 03, a lieutenant, in the Coast Guard.

So that is our center of gravity, that 103 acres in Connecticut. I think what helps us is, a lot of aging, old infrastructure there, it is part of the infrastructure conversation I talked about with, you know, 38-year-old buildings, on average, and, you know, I think we just opened up a new modern fitness facility there.

When you are competing with these bright young men and women with a lot of choices, other service academies, you know, other great academic institutions, it is a pretty high bar to get in. You know, they visit, they see old stuff, you know, maybe at the end of the day they might go elsewhere.

So I think we are on that trajectory, sir, but I think there is a branding issue. I think some additional help and continued help on recruiting. I think those things help.

I think, you know, broadening diversity, those 40 percent of women graduates seeing Vice Admiral Fagan as Admiral Fagan and then Vice Commandant, you know, bringing more women into our flag ranks, all those things are enabled by that steady, predictable funding, Congressman.

So I think we are on a good trajectory. And I just was cautioning the committee earlier, say change doesn't come fast when the numbers are small. There is a certain sort of quality and quantity, as the Russians say, on how fast you move the service. But I think we are on a good trajectory, and this continued support, sir, I think, is the best way to get it there as quickly as we possibly can.

Mr. RUTHERFORD. Well, I am very proud to support the Coast Guard and everything that our Coasties are doing out there. So, with that, Admiral, thank you very much.

And, Madam Chair, I see my time is up. I yield back.

Admiral SCHULTZ. Thanks for your participation as a Board of Visitors member at the Academy, Congressman. That is an important thing, and we are getting ready to sort of activate that again here given some of the COVID time-out we had to take this past 14 months or so, sir.

Ms. ROYBAL-ALLARD. I just want to say that I think another thing—and we have talked about this, Admiral—in attracting more young people to the Coast Guard, is actually helping them in terms of the information they get to understand what the mission is, the broad mission of the Coast Guard is, such as, you know, the drug interdiction, protecting our country, you know, up in the Alaska regions against, you know, Russians and the Chinese.

I don't think that, in general, the public understands just the critical mission that you all have and how expansive it is. Very

often it is just seen most of the time as, you know, rescuing someone, you know, who is drowning in the ocean.

But when I have talked to young people and explained to them about the mission, the broad mission of the Coast Guard, there is a lot more interest in joining, as compared—because they know what the Marines do, they know, you know, what the Navy does. But I don't think there is a very good understanding of what the entire mission is of the Coast Guard.

So I would say, work on the PR in helping, not just young people, but I think our country as a whole to understand just how critical the Coast Guard is to the security of our country.

So I just want to add that as part of the answer, Mr. Rutherford. At least that has been my experience in talking with young people in the district when I have my Academy day. They really don't know just how important the Coast Guard is.

Mr. Fleischmann, I know that you had a question and that the Admiral didn't have an opportunity to fully answer it. Is there anything that you want to add, Admiral, that you want to complete an answer to the question that was asked before you were cut off.

Admiral SCHULTZ. I would probably come back to you on the Academy things, but I would like to defer to the ranking member, and we will finish that conversation, then maybe just offer a couple just thoughts on what you brought up about our branding and those things. I think you are right on the mark.

So, Congressman Fleischmann, I will defer to you, sir.

Mr. FLEISCHMANN. Well, Admiral, I think you adequately and very succinctly and very efficiently answered that question on the Russia and China threat in the Arctic. And I know you are involved in that, so I trust that that work will continue. But I am satisfied with the response.

And, Madam Chair, whenever you decide to adjourn, I am willing to do that as well.

And, Commandant, thank you. You and I are going to work together, as we always have, and I just appreciate everything you do for the Coast Guard and for our country, sir.

Admiral SCHULTZ. Thank you, Ranking Member Fleischmann. It is always an honor to work with the committee and yourself and Madam Chairwoman.

Ms. ROYBAL-ALLARD. Okay. So, Admiral, you said you had another response.

Admiral SCHULTZ. Yes, ma'am. I was just going to—Madam Chair, I was just going to comment, I think your assessment is right, and I think that is a recruiting piece where it is a very expensive market.

I think this program we have with some new officer, recruiters, I have mentioned Norfolk, Atlanta, New Orleans, I would love to grow that from four, you know, one programatically here in Washington, the student office, and get some folks to your district, Southern California. There are places I can name right now, the next five or six.

So I think we are rolling that out. The bodies are en route this summer. I think we will look to expand that. I think that will be part of that story. And I think pressing in a little bit on our recruiting budget—you know, I looked at the Marines, the Army.

They are going to these video conferences—or video-gaming conferences, you know, they are in those spaces. You see the NFL, they are there.

They are expensive. I am not saying we jump there, but we absolutely have an organization with an incredible, you know, portfolio of 11 statutory missions. It is hard to roll it down to a three-byte elevator speech, but I think when we have people in the schools, when we can, you know, get a little bit more marketing in terms of national branding, I think that is where we reach folks.

So that 40 or—is about a 52 recruiting officer reduction back in 2013 and 2014, the sequestration, that hurt. And I think strategically, maybe reopening in some places, really if we can do this with the tech revolution, some of the funds you gave us.

Right now, a recruiter has to meet a young man or woman, they have to bring them back to the recruiting office to sign them up and to actually seal the deal with the paperwork and the Coast Guard. Doing that and the mobility—the two-in-one mobility solutions we have given them, that is going to be game-changing, and you have helped us on that trajectory.

So I am encouraged that we are going to do better, but your assessment is spot on the mark, ma'am. You know, we have got to get—we have got a great brand, we have never been more relevant and impactful, but we got to be able to tell that story across America, in the schools and in the recruiting locations. So you have my commitment to continue to work on that, ma'am, and I will continue to be frank with you on our needs to better that.

Ms. ROYBAL-ALLARD. Okay. That is very much appreciated. And since we have ran out of time, Admiral, I just want to say thank you for your time. Apologize for the delay.

You know, I think just from the statements that have been made by the subcommittee, there is the realization of the critical role that you play in our national security, and I can assure you that to the best of our ability, that we will support its mission and its personal—personnel. So thank you again.

And the committee now stands adjourned.

Admiral SCHULTZ. Thank you, Madam Chairwoman.

[Material submitted for inclusion in the record follows:]

QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE LUCILE ROYBAL-ALLARD**

**Admiral Karl Schultz, Commandant of the United States Coast Guard**
**United States Coast Guard**
Committee on Appropriations
Subcommittee on Homeland Security
*Targeted Violence and Terrorism Prevention*
April 28, 2021

**THE U.S. COAST GUARD'S ROLE IN INDO-PACIFIC REGION**

**BACKGROUND:** The Coast Guard has historically been focused on drug trafficking activities in the Atlantic and near Pacific. More recently, due to concerns about Chinese and Russian influence, it has focused significant attention on the Arctic region. There is a third region, however, that is becoming increasingly important: the Indo-Pacific region. The Coast Guard's mission and activities in that region, such as illegal and unregulated fishing enforcement, are probably unfamiliar to some people.

**QUESTION:** Please describe the increased presence of the U.S. Coast Guard in the Indo-Pacific region, and why certain activities are falling under the responsibility of the Coast Guard versus another U.S. military service, particularly the U.S. Navy.

**ANSWER:** The Coast Guard is uniquely situated to assist partner nations in the Indo-Pacific uphold and assert their own sovereignty, while protecting U.S. national interests. The Coast Guard reflects many of the Indo-Pacific region's partner Navies and/or Coast Guards and presents complementary capabilities to address regional challenges, notably: countering illegal, unreported, and unregulated (IUU) fishing, enforcing maritime sovereignty and protecting natural resources.

IUU fishing has developed into coordinated and choreographed efforts to strip marine resources without regard to established national Exclusive Economic Zone boundaries or fishing catch regulations. The Coast Guard counters IUU fishing through tangible presence in the Indo-Pacific region and by raising awareness throughout the international community of both state-sponsored and state-tolerated predatory behavior, underscoring those activities that violate international laws and norms. The Coast Guard continues to fill a need in the whole of government approach in the Indo-Pacific, leveraging unique authorities and multi-mission capabilities, as well as our synergistic advantages realized though multi- and bi-lateral agreements with partner nations and allies, to advance U.S. interests in an open, rules-based international maritime order for all.

QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE Charles J. "Chuck" Fleischmann**

**Admiral Karl Schultz, Commandant of the United States Coast Guard**
**United States Coast Guard**
Committee on Appropriations
Subcommittee on Homeland Security
April 28, 2021

**U.S. COAST GUARD ASSET MAINTENANCE & VESSEL SENSOR RECAPITALIZATION**

**BACKGROUND:** It is the Committee's understanding that the U.S. Coast Guard C3CEN and the Naval Surface Warfare Center Crane Division have identified the need to update the Coast Guard's Electro-optical/Infrared (EO/IR) sensors on various cutters. Many sensors are no longer supported and are nearing obsolescence. As you know, these capabilities greatly assist the Coast Guard in search and rescue, drug interdiction, law enforcement and anti-terrorism missions by enhancing the intelligence, surveillance and reconnaissance capabilities of the cutters.

This Subcommittee has been supportive in funding United States Coast Guard fleet recapitalization, including $837 million for shipbuilding and construction last year, $300 million above the fiscal 2021 President's Budget. Since 2004, Congress has funded a total of 64 Fast Response Cutters, 12 National Security Cutters and initiated funding for the first four Offshore Patrol Cutters. This overwhelmingly shows a serious and sustained commitment by the Congress to the Coast Guard.

There is the duty and obligation to not only provide the U.S. Coast Guard with assets, but to maintain and upgrade them, especially as technology is rapidly evolving and the Coast Guard's dependence on technology increases. Sensor and precision location technology enables the Coast Guard to locate, identify and perform each of the missions mentioned previously. As I understand, dozens of sensors across various cutters have or will reach obsolescence soon, but the Coast Guard has not initiated procurement due to a lack of funds.

**QUESTION PART-1:** Please describe maintenance plans for long-standing U.S. Coast Guard vessels and rotary-wing assets.

**ANSWER PART-1:** The Coast Guard supports both legacy and modern cutters and boats using a proven bi-level maintenance approach, which has enabled many of the Service's assets to continue to operate effectively well past their expected service lives. This approach divides cutter maintenance into operational level (routine maintenance completed by cutter crews) and depot level (more extensive and invasive work typically completed during in-port, dockside or dry-

dock maintenance periods). Depot level maintenance is executed by Coast Guard shore-side support personnel or commercial maintenance providers. The optimal staffing strategy employed on the Coast Guard's newest assets reduces operational maintenance responsibilities for cutter crews, allowing an increased focus on mission execution, while the assets' maintenance needs are supported by specialized teams located in vessel homeports. In order to help vessels reach their expected service lives, vessels like the Fast Response Cutter (FRC) and 87' Coastal Patrol Boat (CPB) undergo Recurring Depot Availability Periods (RDAP), while other vessels like the 225' buoy tender undergo a Major Maintenance Availability around the midpoint of the vessel's expected service life. As vessels approach the end of their expected service lives, the Coast Guard conducts detailed engineering evaluations to determine if asset recapitalization or a Service Life Extension Program (SLEP) will best enable the Service to maintain the required capability and provide the best return on investment.

Similar to surface assets, Coast Guard aviation assets are maintained with a bi-level maintenance approach. Operational level maintenance is completed at aviation units and depot level maintenance is completed (approximately every 4 years) at the Coast Guard's Aviation Logistics Center (ALC) in Elizabeth City, NC. Additionally, the Coast Guard's fleet of MH-65 Dolphin helicopters is currently undergoing a SLEP at ALC, extending the airframes' structural service life to 30,000 flight hours, approximately three times the industry standard. The MH-60T is also undergoing SLEP to maintain the aircraft's operational capability through the 2040s by replacing the aircraft hull and components which are reaching the end of their expected service lives.

**QUESTION PART-2:** What are the Coast Guard's needs in terms of in-service vessel sustainment?

**ANSWER PART-2:** The Coast Guard's In-Service Vessel Sustainment (ISVS) program plans and executes major maintenance on Coast Guard surface assets, including SLEPs and Major Maintenance Availabilities (MMA). For many Coast Guard assets, these activities take place at the Coast Guard Yard in Baltimore, MD. Thanks to recent Congressional support of the ISVS program, the Coast Guard's 225' buoy tender MMA program is more than halfway complete, and planning is under way for both the 175' coastal buoy tender and CGC HEALY MMAs. Additionally, SLEPs have recently been completed on CGC EAGLE and the Service's 140' ice breaking tugs, with CGC POLAR STAR currently undergoing a multi-year phased SLEP program at a commercial facility on the West Coast. Preparations are underway to begin SLEP work on the 270' Medium Endurance Cutters (MEC), and the first prototype will arrive at the Coast Guard Yard this summer.

**QUESTION PART-3:** Does the President's Budget request enable the Coast Guard to keep the current occupational tempo and address modernization and technological refresh considerations for existing vessels?

**ANSWER PART-3:** The President's Budget provides initial investments required to address EO/IR sensor modernization needs of the surface fleet. Due to the complex, interconnected nature of these sensors, resourcing decisions for EO/IR sensors are made in the context of the

broader network architecture in which they operate. However, additional funding would accelerate those modernization efforts and reduce equipment failure rates.

**QUESTION PART-4:** Given the obsolescence issues identified by the U.S. Coast Guard C3CEN and Naval Surface Warfare Center Crane Division of EO/IR sensors on various cutters, please get back to the Committee on what funding is needed to conduct these necessary upgrades. Further, please describe what occurs on a Coast Guard cutter when the vessel loses its EO/IR capability.

**ANSWER PART-4:** On the Phase 1 Fast Response Cutters and on the Medium Endurance cutters, the current EO/IR sensor system will be end at the end of supportable life in February 2023. The replacement cost of each EO/IR sensor would be approximately $650,000 per hull. For the National Security Cutters, parts will no longer be available after June 2022. The replacement cost of each EO/IR sensor is $700,000. Due to personnel resource capacity issues and cutter availability, it would require multiple years to accomplish the replacement across all 67 hulls (See below table for recommended additional funding).

| ITEMS | FY 2022 | FY 2023 | FY2024 | FY2025 | FY2026 | Total |
|---|---|---|---|---|---|---|
| Number of Hulls per Year | 11 | 13 | 13 | 15 | 15 | 67 |
| Total Amount Per Year | $1.9 Million | $3.2 Million | $4.5 Million | $4.5 Million | $3.8 Million | $17.9 Million |

If a vessel loses its EO/IR capability, it is no longer able to conduct Search and Rescue and Law Enforcement missions especially during nighttime operations.

## Fast Response Cutters

**BACKGROUND:** Admiral Schultz's written testimony mentioned the growing use of FRCs in Oceania and Latin America in combating IUU. When asked in the Senate Armed Services hearing about the FRC and other programs, SOUTHCOM's Commander felt there are not enough ships to meet the theater requirements."

**QUESTION PART-1:** Does the U.S. Coast Guard agree with the SOUTHCOM Commander's assessment?

**ANSWER PART-1:** In conjunction with the Department of Defense Joint Staff, the Coast Guard makes asset laydown and deployment decisions through the Global Force Management Board process to allocate resources where they are most needed and will have the most impact. The Coast Guard also retains the flexibility to remain responsive to emergent requirements.

**QUESTION PART-2:** Does the U.S. Coast Guard believe there is a similar issue in INDOPACOM (not enough ships to meet the theater requirements)?

**ANSWER PART-2:** The Coast Guard defers to the Commander of U.S. Indo-Pacific Command regarding the assessment of force allocation relative to theater requirements within the Indo-Pacific Command area of responsibility.

**QUESTION PART-3:** Will the Coast Guard be requesting additional FRCs to meet the growing need in global joint operations in FY22?

**ANSWER PART-3:** The procurement, construction, and improvements (PC&I) funding for four FRCs in the Fiscal Year (FY) 2021 enacted budget completed acquisition of the FRC program of record.

**QUESTION PART-4:** If not will the Service make a request in the Unfunded Priority List (UPL)?

**ANSWER PART-4:** No. The generous funding in the Fiscal Year 2021 Consolidated Appropriations Act completes the Fast Response Cutter Program of Record.

**QUESTION PART-5:** Would the U.S. Coast Guard be opposed to an option that would allow the Navy or Department of Defense to execute the existing options on the contract that could fund up to 12 additional FRCs?

**ANSWER PART-5:** The Coast Guard is not opposed to managing the requisite contract activity on behalf of the Navy or Department of Defense (DoD) to execute the additional options on the existing contract between the Coast Guard and Bollinger Shipyards for up to 12 FRCs.
The Coast Guard requires resources to support extended production oversight and management personnel while additional FRCs are constructed and delivered to the Navy or DoD.

The Coast Guard does not currently have the budgetary capacity to provide the necessary shore infrastructure and homeport construction as well as out-year operations and support (O&S) resources for additional FRCs beyond the Coast Guard's current program of record.

**QUESTION PART-6:** Due to the increased joint operations around the globe, especially under the Tri-Maritime Strategy and IUU missions, would the U.S. Coast Guard support increasing the "Program of Record" for the FRC program in FY22, if it did not impact other Coast Guard acquisition priorities?

**ANSWER PART-6:** The FY 2021 Consolidated Appropriations Act included PC&I funding for FRC hulls 61-64, completing acquisition of the program of record. The Coast Guard does not currently have the budgetary capacity to provide out-year operations and support (O&S)

resources for FRCs beyond the Coast Guard's current program of record. Without commensurate increases in shore infrastructure investment and O&S funding, additional vessels would negatively impact long-term Coast Guard readiness. The Coast Guard is focused on the Offshore Patrol Cutter and the Polar Security Cutter, which are the Service's top acquisition priorities.

QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE MIKE QUIGLEY**

**Admiral Karl Schultz, Commandant of the United States Coast Guard**
**United States Coast Guard**
Committee on Appropriations
Subcommittee on Homeland Security
*Targeted Violence and Terrorism Prevention*
April 28, 2021

## Great Lakes Icebreaker Funding

**QUESTION PART-1:** I understand that one reason why the northeastern United States has almost three times as many icebreaking-capable Coast Guard cutters than the Great Lakes, which has more coastline and ice, is that the Coast Guard considers winter delivery of oil for home heating and transportation in the northeast as more important than winter delivery of iron ore for steel manufacturing and grain, oil, and road salt in the Great Lakes, despite the importance of those cargoes to national security and safety of life.

Does the Coast Guard believe this is fair to the Great Lakes region?
And what can the Service do to change this policy?

**ANSWER PART-1:** The Coast Guard employs a consistent approach to domestic icebreaking for federal waterways as required by Executive Order 7521. The Service employs three levels of capability (heavy, medium, and light) to meet Domestic Icebreaking mission requirements. A combination of these capabilities enables responsive icebreaking operations to accommodate various waterways. These assets are strategically distributed across the Great Lakes (Ninth District) and Northeastern U.S. (First and Fifth Districts) based on the ice conditions, waterway limitations, and commerce needs in the various regions.

While there are 14 domestic icebreakers stationed in the Northeastern U.S., 11 are classified as light domestic icebreakers which are not well-suited to service the Great Lakes due to their size and lower icebreaking capability. The seven icebreakers stationed in the Great Lakes consist of two-thirds of the entire medium domestic icebreaker fleet and the Coast Guard's only heavy domestic icebreaker, all of which are better suited to address the needs in that area. The

following table summarizes the geographic distribution of the Coast Guard's entire domestic icebreaker fleet.

| | Northeastern U.S. (*First & Fifth Districts*) | | Great Lakes (*Ninth District*) | |
|---|---|---|---|---|
| Domestic Icebreaking Classification | Light | Medium | Medium | Heavy |
| Number of Icebreaker Type in Region | 11 | 3 | 6 | 1 |
| Total Domestic Icebreakers in Region | 14 | | 7 | |

The Coast Guard periodically examines the distribution of existing assets to best meet mission demand. As recently as 2013, the Service moved a medium domestic icebreaker from New London, CT to Cleveland, OH to better distribute domestic icebreaking capacity.

**QUESTION PART-2:** The Congress has provided the Coast Guard with 16 million dollars over the past few years to establish a program office to acquire a new Great Lakes icebreaker that is as capable as the current most capable icebreaker in that region. How close is the Coast Guard to acquiring this new icebreaker and what do you need from the Congress to complete this much-needed acquisition?

**ANSWER PART-2:** In total, the Coast Guard has received $16 million in Survey and Design appropriations to support the pre-acquisition activities necessary to acquire an additional domestic heavy icebreaker for the Great Lakes. These funds support activities such as:

1. Establishing a program management office to support the program;
2. Developing required operational documents, including the Domestic Icebreaking Capability Analysis Study Plan, the Domestic Icebreaking Capability Analysis Report, the Domestic Icebreaking Mission Needs Statement, and follow-on engineering studies;
3. Analyzing and validating current Coast Guard Cutter (CGC) MACKINAW's capability, through surveys of hull and engineering systems, to leverage in the design of future Great Lakes Icebreaking capability;
4. Assessing feasibility of CGC MACKINAW design reuse for conceptual design development;
5. Developing initial conceptual designs to be used to evaluate achievable icebreaking capability;
6. Developing initial cost estimates for conceptual designs;
7. Ice model testing of conceptual designs;
8. Developing acquisition documentation to support future ADE-1; and
9. Preparing to execute critical Analyze/Select Phase activities such as the Life Cycle Cost Estimate and Alternatives Analysis.

The Coast Guard is completing necessary activities to develop requirements of a Great Lakes Icebreaker in accordance with statutory provisions outlined in 14 U.S.C. Chapter 11 and Department of Homeland Security and Coast Guard acquisition policies. The rough order of

magnitude estimate for the construction of a single new Great Lakes Icebreaker is approximately $350 million, although the final design will determine overall acquisition cost. This estimate does not include the required shore support and homeporting investments or recurring funds required for operations and sustainment.

QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE DAVID E. PRICE**

**Admiral Karl Schultz**
**Commandant**
**United States Coast Guard**
Committee on Appropriations
Subcommittee on Homeland Security
*Coast Guard Readiness*
April 28, 2021

**COAST GUARD AIR STATION ELIZABETH CITY-RUNWAY 1/19**

**BACKGROUND:** Coast Guard Air Station Elizabeth City contains a joint civil-military use airport that needs an additional working runway. The December omnibus provided $25 million for the Coast Guard to renovate and recapitalize Runway 1/19, allowing the airport to provide better service to the Coast Guard, university flight students, and general aviation. Along with $25 million, the omnibus' conference report encouraged the Coast Guard to work with state and local partners, including institutions of higher learning, on mutually beneficial enhancements to the runway.

**QUESTION:** Please provide an update on these discussions and plans for repairing Runway 1/19, including: cost estimates, an estimated timeframe for project completion, and any financial or operational partnerships that have been made?

**ANSWER:** The Coast Guard appreciates the Committee's inclusion of $25M in the FY 2021 appropriation to fully recapitalize Runway 1-19. This project will restore cross-wind runway capability to support Coast Guard operations at Air Station Elizabeth City as well as civil aviation use from the collocated Elizabeth City-Pasquotank County Airport. The Coast Guard is currently in the early stages of planning for this project, and is committed to continuing engagement with local partners.

The next step in the planning process is to complete an analysis of alternatives for

construction of the runway, including environmental analysis required under the National Environmental Policy Act (NEPA). Through this analysis, the Coast Guard will evaluate alternatives for the dimensions and other characteristics of the runway necessary to meet full operational requirements. Development of the alternatives analysis and NEPA review will take approximately one year to complete.

Following the selection of the preferred construction alternative, the Coast Guard will complete more detailed planning for that alternative and develop the Request for Proposal (RFP). Once the RFP is complete, the Coast Guard will issue a solicitation for contractor bidding. The Coast Guard will then award a construction contract for the project following bid evaluation and selection. Given the estimated timeline for completion of all planning, RFP development, and contracting activities, we anticipate a construction contract award in early FY 2024.

## COAST GUARD OPERATIONS & SUPPORT (O&S) WORKFORCE INVESTMENTS

**BACKGROUND:** For the past two years, the final conference agreements included funding increases for the U.S. Coast Guard's Operations & Support (O&S) budget to address workforce readiness issues, including new child care subsidies and recruiting initiatives. While increased funding is good, the O&S budget had been flatlined for years before that, doing quite a bit of harm.

**QUESTION PART-1:** Where has the U.S. Coast Guard targeted these O&S workforce investments?

**ANSWER PART-1:** Thank you for your tremendous support for our workforce and Coast Guard families. The funds appropriated in FY 2020 and FY 2021 have allowed the Service to make much needed investments in personnel readiness.

- The Coast Guard increased funding for the Child Care Subsidy Program, the most commonly used and versatile form of childcare assistance, and started redeveloping the Service's workforce training system to produce a tailored learning experience aligned with industry standards.

- The appropriations allowed the Coast Guard to access additional mental health resources including licensed social workers and nurse case managers dedicated to the management of behavioral health cases. Additionally, increased investments have been made in our new telehealth program, which allowed the Service to continue delivering high quality healthcare to our workforce amidst the unprecedented challenges of the coronavirus pandemic.

- The appropriation also supported investments in Coast Guard family housing in Kodiak and New York, and provided us the flexibility to use proceeds from the Coast Guard Housing Fund on critical repair and recapitalization projects.

**QUESTION PART-2:** Where is there still an unmet need in your workforce, or areas that could use additional support from this Subcommittee (HAC-HLS)?

**ANSWER PART-2:**

- As the pool of Americans eligible to serve in the Armed Forces continues to narrow, to the maximum extent possible, the Coast Guard requires parity with the other military services.

- This includes bonus and retention pay, modernized training, expanded educational benefits such as tuition assistance, and access to reliable childcare.
- We must also continue the vitally important work of our Technology Revolution. Our workforce requires access to modern, mobile technologies that mirror the capabilities in the civilian sector. Not only are these efforts essential to recruiting and retaining new members of our workforce, but they are an imperative if the Coast Guard is to meet 21st century operational demands.

## U.S. COAST GUARD – SHORE INFRASTRUCTURE MAINTENANCE

**BACKGROUND:** I am aware of budget shortfalls for your aging shore infrastructure, which has resulted in a large backlog of deferred maintenance. According to the GAO, about 45% of Coast Guard infrastructure is beyond its maximum service life. Given the current level at which the Coast Guard is allotting funds to infrastructure, it could take nearly 400 years to complete all the projects on the backlog. Providing funding for new vessels is important, but it doesn't make sense without a corresponding increase in maintenance funding to support these assets.

**QUESTION PART-1:** What are some of the U.S. Coast Guard's top priorities when it comes to shore infrastructure revitalization?

**ANSWER PART-1:** The Coast Guard's top priorities for shore infrastructure are contained in our annual budget requests and Unfunded Priorities List (UPL). These projects will continue to allow the Coast Guard to meet the Service's operational requirements in support of new assets while investing in the recapitalization and maintenance of existing operational and support facilities, to include family housing.

**QUESTION PART-2:** Does the Coast Guard have the resources the Service needs to address the current backlog?

**ANSWER PART-2:** With the support of Congress, the Coast Guard's FY21 appropriation included an increase of $216 million in shore infrastructure Procurement, Construction, and Improvements (PC&I) funding. While this level of support is a significant step forward, a sustained increase in recurring infrastructure funding is required to fully address the Service's infrastructure shortfalls. The Coast Guard will continue to prioritize investments in infrastructure where it can to support the operational readiness of our assets and personnel.

**QUESTION PART-3:** What steps can the Coast Guard take to better manage the Service's shore infrastructure?

**ANSWER PART-3:** The Coast Guard continues to work toward the implementation of the Government Accountability Office's (GAO) recommendations from GAO-19-82, *Coast Guard Shore Infrastructure: Applying Leading Practices Could Help Better Manage Project Backlogs of At Least $2.6 Billion*, and GAO-19-675, *Coast Guard Shore Infrastructure: Processes for Improving Resilience Should Fully Align with DHS Risk Management Framework.* In addition, the Coast Guard continues to look for innovative solutions to improve our infrastructure management. For example, the Coast Guard recently established Housing Assistance Teams to address urgent operational level maintenance with Coast Guard owned housing assets in remote areas of the country.

**QUESTION PART-4:** Are there actions that this Committee can take to help the Coast Guard meet the Service's shore infrastructure goals?

**ANSWER PART-4:** The Coast Guard appreciates the Committee's continued support of the Coast Guard's budget requests and Unfunded Priorities List. As we work to address our housing infrastructure needs in support of our personnel and their families, the provision included in the FY 2021 appropriation which provided the Coast Guard access to Housing Fund proceeds is critical to this effort. We request the Committee's support to include this provision in subsequent appropriations.

## U.S. COAST GUARD MEMBERS – COVID-19 VACCINATION STATUS

**BACKGROUND:** I have read concerning statistics about a low general take-up rate of COVID-19 vaccination rates among military service members. It is a matter of readiness to have our military vaccinated.

**QUESTION PART-1:** Can the U.S. Coast Guard provide the number of Coast Guard members that have been vaccinated, and what percentage of the Service's total population that number represents?

**ANSWER PART-1:**

**a.** AS of 1430 EST on 24 May:
- 29,805 active duty members have been fully vaccinated or received one dose of vaccine.
- 2,976 reserve members have been fully vaccinated or received one dose of vaccine.
- 4,293 civilians have been fully vaccinated or received one dose of vaccine.

**b.** A total of 65% of the U.S. Coast Guard's total workforce has been fully vaccinated or received one dose of vaccine.

**QUESTION PART-2:** Does the Coast Guard have an estimate of how many Coast Guard members are hesitant to get the vaccine or are outright refusing vaccinations?

**ANSWER PART-2:** Approximately 32% of the total U.S. Coast Guard's workforce has deferred vaccination at this time. However, we continue to engage with and inform USCG personnel who initially deferred, with the goal of maximizing immunizations.

**QUESTION PART-3:** Are there actions that Coast Guard leadership can take/are taking to encourage Service members to get the vaccine?

**ANSWER PART-3:** Coast Guard leadership continues to engage members at all levels through a variety of outreach efforts including: social media, strategic workforce messaging, frequently asked questions, and in-person Q&A opportunities with peers, leaders, and medical professionals.

**QUESTION PART-4:** Is the Coast Guard experiencing any vaccination supply issues (i.e. doses, supplies, administrative personnel, etc.)?

**ANSWER PART-4:** The Coast Guard is not experiencing any vaccination supply issues. We continue to coordinate with DoD to ensure adequate access to the vaccine in order to meet the demand for our members and their dependents.

## U.S. COAST GUARD AT-SEA MIGRANT INTERDICTION OPERATIONS

**QUESTION PART-1:** While our nation experiences a surge of migrants on our southwest border, is the U.S. Coast Guard experiencing a corresponding increase in interactions or interdictions of migrants by/at sea?

**ANSWER PART-1:**
In Fiscal Year 2021, the Coast Guard has seen a significant increase in maritime migration in the District 11 (US-MX boundary) area of responsibility compared to historic norms. While maritime migration in the District 7 (FL/Caribbean) area of responsibility is above Fiscal Year 2020 levels, Fiscal Year 2021levels remain within historic norms for the vector.

**QUESTION PART-2:** Please provide a general overview of the background of migrants the Coast Guard has interdicted at sea (i.e. countries of origin, ages, family size, etc.)?

**ANSWER PART-2:**

Fiscal Year 2021 Coast Guard migrant interdictions as of April 30, 2021

| Nationality | Migrants | Unaccompanied Minors |
|---|---|---|
| Bahamas | 10 | 0 |
| Brazil | 7 | 0 |
| Colombia | 3 | 0 |
| Costa Rica | 1 | 0 |
| Cuba | 202 | 3 |
| Dominican Republic | 336 | 1 |
| Ecuador | 7 | 0 |
| Guatemala | 6 | 0 |
| Haiti | 264 | 8 |
| Honduras | 2 | 0 |
| Jamaica | 10 | 0 |
| Mexico | 233 | 0 |
| Romania | 2 | 0 |
| Unknown | 23 | 0 |
| **Total** | **1106** | **12** |

Note: The Coast Guard does not track individual migrants by ages or family size.

QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE John H. Rutherford**

**Admiral Karl Schultz, Commandant of the United States Coast Guard**
**United States Coast Guard**
Committee on Appropriations
Subcommittee on Homeland Security
*Coast Guard Readiness*
April 28, 2021

**U.S. COAST GUARD OVERSIGHT OF SALVAGE & MARINE FIREFIGHTING (SMFF) RESPONDERS**

**BACKGROUND:** Last summer a roll-on/roll-off ship caught on fire at the Port of Jacksonville. Fortunately, the vessel operator's salvage and marine firefighting (SMFF) responder quickly arrived and assisted local firefighters in putting out the fire, stabilizing the vessel, and preventing a significant pollution incident. It is my understanding that the U.S. Coast Guard does not inspect SMFF responders as they do oil spill responders. Instead the Coast Guard relies on the commercial vessel operators who are required to retain SMFF responders to do this and only requires SMFF responders to provide reports to the Coast Guard on their capabilities. The GAO recently reviewed the USCG's SMFF verification system and noted that its reliance on self-reporting, and SMFF responders' reliance on third-party contractor.

**QUESTION PART-1:** Why are SMFF responders regulated differently than the oil spill responders?

**ANSWER PART-1:** Per 33 CFR 155 Appendix B and 33 CFR 155 Subpart I, the vessel response plan (VRP) holder must ensure that both the Oil Spill Response Organization (OSROs) and Salvage Marine Fire Fighting (SMFF) service providers listed on the VRP can provide services required per 33 CFR 155 Subparts D, E, F, J and 33 CFR Subpart I, respectively.

VRP holders that are required to maintain SMFF services must obtain written consent from the SMFF service provider to be in the plan. Additionally, written consent must state that the SMFF service provider agrees to provide services required by 33 CFR 155.4030(a) through 155.4030(h), and that these services are capable of arriving within the response times listed in 33 CFR 155.4030(b). Vessel response plan holders are not required to obtain the same written consent from OSROs listed on the plan. Additionally, the Oil Pollution Act of 1990 granted the Coast Guard authority to inventory oil spill response equipment but did not grant the Coast Guard authority to inventory SMFF response equipment.

Vessel Response Plan holders are required to obtain written consent from their SMFF service providers to ensure, via contract, prompt SMFF services in the event of an incident requiring services. Timely SMFF service provider response is crucial to prevent an oil spill or a potential oil spill from becoming a worst case discharge scenario.

**QUESTION PART-2:** Has the Coast Guard addressed the vulnerabilities, in regard to oversight of SMFF responders, identified in the GAO report on this matter?

**ANSWER PART-2:**
The Coast Guard has established processes in place to evaluate VRPs against National Planning Criteria. First, the Coast Guard reviews VRPs to ensure that plans meet regulatory requirements. Additionally, the Coast Guard conducts monthly SMFF verifications as part of VRP reviews to corroborate service provider resources and response times.

Actual performance of SMFF resources during a casualty is influenced by factors that are evaluated by the plan holders and responders/investigators during response exercises and real world incidents. The Coast Guard is currently updating the Marine Environmental Response and Preparedness Manual to emphasize the role of Federal On-Scene Coordinators Representatives (FOSCR) and casualty investigators in verifying compliance of VRP regulations, including SMFF requirements.

THURSDAY, MAY 6, 2021.

# UNITED STATES SECRET SERVICE

## WITNESS

**JAMES MURRAY, DIRECTOR, UNITED STATES SECRET SERVICE**

Ms. ROYBAL-ALLARD. The subcommittee on Homeland Security will come to order.

During today's virtual hearing, members are responsible for muting and unmuting themselves. When you are recognized to speak, if I notice that you have not unmuted yourself, I will ask you if you would like the staff to unmute you. If you indicate approval by nodding, staff will unmute your microphone.

To avoid inadvertent background noise, the chair or staff designated by the chair may mute participant microphones when they are not recognized to speak. If there is a technology issue during the member's speaking time, we will move to the next member until the issue is resolved, and you will retain the balance of your time.

We will be following the five-minute rule. With one minute remaining in your time the clock on your screen will turn yellow. When your time has expired, the clock will turn red and it will be time to recognize the next member.

We will follow the speaking order set forth in the House rules, beginning with the chair and ranking member, followed by members present at the time the hearing is called to order in order of seniority, and we will alternate by party.

Next, we will go to members who were not present when the hearing was called to order until every member present has had a first round.

Members can submit information in writing at any of our hearings or markups using the email address provided in advance to your staff.

So let's begin.

I welcome James Murray, Director of the United States Secret Service. This is the Director's first time to testify in front of the subcommittee, and he is here to discuss his agency's operations, particularly his protective security activities.

Director Murray, you are charged with two primary missions: Protecting the President, key officials and foreign dignitaries; and investigating threats to our currency and financial systems and infrastructures.

This presidential transition year, the Secret Service has a heavy protective workload that began with a completed presidential inauguration. There are also several major and national special security events tentatively planned, including high level submits and the UN General Assembly in New York City.

In addition, the agency is protecting a comparatively large number of protectees beyond the President, Vice-President and their families. This includes some from the prior administration who have been temporarily extended protection.

I hope you will use this hearing as an opportunity to provide us with a candid assessment of whether your current year funding is sufficient to carry out your protection responsibilities. We appropriated extra funding in our fiscal year 2021 bill in anticipation of these costs, but I am concerned about whether those resources are sufficient.

We also want to hear details about your challenges related to cyber fraud, maintaining a workforce hiring pipeline and training capacity aligned with future staffing requirements and operations during the pandemic.

While I know you are still limited in what you can say about the budget requests for the coming year, we will want to have a good discussion about what it will take to address all of these challenges, both now and in fiscal year 2022.

I would now like to turn to the distinguished gentleman from Tennessee, Ranking Member Fleischmann, for his opening remarks.

Mr. FLEISCHMANN. Thank you, Madam Chairwoman, and I appreciate your opening remarks and holding this hearing today.

Director Murray, thank you very much for being with us here today as we discuss operational priorities for the Secret Service. I hope we get a chance at some point, sir, to discuss the fiscal year 2022 budget requests in the near future.

I do want to say since we spoke recently about a week or so ago, I had the privilege of meeting with your local folks from the Nashville and Chattanooga offices as I do on a regular basis. They are truly, like yourself, sir, outstanding, but I wanted to convey that, that we had that meeting.

As I have told you before, I have tremendous pride working with the Secret Service as the ranking member of this subcommittee. And it goes without saying that you and your agents have done an incredible job throughout this pandemic. You have successfully managed protective operations throughout a long and contentious election cycle under the threat of COVID and transitioned seamlessly from one administration to another, valiantly securing the increased number of protectees under the agency's watch.

Additionally, you have also made significant strides in countering financial fraud and cybercrimes, a growing threat as government COVID assistance program are hit by fraudsters and criminals who have come out of the woodwork in an attempt to exploit programs intended to help support those individuals most in need during these difficult times.

So thank you for protecting both the needy from these hoaxes as well as the integrity of our financial systems.

Most impressively, all of this work was done in a pandemic in which you took the necessary and proactive steps to protect your frontline workforce, laying out a comprehensive plan that you briefed us on and then stuck to it. Through a number of your employees, or though a number of your employees have contracted the Corona virus to date, you have had zero casualties as a result of

contracting the virus, which considering the day to day work your workforce conducts every day is a significant accomplishment. So thank you for a job well done.

Though the world has changed tremendously over the past year, I know that many of the priorities of the Secret Service remain unchanged. But I also know that you are constantly looking to evolve with the threat landscape, ensuring that you stay ahead of any adversaries. So I look forward to our discussion today on how you see the Secret Service moving forward, the challenges you look to overcome, and the priorities you plan to put in place to meet them.

Thank you again, Director Murray. I look forward to your testimony today, which I hope does not include any proposals to leave the Department of Homeland Security. I really enjoy working with the Secret Service.

Madam Chair, I thank you and I yield back.

Ms. ROYBAL-ALLARD. Director Murray, we will submit the full text of your official statement for the hearing record.

Please begin your oral summary which I would ask you to keep to five minutes.

Mr. MURRAY. Thank you, ma'am.

Good morning, Chairwoman Roybal-Allard, Ranking Member Fleischmann, and distinguished members of the subcommittee. Thank you for the opportunity to be here today to discuss operations, initiatives, and future planning that is ongoing here in the Secret Service.

While I understand that discussions concerning the fiscal year 2022 budget are being deferred, I am eager to share with you examples of the vital work being performed by the men and women of our agency.

In a year beset by extraordinary challenges due to COVID–19, I am grateful for the resiliency and adaptability of our workforce, the active support of their families, and the unwavering commitment to protect our nations' leaders and safeguard our country's financial infrastructure.

Despite the global health challenges and the dynamic operational tempo of the past year, the Secret Service continued to make progress in a number of critical areas. Thanks to your support, we completed work on security enhancements to E Street inside the White House zone, and made significant progress on constructing the permanent White House fence.

We also strengthened partnerships with state and local law enforcement through our National Computer Forensics Institute, or NCFI, as well as through our network of Cyber Fraud Task Forces.

From a hiring standpoint, we are actively working to achieve our fiscal year 2021 goal of 7,900 positions, a historic number for our agency and one that moves us a step closer to our long-term capital goals. To achieve this level of growth, while keeping everyone safe, we did move many preemployment activities to a virtual environment.

To further our goal of building and maintaining a diverse workforce, our recruitment branch conducted a number of recruiting events in conjunction with historically black colleges and universities, Hispanic serving institutions, tribal colleges and universities

as well as a number of women's organizations and various branches of the military.

With respect to retention, the various initiatives that this subcommittee has funded and supported over the past five years have resulted in a steady decline in attrition. The largest of these being the Uniform Division Group Retention program, which is notable for its high enrollment rate and a measurable decline in attrition over the past several years.

Throughout the pandemic our men and women worked tirelessly to carry out our protected mission. While all campaign years present unique challenges, COVID–19 severely altered protectee patterns of life and required operational adjustments to keep everyone safe.

What's more, our people successfully led the security planning for five National Special Security Events, or NSSEs. The foundation of success when it comes to NSSEs lies in our partnerships with agencies across all levels of the government and the extensive planning that goes into securing those events.

While protection is inherently a no fail mission, the Secret Service criminal investigations also have an impact upon national and economic security. The sustained investigative focus by our agents and analysts on cyber-enabled financial crimes has resulted in the prevention of more than $9.5 billion in potential fraud loss over the past several years.

The various COVID relief programs passed by Congress also unfortunately attracted criminal activity. The Secret Service continues to do our part to protect communities in this regard. Over the past year the agency has disrupted hundreds of online pandemic related scams, opened more than 750 COVID-related cases, and seized in excess of $800 million in COVID-related fraud.

The success of our integrated mission is entirely reliant on the world class training provided at our Rowley Training Center. After a two-and-a-half month closure prompted by the pandemic, RTC opened its doors again in June of 2020, just the second federal law enforcement training facility to safely do so.

I thank the members of this subcommittee for their support which has allowed the Secret Service to make smart infrastructure investments at our Rowley Training Center. I am committed to the pursuit of future projects so that our facilities best approximate environments that our agents and officers encounter while on duty.

Madam Chairwoman, Ranking Member Fleischmann, and distinguished members of the subcommittee, I am grateful for your support of our people and our mission over the years. The targeted investments made by this subcommittee have amplified our success in many areas. With your support we have heavily invested in measures that have enhanced our protected methodologies and our capabilities.

Moreover, your support and concern for the men and women of the Secret Service has been unwavering. On their behalf, I thank you and I look forward to answering any questions you may have.

[The information follows:]

**James M. Murray**
**Director**
**United States Secret Service**

**Written Testimony**

**Before the**
**United States House of Representatives**
**Committee on Appropriations**
**Subcommittee on Homeland Security**

**May 6, 2021**

Good morning Chairwoman Roybal-Allard, Ranking Member Fleischmann, and distinguished members of the Subcommittee. Thank you for the opportunity to appear before you today to discuss the operations of the United States Secret Service. While I understand that discussions on the fiscal year (FY) 2022 budget are being deferred until after the President transmits the full budget to Congress, I am eager to share with you examples of the vital work performed by the dedicated public servants of our agency.

In a year beset by extraordinary challenges associated with the COVID-19 pandemic, I am grateful for the resiliency and adaptability of our employees and the support of their families. I am also grateful to our personnel for their unwavering commitment and dedication to protect our nation's leaders and safeguard the American public from criminals targeting our country's financial infrastructure.

Over the past year, our frontline special agents and Uniformed Division officers ensured the safety of a historically high number of protectees through periods of civil unrest, oversaw presidential campaign protection and the transition of power, and developed a new post-presidency protective detail. In addition, Secret Service law enforcement and support personnel fought a proliferation and diversification of financial crimes associated with various COVID-19 economic relief programs. Countering pandemic relief fraud, which impacts people at their most vulnerable, continues to be a major focus of Secret Service investigations.

Despite the global health challenges and dynamic operational tempo of the past year, the Secret Service continued to make progress in hiring and training, strengthened our partnerships with State and local law enforcement officials through digital forensics training, and improved protective infrastructure and technologies at the White House Complex and other protective sites, most notably through security enhancements along E Street and ongoing construction of the new, permanent White House perimeter fence. In addition, the agency successfully continued the recapitalization of our fully armored vehicle fleet and transition to a leased law enforcement vehicle fleet, critical repairs and maintenance at the agency's Rowley Training Center (RTC) and began the modernization of our aging field radio systems.

Reflecting on our progress over the past year, I recognize that none of these achievements would have been possible without the incredible hard work and significant personal sacrifices of our employees.

**Ensuring the Health and Safety of Our Employees**

In the days following the nationwide lockdown in March 2020, the Secret Service quickly provided agency-wide guidance and made necessary adjustments to telework and leave policies for the entire workforce.

Throughout the pandemic, the Secret Service's safety and health professionals in our Office of Human Resources communicated timely information to all employees, especially those who continued their daily protective and investigative missions despite the risks associated with COVID-19. These professionals organized and led numerous information sessions with public and private sector medical professionals at the forefront of the nation's COVID-19 response, including webinars attended by Secret Service employees.

The agency coordinated with Department of Homeland Security (DHS) procurement professionals to authorize, order, and distribute personal protective equipment (PPE) to the workforce. Our medical personnel forged strategic partnerships with federal, state, and local medical specialists to refine and implement a comprehensive COVID-19 testing plan. To support testing processes for the agency's geographically dispersed workforce, the team analyzed testing metrics, evaluated changing COVID-19 regional trends, built a COVID-19 contact tracing application, and performed personal medical follow-ups for employees who required extra care.

Our information technology personnel increased network bandwidth and acquired equipment and licensing to allow Secret Service employees to telework safely and securely, while expanding secure video conferencing capabilities to ensure that critical communications could continue unimpeded. With the expansion of telework, the agency is focused on delivering user-friendly applications and services to the workforce while ensuring the security of our network and critical services.

To ensure operational continuity, the Secret Service continues to employ COVID testing protocols, informed by expert medical advice, that include testing employees who are preparing to travel on protective advances; employees who may have worked in an environment with a high probability risk of COVID-19 exposure; and additional testing for trainees and staff. The agency also developed a new digital tracking system to gather testing data and monitor trends, allowing us to continually adapt our testing protocols to meet the needs of our workforce, and adjust our business processes accordingly.

**Staffing the Agency to Meet Mission Requirements**

To reduce the risk to the workforce while maintaining the pace required to meet our hiring targets, we moved many pre-employment activities to a virtual environment. This includes increased capacity for computer-based testing and virtual panel interviews. In FY 2020, our personnel attended more than 780 virtual recruiting events and received more than 38,000 law enforcement position job applications.

Following several consecutive years of meeting or exceeding our hiring goals, the Secret Service fell slightly short of our targets in FY 2019, partially due to the government shutdown, and in FY 2020 due to the COVID-19 pandemic. Despite halting all in-person hiring activities for three months in FY 2020, our efforts to re-engineer processes to maximize virtual capabilities and institute protocols where in-person activity was required resulted in a total onboard staffing level of 7,628 positions at the end of the last fiscal year, a historically high number for the Secret Service. The agency is working diligently to meet its FY 2021 budgeted staffing level of 7,896 positions. To further its goal of building and maintaining a diverse, equitable, and inclusive workplace, the Secret Service has also implemented a number of equal opportunity and diversity policy initiatives, including policies on Equal Employment Opportunity and Prevention of Discrimination and Harassment and Increasing Employment of Individuals with Disabilities and Targeted Disabilities.

The agency has seen a steady decline in attrition across job categories over the past several fiscal years and is actively working to ensure this positive trend continues. Part of the decline in attrition is due to a number of retention programs we established over the past five years primarily focused on the agency's frontline agents and officers, and on employees with highly specialized cybersecurity skills. The largest of these efforts is the UD Group Retention program, which provides a higher financial incentive for a longer service obligation compared to previous retention efforts. This initiative, along with increased UD staffing, has contributed to a decline in UD attrition over the past several fiscal years, from 8.59 percent in FY 2019 to 7.34 percent in FY 2020, with current projections showing a further decline in FY 2021 to 6.05 percent.

Another significant effort in the past year was working with Congress to extend legislative relief through calendar year 2023 to allow Secret Service employees to be compensated for protective services overtime hours up to level II of the Executive Schedule. This provision had a direct effect on close to 1,200 agents last calendar year. Other retention initiatives—student loan repayment, tuition assistance, childcare subsidies—impact fewer employees but have been an important component to modernizing our human capital processes and improving employee satisfaction and retention.

Employee Morale

In addition to our retention programs, the Secret Service has worked over the past several years to improve employee morale by enhancing the professional development of our employees, implementing new leadership development initiatives and programs, and improving the resiliency of our workforce.

One important measure of employee morale and engagement is the Federal Employee Viewpoint Survey (FEVS). In spite of the many challenges we faced in 2020, the Secret Service continues trending in a positive direction. Comparing results between 2019 and 2020, nearly every area polled showed improvement. On Employee Engagement, the agency's 2020 scores showed an increase in positive perceptions, up 4 percent from 2019 and 22 percent since 2016. In addition, on Global Satisfaction, positive perceptions were up 4 percent from 2019 and 32 percent since 2016.

I was especially pleased to see increases in positive responses in the area of performance management and recognition, which comes after a significant enhancement to our performance management system in 2019. The positive responses include an increase of 17 percent of respondents believing that differences in performance are recognized in a meaningful way.

**Protecting Our Nation's Leaders and Events of National Significance**

The 2020 FEVS results were particularly encouraging given the operational complexities of the past year, as the agency worked to adopt new measures to safeguard our protectees and our personnel during a Presidential campaign and transition of power. While all campaign years present inherent challenges due to the unpredictable nature of candidate travel and trends in the electorate, the 2020 campaign was a particular challenge as the COVID-19 pandemic severely impacted protectee patterns of life. As a result, the number of protective travel visits for all protectee types slowed in the second and third quarters of FY 2020. However, starting in the fourth quarter of FY 2020 and through the first quarter of FY 2021, the number of protective travel visits, with the exception of foreign heads of state and government, had increased to more typical levels.

Transition activities associated with the new Administration and establishing a new post-Presidency protective detail have been the primary focus of our protective operations this year. Given the geographic dispersal of new protectees, the Secret Service is working to ensure that residence security and protective operations outside the National Capital Region are met.

National Special Security Events

In addition to the Presidential campaign, our workforce successfully led the planning, coordination, and implementation for National Special Security Events (NSSEs). In FY 2020, these included the 2020 State of the Union Address and the 2020 Democratic and Republican National Conventions, which were scaled back significantly due to the COVID-19 pandemic but retained their NSSE designations and required Secret Service and partner government agency assets to be deployed. For the first time in its 75-year history, the United Nations General Assembly (UNGA) was held virtually in 2020 and carried out with prerecorded speeches by world leaders due to the pandemic. As a result, the pre-designation of last year's UNGA as a NSSE was rescinded by the Acting Secretary of DHS due to the lack of in-person dignitary attendance.

There have been two NSSEs thus far in FY 2021, the 59th Presidential Inauguration (Inauguration) in January and the President's Address to a Joint Session of Congress on April 28, 2021. In response to the heightened security environment in the aftermath of the attack on the U.S. Capitol on January 6, 2021, the former Acting Secretary of DHS extended the duration of the NSSE related to the Inauguration from January 13, 2021 through January 21, 2021. This provided additional time for the full resources of all participating agencies to be deployed. The exceptional efforts of our workforce, along with those of our law enforcement, public safety and military partners, kept the Inauguration safe and secure and facilitated the peaceful transition of power.

The Secret Service has reviewed its operational security posture over the past 10 months due to the increase in civil unrest and domestic violent extremism. In FY 2020, RTC developed the Mobile Field Force Program to ensure that during gatherings and assemblies, the Secret Service's protective mission is preserved, while the safety, civil rights, and civil liberties of participants and non-participants are not compromised. In FY 2021, the agency has deployed anti-scale fencing at protective sites to meet specific mission requirements, and is supporting the continued development of the UD's Civil Disturbance Unit (CDU), as well as our open source intelligence capabilities given the proliferation of social media platforms.

Protective Intelligence

The agency's protective operations are strengthened by Secret Service analysts, social science research specialists, and agents assigned to the Protective Intelligence and Assessment Division. This critical component of the agency continuously assesses protective intelligence data to proactively identify, investigate, and mitigate potential threats to persons, facilities, and events protected by the Secret Service both domestically and internationally. In FY 2020, our personnel investigated more than 2,875 protective intelligence cases and provided 2,672 protective intelligence products to support mission operations.

In addition to enabling the success of the protective and investigative mission, the expertise developed by Secret Service personnel provides an opportunity to assist communities in preventing violence against children through research conducted and published by the Secret Service's National Threat Assessment Center (NTAC), investigative support through partnership with the National Center for Missing and Exploited Children, and community outreach conducted through programs, such as Operation Safe Kids and the Childhood Smart Program. The agency's NTAC applies those methodologies to research the broader field of violence prevention. In the agency's most recent study, *Averting Targeted School Violence: A U.S. Secret Service Analysis of Plots Against Schools*, NTAC examined 67 disrupted plots against K-12 schools from 2006-2018. Our public safety partners are profoundly interested in NTAC's research data, as evidenced by the nearly 14,000 teachers, administrators, coaches, and other school safety stakeholders from all 50 states and 64 countries who registered for the virtual rollout of this report in March 2021.

**Strengthening Partnerships through Criminal Investigations**

While protection is inherently a no-fail mission, the Secret Service's investigative mission accomplishes critical national and economic security objectives, while developing agents for protective assignments as their careers progress. In addition, Secret Service agents in the field perform much of the advance work and relationship building that supports protectee travel. Often the same federal, state, and local government partners with whom agents collaborate on criminal investigations are relied upon to provide staffing, motorcade, and intelligence resources for Secret Service protective functions.

Many state and local law enforcement agencies that support protective operations also have close working relationships with the Secret Service's Cyber Fraud Task Forces (CFTFs). These connections are mutually beneficial, as they provide those agencies with access to the Secret Service's enhanced cyber expertise and resources while strengthening our relationships with state and local law enforcement partners who support protective missions.

In coordination with the agency's network of CFTFs, the Secret Service's Global Investigative Operations Center has been instrumental in countering pandemic relief fraud, including transnational conspiracies to defraud billions of dollars from state and federal unemployment insurance programs. The agency's investigative focus in this area is threefold: disrupt and deter criminal activity; assist organizations at risk of crime; and recover funds stolen from Americans. Over the past year, the Secret Service has disrupted hundreds of online pandemic relief scams, opened over 750 cases, and seized over $600 million.

The Secret Service's CFTFs also perform an important role tackling ransomware, a digital extortion tool used by transnational criminals to hold computer systems and digital information hostage. This malicious cyber activity is a national security threat responsible for the disruption of numerous critical functions, including law enforcement, emergency services, and medical care.

As part of DHS's efforts to prevent and respond to ransomware, the Secret Service supports the Criminal Mission Center at the National Cyber Investigative Joint Task Force, which serves as the multi-agency national focal point for coordinating, integrating, and sharing information on ransomware investigations. The agency is also closely partnering with the National Security Council, the Department of Justice, and the Department of the Treasury.

National Computer Forensics Institute (NCFI)

Another way the Secret Service strengthens partnerships with our state and local law enforcement partners is through digital forensics training at the National Computer Forensics Institute (NCFI). Effective use of digital evidence requires dedicated technical specialists, high-tech equipment, analytical tools, and legal expertise.

NCFI leverages innovative technology and experienced instructors to train state and local law enforcement officers, prosecutors, and judges on digital evidence collection and analysis. In doing so, our partners are equipped to conduct modern law enforcement operations and that our judicial system can effectively process such cases.

From 2008 – 2020, the Secret Service trained and equipped over 13,000 students, including 8,600 state and local law enforcement officers, 3,600 state and local prosecutors, and over 800 judicial officials. These students represent all 50 states, three U.S. territories, over 2,000 agencies nationwide, and collectively strengthen the Secret Services network of CFTFs.

NCFI responded to the challenges presented by the COVID-19 pandemic, establishing and deploying the NCFI Virtual Training Platform to conduct online training and briefings, which enabled quick dissemination of information to Secret Service field offices and its network of CFTFs, including state and local law enforcement investigative partners. This was a notable year of NCFI training achievements with tremendous growth of individuals trained and the development of new curriculum.

International Criminal Investigations

Other high impact criminal investigations are carried out by agents assigned to our international field offices. While the development of productive and cooperative relationships with our international law enforcement counterparts results in enhanced operations when our protectees travel overseas, they are also effective in protecting the American public from a wide range of financial crimes, which are increasingly transnational in nature and enabled by cyberspace and digital currencies.[1]

One such case involved a subject who came to the attention of the Secret Service in 2017 as part of an investigation into a transnational cyber-crime organization that was facilitating criminal activity and laundering criminal proceeds. We believe that this investigation prevented the loss of approximately $1.3 billion thanks to the coordination between law enforcement agencies, the National Cyber-Forensics and Training Alliance, and financial institutions.

[1] Criminal activity related to digital currencies investigated by the Secret Service often involves violations relating to 18 U.S.C. §§ 1028, 1028A, 1029, 1030, 1343, 1956, 1957, 1960, and 3056(b).

The subject and a group of co-conspirators each had their own network of hackers, recruiters, collusive financial institution employees and cryptocurrency brokers and would engage in automatic teller machine (ATM) cash-out operations. In these types of sophisticated schemes, which are also referred to as "jackpotting," thieves install malicious software and/or hardware at ATMs that force the machine to dispense huge volumes of cash on demand.

The Secret Service identified the subject as the principal money launderer for this transnational organization and arrested him in October 2019. Working in conjunction with other federal law enforcement partners, the Secret Service identified the subject as being associated with an organization controlled by units of the Reconnaissance General Bureau, a military intelligence agency of the Democratic People's Republic of Korea (DPRK) engaged in criminal hacking. These military hacking units included members that have come to be known within the cyber-security community as both the Lazarus Group and Advanced Persistent Threat 38 ("APT38").[2] In this criminal plot, the Government alleges that hackers attempted to steal more than $1.3 billion from financial institutions and cryptocurrency companies through a series of cyber-enabled extortion schemes and ATM cash-outs.

On February 17, 2021, federal indictments identifying the subject and three DPRK nationals were unsealed. The subject was identified as a co-conspirator and the primary money launderer in this scheme that the Government alleges to have been perpetrated by the DPRK as well as non-state criminal actors. The subject pled guilty to $60 million in fraud.

Though it may sound quaint compared to the technological savvy of cyber criminals, the counterfeiting of U.S. currency is still a core function of the Secret Service's criminal investigative work, particularly overseas where higher quality counterfeit Federal Reserve Notes (FRNs) could cause disruptions if left unchecked. On March 15, 2021, our Sofia, Bulgaria Resident Office, in collaboration with the General Directorate for Combatting Organized Crime and the Sofia City Prosecutor's Office conducted an operation against an organized criminal group. During the operation, two Bulgarian citizens were detained for the manufacturing, possession and distribution of counterfeit FRNs and counterfeit Euro (EUR) currency. As a result of this joint operation, approximately $4 million in counterfeit FRNs and €3.6 million in counterfeit EUR was seized, along with the paraphernalia (intaglio plates, photographic films, and offset plates) utilized in manufacturing these counterfeit notes.

**Training for Mission Success**

During the COVID-19 pandemic, the training staff at the Secret Service's RTC remained steadfast in their commitment to provide current and relevant training to the workforce. After a two-and-a-half-month closure prompted by the pandemic, RTC re-opened in June 2020 – the second federal law enforcement training facility to safely do so.

To resume onsite training in an orderly, safe, and phased approach, RTC leadership established several COVID-19 working groups to address training, safety, and employee concerns. Additionally, to ensure continuity of on-campus operations, RTC partnered with Johns Hopkins

[2] United States of America v. Hyok, Il, & Hyok. CR 2:20-cr-00614-DMG (Central District of California 2020). https://www.justice.gov/usao-cdca/press-release/file/1367721/download#INDICTMENT

and the Academy Operations working group to develop a COVID-19 Recovery Plan. This Recovery Plan, designed to mitigate risks associated with COVID-19, outlined use of PPE, thorough sterilization of facilities and equipment, and health screening procedures.

The dedicated public servants assigned to RTC continue to perform at the highest level to accommodate the throughput of new recruit classes as well as the in-service training that is critical to operational readiness. In-service training for agents assigned to the Presidential and Vice Presidential Protective Divisions, officers assigned to the White House Branch, and agents and officers assigned to the Special Operations Division remains a priority.

In terms of new recruits, the Secret Service's success in hiring directly impacts the number of basic training classes conducted at RTC. All special agent and UD recruits must successfully complete up to 20 weeks of training at RTC following their graduation from the Federal Law Enforcement Training Center. In FY 2021, the Secret Service expects to conduct 22 basic training classes which will continue to stretch capacity at facilities throughout the campus.

Rowley Training Center

In terms of infrastructure improvements, the Secret Service continues to pursue smart investments at the RTC to ensure that our primary training campus does not fall into disrepair and has the future capacity to accommodate the specialized training requirements associated with the mission. The Secret Service has made progress in this area over the past five years by: renovating the outdoor rifle ranges, the live-fire shoot house, and the outdoor pistol range; and completing construction on the new canine training facility.
When I attend graduation ceremonies for new agents and officers, I am aware that for many new recruits the RTC campus is the first impression they have of Secret Service operations. I am committed to ensuring that RTC provides a training atmosphere that befits the mission by being an active steward of our existing facilities and continuing to evaluate improvements.
Protection Assets and Infrastructure

In addition to our training infrastructure, the Secret Service has made considerable progress over the past several years in upgrading infrastructure and technologies at the White House Complex and other protective sites. Foremost in that regard is the Secret Service's Operational Mission Support (OMS) program, a multi-year effort that has resulted in major improvements to officer booths; vehicular gates; canine operations; off-site truck screening; cameras, alarms, and sensors throughout the Complex; and classified programs.

Perhaps the most visible security enhancement on the Complex is the replacement of the White House perimeter fence. In partnership with the National Park Service, construction of the new, permanent fence began in July 2019. Construction was substantially complete along the north fence line (Pennsylvania Avenue) in July 2020 and is nearing completion along the south fence line. Construction on the remaining phases is expected to continue through April 2022. After years of planning and design and getting required approvals from the National Capital Planning Commission and Commission of Fine Arts, it is encouraging to see this security enhancement take shape.

Another priority in recent years has been the recapitalization of the Secret Service's armored vehicle fleet. By the end of this year, the agency will have armored 435 base platforms, with 97 base platforms remaining to achieve the full armored vehicle fleet requirement. The research and development required for a new base vehicle platform now that the Chevrolet Suburban 3500 HD is no longer available is being conducted in partnership with the Department of State.

**Conclusion**

As the Secret Service strives to meet its strategic benchmarks on hiring and retention, I am increasingly focused on ensuring that we appropriately balance the staffing requirements of the agency with the advanced training, infrastructure, and equipment our frontline agents and officers need to be successful. I am also committed to continuing improvements we have made over the past several years to our business operations, particularly in the areas of data governance and measuring our performance with the support of strong analytics.

On behalf of our dedicated public servants who carry out the mission everyday throughout our country and around the world, I appreciate the targeted investments provided by this Subcommittee over the past several fiscal years. Your support has amplified our successes in a range of operational areas, sustained our hiring efforts, helped improve morale and curtail attrition, strengthened our partnerships with state and local law enforcement, and provided for the replacement and enhancements of protective assets and technologies.

Chairwoman Roybal-Allard, Ranking Member Fleischmann, and distinguished members of the Committee, thank you for your continued support. I hope my testimony here today is helpful as you begin deliberations on the FY 2022 Budget in the coming weeks. I welcome your partnership and counsel as we make improvements for the betterment of the Secret Service's mission and the safety and well-being of the people who faithfully execute the mission.

This concludes my testimony. I am happy to answer any questions you have at this time.

Ms. ROYBAL-ALLARD. Thank you, Director Murray.

Director Murray, it is always challenging for an agency to try to budget in advance for a fiscal year, but it is even harder to do when you cannot predict whether or not there will be a presidential transition.

In addition to these presidential transition costs, the total number of additional protectees beyond the President and Vice-President is higher than it has been in the past.

What have your obligations been like for protection activity so far, and do you anticipate your current budget keeping pace with your obligations or do you foresee budget problems as we move further into the fiscal year?

Mr. MURRAY. Thank you for your question, ma'am.

You are very much correct. It is always difficult inside and outside of a campaign year when it comes to the protective side of the house to predict how much protective travel there will be. And then when you compound that with a situation, as you have described where this is the first one-term presidency in about 28 years, I believe, in order to plan for that it is also challenging. And on top of that you have additional protectees that we did not participate before the end of the year.

So those are all key considerations. While COVID has sort of tamped down the amount of protective travel, we are starting to see an uptick. I think as COVID improves, we will see that continue. I further think that we will also see a rise in travel by foreign heads of state and heads of government here to this country along with their spouses, which is also a Secret Service responsibility.

As of right now the tempo is not overwhelming. However, I do think as we go through the third quarter and into the fourth quarter it is going to be a challenge. That is going to cause us to make some decisions. There are some large critical needs with regard to protection, one of those being some of the experiences we have had over the past year with regard to civil disturbance. We found that we did not have enough of our folks trained in civil disturbance. We did not have enough equipment in that regard.

Likewise, with regard to our threat management efforts, our protective intelligence efforts, we are heavily invested in making sure that we are aware of any threats that exist out there in open source environment, and that requires a lot of equipment and technology which is always emerging. So those are some areas that I am concerned about before we get into the next fiscal year in terms of being fully funded.

Ms. ROYBAL-ALLARD. Okay. Well, please keep us abreast of things as they happen.

And you mentioned some of the other things that have happened that were unexpected, like the January 6 capital attack. How has that influenced the agency's security posture as it relates to staffing and resources?

And I am going to ask the second part of that, has the January 6 capital attack led to a reevaluation of the process for national security on special security event designations and, if so, what outyear planning is taking place for future NSSEs?

Mr. MURRAY. Yes, ma'am. I will try to answer that in order, but I am also mindful of your time. So please let me know if you need me to pause.

So we are always looking to capitalize on lessons learned. And obviously what happened on January 6th was abhorrent. It was an attack on our democracy, and we in law enforcement and public safety cannot let it happen again.

But, again, whether it is something as significant as that or even something as we saw across the pond in the U.K. last week where there was an incident over in Manchester, we are always looking to capitalize on our own lessons learned and observe what happens with partner agencies.

So certainly, definitely took those lessons learned and implemented them into—implemented into the security plan that we carried out two weeks later for the Inauguration, and we will continue to do that.

With respect to your question about National Special Security Events, as you know, ma'am, that is not something that the Secret Service designates. We serve as the lead operational agency for operational security. I would imagine that there will be conversations ongoing as to whether an event like the one we had on January 6th, and I say the event. I do not mean the incident. I mean the actual constitutional process, whether or not that should fall inside the confines of something like an NSSE. I welcome those conversations and I imagine those are forthcoming.

Ms. ROYBAL-ALLARD. Okay. Thank you.

I am running out of time, so I am going to go Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you.

Mr. Director, I know significant work has been done in replacing and improving much of the existing fencing on the White House grounds over the past few years, and this project will continue through fiscal year 2022.

I also know that over the last year we have seen a significant amount of temporary fencing erected throughout D.C. as a result of civil unrest from the White House to the Capitol, which not only incurs significant cost for the installation and maintenance of these fences, but restricts Americans from the ability to visit and observe these sites, albeit from a significant distance away.

Do you feel the level of permanent fencing and security measures currently in place are sufficient for the Secret Service to carry out their protective mission?

And secondly, sir, do you believe there should be a more permanent solution in place to alleviate the need for the recurring installation of temporary anti-climb fencing around the White House and Capitol, sir?

Mr. MURRAY. Thank you, sir, for your question.

First and foremost, thank you, sir, and Madam Chairwoman and this committee for your support because that new permanent White House fence, that is a game-changer for us. We began construction on that going back to 2019. We recently finished up on the north side of the White House, soon expect to finish up the south side. And by this time next year that permanent White House fence will be fully installed.

Again, that should afford not only the Secret Service to have some enhancements operationally, but it also should afford the opportunity for our citizenry to come back onto Pennsylvania Avenue and view the White House as they should.

With respect to your second part of your question, that is a consideration with regard to whether or not there should be a secondary screening point or secondary barrier as we push out of the White House perimeter. It is something we do for NSSEs, as you mentioned. It is something we are doing right now with the use of the anti-scale fence that is up around the White House. And that is going to be something that we are going to have to take a hard look at and probably look to invest in in the future.

Mr. FLEISCHMANN. Thank you, sir.

Based on the events of January 6th when the Secret Service was responsible for and successfully protected then Vice-President Pence and Vice-President Elect Harris when they were in the Capitol as well as other civil unrest events throughout the year, the Secret Service has undoubtedly identified areas where they could make improvements to better prepare for and respond to similar types of events in the future, which all of us hope never happen, but know that we still must prepare for.

Other than improved or additional fencing, which was already discussed, what areas do you feel, sir, the Secret Service could either make improvements to or use more resources to address preparations for and response to future events of this type, sir?

Mr. MURRAY. Well, sir, I would like to talk about our training facility because that comes right to my mind as we talk about this.

So the one thing that our agents and officers do not have at our training facility, is anything that replicates the White House Complex. However, I should say we are extremely grateful that we are one of the few federal law enforcement agencies to have a training facility inside the National Capital Region. That is a blessing. But the one thing we do not have at our training facility is anything that replicates our permanent protected facilities, such as the White House.

So if I can give you a clunky analogy. If everybody on this call, if we were all on a basketball team, but we did not have a gym to practice in and we did not have baskets, we had to go out onto a field and practice basketball, but when we played our games we went to a gym, how effective would our practice be.

So long-term what I am looking to invest in, is to create and construct venues that replicate the areas of operation that our officers and agents work in. I am looking to build things like a White House training facility, not only structurally, but also dimensionally. I think that is going to be something that is going to serve the security of this country and the Secret Service for many decades to come.

Well, thank you, sir, for your responses. And as my time is waning, I know we have a lot of folks who want to answer questions. Thank you, sir.

And, Madam Chair, I yield back. Thank you.

Ms. ROYBAL-ALLARD. I apologize. I am trying to find who is next in line here.

Mr. Cuellar.

Mr. CUELLAR. Thank you, Madam Chair and Ranking Member. Thank you so much for holding this meeting.

Director Murray, I also wanted to thank you for your service and what your men and women do.

Before I ask my question about the National Computer Forensic Institute, I thought some years ago we were talking about appropriating monies for a White House replicate. I remember it was a pricey amount. Do you know what happened with that? I thought we had talked about this some years ago.

Mr. MURRAY. Yes, sir. I know there was a conversation about committing some funds to design plans, and I think there was perhaps other choices that had to be made within the Department and the Executive branch. I do not think we ever really got to move the ball down the field so to speak with regard to that. But we are eager to do so now.

Mr. CUELLAR. Yeah. Well, I mean, I certainly think we need to have that replica, at least of the White House, because you have to—that is one of your missions of that. But, yeah, we will follow up on that because I know some years ago we talked about it. It was a pricey figure.

But let me talk to you about your National Computer Forensic Institute. One of the things, as you know, I represent the border area and one of the areas—you know, some of the dynamics you see is you see it on TV, the unaccompanied kids, the family units. But there is another dimension there, a darker side that, you know, you have got criminal organizations.

So my question is, what can we do to work with—and I am on the road as you can tell in South Texas and I just made a call to some of the border sheriffs and asked them if they were familiar with the National Computer Forensic Institute, and they are not. And I would ask you, what can we do to improve or establish some of that partnership? And I know you are pulled all over the country, but I would like to work with your office, if you can assign somebody to work with the border sheriffs and the border law enforcement and with their counterparts across the river on the Mexican side so they can become not only local and state partners, but international partners as we have this very dynamic part of the country called the Southwest border on that.

So I would like to see what you are doing and what we can do together and assign somebody that we can work with you.

Mr. MURRAY. Yes, sir. Thank you for the question and your interest and I am very eager for the sheriffs and our international partners to participate in the NCFI mission.

As you know and the members of this subcommittee know, NCFI opened its doors back in 2008, and since that time we have trained more than 13,000 state, local, tribal, territorial law enforcement officers, prosecutors and judges. So our doors have been opened for 13 years. But, candidly, they would not have been able to stay open without the active support of this subcommittee.

And I am particularly grateful to not only the members, but also the senior staff on the subcommittee who have been highly encouraging of us to do better with regard to self-advocacy in this regard. I am hopeful as we get into 2022 and beyond we will get even more budgetary consideration.

But as you know, you know, one of the great success stories of NCFI is that we have trained all these folks from all 50 states, several territories, covering more than 2,000 agencies. It is a way to give back because these are the same agencies that we rely on when we come into town for protective services. But at the same time, it is also symbiotic in that these same folks are coming back and participating in our Cyber Fraud Task Forces. So they are also enhancing the Secret Services' investigative mission.

More importantly, we train them. We give them all the equipment and the technology they need to go back and support their own departments.

Sir, as you mentioned, a lot of these local and county departments do not have the budget to go ahead and start their own cyber investigative units. So these folks that we train go back into your communities and they investigate crimes that are important to your constituents, and the vast majority of the ones they do have to do with endangered persons and crimes against children.

I am not sure if he froze.

Ms. ROYBAL-ALLARD. We may have lost Mr. Cuellar.

Mr. MURRAY. Yeah.

Ms. ROYBAL-ALLARD. So I am going to go then to Ms. Hinson.

Mr. CUELLAR. Thank you so much. Thank you.

Ms. HINSON. All right. Well, thank you, Madam Chairwoman. And I do appreciate you holding this hearing today so we can hear from Director Murray on the agency's needs and priorities going into the next fiscal year.

And, Director Murray, thank you so much for your service as well and for appearing before us today.

And I know many of the questions have already centered around a lot of the physical threats and what you do to combat those. But I wanted to kind of focus in on the work that the Secret Service does to protect taxpayers from financial crimes. Your testimony that you submitted mentions transnational cybercrimes and financial crimes specifically, things like ATM attacks.

Can you share a little bit more about what international bad actors most concern you at the Secret Service in addition to the example you gave in your testimony of North Korea?

Mr. MURRAY. Yes.

So we are seeing—we recently, as you know, merged two long-standing task force operations. One was the long-standing Financial Crimes Task Force we have had in place since the 1980s. The other one was what we called the Electronic Crimes Task Force that has been around since 1995.

We realized that the great work they were all doing was sort of intendedly redundant, unintentionally redundant in a lot of ways and we were plowing down the same roads. So we decided, with your support and the support of the Department, to merge those and create this Cyber Fraud Task Force. We would have 44 of these across the country and some overseas as well.

And the way we combat the kind of activity you are talking about is through that and through the NCFI as I have described. What we are seeing is, you know, most of the complex financial fraud that goes on right now in this country and around the world is digital in some nature. And the vast majority of the financial

crime that we look at is cyber related and it is being perpetrated by transnational groups from abroad. They exploit people. Some people wittingly, some people otherwise. But as you mentioned, we are seeing what we call ATM cash-outs. We are seeing a lot of ransomware issues.

One thing we have seen an uptick in, during COVID especially is something called business email compromise, which is where these bad actors, using social engineering or sometimes network intrusion, get into a system and they perpetrate that they are part of a legitimate business process within an organization and they effectuate wire transfers outside of an organization.

And then what happens is all those ill-gotten funds are transmitted back to the transnational groups via cryptocurrency, which is a separate and unique challenge unto itself.

Ms. HINSON. Right. So tracking it then becomes an extra challenge, obviously. Would you say in general, Director, that they are using these funds to undermine the safety of America and the security of our allies? For instance, obviously these are going to countries that are no friends of the United States.

Mr. MURRAY. Absolutely. And that is a great question. I know that it is very easy to put these types of offenses in the bucket of white collar crime, and I understand why they do that. But when—if we just take a look not so much at the corporations, but the public utilities, hospitals, schools, care centers. When those are attacked with something like ransomware and they are threatened with, you know, deletion of services, you are putting people's lives at risk.

Ms. HINSON. Uh-huh.

Mr. MURRAY. And, you know, it is candidly, from these transnational groups, it is all about the money. You know, they are not really concerned about the safety and security of our citizenry like you are and I am. But that is why we are so heavily invested in it.

And I think a big part of the solution is education. I think up to this point very recently the public and private sector both had this idea that this is nice to have, nice to have these sort of redundancies and resiliencies and have a plan for continuity of operations. It is absolutely needed nowadays.

Ms. HINSON. Right. So I guess I would close out with the remaining time with, what resources do you need to better prevent and respond to those kind of attacks? And then who are you most closely allied with in working with to help prevent these attacks?

Mr. MURRAY. Thank you.

So the one thing we always need continual reinvestment in are things like equipment, technology and obviously people. That is a best practice. It is a people process technology approach. And, you know, we kind of subscribe to the idea that the speed and capability of technology doubles every couple of years.

So that is tough to keep up with when you are inside of a multiyear budget cycle, but we do our best and we appreciate the continued support of the committee.

Obviously, a big challenge for us coming up will be 5G, the transition to 5G. That is going to have a direct impact on our mobile wireless investigations. That is something we conduct via our

Cyber Fraud Task Forces. We conduct them in your communities. We started it out as a part of our threat management program. However, it is something that has proliferated to where we actively support police officers, police agencies in your districts with regard to locating digital devices that belong to missing persons, children who have been kidnapped, homicide suspects and so forth.

So as we go to 5G, it is a challenge and an expensive proposition, but if we do not keep up with that technology we will not be able to continue to perform that task as well as we do.

Ms. HINSON. All right.

Mr. MURRAY. And lastly with regard to your question about who are we partnering with. We partner very much with CISA within the Department and also the FBI, and we have strong ties through our Cyber Fraud Task Forces with academia and the business sector.

Ms. HINSON. All right. Well, thank you very much, Director, for answering those questions.

And, Madam Chair, I yield back. Thank you.

Ms. ROYBAL-ALLARD. Ms. Underwood.

[Pause]

Ms. ROYBAL-ALLARD. Mr. Price.

Mr. PRICE. Thank you, Madam Chairman.

Director, thank you for the good work you do and for your testimony here today.

I appreciated the overview that you gave of the COVID situation with respect to your personnel. And, of course, there is some alarming news about the levels of exposure, but also good news that in the vast majority of cases these were not serious cases.

I want to ask you a little bit more about the lessons learned, though, and not that this is over, but we are hopefully past the worst of it. You are certainly past the point of the protection required in a presidential campaign.

I wonder if you could reflect on that a bit. There were some incidents through the campaign period which we all remember. I guess the one that was the most obviously alarming was the President's decision to, when he was actually hospitalized with the COVID virus, the President's decision to take an automobile ride around to greet his supporters who had gathered out at Walter Reed, and clearly Secret Service had to protect him in that situation.

But there were all kinds of campaign events where distancing and masking were not practiced and there were lots of questions, legitimate questions raised about these possibly being spreader events.

Now I understand that the Secret Service has no choice but to salute and offer protection, whatever the circumstances. I appreciate that and, of course, that is part of the service and part of the sacrifice that we admire.

On the other hand, there should be some advisory role, I would think, or some ability of the Secret Service to offer at least advice when such events are being planned and they inevitably are going to have to include protection. And there needs to be, I would think, in retrospect some assessment of the kind of dangers to which your agents were exposed and to what extent those just come with the

territory and the extent to which there ought to be some kind of process for minimizing these dangers.

What can you tell us about that? I think it is a, you know, it is a legitimate concern and there were particular problems, as we all know, with the past President and the past campaign. But it is, you know, it is not like—it is not unlikely that these kinds of issues could arise in the future as well.

Mr. MURRAY. Yes, sir.

If I may I will do my best to be succinct, but I would like to take you back to about February of 2020. That is when we started to realize that this thing called Corona virus, whatever it was, might have a negative impact on our campaign operations.

The one thing we realized very quickly was that if we did get to a point where our workforce could not come to their primary places of work, we did not have the bandwidth for folks to work virtually. So we made some quick investments in that and solved that problem.

At the same time, I don't know if we really knew what PPE was going to be, but we quite literally took stock of what we had in terms of gloves, masks, cleaning materials and we secured more thinking that might be a factor for us as well.

Simultaneously, through our Chief Medical Officer, who ultimately was a key member of the Corona Virus Task Force and worked closely with NIH, we set up our own robust testing program right here, right next door, actually, in our headquarters that is still open today. We test people sort of by design before and after protective travel. But I do want to make clear it was communicated by me and by my leadership team over and over again that the expectation was that we would follow CDC guidelines and then some with regard to PPE.

As a matter of fact, if anything, if we were guilty of anything with regard to quarantining folks, we would go beyond the primary contacts. What we would do is we started staffing our operations, at least initially, in sort of a port and starboard approach where we would platoon people. We would send one group of people out. They would be on duty for a couple of weeks, then we replaced them with a fresh group. And if any of those were exposed, then everybody came off the line.

So those were some of the measures that we took initially and we built on over time.

With respect to your other questions about specific incidences, as you mentioned the Secret Service, it is inherently a dangerous job for sure. And we are in the business of making an assessment as to whether a particular operation can be achieved. We really do not get involved in whether it should or should not be achieved from an optical standpoint.

But I appreciate your question.

With regard to the matter at Walter Reed, which I think you were referring to, I will tell you this. There was extensive conversation about that with the medical professionals, the White House Medical Unit, and the medical professionals at Walter Reed.

Ultimately, the decision was that it could be achieved, and the two individuals that were in the vehicle were wearing the same level of PPE and protective gear that not only the medical profes-

sionals at Walter Reed were wearing, but that the frontline health workers are wearing around the world every day since COVID started.

Mr. PRICE. All right. Thank you. My time is expired.

Ms. ROYBAL-ALLARD. Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Madam Chair.

And, Director, great to see you here this morning and thank you for your testimony here today.

You know, as was mentioned earlier, I was a little concerned when I did not see the Secret Service in the skinny budget at all, even mentioned.

So, Director, could you talk just a little bit about going into next year, what would you like to see in that budget when it comes out? What are the priorities for you moving forward next year? I know the recapitalization of the academy training center, Rowley Training Center. Can you talk about some of those needs that you see coming that we should be focused on here in Congress?

Mr. MURRAY. Yes, sir.

So very broadly, continued investment in our Cyber Fraud Task Forces and our field operations. Likewise, continued investment in the National Computer Forensics Institute, which I am happy to say I feel we were certainly heard this time around.

With regard to staffing, obviously we are highly committed to our human capital strategic plan which gets the agency staffing to somewhere around 95–95 by fiscal year 2026. And I thank you very much for your continued support with regard to that.

And obviously continued investment in our retention methods, which are also thanks to you. Some of the programs we have like student loan repayment, tuition assistance, child subsidy care and the max out relief that we received for our employees who work overtime for protective services.

On the protective side of the house as I said earlier, but it bears repeating, we are looking for consideration with regard to our threat management efforts, our protective intelligence efforts with specific regard to our open source investigation capabilities. That means the ability to go out and identify that threatening behavior or activity might be—or language might exist on the Internet so to speak, whereas 25 years ago you might be at a restaurant and somebody says something that sounds like a threat against a president and you are reliant entirely on the good citizen reporting. Now it also exists on the Internet to be found by the Secret Service.

And lastly, you know, continued investment in our protective efforts. As I mentioned earlier, we really need to improve with regard to our resourcing with readiness in terms of civil disturbance and training.

Mr. RUTHERFORD. What about your field communications? Is that still a challenge?

Mr. MURRAY. It is. That is part of the initiatives of future planning I alluded to earlier. We are looking to continue with our communications upgrades and our IT upgrades in the future. Again, it is always—I do not have to tell you, sir, but it is always difficult administering a budget. Sometimes you have to make difficult choices between the things you need and the things you want.

Mr. RUTHERFORD. Right.

Mr. MURRAY. But we are on a path and look forward to continuing the conversation with this committee about those things.

Mr. RUTHERFORD. Yeah. No, and I think you guys are doing a great job in moving down that road.

Let me ask you this, Director. You mentioned briefly the earning caps. Have we sufficiently addressed that, particularly for, you know, election years where you have multiple, you know, particularly presidential where you have huge overtime issues that come up. Have we adequately addressed that for you all yet or is there still problems there?

Mr. MURRAY. So the answer is, yes and thank you. But it is definitely a fix rather than a long-term solution. I would suggest that as we continue to grow our work force, those demonstrable needs for excessive overtime should come down. I do not think we will ever have a Secret Service where there won't be overtime needs just because the operational tempo just——

Mr. RUTHERFORD. Sure.

Mr. MURRAY. [continuing]. Is exponentially growing. But I do think that, you know, this relief from the pay cap is certainly, absolutely critically necessary. But I do not think it is sufficient just in terms of long-term appeal. This is a difficult job as you know, sir, having been in law enforcement. And——

Mr. RUTHERFORD. Right.

Mr. MURRAY. [continuing]. You know, all these efforts certainly help with morale. But I do have concerns moving forward with regard to long-term retention as people are having to kind of work excessively because, you know, that cap does not remove the cap entirely. It just creates a new and better cap.

Mr. RUTHERFORD. Right.

Well, listen, I look forward to working with you on that particular issue because I think that is something that we really need to address. If you are going to continue to be able to meet your operational tempo, particularly during these peak years, and then maintain your adequate staffing during those other off years, I think it is going to be critical that we address that.

So thank you very much for your leadership over there. You know, I hear really good things from the rank and file.

And, Madam Chair, I hear my—I see my time has run out. I will yield back.

Ms. ROYBAL-ALLARD. Ms. Underwood.

Ms. UNDERWOOD. Well, thank you, Madam Chair, and thank you for calling today's hearing.

Mr. Murray, my first question is about the agency's medical operations. Last year I heard from a constituent who was worried about her spouse, a Secret Service agent based in the Chicago field office because she felt that the agency's COVID precautions and testing regime was not sufficient to keep her family safe.

Can you briefly detail what measures you have in place to protect your agents, and what are your testing protocols, and where are you on vaccinations?

Mr. MURRAY. Yes, ma'am. Thank you for your question.

So, again, back early in 2020 during our COVID experience we were very clear that we needed to do a lot of things with regard to technology to be able to allow our workforce to work virtually.

We were happy to accomplish that. We were happy to capitalize on some PPE opportunities that we had.

But at the same time, we did work with our Chief Medical Officer as long as—as well as other folks in the White House Medical Unit. And more importantly, we have a long-standing relationship with Johns Hopkins University Medical Center folks, and we work with them to develop our own testing protocol here in the National Capitol Region as well as developing policies and practices for folks out in the field, like the folks in Chicago you mentioned.

So the testing is sort of by design. It is not like everybody comes in every day. If folks are on a continual protective assignment, they will get tested in a certain cycle. So let's say every 48 hours or every 72 hours.

Along the same lines, if somebody is a field agent or a field officer, he or she would come in and get tested before they travel, and then in the appropriate time frame after they return from that protective travel.

Thus far here we have tested more than 20,000 people—conducted more than 20,000 tests right here in this building. That is probably about half of what we have done over at the White House Medical Unit. And then we have worked with our field offices to set up testing opportunities out in the field.

Ms. UNDERWOOD. As you may know, I run an effort to require CBP to stand up an inter-operable electronic health records system, which is currently in progress. And the pandemic has only made the need for this system even more apparent.

As a nurse, I know that implementing electronic health records can be beneficial, not only for ensuring appropriate care for people in DHS custody, but also for improving the health of the DHS workforce itself.

Mr. Murray, do you agree that the Secret Service could benefit from standing up an electronic health records system?

Mr. MURRAY. Definitely, ma'am. I would like to learn—I cannot say I know a whole lot about that, but it definitely sounds like something that would enhance our operations.

Ms. UNDERWOOD. Okay.

Mr. MURRAY. I look forward to talking to you about it.

Ms. UNDERWOOD. Thank you.

And with my remaining time I would like to hear about what steps you are taking to improve the agency's operational planning and preparation based on lessons learned over the past year?

Like many Americans, I was shocked by the use of force by multiple federal agencies to disperse a peaceful protest in Lafayette Square last summer for a photo op. As you know, the Secret Service deployed pepper spray as part of that response.

A few months later the Capitol was overrun by armed insurrectionists chanting threats against the Vice-President. Despite the fact that this attack was plotted openly on publicly available websites, the federal response was much less robust.

While the disparate responses to this event is a complicated issue that extends far beyond your agency, I am interested in what steps you are taking internally to improve the Secret Service's operations in the future and ensure that your agents are trained and prepared

to protect our country's leaders and critical infrastructure from legitimate attacks.

Mr. Murray, what has the Secret Service learned from these events and what changes have you implemented as a result?

Mr. MURRAY. Thank you, ma'am.

Obviously, no matter where we go or what we do on the protective side of the house, we are always going to conduct an after action review. We did that after the experiences we had late last May and early last June. On January 6th we started our day with a different event down at the ellipse, but we were up there with Vice-President Pence, at the time at the Capitol as well. Following these events, we conducted an after action review.

You know, I could tell you that we definitely looked to improve on our processes at large with respect to what happened in Lafayette Park on June 1st. The Secret Service did have a supporting role. As you mentioned, there was an instance where our officers were assigned to secure an intersection so that other law enforcement could get out and perform their operations. And when they did go over a barrier, a couple of our officers were assaulted by folks and that is why they used the pepper spray as you mentioned.

You are absolutely correct, ma'am. The vast majority of people that were out there, especially during the daylight hours, were out there expressing their First Amendment rights. And that is a critical part of our training and that is a huge consideration anywhere we go in this country conducting protective operations.

But it is also true as the day has gone on and we got into the evening, other folks came in who were not only there to express their First Amendment rights and things did become violent. That is——

Ms. UNDERWOOD. So, Director Murray, I thank you for your service, but that was not my question. We are all familiar about the events of that day. I asked what the Secret Service has learned and what you have changed operationally.

Since my time has expired, Madam Chair, I would like to ask the Director to submit that information for the record in writing and hope that, you know, perhaps next time we can be more direct.

Thank you very much.

Mr. MURRAY. Thank you, ma'am.

Ms. ROYBAL-ALLARD. Next is Mr. Palazzo.

Mr. PALAZZO. Thank you, Madam Chair, Ranking Member. I appreciate the opportunity to be a part of this hearing.

Director Murray, thank you for your years of service. I also want to thank you for your service in the Army Reserves. I am also in the Army National Guard. So you have a career of service to our nation, so thank you for that.

You know, the bad thing about going last or close to the end is almost all the questions have already been answered. I want to echo what Representative Hinson was talking about when it comes to, you know, the cyber crimes and financial crimes that are taking place.

But if we could, could we dig a little deeper and could you identify some of the foreign actors that are actively engaged? I mean, we know we have external threats. I mean, we serve on the Home-

land Security Committee and, you know, we know who the bad people are out there. But can you kind of identify them for us and, you know, how active and how entrenched are they?

Mr. MURRAY. So, yes, sir. I will do my best. Obviously it is a little bit of a sensitive topic and I will try to address it broadly. I would be happy to come back up and discuss it in a more appropriate forum.

But I will say this. When it comes to these transnational groups, you have people that are—they are bright people and they are highly proficient when it comes to cyber. And when we are talking about something that is organically and solely a financial crime, more often than not, they are working for themselves to fund their own efforts.

But what we have found working with our partners, both in the intelligence community and in law enforcement here federally, that these same cyber actors sometimes are working on behalf of foreign governments and conducting state-sponsored operations as well.

So, that is why it is particularly concerning to, you know, broadly speaking, federal law enforcement and why we try to focus in on those efforts and disrupt them to the best of our ability.

Mr. PALAZZO. Yeah. And I know you probably cannot go into too much detail, but we would love to have an opportunity to chat more about that.

Mr. MURRAY. Appreciate it.

Mr. PALAZZO. You know, and I want to thank you for setting up a Cyber Fraud Task Force in the State of Mississippi alongside of our Attorney General. That is extremely important.

And I know you also, and Representative Rutherford brought this up. You were talking about, you know, recruitment and retention. And is there anything else you would like to share with us? I know with the private sector pay, you know, this is across the government, all agencies, it is kind of hard to compete now. It used to be it was the best job you could have would be working for the Secret Service or the FBI or another federal agency, probably not the IRS, right? [Laughter.]

But, you know, the other agencies.

So is there anything else that you would like to bring up about how we can not only recruit the best and brightest, but also retain them?

Mr. MURRAY. Yes, sir. Thanks very much for that question.

And, again, the fact that we are able to better retain them is due in those small parts to the support of this committee.

But I will say this. Law enforcement is a tough job. I am the son of a police officer. Federal law enforcement is a tough job. And I would say, with the greatest respect to my partners in federal law enforcement, that there is no tougher job than the Secret Service. It is extremely demanding. It is a rigorous lifestyle and it requires a lot, not just from the people who serve in the agency, but from the people who love and support us.

So as you go through your career and you realize that and you realize that there might be other jobs that are similar, maybe not the same, that aren't as demanding. Sometimes people have to make difficult life choices and we respect that.

So we are looking to incentivize folks to stay. Likewise, to your question, it is tough because right now, whether it is the Secret Service or the FBI or DEA or HSI, we are all going after the same applicant pool, right, the folks that are coming out of the military or college, wherever they are coming from, that want to come into federal law enforcement. They are all looking at all these different agencies. So, we are doing our best to make ourselves the most attractive to them.

Candidly, there is a little bit of a vocational element to being in the Secret Service. I always tell people it is the greatest job in the world because I want to be here. If I didn't want to be here, it might not be the greatest job in the world. So, you know, we are looking for those people who really kind of want to be part of something bigger than themselves and be a part of this sort of weird thing that we do here with this dual mission.

But you are spot on. It always has been a challenge and it is something that we are trying to rise and overcome.

Mr. PALAZZO. Well, Director, in this current climate and, you know, the things that we see on the news and the things that we hear, the defund the police movement and all that crazy nonsense that is coming out, obviously we support legitimate reforms. But, you know, I believe we should be funding our police more, not less, if we want them to have better training, attract better talent, even though here in South Mississippi we have got an awesome law enforcement community.

So with that, I think my time has expired.

Director Murray, please let your men and women know and their families that we appreciate their service and sacrifice, and thank you for all that you do.

Mr. MURRAY. I will. Thank you, sir.

Ms. ROYBAL-ALLARD. Mr. Quigley.

Mr. QUIGLEY. Thank you. Thank you, Madam Chairman.

I want to follow up with Mr. Palazzo's questions. You know, specifically if you could detail on a deeper dive a little bit more about what you are doing to recruit in non-traditional places. I know you talked about diversity at the opening in that vein. If you could give us a deeper dive in how you are trying to do that. To me it is also an additional way that you can, you know, increase the spicket of people coming in to your agency, but what else are you doing? And, specifically, what are the incentives that seem to work best to keep people in place?

Mr. MURRAY. Thank you, sir.

So the one thing that we are doing that did not exist when I was an applicant many, many years ago is we are doing all we can to not only leverage, but to exploit social media opportunities. Obviously, most of our applicants are much younger than I am and they are very active online. So we are doing all we can to kind of reach out and create a level of engagement there. We are seeing some positive feedback.

With respect to traditional recruiting, our folks are very active not only here in headquarters, but out there in your districts where our offices are. Folks are pounding the pavement not only talking to colleges, but we are reaching out to high schools trying to put the idea in folks' minds that, hey, the Secret Service might be the

place that you want to go. And certainly during these times of COVID, we have done a lot of that virtually.

The retention programs that exist are—it is a broad spectrum, and I am grateful for that because I think different programs appeal to different age groups and different employees of different job series.

As I mentioned earlier, folks that might be closer to retirement, they may be motivated to stay a little longer because they know they are not hitting that pay cap and working for nothing so to speak. Quite literally before we had that option, you would get your pay statement every two weeks and you would look and you would see the money you made and then it would tell you, here is all the other money you also earned, but you are never going to get paid. So if you are close to retirement, it is kind of an easy choice, right?

Conversely, for folks that are coming in at a younger age, they may have sizeable loans from school and we have the tuition reimbursement. They may have young families and with, you know, dual incomes, so there is the child subsidy efforts that we have been able to implement with your support.

You know, the one thing that does concern me moving forward, is this retirement bubble that we run into every once in a while that is a result of what used to be uneven hiring practices where we would hire on demand and then 20 years later you would have a bunch of folks that were ready to retire.

So we are coming up against one here in fiscal year 2022. We are doing all we can to appeal to those folks to, you know, reconsider and stay because, candidly, those are our most experienced people. I know the question came up earlier, and the max out is a great fix. It is not a long-term solution to address those retirement bubbles, and it is probably something, even though we have corrected the hiring practices, it will be something the agency endures for probably the next ten or 15 years or more.

Mr. QUIGLEY. Yeah. And, look, I think it helps us for you to report back with what works best or what changes in the future might help you with retention. You have just described a couple of things that were not the case when you came in, and that is changing year by year.

So I believe this committee and others would be receptive to doing what is necessary to help in retention. But we certainly appreciate this.

I guess the last point, if you could in just the last 80 seconds focus just a little more on the efforts to attract on a diversity basis.

Mr. MURRAY. So, again, we invest a lot of time and energy and we have for quite a while, but we have redoubled our efforts into reaching out to, as I mentioned earlier, historically black colleges and universities, Hispanic serving institutions, tribal colleges and universities, and we also applied a particular focus on women's organizations. I think it is true that everybody in law enforcement likes the idea of hiring more women. It is not a 50/50 ratio in law enforcement at large. It is certainly not here.

We have made great strides. When I graduated the academy 26 years ago, I think about eight percent of our class was female, eight, 08. Last week I commissioned a class where more than half

of the agents were female. So, I am happy to report that we are making progress in that regard.

But, you know, it is not a one and done type of thing. It is something that we are invested in and we are going to continue to do over the months and years to come.

Mr. QUIGLEY. Thank you for your service and thank you for being here.

I yield back.

Mr. MURRAY. Thank you, sir.

Ms. ROYBAL-ALLARD. Mr. Aguilar.

Mr. AGUILAR. Thank you, Madam Chair.

Thanks, Director Murray.

I wanted to ask a little bit more about NSSE, the events that you talked about, the National Special Security Events, which have been defined, as you mentioned, by migration, general assembly, those types of special events, large sporting events.

Following January 6th, members of Congress have suggested designating additional congressional activities is these types of events. In your testimony you talk a little bit about everything that you bring to the table when it comes to NSSEs.

Can you talk a little bit about how those activities cannot be duplicated by other federal, state and local agencies? But, also, what resources would the Service need in order—if we designated additional NSSEs in upcoming fiscal years?

Mr. MURRAY. Sure. Thank you for the question.

So as you know, sir, the NSSEs are something that were born out of the experience we had back in '96 with the Centennial Park bombing. President Clinton along with Congress wanted to address the fact that there was a gap in coordination between all levels of law enforcement and public safety. And they came up with this NSSE model where the FBI is the lead for crisis response. FEMA is the lead for consequence management, and the Secret Service serves as the lead for operational security, design, planning and execution.

But the secret sauce, the true success of the NSSE process exists in the fact that it truly is a whole of government approach. It is where all these agencies come together well before an event is expected to happen and they conduct this long-term planning. And we use a series of committees and subcommittees, and we have had great success. We just completed the 68th, which was President Biden's address to the joint session just a couple of weeks back. And, you know, I do think that there are opportunities for other events to be considered NSSEs.

As you know, neither the Secret Service nor the FBI nor FEMA are the ones who designate something as an NSSE. Typically, it is a request that comes from a governor. Here in D.C. it can come from the mayor or come through a couple of different ways. But there are also some events, such as UNGA, the conventions, the inauguration and so on that are pre-designated.

We do appreciate the funding we get of about $4.5 million per year. But, candidly, it is not enough and we need more to be able to do four or five of these a year as it happens. Certainly if the idea is to do even more NSSE events in the future, you know, we would be looking for more consideration from a budgetary standpoint.

Mr. AGUILAR. You just mentioned, you know, four or five, you know, additional. Let's use that in the fiscal year. What would be, you know, what would be necessary, you know, financially to meet that goal and operationally?

Mr. MURRAY. Sir, candidly, I would have to get with my folks and kind of tally that up. I would love to come and talk to you further about that at some point if you have time.

Mr. AGUILAR. Understood.

Back to some of the cybercrimes that you talked about before, the cyber-enabled financial crimes have changed. In your testimony you talked a little bit about that during the COVID–19 pandemic. How has the Secret Service been able to respond to those changes specific to what the pandemic has meant?

Mr. MURRAY. So, sir, so along with taking efforts to protect our workforce and our protectees, the one thing we knew when this pandemic hit and we saw relief packages like the CARES Act, based on our prior experiences with things like Hurricane Katrina, we knew that as great as these opportunities were for citizens, it was also ripe with opportunity for people who wanted to commit fraud.

So our initial effort, along with CISA and the FBI, was to get the word out there to the public and private sector to kind of be alert and make sure that they take the necessary preventative measures within their own organizations.

At the same time, we dedicated a lot of our effort into just knocking down and disrupting the scams that we saw pop up early on. We weren't really concerned with building great cases initially.

That being said, over the course of the past year we have opened more than 750 COVID-related cases, fraud cases. We have seized in excess of $800 million. We have probably made more than 120 arrests specific only to COVID fraud.

It is something that we are proud to have been sort of ahead of the ball on, but we also recognize that this is not something that is going to go away. The size of these packages are so notable and the opportunities that exist are going to be persistent. We are going to be addressing COVID fraud for many years to come. And this is why it is so important that we want to keep investing in the modernization of our Cyber Fraud Task Forces.

Mr. AGUILAR. Thanks, Director Murray.

I yield back, Madam Chair.

Ms. ROYBAL-ALLARD. That concludes the first round.

And so we are now going to be starting with the second round. And as Mr. Palazzo said, practically every issue has already been covered.

So, Director Murray, hopefully this will give you an opportunity also to elaborate more on some of the issues that have already been addressed.

The increase in the variety and intensity of social media poses opportunities and challenges for you in terms of protective intelligence. What tools does the Secret Service use to gather protective intelligence online and through social media, and how are you adapting strategies and efforts to keep up with technology developments?

Mr. MURRAY. Thank you, ma'am.

So several years back within our protective intelligence division, which is the group that leads our threat management efforts and is based here in headquarters, and coordinates all of our threat investigations around the globe. Within that group, we established an open source investigation unit, comprised of both agents and analysts. They use certain sorts of equipment and software in order to be able to go out and identify any sort of threatening language or ideation that might exist in an open source platform. This is not something that is on the dark web.

So obviously as I mentioned earlier, this is something that we have made some significant investment in. We are looking to continually invest in this thing because, you know, with regard to technology and equipment it is something that is always going to be advancing, probably at a rate faster than the multi-year budget permits us to address.

Likewise, this is an area where we can really benefit from targeted hiring, getting the right people in here to do this. It is not something that only an agent can do and there are a lot of folks out there that are going to school right now to do this type of thing, studying, you know, cyber security and so forth.

Ms. ROYBAL-ALLARD. One of the missions of the National Threat Assessment Center is to provide research and guidance to support public safety. What actionable guidance has the Secret Service developed through the Safe Schools Initiative to reduce the occurrence of violence and the loss of lives in schools?

Mr. MURRAY. Thank you, ma'am.

So we are very proud of NTAC, of the National Threat Assessment Center. It is something that has been up and running for more than 20 years now. Although we actually started it to enhance our own protective mission, it was pretty clear after incidents like Columbine that there were opportunities for our agency to give back to communities and share quite literally the science and math of how we protect our own protectees.

After Virginia Tech, the White House asked us to become involved in a more structured manner, and NTAC now not only focuses on schools, but they conduct research. And I should mention that NTAC is comprised of not just agents, but also analysts and social science research specialists. And their focus is to look historically at incidents that have taken place and conduct research on it and make recommendations.

To date they have published about 35 different products. The most recent one is one we are particularly proud of and it had to do with averted school attacks that have taken place over the past decade. They looked at 67 different averted school attacks. That is where the folks there at the school or fellow students noticed that there might be something going on with the person who might commit this act, and they said something about it.

And the takeaway there is that bystanders save lives. That was the point of that product, which was great because prior to that we would always encourage, whether it was law enforcement, public safety, schools that, you know, it is important to basically address the idea that somebody might be in trouble and might need help and not to ignore the warning signs.

Ms. ROYBAL-ALLARD. Okay. I would like you to elaborate a little bit more on the issue of financial and cybercrimes, and how the pandemic and increased reliance on the Internet created opportunities for financial cybercrimes and the investigative challenges for the Secret Service.

Mr. MURRAY. Yes, ma'am.

Well, one thing we saw over the past 12 months especially as the entire world sort of went remotely was that there was an absence of a lot of checks and balances when it came to business processes.

So if a company had somebody there who would either effect wire transfers at his or her desk or they would approve things manually, these things were all being done virtually and these transnational groups picked up on that early on and they exploited these lack of physical controls.

And what they would do is they would either socially engineer their way or through intrusion they would get into these corporations and redirect those wire transfers to themselves, to what we call a money mule account where the recipient, the account holder is either a co-conspirator or they perhaps might be unwitting. And then they are instructed to take whatever that dollar amount is and then transmit it back to the transnational group, to the cyber actors via cryptocurrency.

Ms. ROYBAL-ALLARD. Well, what is the role of the Cyber Fraud Task Force in mitigating and investigating cybercrimes that are related to network intrusions in the finance sector?

Mr. MURRAY. Yes, ma'am.

It is quite literally, it is our Cyber Fraud Task Forces who do combat that sort of activity. That is what their primary focus is on. The Cyber Fraud Task Forces are comprised of not only the Secret Service, of course, but also federal, state, local partners who most of which are trained through our NCFI and they are looking to identify this sort of behavior, disrupt it, and prosecute it as well.

We have been very successful with seizure, but I think it is worth mentioning that the point of seizure of ill-gotten goods is not to turn it over to the agency. It is actually to—it is restitution. It is to give it back to the victims. So we are very proud, with regard to the 800 million we have seized associated with COVID fraud. We have been very successful in getting that money back to the victim organizations and individuals.

Ms. ROYBAL-ALLARD. Okay. And what challenges exist with the increasing use of cryptocurrency for financial transactions, particularly on the dark web?

Mr. MURRAY. Yes, ma'am.

So it is a challenge. I think it is worth saying I have seen some reporting in the news about cryptocurrency. It is worth noting that cryptocurrency in and of itself is not inherently fraudulent. It is not designed for any illicit purpose. But the fact that it can be anonymized makes it a pretty good utility for somebody who wants to commit fraud.

So what I mean by that is, you can actually be anonymous as a sender and anonymous as a receiver of cryptocurrency. The vast majority of cryptocurrencies are legitimate and they go through a legitimate and a valid exchange, and we know who the sender is and we know who the receiver is.

The one thing that works for the Secret Service is that we are pretty adept at following the money. So while we might not necessarily at first know who the sender or receiver is, we can follow the digital footprints with regard to the cryptocurrency itself and then sort of reverse engineer our investigative efforts. And we have had a lot of success in that regard.

And that is where the continual investment in not only the process, but the technology is going to help us in the months and years to come.

Ms. ROYBAL-ALLARD. Thank you.

Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, Madam Chair.

Director Murray, following up, I understand that the Secret Service has redoubled its efforts to ensure that in-service and specialized training are a fundamental part of your operations.

This subcommittee agrees with these efforts and contributed an additional $14 million above the request to support improvements at the James Rowley Training Center.

What is your assessment of current training operations at your Rowley Training Center, especially as it relates to the in-service and specialized training required to keep your agents and officers at peak performance?

And an additional question, sir, how have you applied the additional funding and what are your priorities for ensuring the Rowley Training Center meets the agency's requirements in the future, sir?

Mr. MURRAY. Thank you, sir.

Well, first of all, thank you for your support in that regard. It was critical.

We have made a lot of key investments with regard to in-service training. It was something that was lacking and still needs continual improvement here in the Secret Service. I do think as we increase our staffing, that will also increase opportunity to expand opportunities for in-service training.

Obviously COVID made things a little bit challenging, but we were, as a result of that investment we made in expanding our bandwidth and our capability, we were able to deliver many, many thousands of hours of virtual training to our workforce over the past 14 months or so.

As we come out of COVID, I am very excited about the idea of not only inviting our workforce to come back into our Rowley Training Center here in the National Capitol Region, but also at the training center we have a group that exists for the sole purpose of going out to the field, whether it is here domestically or around the world to train not only our people, but all of our public safety and our law enforcement partners around the world who provide support to us for both protective and investigative measures.

We have made a lot of infrastructure improvements. Again, thanks very much to this committee. Within the last 18 months we have opened up our brand new state of the art canine facility out there which is a huge benefit for our program. And I invite you and the rest of the members of the committee to come out there and not only visit the K–9 center, but also the entire training center.

Long-term, as I mentioned earlier, I think there are some critical opportunities that exist with regard to construction out there at the

training center. As you know, in the wake of a fence jumping incident we had about seven years ago, there was a panel that got together that made some recommendations as to how Secret Service can improve its operations. It was called the Protective Mission Panel. We have implemented pretty much all of those things, to include the White House fence.

The one thing we have not done, the one recommendation we have not been able to act on just yet is the construction of a White House mockup or what we call the White House training facility. And I know I mentioned it earlier, but in the same way that the fence is going to be a gamechanger for us operationally, construction of a White House training facility would be a gamechanger for this agency and would also enhance national security across the board.

Mr. FLEISCHMANN. Thank you, sir.

You mentioned several positive indicators, sir, with regard to recruiting, retention and lower accession rates. But I want you to dive a little deeper into another aspect that is deeply entrenched in these metrics:

Employee morale. Over the past few years you have reported increased levels of morale among your workforce. Would you like to share some of the efforts undertaken that have helped drive these particular metrics in a positive direction so far?

Mr. MURRAY. Yes, sir. Thank you. And thanks for your support in that regard, as well.

So certainly happy with some of the markers that we have seen in terms of upward trends in employee morale. We do look at things like the Federal employment viewpoint survey. It is certainly important to us. But as positive as some of those things might be, it also illuminates the fact that—well, two things really. The fact that our engagement matters, and it also shines a light on the fact that there is a lot more work to do.

One thing we have done a lot more of over the last several years is ensure we have continual engagement with our workforce. Even with regard to COVID, we are constantly sending out messages to our workforce. Early on, we wanted to make sure we were addressing their concerns and their needs. We utilized surveys and conducted Town Halls on the matter and so on and so forth.

Candidly, our employees seem to like to know about legislative affairs that are going on. So even hearings like this we put out there, and hopefully some of them are watching us right now.

I think the fact that there is engagement with the workforce across all job series seems to be received well and I want our workforce to know just how proud we are of them and I am of them. And it is an extremely difficult job. You know, some folks laugh when I say it, but I always joke when I say there is no Coke to our Pepsi. We are a very different kind of agency because of this dual mission. We are very much like an expeditionary force that goes out and never comes back, like a Navy ship that never comes back to port. And so that makes us highly reliant on each other.

And I think, you know, like anybody else in life, it is the importance of being heard. So I think if there is any positive trends, it is hopefully because our workforce feels that they are being heard because they are.

Mr. FLEISCHMANN. Thank you, sir.

Madam Chair, I yield back. Thank you.

Ms. ROYBAL-ALLARD. Mr. Price.

Mr. PRICE. Thank you, Madam Chair. I appreciate the chance for a second round. I will use it to ask for clarification of a couple of earlier answers and, if time permits, to raise an additional area.

Mr. Director, I appreciated your response to my earlier question about campaign events in particular, circumstances where protection might pose great risk to the protectors, to your agents and the chance you have to offer feedback in advance of such things.

I just want to make sure I understand your answer on the Walter Reed automobile ride in particular because what you said was news to me, maybe not to others.

I understood you to say that before the President, who was clearly hospitalized for COVID, that the Secret Service was given the opportunity to assess the possibility of protection if he took such a ride, and then that you granted that clearance, and then the agents who were in the car with him were given a degree of PPE or whatever protection that was equivalent to what the hospital workers had had.

I had not heard that. Can you elaborate on that just a bit or at least confirm it?

Mr. MURRAY. Yes, sir.

So whether it is that instance or anywhere we take any of our protectees, we are going to do an advance. If we are going to do overseas, obviously that advance is going to be pretty extensive. If we find out tonight that one of our protectees wants to go to some location for dinner, we are going to do an advance, a protective advance is what I mean.

And so we certainly did that. It is just, you know, intensive advance planning. Granted, I do not think that our agents had a whole lot of time to do it, but in order to determine whether or not it was achievable, they had to have conversations with the medical staff from the White House Medical Unit, the medical staff from Walter Reed, and then beyond that they had to make sure they could create a safe and secure environment for that motorcade ride or whatever it was.

But to answer your other question, yes, sir. The two individuals in the vehicle were fully outfitted in PPE, if that is the right terminology.

Mr. PRICE. Yes. And of course here the additional element in evaluation is whether this can be done in a way that is safe for the protectors, for your agents. That is, I would think, not a focus of most of these advance assessments in ordinary times.

If I can circle back to January 6th to make sure I understand what you are saying. You are saying that January 6th was not determined to be a national security event; is that true?

Mr. MURRAY. That is correct. It was not an NSSE on January 6th. Correct.

Mr. PRICE. And I do think it is a sad day in this country when a routine counting of the electoral votes ensuring the peaceful transfer of power has to be declared a national security event. But that does seem to be where we are.

Can you offer some clarification as to what difference it would have made had such a declaration been in place in terms of your agency's role?

Mr. MURRAY. Sure.

So I will start by saying I think it was two days after January 6th it was determined by the then acting Secretary of Homeland Security that we would slide the designation date for the inauguration 12 days earlier to go ahead and make sure we were, you know, absolutely mission ready for the Inauguration.

So to answer your question, could we have—could it have been done to push it before January 6? Conceivably, yes. But the real benefit of NSSE planning is to have a long lead time and to have the opportunity for all these agencies to sort of work together.

We would not have had that. I do want to say, though, that I am aware that in mid-to-late December a lot of the agencies here, to include U.S. Capitol Police, Secret Service, Metropolitan Police Department, they were involved in pre-coordination meetings about what could happen at the National Capitol Region on January 6th. I think there were more than half a dozen of those meetings.

Obviously, I am aware that the former Chief, Steve Sund, testified not too long ago up there and I am also aware that one of the things he conveyed is that, you know, he would have preferred to have had more, more people, more resources, more fencing to be able to effectuate and push out his perimeter.

And I could not agree more. And had it been established to be an NSSE, that is one of the things that you would have seen. You would have seen more people. You would have seen more perimeter fencing. You would have seen more resources.

But to your point, sir, it does not need to be an NSSE to achieve that. You do not need to have the designation to have all those things.

Mr. PRICE. Thank you. That is helpful.

My time is about to expire. I do want to commend you on the agency's report on averting targeted school violence issued in March. I will have some questions for the record about the implications of that report.

Thank you, Madam Chair.

Ms. ROYBAL-ALLARD. Ms. Hinson.

Ms. HINSON. Thank you, Madam Chair, for the second round of questions.

And thank you, Director Murray, for sticking it out as well.

I just had one follow up based on kind of my earlier line of questioning. You talked a lot in just the past few minutes about preventative measures within organizations that you work with, disrupting the scams that are out there, and then some of the seizures and arrests that the Secret Service has made with fraud and financial crimes.

We know you are working on all of these things. What can Iowans and American citizens actually do to protect themselves against being the victims of these kinds of financial crimes that your organization is investigating?

Mr. MURRAY. The first step is simple cyber hygiene. And it sounds silly, I know, but it is just making sure that we are always

diligent with regard to our own personal devices and our own personal access to things that matter.

From an organizational or a business standpoint, it is basically identifying somebody, and they do not have to be a subject matter expert, but identifying somebody to sort of be the marshal for all things that matter in terms of resiliency and continuity of operations for your organization. And that certainly includes cyber.

As I mentioned earlier, I do think that we are all, as a society, guilty of up until very recently, thinking of this as something as nice to have. But moving forward I think we need to realize in the public and private sector, this is something that we need to have.

If I may give a quick example of a recent public utility that suspected that it might have been the subject of cybercrime. This public utility contacted one of our Cyber Fraud Task Forces. One of our agents and a local sheriff's officer who had been trained in NCFI, went out there and when they got there, they were advised that this public utility saw some anomalous activity in some of their gages. They suspected that somebody might be controlling it remotely, and that is entirely possible.

But here is the problem. That public utility had not implemented any controls whatsoever. So there was no way to tell what the baseline was, what was normal and what happened.

And if I could give you a real life example, I know in a world of Ring doorbells things are different. But, you know, years ago if you came home to your house and you saw the window was broken and that is all you saw, you did not know whether somebody was trying to break into your house or if it was just some kids playing ball and the ball hit the house and they ran away.

And that is effectively what that public utility had there in front of them. So they have to invest on the front end. They have to have—some protective measures in place because when you don't, there are no digital footprints or fingerprints for investigators to trace.

Ms. HINSON. Absolutely.

All right. Well, thank you, Mr. Murray. I appreciate your time.

Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. I believe there are no more questions to Mr. Murray.

I am just doublechecking to see if—

Mr. Fleischmann, are you signaling that you have another question?

Mr. FLEISCHMANN. I do not, Madam Chair. I just——

Ms. ROYBAL-ALLARD. Oh.

Mr. FLEISCHMANN [continuing]. Wanted to say thank you for another outstanding hearing. It was substantive and productive, and I wanted to thank the Director.

Thank you, ma'am.

Ms. ROYBAL-ALLARD. Thank you.

Mr. Murray, I just want to remind you of the request by Ms. Underwood with regards to the use of force and your commitment to respond in writing to the committee with regards to her question.

And also because we are ending a little bit early and have some time, and the fact that this subcommittee has a great deal of re-

spect for the Secret Service and the men and women of the Secret Service, I just wanted to—I don't want to put you on the spot, but I just want to give you an opportunity, if there is any issue or question that was not asked that you would like this subcommittee to perhaps have more information about, I would like to give you this opportunity to do that now.

Mr. MURRAY. Thank you, ma'am.

I hope it doesn't ring hollow, but I do—we really do appreciate the continued support of this subcommittee. We are highly reliant on you and we have a fantastic relationship with your senior staff for which we are very, very grateful. I appreciate the open lines of communication.

I would like to, when the time is right and COVID permits, I would like to invite everybody to come out to the Rowley Training Center and down to the National Computer Forensics Institute to take a look at the good work that not only our people are doing, but with regard to NCFI the good work all the law enforcement officers in your communities are doing as well.

I thank you very much and I appreciate all you have done for us, and I appreciate the fact that you recognize the hard work of our employees.

Ms. ROYBAL-ALLARD. Thank you. And we will. We will be taking that visit.

Mr. MURRAY. Thank you, ma'am.

Ms. ROYBAL-ALLARD. So thank you, Mr. Murray, very much for being here.

The Subcommittee on Homeland Security stands adjourned.

[Material submitted for inclusion in the record follows:]

QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE LAUREN UNDERWOOD**

**James Murray, Director**
**United States Secret Service**
Committee on Appropriations
Subcommittee on Homeland Security
*U.S. Secret Service Operational Priorities*
May 6, 2021

**Subject**

***Background:***

Like many Americans, I was shocked by the use of force by multiple federal agencies to disperse a peaceful protest in Lafayette Square last summer for a photo op. As you know, the Secret Service deployed pepper spray as part of that response.[1] A few months later, the Capitol was overrun by armed insurrectionists chanting threats against the Vice President. Despite the fact that this attack was plotted openly on publicly available websites, the federal response was much less robust.

While the disparate responses to these events are a complicated issue that extends far beyond your agency, I'm interested in what steps you are taking internally to improve the Secret Service's operations in the future and ensure that your agents are trained and prepared to protect our country's leaders and critical infrastructure from legitimate attacks.

***Question:***

- What has the Secret Service learned from these events, and what changes have you implemented as a result?

***Answer:*** Following the protests in Lafayette Square in late May through early June of 2020, the Secret Service participated in civil disturbance unit (CDU) working groups, updated agency policies related to use of force, and enhanced agency training and operations in response to large-scale protests at protective sites. Paramount to these efforts is preserving the safety and civil liberties of participants and non-participants while ensuring that the Secret Service's no-fail protective mission does not degrade.

In terms of working group participation and policy development, the Secret Service participated in the Metropolitan Washington Council of Governments CDU Training Working Group and the

[1] https://www.politico.com/news/2020/06/13/secret-service-says-it-used-pepper-spray-on-lafayette-square-protesters-316482

Federal Law Enforcement Center's Civil Unrest Working Group. In addition, the Secret Service established an internal working group specific to response plans for each Uniformed Division operational branch, and developed standard operating procedures specific to the operations of the agency's Mobile Field Force (MFF) program described in more detail below.

Policy updates related to use of force include: the development of policy specific to the deployment of assets to public order situations and the operations of less-lethal devices augmenting those responses; the inclusion of language related to medical care following a use of force incident; and the inclusion of language specifying a law enforcement officer's duty to intervene and report excessive use of force. Additional policy changes include: the expansion of general principals and guidance on levels of subject behavior/resistance for using less-lethal/intermediate force; enhanced reporting and tracking requirements for a use of force incident; and additional guidance and procedures for the use of less-lethal/intermediate weapons.

With respect to operations, the aforementioned enhancements to the MFF program, which is comprised of Special Agents and Uniformed Division personnel who are specially trained and equipped to respond to large-scale civil disturbances, involved research and development in the areas of equipment, tactics, training, policies, procedures for deployment, and less-lethal/intermediate weapons.

Over the course of the last year, the Secret Service also conducted extensive internal and external training specific to public order response operations. Specifically, the agency trained 689 personnel in various public order response operations to include:

- 188 personnel trained in advanced public order response tactics;
- 358 personnel trained in intermediate public order response tactics;
- 74 front-line supervisors trained various public order response tactics;
- 10 senior leaders trained as public order Commanders; and
- 59 personnel trained in less-lethal operations and integration.

In addition, the Secret Service hosted a Joint External Public Order Commanders Course for local leadership to train and collaborate; hosted six joint training sessions with federal, state, and local law enforcement agencies relative to public order response; and hosted four joint training exercises with federal, state, and local law enforcement agencies relative to public order response.

The protests in Lafayette Square last summer also highlighted the need to create a space for the public to lawfully and safely assemble while reducing the risk of interference with operations on the White House Complex. The installation of temporary anti-scale fence in and around Lafayette Park addressed immediate security concerns while preserving a place for public gatherings and First Amendment activity.

The Secret Service is working with its partners, including the U.S. Park Police, the Metropolitan Police Department, the National Capital Planning Commission, and the White House Historical Society, to design, fund, and install a permanent secondary barrier at the White House Complex. The proposed barrier would extend the security boundary when necessary, creating a larger

buffer between the members of the public and the White House. It is the Secret Service's intention that the installation of a secondary barrier will both increase the security of the White House Complex, as well as reduce the likelihood of the need for law enforcement force as crowds would have greater physical distance from law enforcement personnel.

QUESTIONS FOR THE RECORD SUBMITTED BY
**THE HONORABLE DAVID E. PRICE**
**James Murray**
**Director**
**United States Secret Service**
Committee on Appropriations
Subcommittee on Homeland Security
*U.S. Secret Service Operational Priorities*
May 6, 2021

***Background:*** A critical component of the agency is the Secret Service's National Threat Assessment Center, which in March released a report highlighting causes and means of countering "targeted school violence." A key finding was that many of the student plotters had access to weapons, including unimpeded access to firearms.

***Questions:***

- **Could you elaborate on the policy implications of the finding regarding unimpeded access to firearms? In particular, how would you assess the potential of so-called red flag laws or other measures to prevent school shootings or other violent incidents involving weapons?**

  ***Answer:*** The National Threat Assessment Center (NTAC) produces research into past incidents of targeted violence intended to inform the Secret Service's protective mission as well as the efforts of our agency's public safety partners. In ***Protecting America's Schools: A U.S. Secret Service Analysis of Targeted School Violence,*** NTAC studied 41 incidents of targeted school violence that occurred at K-12 schools in the United States from 2008 to 2017. This analysis found that the majority of targeted school attacks involved firearms, and the students who perpetrated the attacks usually obtained the firearms from the home of their parents or another close relative. While many of the firearms were unsecured, the attackers in several cases were able to gain access to firearms that were secured in a locked gun safe or case.

  NTAC reported similar findings in ***Averting Targeted School Violence: A U.S. Secret Service Analysis of Plots Against Schools***, which examined 67 instances when a current or former student advanced a plot to attack their school from 2006 to 2018, but was halted before violence occurred. Similar to school attackers, most of the student plotters had access to weapons, which was often unimpeded. In seven cases, the plotters were able to acquire firearms that had been secured. In only one case did a student attempt to access a gun safe, but failed to do so.

  NTAC research also examines mass casualty incidents of targeted violence in public locations, through a yearly publication titled ***Mass Attacks in Public Spaces***. These studies have found that a majority of mass attacks in the United States are carried out using firearms. In each of the past three years (2017-2019), NTAC found that at least 40

percent of these attacks involved a firearm that was illegally possessed at the time, based on an existing federal law establishing several prohibiting factors that make it unlawful for an individual to purchase or possess a firearm. These factors include a prior felony conviction, a dishonorable discharge from the military, and being the subject of a current restraining order. Other noteworthy prohibiting factors include illegal drug use and any prior conviction for a crime of domestic violence.

Of note, NTAC research continually reveals that perpetrators of targeted violence frequently elicit concern in the people around them prior to committing an act of violence. For example, in ***Mass Attacks in Public Spaces – 2019***, NTAC found that 65 percent of mass attackers exhibited behaviors that elicited concern in other people. These behaviors included expressions of homicidal/suicidal ideations, domestic violence, social media posts with concerning content, threatening statements, weapons purchases, harassing/stalking behavior, and acts of self-harm.

The Secret Service recommends a proactive threat assessment approach as the best practice for preventing targeted violence. With NTAC's research findings in mind, a threat assessment should include an exploration of whether an individual of concern has access to any weapons, with a particular focus on weapons access at home. Communities must work together rapidly to restrict access to weapons in those cases when an individual is deemed to pose an imminent risk of harm to themselves or others.

➢ **Has the Center identified any additional preventative laws, including federal, state or local, that could reduce targeted school violence?**

***Answer:*** The EAGLES Act of 2021 (H.R. 1229):

- Establishes a national program on targeted school violence prevention at NTAC;
- Broadens NTAC's authorization to reach all public safety partners with training on targeted school violence prevention; and
- Permits NTAC to consult with any outside entity on complex threat assessment cases and the establishment of specific programs to mitigate future threats.

At the state level, it is our understanding that the Commonwealth of Virginia has the longest standing statewide legislative mandate for K-12 school threat assessment programs, and the University of Virginia (UVA) has studied statewide threat assessments in Virginia K-12 schools over a number of years. This body of research from UVA has associated school threat assessment programs with a variety of positive outcomes for students, including decreased bullying, more positive perceptions of school safety, reduced rates of suspensions, and reductions in racial disproportionality in student discipline. Many other states have since followed suit, mandating school threat assessment programs as a key proactive component of overall school safety efforts.

➢ **To what degree has the Center engaged with state and local leaders, including school officials, in providing guidance and best practice recommendations for preventing targeted school violence?**

***Answer:*** NTAC's core mission involves providing research, training, and consultative support to the Secret Service's public safety partners. From FY 2019 to FY 2021 (to date), NTAC has delivered 253 training events to 65,016 public safety professionals. During that same timeframe, NTAC has also provided consultation on the development on threat assessment programs to 49 agencies and organizations, along with 31 additional consultations on complex threat cases.

Most recently, NTAC hosted a virtual training event to coincide with the release of our latest study on targeted school violence, titled ***Averting Targeted School Violence: A U.S. Secret Service Analysis of Plots Against Schools***. Over 14,000 public safety professionals, representing all 50 states and 64 countries, registered to view the event, which featured NTAC researchers presenting NTAC's research findings and recommended best practices for targeted school violence prevention.

NTAC also recently published ***Protecting America's Schools: A U.S. Secret Service Analysis of Targeted School Violence*** (2019), which coincided with a series of multi-city, multi-day training events. This publication, along with NTAC's ***Enhancing School Safety Using a Threat Assessment Model: An Operational Guide for Preventing Targeted School Violence***, were both mailed in printed copy to 40,000 public school districts and private K-12 schools across the United States. All NTAC publications are also available on the Secret Service's public website.

➢ **Does the Center coordinate with the DHS Targeted Violence and Terrorism Prevention Office to address gun violence prevention?**

***Answer:*** NTAC coordinates with a variety of partners across the federal, state, and local levels of government, including a number of entities within the Department of Homeland Security (DHS). Following the attack at Marjory Stoneman Douglas High School in Parkland, FL, NTAC contributed Chapter 5 of the Final Report from the President's Federal Commission on School Safety, which addressed K-12 threat assessment and suspicious activity reporting. NTAC co-chaired the development of the National Threat Evaluation and Reporting (NTER) Master Trainer program under the DHS Office of Intelligence and Analysis (I&A). NTAC also partnered with DHS in the development of the Federal School Safety Clearinghouse (www.schoolsafety.gov), providing online resources and piloting the website's school safety evaluation survey.

NTAC has further supported DHS's Cybersecurity and Infrastructure Security Agency (CISA) providing, for example, subject matter expertise during the drafting of CISA's *Mitigating Attacks on Houses of Worship - Security Guide*. NTAC has supported DHS efforts in countering Domestic Violent Extremism (DVE). NTAC's Chief is a member of the Policy Development & Education working group, in support of DHS's DVE Issue Teams. NTAC continues to support the efforts of DHS's Office of Targeted Violence and Terrorism Prevention (TVTP)/Center for Prevention Programs and Partnerships (CP3), by providing subject matter expertise, coordinating/facilitating training events,

and partnering on various information sharing efforts (e.g., promoting CP3's targeted violence prevention grant programs).

THURSDAY, MAY 13, 2021.

# U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT RESOURCE MANAGEMENT AND OPERATIONAL PRIORITIES

## WITNESS

**TAE D. JOHNSON, ACTING DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT**

Ms. ROYBAL-ALLARD. The Subcommittee on Homeland Security will come to order.

During today's virtual hearing, members are responsible for muting and un-muting themselves. When you are recognized to speak, If I notice that you have not un-muted yourself, I will ask you if you would like staff to un-mute you. If you indicate approval by nodding, staff will un-mute your microphone.

To avoid inadvertent background noise, the chair, or staff designated by the chair, may mute participant microphones when they are not recognized to speak.

If there is a technology issue during a member's speaking time, we will move to the next member until the issue is resolved and you will retain the balance of your time.

We will be following the 5-minute rule. With one minute in your time, the clock will turn yellow. When your time has expired, the clock will turn red and it will be time to recognize the next member.

We will follow the speaking order set forth in the House rules, beginning with the chair and ranking member, followed by members present at the time that the hearing is called to order in order of seniority, and we will alternate by party. Next we will go to the members who were not present when the hearing was called to order, until every member present has had a first round.

Members can submit information in writing at any of our hearings or markups using the email address provided in advance to your staff.

Now let's begin.

Today, I welcome Tae Johnson, Acting Director of U.S. Immigration and Customs Enforcement. He is here to discuss ICE's management of its resources and its operational priorities. Thank you for being here this morning.

Acting Director Johnson, as a career civil servant, you have been asked to step into this interim role as ICE Director and we appreciate your service in this capacity. We have spoken about some of the recent challenges you and the Secretary face, and I want to reaffirm my commitment to help you both address them.

We have seen many important retractions of the prior Administration's policies that abrogated the rights of asylum seekers and

others. Those policies drove a wedge between us and many communities, particularly large migrant populations.

There are significant disagreements about immigration policy in this country and among members of this subcommittee. My own view is that we should not simply accept approaches that divide us, but instead work together to find appropriate solutions to balance immigration enforcement with due process, and balance removals with humanitarian considerations.

We have a lot of work left to do, but if we are truly to address the challenges of immigration it is critical that we fix our broken immigration system. That is why it is critical for Congress to pass the President's immigration reform bill, H.R. 1177, and other important legislation like the American Dream and Promise Act.

One issue that I am particularly alarmed by is the increasingly high number of detainees in ICE custody. This increased number not only puts at risk the lives of detainees, including those who pose no threat to our communities, but it endangers the lives of ICE and detention facility personnel, and the communities in which they live. We have a public health imperative to find a way to address this issue.

I am also concerned about ICE's relationships with communities around the country. ICE must find a better way to balance fulfilling its important mission and respecting the important mission of local law enforcement.

It is unfortunate that the prior Administration's aggressive interior enforcement policies placed demands on many local law enforcement agencies that has compromised the trust they worked so hard to nurture in their communities.

As you know that trust is strained in many places by concerns about abusive law enforcement practices. We should not be adding to that erosion of trust with immigration enforcement pressures from ICE. Victims and witnesses to crimes must feel safe in coming forward.

It is my hope ICE can find a way to work collaboratively with our local law enforcement agencies, and I look forward to working with you and this Administration to build that trust with communities and colleagues concerned about this issue. A good place to start is by increasing transparency and collaboration with non-profit community organizations which provide shelter, along with legal assistance, trauma counseling, and other services to migrants.

Lastly, I would like to recognize the important work and accomplishments of the Homeland Security Investigations workforce. I especially commend them for their work in combating the criminal activity related to vaccines, personal protective equipment, and attempts to steal CARES Act funding meant for families and small businesses.

It is now my pleasure to turn to the distinguished gentleman from Tennessee, Ranking Member Fleischmann, for his opening remarks.

Mr. FLEISCHMANN. Thank you, Madam Chair.

Acting Director Johnson, welcome, sir. I would first like to thank you for your decades of service protecting this country. Your commitment and leadership over the years with INS and now ICE is greatly appreciated. I would also like to thank you for stepping up

to serve as the Acting Director before and during the presidential transition. This is a difficult job under the best of circumstances, but I know the agency and the men and women who serve with you are in good hands and, again, sir, I thank you.

It is unfortunate that we don't have the fiscal year 2022 budget the time of this hearing. You may or may not know, but ICE funding, and especially detention bed funding, is usually one of the last details that gets worked out in our conference negotiations. And I would like to see what marker the President is putting down to show his commitment to a safe and orderly immigration system.

ICE is a crucial component in our ability to enforce immigration, customs, and trade laws in our country. To try to limit or minimize the Nation's laws enacted to protect our country by withholding funds is simply irresponsible, and to demand that the agency responsible for enforcing those national security laws be dismantled is unconscionable. We need a strong, effective, transparent, and accountable ICE.

I have consistently advocated for a funding level for ICE that enables ICE to fulfill its law enforcement mission, including funding detention facilities. I am dismayed that the President's order to no longer apprehend persons illegally in this country is linked to a scarcity of resources. I believe everyone on this subcommittee now has a responsibility to pass a bill that has adequate funds for ICE to perform its mission to enforce immigration laws on the books, not just three categories as arbitrarily determined by the President.

I know that the officers and teams in Homeland Security Investigations, or HSI, do amazing work tackling some of the most heartbreaking cases and taking down some very bad actors. HSI funding is an example where we have agreements on both sides of the aisle. However, if we don't recognize that these very criminal organizations that we are investigating and pursuing are being fueled and funded by the waves of illegal migration we refuse to stop, I don't think we will ever be able to effectively shut down these transnational criminal enterprises. We need to act and I remain hopeful that we can work together to find a resolution to keep our nation safe.

Thank you again, Mr. Johnson, for being with us this morning. I very much look forward to your testimony.

Madam Chairwoman, I yield back. Thank you.

Ms. ROYBAL-ALLARD. Acting Director Johnson, we will submit the full text of your official statement for the hearing record. Please begin your opening statement, which I would ask you keep to 5 minutes.

Mr. JOHNSON. Chairwoman Roybal-Allard, Ranking Member Fleischmann, and distinguished members of the Subcommittee of Homeland Security, it is an honor to appear before you today representing the 20,000 outstanding professionals of ICE.

Because the fiscal year 2022 President's budget has not yet been submitted to Congress, I am unable to address any specific details at this time. That said, I will discuss our operational challenges, impacts of working in a COVID–19 environment, and our efforts to remain nimble and forward- leaning in response to changing operational needs.

As you are well aware, we are continuing to experience a wave of families and unaccompanied children arriving along the Southwest border. At the border, our goal is to ensure border security while supporting an immigration system that is orderly, efficient, fair, and humane.

Currently, the majority of those being apprehended along the Southwest border are single adults who are being expelled under Title 42. This has proven to be critical to ICE's efforts to ensure adequate space for social distancing and reduce the spread of COVID–19 in our detention facilities. ICE is concerned that the loss of Title 42 could create additional pressure on our immigration system.

One other concern we face is Mexico's limited capacity. When Mexico's capacity is reached, we process the families and place them in proceedings in the United States. We have partnered with community-based organizations to test families and quarantine them under COVID–19 protocols. In some locations, the processing of families has strained our resources. This cannot be sustained unless we receive sufficient funding to keep these families safe after they cross the border.

On February 18, I issued guidance that requires ICE staff to focus on three presumed priorities: national security, border security, and public safety. Although this guidance sets forth certain priorities, anyone in the U.S. illegally is still subject to arrest and removal.

In the first two calendar months following the implementation of this guidance, arrests that meet the presumed priority criteria are up. For example, in March, there were 645 arrests that meet these criteria, and, in April, there were 1552. This is higher than every preceding month going back to April 2020. Similarly, arrests for non- citizens who have committed certain serious crimes are up. In March, ICE arrested 280 non-citizens whose most serious offense is assault; in April, ICE arrested 264. This is higher than all preceding months this fiscal year. The same is true for weapon offenses and DUIs.

Consistent with this guidance, ICE will continue to focus on the most pressing national security, border security, and public safety threats. Through prioritization, we hope to achieve even greater success in this regard.

Following the issuance of the interim guidance, ICE was able to quickly develop and deploy supporting technology and systems. ICE is working with CBP on the Unified Immigration Portal, a technical solution that will connect relevant data from across the immigration life cycle to enable more complete and understanding of one's immigration journey.

Additionally, to better identify long-term needs and solutions, ICE has begun the development of a data modernization plan and roadmap that will allow us to properly assess the current and future data needs across all of ICE. This plan will allow ICE to identify forward-leaning solutions and identify the resources needed. I hope to work with this committee over the next few months as this plan is developed.

Over the last two decades, transnational organized crime has transformed in size, scope, and impact, posing a significant threat

to national and international security. ICE's strategy seeks to build, balance, and integrate sophisticated analytical tools and techniques to combat transnational crime and related threats to our national security, and urge our foreign partners to do the same.

ICE continues to prioritize the investigation and disruption of TCOs that illicitly introduce fentanyl, heroin, and other dangerous opioids into the United States. Continued congressional support for ICE's criminal investigative mission is vitally important.

In closing, I want to thank you again for inviting me to testify before you today. I am honored and extremely humbled to represent the dedicated employees of ICE as they continue to keep our borders secure, enforce our laws, and stay true to our values principles.

[The information follows:]

# U.S. Immigration and Customs Enforcement

STATEMENT

OF

TAE D. JOHNSON

ACTING DIRECTOR

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
DEPARTMENT OF HOMELAND SECURITY

REGARDING A HEARING ON

*"U.S. Immigration and Customs Enforcement Resource Management and Operational Priorities"*

BEFORE THE

U.S. HOUSE OF REPRESENTATIVES
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON HOMELAND SECURITY

Thursday, May 13, 2021

**Introduction**

Chairwoman Roybal-Allard, Ranking Member Fleischmann, and distinguished members of the Subcommittee on Homeland Security:

Thank you for your continued support for the dedicated and hard-working women and men of U.S. Immigration and Customs Enforcement, better known as ICE. Every day, the over 20,000 dedicated, proud, professionals at ICE work to promote homeland security and public safety through the broad enforcement of over 400 federal laws governing border control, customs, trade, and immigration. I am proud to serve beside them, and thankful for the opportunity to appear before you today to represent them and their families.

As you are aware, the Fiscal Year (FY) 2022 President's Budget has not yet been submitted to Congress. As such, I am unable to address any specific budgetary details included in the ICE FY 2022 budget request until after the President's Budget is released. That said, I look forward to discussing the state of our component - our operational challenges, impacts of working in the COVID-19 environment on our workforce, and our efforts to remain nimble and forward-leaning amidst shifting dynamics. I also look forward to highlighting our continued efforts to ensure we make the most efficient and effective use of the resources Congress provides to ICE to carry out our vital homeland security mission.

ICE appreciates the funding provided in FY 2021 to carry out its missions and sustain infrastructure. We are grateful for the additional positions to support our Homeland Security Investigations' investigative programs, Enforcement and Removal Operations' alternatives to detention, the Office of Professional Responsibility's detention oversight functions, and Management and Administration's mission support capabilities and capacity. I am also aware of, and will continue to prioritize, ICE's ability to ensure timely and accurate responses to your requests for information and reporting requirements across a range of key areas, including: Southwest Border enforcement data; budget execution; human capital and staffing; and execution of resources provided for case management and the non-detained docket. ICE is committed to providing Congress with sufficient detail for it to exercise its oversight function.

**Enforcement and Removal Operations (ERO)**

***Interim Enforcement and Removal Priorities***

ICE is committed to enforcing immigration laws humanely, effectively, with professionalism, and in accordance with government and Department of Homeland Security (DHS)-wide enforcement and removal priorities. On January 20, 2021, President Joseph R. Biden, Jr. issued Executive Order (EO) 13993, *Revision of Civil Immigration Enforcement Policies and Priorities*, 86 Fed. Reg. 7051 (Jan. 25, 2021), which articulated the Administration's baseline values and priorities for the enforcement of the civil immigration laws. On the same day, then-Acting Secretary of Homeland Security David Pekoske issued a memorandum entitled, *Review of and Interim Revision to Civil Immigration Enforcement and Removal Policies and Priorities*, which established interim civil immigration priorities for the Department.

Subsequently, on February 18, 2021, I issued a memorandum to ICE personnel entitled, *Interim Guidance: Civil Immigration Enforcement and Removal Priorities*, which established guidance in support of the interim civil immigration enforcement and removal priorities set forth in former Acting Secretary Pekoske's memorandum. This interim guidance will remain in place until Secretary Mayorkas issues new enforcement guidelines.

The interim guidance provides that ICE, including both Enforcement and Removal Operations (ERO) and Homeland Security Investigations (HSI), will focus its limited resources on cases presumed to be priorities, including Priority Category 1: National Security; Priority Category 2: Border Security; and Priority Category 3: Public Safety.[1] The interim guidance is being applied to all civil immigration enforcement and removal actions, including deciding when and under what circumstances ICE officers and agents should issue a detainer, arrest a noncitizen for an administrative violation of the civil immigration laws, detain or release a noncitizen, issue a Notice to Appear, grant deferred action or parole, or execute a final order of removal. It is important to note, however, that the interim priorities do not require or prohibit the arrest, detention, or removal of any noncitizen. Instead, officers and agents are expected to exercise their discretion thoughtfully, consistent with ICE's important national security, border security, and public safety mission. These interim enforcement and removal priorities have allowed ICE to focus its limited resources on making priority arrests and removals while fulfilling its important national security, border security, and public safety mission.

**Enforcing Immigration Laws**

ICE's immigration enforcement efforts are led by the approximately 6,000 law enforcement officers of ERO, with the mission to protect the homeland through the arrest and removal of those who undermine the safety of U.S. communities and the integrity of U.S. immigration laws. ERO's deportation officers fulfill ERO's important public safety and national security mission by identifying, arresting, or detaining removable noncitizens, and as required, removing noncitizens with final orders of removal.

***The Southwest Border***

Securing our nation's borders and safeguarding the integrity of our immigration system is a primary focus of ICE officers and agents throughout the country, as well as the Department from top to the bottom. Immigration enforcement is the largest single area of responsibility for both ERO and the Department and is a critical component of the overall safety, security, and well-being of our nation. The number of families and unaccompanied children entering the country between ports of entry on the Southwest Border continues to rise and challenge the capabilities of DHS to process these noncitizens. In Fiscal Year (FY) 2021, as of March 31, 2021, U.S. Customs and Border Protection (CBP) has had over 569,000 encounters with noncitizens at the Southwest Border. Of those, more than 48,000 have been unaccompanied children and nearly 94,000 have been individuals who are part of a family units. As has been the case with previous migration surges at the Southwest Border, these numbers place significant strain on U.S. government agencies, including ICE. As a result, ICE is taking steps to address each situation in an effective, efficient, and safe manner in line

[1] https://www.ice.gov/doclib/news/releases/2021/021821_civil-immigration-enforcement_interim-guidance.pdf.

with America's values.

There is a humanitarian crisis at the border. Unaccompanied children[2] are arriving in unprecedented numbers. We have made enormous strides in ensuring these children are transferred to the safe custody and care of the Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) within 72 hours after determining that a child is unaccompanied. Upon apprehension by CBP, unaccompanied children are typically transferred to ERO for a short period to safely transport them to HHS ORR custody for the coordination and implementation of care and placement with appropriate family members or sponsors.

There are also large numbers of families attempting to cross the Southwest Border. When families are apprehended by CBP, they are typically transferred to ICE custody. ICE currently operates two family staging centers (FSCs)—formerly family residential centers—in Texas: the Karnes County FSC and the South Texas FSC. ICE anticipates it will continue to require such facilities ensure the safe and efficient processing of the increasing number of family unit arrivals. Families arriving at the FSCs receive a comprehensive health assessment and are offered COVID-19 testing at intake prior to being in-processed and evaluated for potential release into the United States pending immigration court proceedings. Families who test positive are isolated until medically cleared in accordance with Centers for Disease Control and Prevention (CDC) guidelines. In March 2021, ICE converted the FSCs from over-72-hour residential programs to an under-72-hour staging facilities. This conversion minimizes the average length of stay, which is consistent with the *Flores* Settlement Agreement and ICE's limited ability to detain accompanied children as part of families beyond 20 days. The care and custody of the families at the FSCs continues to be governed by the full set of ICE's 2020 Family Residential Standards.

Additionally, to assist in efforts at the Southwest Border, ICE has signed a short-term contract with the non-profit division of Endeavors—a Texas-based non-governmental organization (NGO)—to provide temporary shelter and processing services for family units who have not been expelled under Title 42 and are therefore placed in immigration proceedings under Title 8. This increase of migrants at the border, coupled with current COVID-19 social distancing requirements, requires additional space to supplement ICE's current capacity to process family units in centralized locations prior to release. Hotels along the Southwest Border serve as Emergency Family Staging Sites and will provide temporary residential shelter care and healthcare in compliance with the *Flores* Settlement Agreement and a modified version of the ICE Family Residential Standards (FRS). ICE continues to apply the FRS as its quality of care model with limited changes. These changes include minor modifications to those standards, such as education requirements for children, that apply to stays in excess of 72 hours and are consistent with the family staging centers mentioned above.

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[2] An unaccompanied child is defined by statute as a child who has no lawful immigration status in the United States; has not attained 18 years of age; and with respect to whom there is no parent or legal guardian in the United States, or no parent or legal guardian in the United States available to provide care and physical custody. *See* 6 U.S.C. § 279(g)(2).

Family unity will be maintained while families are in residence at the hotels along the Southwest Border, and residents will have access to legal counsel and may be enrolled in an alternatives to detention program prior to their release, as appropriate. Other services while in residence include telephone access, meals, access to remote religious programming, and age appropriate recreation/leisure activities. ICE ensures that all individuals in its custody are treated with dignity and respect and are provided the best possible care.

Additionally, ICE has assigned more personnel to the Southwest Border to fulfill required functions including, but not limited to, transporting migrants, assisting CBP with Title 42 expulsions, and engaging with NGOs. As of April 12, 2021, ERO has temporarily reassigned 67 additional personnel[3] to support Southwest Border operations.

***Title 42***

The world is currently facing a global pandemic, caused by what is commonly known as COVID-19. Given the ongoing COVID-19 pandemic, the CDC has determined there is a serious danger of the introduction and spread of the COVID-19 virus in congregant CBP stations and facilities, which could present a danger to migrants, CBP's frontline agents and officers, and the general populace. As a result, HHS issued an order pursuant to its authority under 42 U.S.C. §§ 265 and 268, which directs DHS to assist HHS in preventing the introduction into the United States persons who create a danger of introducing communicable diseases into the United States.

Pursuant to Title 42, individuals and families apprehended at and between the ports of entry without authorization continue to be expelled to their country of last transit – Canada or Mexico – where possible. When that is not possible, the U.S. Government makes every attempt to expel these individuals to their country of origin. While both CBP and ICE are tasked with supporting the CDC in the application of Title 42, CBP determines which noncitizens are subject to Title 42 expulsions, including any decision about whether an individual should be excepted from expulsion owing to consideration of humanitarian interests or for other reasons specified in the Order. ERO's role is limited to obtaining a foreign government's authorization to receive Title 42 expulsions, as well as coordinating such expulsions through informal arrangements. From March 20, 2020 through April 11, 2021, ICE has facilitated the expulsion of 38,951 noncitizens pursuant to Title 42 via ICE Air Operations.

The exercise of Title 42 authority by CBP has enabled ICE to play its part in safely securing the border. By reducing the numbers of entrants into the United States who require quarantine, isolation, and follow-on care, the U.S. Government is better able to focus its efforts on the safety and welfare of those in U.S. custody or control. The expulsion of noncitizens at the border determined by CBP to be subject to Title 42 has been critical to ICE's efforts to ensure adequate space for social distancing and reduce the spread of COVID-19 throughout its detention facilities. ICE is concerned, however, that without Title 42 measures in place pursuant to the CDC's public health judgment and authority, a new increase

[3] ICE personnel include ERO full-time personnel and does not include any contract personnel.

in migration at the Southwest border could compromise these efforts and undermine public health efforts.

***Managing ICE's Detained Population During the COVID-19 Pandemic***

ICE has taken and continues to take important steps to safeguard the health and safety of those in its custody and to detect and mitigate the spread of COVID-19, including the implementation of measures to allow for greater social distancing. In March 2020, ICE convened a working group of medical professionals, disease control specialists, detention experts, and field operators to identify enhanced steps to minimize the spread of COVID-19. As a result of that working group, ICE recommended that all detention facilities make efforts to reduce the population to 75 percent of capacity or less. While CDC guidance recommends facilities not exceed 75 percent of population capacity, ERO asked local jails that house ICE detainees to meet the 75 percent target and set a target of 70 percent population capacity for dedicated ICE facilities. In FY 2021, as May 1, 2021, there were 17,222 detainees in ICE custody.[4] ICE's detained population has decreased by over 66 percent since the end of FY 2019 and by 41 percent since the same time in FY 2020.

On April 10, 2020, ERO released the COVID-19 Pandemic Response Requirements (PRR), a guidance document developed in consultation with the CDC Specifically, the PRR sets forth specific mandatory requirements expected to be adopted by all detention facilities housing ICE detainees, as well as best practices for such facilities, to ensure that detainees are appropriately housed and that available mitigation measures are implemented during this unprecedented public health crisis. Throughout the pandemic, ICE has released several updated versions of the PRR, the most recent of which was released on March 16, 2021.

In accordance with the PRR, ICE evaluates all new admissions within five days of entering ICE custody to determine whether the detainees fall within the populations identified by the CDC as potentially being at higher risk for serious illness from COVID-19 and/or the subclasses certified in *Fraihat v. ICE*, 445 F. Supp. 3d 709709 (C.D. Cal. 2020). The ERO Field Office Director (or designee) and the Field Medical Coordinator are notified, as well as the detainee and his or her counsel, as soon as practicable, but in no case more than 12 hours after determining whether the detainee meets the criteria.

ICE has implemented several prevention and mitigation strategies to reduce exposure to COVID-19 in ICE detention facilities. For example, ICE guidance mandates detailed medical screening when a noncitizen is booked into custody and has also instituted screening guidance for new detainees who arrive at facilities to assess symptoms and identify those who meet the CDC criteria for epidemiologic risk of exposure to COVID-19. ICE also immediately isolates detainees with fever and/or respiratory symptoms in appropriate medical housing. Isolation protocols include housing the detainee in a private medical housing room, which may be an airborne infection isolation room equipped with negative pressure, if available, and implementation of transmission-based precautions.

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[4] ICE National Docket data are a snapshot as of May 1, 2021. ICE Detention data exclude ORR transfers/facilities, as well as U.S. Marshals Service Prisoners. FY 2019 End-of-Year Detained Population: 51,181; FY 2020 32,580 (as of April 11, 2020); FY 2021 Year-to-Date – 17,22,393 (as of May 1, 2021).

ICE also utilizes an infection prevention strategy known as cohorting, which involves housing together detainees who are asymptomatic but who have been exposed to a person with an infectious organism. The duration of the cohorting period for COVID-19 is 14 days from the most recent exposure. If an ICE detainee is confirmed through laboratory testing to have COVID-19, symptoms are mild to moderate, and the detainee does not medically require a higher level of care, the detainee will be managed in a medical housing unit by on-site health care professionals. Additionally, any detainee who requires a higher level of care is transferred to a hospital with advance coordination (e.g., calling in advance to discuss the detainee's condition and protocols for safely receiving the individual).

Testing is another prevention and mitigation measure that ICE has taken to address the COVID-19 pandemic. In accordance with the PRR, all new admissions to ICE detention facilities require COVID-19 testing within 12 hours of arrival; testing of all new admissions before they join the rest of the population in the facility, and medically isolating them individually or in cohorts while COVID-19 test results are pending help prevent potential transmission. ICE also notes that all detained individual noncitizens quarantined as close contacts with a COVID-19 positive individual should be re-tested at the end of the quarantine period before release from quarantine. In short, it is a requirement that ICE test 100 percent of those who come into ICE custody for COVID-19.

Vaccines for ICE detainees are being allocated by local and state health departments and were incorporated into the total COVID-19 vaccine amount distributed by the federal government to each state. ICE will follow the recommendations of the CDC's Advisory Committee on Immunization Practices and other relevant federal government guidance regarding vaccine prioritization to ensure detainees receive their vaccinations as quickly as possible. ICE has significant experience in administering vaccines to detainee populations, and ICE Health Service Corps-staffed facilities can administer vaccines to detainees if a supply of the COVID-19 vaccine is provided.

As with all medical procedures, ICE guidance will require consent of the detainees regarding the receipt of the COVID-19 vaccine providing appropriate language services as needed and, following CDC and other clinical guidance. ICE will also administer the vaccine in accordance with any restrictions based on the detainee's medical history. At this time, a limited number of ICE detainees have begun to receive the COVID-19 vaccine based on availability and priorities for vaccinating individual detainees in the state where they are currently detained. As of May 5, 2021, 2,707 detainees have received at least one dose of the COVID-19 vaccine and 1,229 detainees have completed their vaccine series.

***Alternatives to Detention and Case Management***

The Alternatives to Detention (ATD) program is a flight-mitigation tool that uses technology and case management to increase compliance with release conditions and facilitate compliance with court hearings and final orders of removal. ATD has been in place for several years and uses three types of technology: telephonic reporting where a noncitizen reports via telephone and the telephone calls are compared against a voiceprint obtained during enrollment; GPS monitoring ankle bracelets to track the location of a noncitizen to

ensure compliance with release conditions; and SmartLINK which uses facial recognition and location technology to monitor participant compliance. Contract-based case managers also assist ATD participants in meeting important immigration obligations. This assistance includes referrals to community services and organizations, departure planning, and other important services. ICE notes that ATD does not serve as a substitute for detention, but rather seeks to increase compliance with release conditions, court appearances, and final orders of removal while allowing noncitizens to remain in their communities.

The ATD program was not suspended during the COVID-19 pandemic. The program continued to be fully operational following CDC guidelines regarding social distancing and state and city requirements. While the pandemic may have slowed the expansion of ATD, ICE has begun to take steps on a case-by-case basis to open new sites and locations. To mitigate the limitations imposed by social distancing, ICE and the ATD contractor have increased reporting through phone calls, the SmartLINK application, and, when possible, location verification to ensure residency. In addition, the ATD contractor and subcontractors have transitioned to a virtual model where they are able to provide services through virtual meetings without meeting face-to-face. Moreover, the ATD program has been used to help manage the flow of noncitizens crossing the Southwest Border. ATD utilizes staging sites, located at the Southwest Border, under-72-hour staging facilities, and the newly created Emergency Family Staging Sites to enroll participants into ATD. ICE notes that as of April 24, 2021, there are 95,160 participants enrolled in ATD, up nearly 12 percent from January 15, 2021.

As part of its ATD program, ERO operates the Extended Case Management Services (ECMS) modification to its ATD contract. The ECMS modification is designed for participants who have significant challenges and would benefit from more intensive case management support from more touchpoints than is currently available under traditional ATD case management services. Under ECMS, a minimum of six contacts between the participant and Case Specialist are required each month.

In addition to ECMS, ICE recently incorporated Wraparound Stabilization Services (WSS) to the ATD program portfolio of services. ICE has identified specific needs for the mental health and well-being of many participants that were not offered previously within ATD. To overcome this and to better assist ATD participants with meeting immigration obligations, ICE worked with its contract partner, who identified and subcontracted services to NGOs and community-based organizations, to provide these additional services. Some of the offerings available under WSS include, but are not limited to trafficking screening, trauma-informed therapy, family therapy, individual rehabilitation, and supplemental services evaluations (SSE). By placing ECMS and WSS services into the Intensive Supervision Appearance Program IV contract, ICE incorporated the Family Case Management Program[5] principles into ECMS.

In FY 2021, to ensure that all participants are appropriately evaluated and that their needs are being met, ICE is expanding the availability of WSS from 54 to 80 cities and is incorporating the SSE into orientation and enrollment. Moving forward, ICE anticipates a

[5] ICE discontinued the use of the Family Case Management Program in June 2017.

substantial increase in WSS participation and service availability. Further, ICE is working with NGO partners to increase offerings of services that are not currently available and that meet the needs of the ATD participant population.

***ICE Engagement with Stakeholders***

ICE recently held several listening sessions with various stakeholder groups regarding ICE's civil immigration enforcement and removal operations' interim guidance. I, along with CBP Acting Commissioner Troy Miller and U.S. Citizenship and Immigration Services Acting Director Tracy Renaud, participated in the listening sessions which included leaders from many organizations and state and local governments throughout the country. The listening sessions will serve to build toward the Department-wide enforcement and removal guidance that we expect the Department will issue soon.

***Improved Reporting Requirements***

ICE is committed to enhancing our technology and reporting capabilities to comply with the new administration's priorities and to create better transparency with stakeholders and the public. Quality data and technology is not only essential for ICE to be effective at decision-making and strategic, business, and operational planning, it enables ICE to communicate the important work the agency carries out to protect the security of the American people and homeland.

Following the interim guidance on ICE's enforcement and removal priorities, ICE was able to quickly develop and deploy supporting technology and systems. ICE is collaboratively working with CBP on the Unified Immigration Portal (UIP) - a technical solution that will connect relevant data from systems of record across the immigration lifecycle to enable a more complete understanding of a noncitizen's immigration journey. ICE is currently exploring how the UIP could support ICE and CBP's predictive analytic needs for data driven management.

ICE has continuously worked to expand its data collection, analysis, and reporting capacity as well as improve its technology, systems, and processes. ICE is modernizing its data management, warehousing, and reporting capabilities to include new technologies and tools. The modernized data platform will enhance our existing reporting and analytics functions by providing more timely data and expanded reporting, analytics, and dashboarding capabilities to new and existing users, including the public.

**Homeland Security Investigations**

***Combating Transnational Crime***

ICE Homeland Security Investigations (HSI) is the principal investigative component of DHS, responsible for investigating, disrupting, and dismantling transnational criminal organizations (TCOs) and terrorist networks that threaten or seek to exploit the global infrastructure through which international trade, travel, and finance move. HSI's workforce

consists of more than 10,000 employees, including special agents, criminal analysts, mission support personnel, and contract staff assigned to over 220 cities across the United States and over 80 locations in 53 countries around the world. HSI's international presence represents DHS's largest investigative law enforcement presence abroad and one of the largest international footprints in U.S. law enforcement.

HSI has broad legal authority to conduct federal criminal investigations into the illegal cross-border movement of people, goods, money, technology, and other contraband into, out of, and throughout the United States. HSI utilizes these authorities to investigate a wide array of transnational crime and violations of customs and immigration laws, including money laundering; financial fraud and scams; cybercrime; intellectual property theft and trade fraud; narcotics smuggling; transnational gang activity; child exploitation; human smuggling and trafficking; illegal exports of controlled technology and weapons; identity and benefit fraud; human rights violations and war crimes; terrorism and national security threats.

In collaboration with its strategic partners in the United States and abroad, HSI special agents gather evidence used to identify and build criminal cases against TCOs, terrorist networks and facilitators, and other criminal elements that threaten the homeland. HSI works with prosecutors to indict and arrest violators, execute criminal search warrants, seize criminally derived money and assets, and take other actions designed to disrupt and dismantle criminal organizations operating around the world. These efforts protect U.S. national, border, and economic security, and ensure the safety of the public and our communities.

Most of HSI's approximately 7,100 special agents are assigned to one of HSI's Special Agent in Charge offices or multiple sub-offices located in 225 cities across the nation. HSI's domestic footprint is supplemented by more than 2,800 task force officers representing key strategic federal, state, and local partners in the fight to combat TCOs. HSI's international force is DHS's largest investigative presence abroad, anchored by special agents assigned to U.S. embassies, consulates, and Department of Defense combatant commands around the globe.

HSI's workforce is focused, talented and driven. From our mission support core, to our cadre of criminal analysts and special agents, our employees have shown that commitment to the mission is always front and center. Even when faced with such a devastating pandemic, our workforce has remained steadfast in our resolve, nimble in our approach and laser focused on the result - to protect the homeland.

***Results and Impact***

Despite the challenging operating conditions resulting from the pandemic, HSI has remained true to its core mission of protecting the homeland from transnational crime and threats. HSI's statistical accomplishments in FY 2020 were significant, with HSI arresting 31,915 criminal violators, including 3,691 for transnational gang offenses, 1,746 for human trafficking violations, and 3,074 for child exploitation offenses; confiscating 6,688 illegal weapons; seizing over 1.4 million pounds of narcotics, including 6,105 pounds of fentanyl, 493,216 pounds cocaine, 8,076 pounds heroin, and 178,283 pounds methamphetamine; identifying and rescuing 1,012 victims of child exploitation and 418 victims of human trafficking; and disrupting and dismantling countless TCOs. Additionally, HSI seized a

staggering $1.8 billion in criminally derived currency and assets, dealing a significant blow to the operations of TCOs seeking to profit from their crimes. While these numbers are impressive, the real measure of HSI's impact and value lies in the positive effect HSI's investigations and operations have on our country and the lives of the people HSI special agents are sworn to protect and serve.

***HSI's Operational Priorities***

HSI's core mission is to protect the homeland from transnational crime and threats, and its six operational priorities – Combating Financial Crime, Investigating Cybercrime, Preventing Crimes of Exploitation, Ensuring Public Safety, Upholding Fairness in Global Trade, and Protecting National Security - serve as the foundation of HSI's investigative and operational focus. Utilizing HSI-led Border Enforcement Security Task Force (BEST) teams strategically placed across the country, HSI and its task force officers counter narcotics smuggling by TCOs that illicitly introduce and distribute fentanyl, heroin, other dangerous opioids, synthetic drugs, methamphetamine, and cocaine into and throughout the United States. HSI is at the forefront of the U.S. government's efforts to identify, infiltrate, disrupt and dismantle Mara Salvatrucha (MS-13) and other transnational criminal gangs and deny them access to illicit funds used to fuel violence in Central America and the United States. HSI also maintains the integrity of U.S. borders by combating TCOs that enable and profit from illegal immigration fraud and smuggling schemes. HSI detects, disrupts, and dismantles human smuggling networks that facilitate the illegal movement of people into the United States. Through its labor exploitation investigations, HSI promotes lawful employment in U.S. industry and prevents financial gain from illicit immigration labor practices. HSI also actively combats identity theft and document and benefit fraud activities that threaten border security.

***HSI Operational and Programmatic Highlights Against TCOs***

HSI continues to conduct significant enforcement actions pursuant to the National Air Trafficking Initiative (NATI), an HSI-led multi-office/agency unified effort to investigate and prosecute international aircraft smuggling in furtherance of narcotics trafficking in the United States and abroad. NATI seeks to identify, prosecute, disrupt, and dismantle transnational criminal networks that facilitate the international transportation of illicit narcotics from South/Central America to the United States.

Since its inception in 2020, the NATI has resulted in the seizure of approximately 33 metric tons of cocaine, 212 kilograms of marijuana, 60 aircraft (valued at over $26 million), 26 kilograms of gold (valued at $1.5 million), 15 vehicles (valued at over $100,000) and over $15.4 million dollars, with approximately 27 criminal indictments (for multiple violations of federal law regarding money laundering, fraud, and narcotics trafficking) and approximately 70 arrests. NATI metrics articulate its importance to the HSI investigative portfolio, DHS priorities, and the whole of government approach to stem the flow of narcotics into the United States by collaboratively working with foreign law enforcement, military, and judicial entities. The investigation is emblematic of the techniques and methodology HSI utilizes to attack the entire criminal network – its principals, operators, and financial/logistical facilitators – both domestically and globally.

In furtherance of the public safety and border security missions of HSI and the Department, HSI continues to target and investigate Mexican cartels and other criminal organizations engaged in illicit smuggling of dangerous precursor chemicals into the United States. Using sophisticated analytical tools and techniques, HSI and its partners proactively launch and pursue investigations into transnational precursor chemical smuggling networks operating around the world. These efforts have illuminated sources of supply in China and cartel facilitators in Mexico responsible for coordinating the smuggling of precursors across U.S. borders, and recently led to the February 3, 2021, seizure in Manzanillo, Mexico, of over 112,000 kilograms of precursor chemicals, to include 750 kilograms of the fentanyl precursor 4-piperidone hydrochloride monohydrate. This enforcement action stemmed from HSI's strong partnership with the Government of Mexico and was coordinated through HSI Mexico City's Transnational Criminal Investigative Unit, reflecting the critical role HSI plays in keeping dangerous narcotics off our streets.

HSI continues to prioritize the investigation, disruption, and dismantlement of TCOs that illicitly introduce fentanyl, heroin, and other dangerous opioids into the United States and gravely impact the health of our citizens and the safety of our communities. HSI's multi-pronged approach entails working with foreign partners to prevent opioids and other dangerous drugs from reaching our shores; combating the illicit importation and distribution of opioids and opioid precursors through international mail facilities and express consignment centers; exploiting cutting-edge technology to deter TCOs operating in the cyber realm; attacking the illicit use of financial systems and virtual currencies; and leveraging critical partnerships with state, local and federal law enforcement. In FY 2020, HSI seized 18,769 pounds of opioids, a 50 percent increase from FY 2019, which included 6,105 pounds of fentanyl, a 65 percent increase from FY 2019. For FY 2021 year-to-date, HSI has seized 8,967 pounds of opioids, which includes 5,905 of fentanyl – more than double the amount of seized fentanyl when compared to the same period from last fiscal year.

HSI continues to expand its BEST footprint across the United States and remains committed to using this model to ensure a comprehensive interagency response to the continuous border security, public safety and national security threat posed by TCOs. BEST teams eliminate barriers and leverage the authorities and resources of its federal, state, local, tribal, and international law enforcement partners in the fight to identify, investigate, disrupt, and dismantle TCOs at every level of operation. Continued congressional support for HSI is vitally important to the furtherance of its mission and investigative operations to combat the TCOs that threaten U.S. national security and public safety.

**Management and Administration**

All of ICE's non-law enforcement personnel play a critical role in ICE's ability to meet its national security and public safety mission. These dedicated professionals address a myriad of ICE operational needs, including hiring, finance, information technology, acquisition and procurement, policy and strategic planning, and leadership and career development training. While their work is largely outside the public eye, ICE cannot accomplish its mission without these dedicated professionals. At no time was that more apparent than during the ongoing pandemic.

COVID-19 had an enormous impact on our workforce, their families, and the way ICE does business. In support of the ICE workforce, the Management and Administration (M&A) directorate led efforts on the pandemic response, providing appropriate communications and guidance to the workforce on a myriad of COVID-19 response issues, acquiring and managing personal protective equipment to protect the workforce, rapidly implementing technology tools and enhanced network capability to support robust telework across ICE, tracking the operational status of our ICE facilities and developing and implementing a virtual onboarding and orientation program to ensure timely hiring. While the pandemic has been challenging, ICE will implement permanent changes to how we do business in the future that are positive for the agency and the workforce through the Workplace Transformation Initiative by creating an innovative and flexible work environment transitioning ICE to the right combination of modern, flexible, and technologically advanced work environments.

Despite the challenges presented by the pandemic and significant workload demands in supporting a 24/7 law enforcement agency, M&A continues to operate efficiently, and in many cases improve operations, to meet the critical mission needs of the agency. In FY 2020, ICE reduced the agency's backlog of Freedom of Information Act (FOIA) requests from a high of 66,896 to a current backlog of 3,253—a 95 percent reduction. ICE thanks the Committee for the funding provided in FY 2021 to enhance our FOIA processing resources to ensure we can meet our obligations to respond timely to FOIA requests. M&A is also working to update the Tuition Assistance Program and the Student Loan Repayment Program policies to ensure we are recruiting and retaining top talent consistent with the Committee's welcomed investment this fiscal year in these programs.

In the area of technology, the Office of the Chief Information Officer (OCIO) has completed the transition to scalable cloud environments in support of rapidly changing mission requirements and to take full advantage of Cloud Access Broker Security technologies for advanced cyber monitoring and strict user and application-level controls. To further maximize budgets and reduce redundancy of limited resources, ICE recently began deployment to automate common monitoring tasks to reduce incident response times for cybersecurity events. This allows our cybersecurity professionals to focus on advance threat actor techniques and increase threat hunting to discover vulnerabilities and new attacks in the environment.

Finally, there is no more important resource than the ICE workforce, and M&A continues to work aggressively to hire and equip the ICE workforce – achieving a 96 percent fill rate for ICE's positions in FY 2020 and delivering leadership and career development training each year to approximately 48 percent of our supervisory workforce. ICE's business operations improvement would not be possible without the Committee's continued support for ICE's infrastructure requirements and its non-law enforcement workforce.

**Conclusion**

In closing, I want to thank you again for inviting me to testify today. I am honored and humbled to represent the more than 20,000 dedicated employees who work for U.S. Immigration and Customs Enforcement. I look forward to your questions.

Ms. ROYBAL-ALLARD. Thank you, Director.

Director Johnson, since you issued the Interim Guidance on Civil Immigration Enforcement and Removal Priorities, arrest rates have gone down. And we know that cases involving individuals considered threats to national security or public safety often take more time and more resources.

I heard you discuss in your opening statement, but I would ask if you could please further characterize what changes you have seen in the types of arrests being made since the implementation of the Interim Guidance. For example, have arrests of individuals with convictions for criminal sexual offenses or other serious convictions changed?

Mr. JOHNSON. Sure. Just as you mentioned in your question, while the overall arrests have certainly gone down a bit, the arrests of folks that meet our presumed priorities have actually gone up. One category or a couple categories of folks where we have actually seen arrests increase are those convicted of domestic violence, sexual offenses, and DUIs, as another good example.

So, I mean, I think you—you know, while the overall apprehensions are down, I think when you have officers focusing on what they believe are the worst of the worst, then they are actually much more able to make a more meaningful impact on public safety and I think that is what you are seeing.

Ms. ROYBAL-ALLARD. Okay. Well, you know, as you work with the Secretary to develop the final guidance, it really is imperative to address the important context of mitigating factors in a way that clearly distinguishes between people with a criminal history who continue to pose a threat and those who don't. For example, a person who committed a low-level drug offense 20 years ago and has not engaged in any serious criminal activity since, and for whom there is no other aggravating circumstances, is unlikely to be a threat to public safety today.

It is my understanding that ICE has not conducted an agency-wide, individualized assessment of each detainee in its custody to determine whether continued detention is appropriate under the interim guidance priorities. Currently, reviews of detainees are only carried out based on a specific request from or on behalf of the detainee, but it appears that those reviews do not weigh each detainee's circumstances against the interim guidance. Will ICE commit to doing this more thorough review, especially in light of the public health imperative, to address the unacceptably high number of COVID-positive cases in detention? And, if so, will that review be conducted by someone outside of the current field office workforce to ensure a truly independent review?

Mr. JOHNSON. Thanks for that question. We continue to review the cases of those individuals that are detained. I think, you know, one of the most important pieces of that sort of analysis is just making sure you only put the right people in a detention bed at the onset. And I think that sort of had been the primary focus to start that if you are only putting the priority cases and those that pose the most significant public safety threats, then you know those are the individuals that are appropriate for a detention bed.

We do continue to review the detained population and we certainly have plans to do a full review of those that are in our cus-

tody, and continue to review cases of those that are arrested and detained to make sure that they meet our priorities. So I will commit to that.

Ms. ROYBAL-ALLARD. Okay. Will that review be done from an independent, will it be an independent review, or will that review be done within ICE itself? Because I think that is an important thing that you need to consider.

Mr. JOHNSON. And we have. The current process is the initial review is done at the local field office level, there is a secondary review that is done by someone outside of the field office, as you sort of described, and we are looking at some other sort of frameworks that might work as we look at other options to review these cases, but that work is still underway.

Ms. ROYBAL-ALLARD. Okay. And I may have some recommendations for you.

And I see that my time is up, so now I am going to go to Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you again, Madam Chair.

Director Johnson, sir, we saw almost 900,000 persons cross the Southwest border illegally during 2019 and we declared it a crisis. It was not possible for CBP and ICE to detain the sheer numbers of people appended at the border. I have got several questions.

To begin, sir, for those migrants that entered in 2019, how many or what percentage were given a notice to appear when they were released from CBP or ICE custody, sir?

Mr. JOHNSON. I believe, sir, that the answer to that is everyone that was arrested and apprehended by Border Patrol was issued a notice to appear, but I would want to confirm, but that is my understanding.

Mr. FLEISCHMANN. Yes, sir. And of those given a notice to appear, what percentage never once checked in with the court or their ICE office?

Mr. JOHNSON. Sir, I don't have that information in front of me. What I will say is typically, once those individuals report to court, that is when ICE is typically made aware. And obviously for those that we release on alternatives to detention, we have a much—sort of much better way and effective way to track those folks through the immigration life cycle, but I would have to—I would have to see if we can't pull that information about those that were apprehended in 2019 and get back to you.

Mr. FLEISCHMANN. Thank you.

After almost 2 years, if you know, sir, what is the current compliance rate for those migrants who arrived in 2019?

Mr. JOHNSON. We certainly don't have that information. What I can tell you is based on the number of individuals that we enrolled in alternatives to detention. In fiscal year 2020, we had about 11,000 individuals abscond from the program, and so far in fiscal year 2021 we have had about 3,000—or 2,700 people, this is through March, abscond from the ATD program.

Mr. FLEISCHMANN. Thank you, sir.

For those who are not compliant with the terms of their release or who have orders of removal, what is ICE doing to find those individuals and remove them from the U.S.? And, as a follow-up, is

there room under President Biden's priorities to ensure that those people who are not in compliance are expelled, sir?

Mr. JOHNSON. There certainly is room. As I mentioned in my opening remarks, you know, everyone that is here in the country illegally is subject to arrest and removal, so there is certainly some room there. In terms of what ICE is doing to sort of identify those that aren't compliant or that failed to comply with the court order, I mean, that is—you know, it really comes down to a resource issue. As you know, we have 6,000 ERO officers that have to cover, you know, 5,000 state, local, and county jails, and there are a lot of individuals on the non-detained docket. So they are only able to do but so much given the staffing levels, but they do make efforts to identify those that violate their terms of release.

Mr. FLEISCHMANN. Yes, sir.

One final question in this round. Are you able to quantify how many individuals are currently being admitted at each point of entry without receiving a notice to appear? If so, how are these individuals vetted and what conditions of release are being set for these individuals, sir?

Mr. JOHNSON. Sir, I would have to defer that question to Border Patrol, they are the ones responsible for issuing the NTA. I do not have a whole lot of visibility on the actual numbers that are being released without issuance of an NTA.

Mr. FLEISCHMANN. Thank you, sir. I appreciate your answering those questions.

Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Mr. Cuellar.

Mr. CUELLAR. Thank you, Madam Chair.

And, Director Johnson, I appreciate your almost 30 years of experience and career, and I thank you for your service for everything you have done.

I want to ask a couple questions, one dealing with staffing and then one dealing with the prosecutorial discretions.

So let me ask you about staffing. I'm talking about the Homeland Security Investigations. We know what they do. I think, bipartisan, we agree that we need to do that. But one of the things that I am seeing on the border is that when you look at those HSI special agents, they spend about 88 percent, about eight percent, maybe nine percent of their time conducting long, complex investigations relating to narcotics and only about five percent of their time doing the long-term, complex investigations relating to human smuggling, which is what we are seeing at the border.

I mean, you know, some people don't see the smuggling or the trafficking. They only see what happens when they cross border, but on the other side is the smuggling, plus some of that that happens on our U.S. side.

I want to see if the committee agrees that we need to have more Homeland Security Investigation agents, but we need to have more IRS folks also. And by IRS, I am talking about, of course, the Investigation Research Specialists that right now, you know, the ratio is just not high enough for your agents.

So tell me about that and tell me if you can also add more people to the border, because sometimes we tend to send them to nice places, other cities, but they need to be at the border, and we need

to fill the staffing. For example, in the Laredo area, one third of the—we still have about one third vacancy in the Laredo area and you can look at the border area of other areas.

So tell us about that, and then tell us also about immigration attorneys, so the judges can do their job, the immigration judges. I know that Chairman Quigley is on, we are working with him to get more court spaces because right now we have more judges than court spaces, so the judges are just basically hanging around for an open space. And I know Chairman Quigley is helping us with that, but we also need those ICE attorneys.

Mr. JOHNSON. Thank you, Congressman.

I think you are absolutely right, you know, our HSI investigators have a fairly broad sort of portfolio as it relates to the types of crimes that they investigate and just given, you know, their limited resources, they are typically only able to devote some percentage of their staff to the various different portfolios. So I certainly recognize the concern with only five percent of the staff being devoted to human smuggling. I can't say for sure that that is 100 percent accurate, I have not seen that stat, but we will confirm that.

But just to your point, I mean, I think it really does just start with additional resources, at least from the smuggling context, you know. It is just not important to have the resources here domestically, but we need to really have sufficient resources abroad, which is where a lot of these investigations start with our sort of partnership and work that we have with the foreign partners overseas.

So, you know, in terms of the Intel Research Specialists, which is also known as criminal analysts, you are absolutely right. We have a ratio of about one to ten. You know, there are 7200 special agents and only about 750 criminal analysts. And we really do need to get that number up pretty significantly because our data seems to suggest that, you know, that any time you have a criminal analyst partnered with a special agent throughout the course of that investigation that you have a 30-percent higher success rate in terms of a positive outcome in that investigation.

So that is something that we continue to ask for the committee's support on and we think that will go a long way towards tackling this human trafficking and human smuggling issue that we have here in our country.

As it relates to immigration attorneys, we only have 1300 immigration attorneys today, that is compared to about 650 or so immigration judges, if I remember correctly, and, you know, that is just totally, woefully inadequate in terms of our attorneys being able to cover it out on all the courtrooms across the country.

Mr. CUELLAR. Thank you so much.

Thank you, Chairwoman.

Ms. ROYBAL-ALLARD. Mr. Palazzo.

Mr. PALAZZO. Thank you, Madam Chair, Ranking Member Fleischmann, and thank you, Mr. Johnson, for your remarks.

As ICE's senior law enforcement official, you have an extraordinarily difficult job. Please know that there are many of us who support your mission and believe in the integrity of you and those under your supervision.

I also would like to extend my thanks and gratitude to the men and women of your agency who work every day and night to pro-

tect our citizens and to enforce our laws, because this is a nation of laws.

In your opening statement, you mentioned that what is happening at our border is a humanitarian crisis, and I cannot agree with you more. Since January, we have seen an unprecedented number of individuals, families, and abandoned children come to our border. This invasion of migrants is overwhelming our border facilities and, because of the global pandemic, this furthered a health risk for our Border Patrol and ICE agents.

Today, I hope this committee can have an open and honest discussion on ways to address and fix this ongoing crisis.

As I mentioned, since the beginning of the Biden administration, our Southern border has seen an invasion of migrants trying to come into our country illegally. In March, Border Patrol told this committee that a large percentage of migrants crossing the border evaded law enforcement and entered the country. Border Patrol remains overwhelmed by the vast number of migrants they are detaining. We have heard their facilities quickly filled up, further making it a problem for agents to process illegal migrants.

All that said, in April I read a report that ICE experienced a record low of deportations. So can you please explain why we are seeing lower deportation rates when the last few months we saw an increase in border crossings? And how do we push the Southern border further south, stopping dangerous individuals before they get to U.S. ports of entry?

Mr. JOHNSON. Thank you, Congressman.

I guess my first response would be, like you have mentioned, there has been a significant surge of individuals along the Southwest border, but, you know, the overwhelming majority of those individuals have been single adults that we have been fortunately able to expel via title 42. So those individuals have not made it into our detention network and, therefore, just weren't even, you know, in a position to remove.

You know, the numbers of removals, as you mentioned, in April was much lower than—lower, I wouldn't say much lower, than any—you know, in the past, and there are a lot of factors that come into play with that. I mean, you know, ICE doesn't control the speed at which some of these cases make it through the process in terms of getting their cases adjudicated by judges, so that could have played a factor. And, as we mentioned, the arrests are down and sort of generally, although the priority arrests are up. So we think that may have also contributed to the lower number of removals.

Mr. PALAZZO. And my second part of the question was, can you—you mentioned before, like how can we move, like, away from our Southern border and move that border further south?

Mr. JOHNSON. Yes, that is a great question. Again, that just starts with just deploying more HSI staff abroad, so that they can, you know, work with our foreign partners to bring down these transnational criminal organizations right there before they reach our southern border. So that is a huge sort of priority for us and any additional resources we can get on that front to deploy additional staff overseas and enhance our Transnational Criminal In-

vestigations unit would go a long way at attacking these smugglers and human traffickers.

Mr. PALAZZO. It seems that many elected officials in the United States believe they are above the law by creating sanctuary cities, counties, and states. Currently, there are 11 States and 180 cities and counties that are listed as sanctuary cities. These sanctuary cities pride themselves on making it difficult for DHS agencies to do their jobs and create jurisdictions of amnesty for illegal aliens. No Mississippi cities currently act as sanctuary cities. In fact, in 2017 the Mississippi state legislature passed a law making sanctuary cities illegal in the state. The law prohibits towns, counties, and universities from purposefully defying federal immigration laws.

A former Mississippi Governor said it best: "Taxpayers expect their State and its political subdivisions to abide by Federal immigration laws."

Can you tell me briefly, how do sanctuary cities affect your agents' ability to do their jobs, and do sanctuary cities create extra costs for your agency to enforce immigration?

Mr. JOHNSON. Thanks, Congressman.

I mean, to start, I would say that our relationships with the state and local community is absolutely vital in us being able to carry out our important mission. You know, without their support, it is very difficult for us to be efficient and effective. So when local jurisdictions do not cooperate, whether that is in terms of not honoring our detainers or not letting us in at their facilities, then it puts ICE in a situation where we actually have to go out into the communities to find individuals that in this case would meet our priority.

So it is certainly not the most efficient process and it does put our officers in harm's way unnecessarily, in my view.

Mr. PALAZZO. I see my time has expired. Thank you.

I yield back.

Ms. ROYBAL-ALLARD. Mr. Price.

Mr. PRICE. Thank you, Madam Chair.

Mr. Johnson, thank you for appearing before us today. Thank you for your long service. We realize there are certain limitations on what you can say about next year's budget; on the other hand, you have long experience with the Department, which I hope will enable you to reflect on two interrelated challenges that I want to introduce.

One is the targeting of enforcement actions, how the Department exercises its prosecutorial discretion, and the interrelated problem of the relations with local law enforcement.

This subcommittee has a history, it goes back about 14 years, of pushing for a more precise focus on dangerous individuals when it comes to ICE enforcement. We directed funding in that way and we assumed that in many, maybe most cases, deportation would occur as individuals emerged from the penal system. That led to the Secure Communities Program. As you know, it turned out to be far less targeted, I would say, on dangerous individuals than we had hoped. A good deal of discussion and agitation during the Obama administration and the Priority Enforcement Program replaced Secure Communities. But then Secure Communities was brought

back with a vengeance by the Trump administration with a much less effective targeting strategy on people who posed a threat.

The Trump administration also sought to weaponize the 287(g) program. It sought to commandeer local law enforcement. They greatly increased 30 to 150 participating jurisdictions during the Trump administration. The Atlanta ICE director confirmed at one point that North Carolina raids were targeted at jurisdictions where sheriffs had withdrawn from the 287(g) program. Some provocative billboards were purchased by ICE across the country in areas where 287(g) was an issue. I mean, you know that history as well.

So I want to register the hope and the belief that in the new Administration we are going to see some serious changes. We are going to see a renewed focus on targeted enforcement and we are going to see the reform, if not the elimination, of 287(g).

I would appreciate your comments.

Mr. JOHNSON. Thank you, Congressman.

First, just in terms of targeted enforcement actions, I think you are absolutely spot on. As I mentioned earlier when, you know, although our overall arrests are down, I think the data shows that the individuals with the highest level of criminality is up is somewhat reflective on, you know, the results that you get when people are somewhat hyper-focused on certain types of criminal elements, and we expect that trend to continue. And while our overall arrest numbers might not ever be as high as they were, I do expect that the number of, you know, violent offenders to increase because folks are spending their time working on those types of cases, which oftentimes are a little bit more difficult, as we all know.

So as it relates to just the partnerships with 287(g) and other local officials, I mean, as I mentioned, I think there are some very—there is some importance to keeping those relationships together. I think, you know, we cannot perform our jobs without the assistance of state and locals. And while we recognize that some, you know, local government agencies have elected to end their programs, there are other local governments that find the 287(g) program useful.

So, you know, from our perspective, we are going to try to find some common ground and ways to encourage greater cooperation from state and locals and whatever that looks like. I mean, it doesn't have to be signing up for a 287(g) program, but we just want to keep those lines of communication open and find some areas of agreement because we think there are some—there is lots of middle ground out there and we just need to figure out what it is, so that we can be effective at performing our mission.

Mr. PRICE. I am sure you would acknowledge that if local law enforcement is seen, though, in the first instance as the long arm of ICE, that does have implications often for their ability to do their job in the local community.

Mr. JOHNSON. Absolutely, sir, and I totally understand why people take the position that it is just not worth it. I mean, it stymies people from reporting crimes. Oftentimes, people who are subject to domestic violence won't pick up the phone because they are afraid of the ICE or immigration implications. So these are all valid and

fair points, and I could certainly understand why those who choose not to participate make that decision.

Mr. PRICE. Thank you, sir.

Thank you, Madam Chair.

Ms. ROYBAL-ALLARD. Ms. Hinson.

Ms. HINSON. Thank you, Madam Chair. I appreciate you holding this hearing today. I did have the ability to speak with Acting Director Johnson earlier this week.

So, thank you again for taking the time to meet with me earlier this week. My time today I am going to devote to follow-up questions from that conversation, as well as a few concerning issues that have been brought to my attention, specifically about ICE's activity or lack thereof in certain cases as well. These issues and a general lack of information are highly concerning to me and we are going to follow up with the Secretary when he is in in a few weeks, but these issues must be addressed by ICE leadership and the Administration. In my mind, it is part of our role to hold everybody accountable and make sure taxpayer dollars are spent effectively.

So, Director Johnson, thank you again for your service and our frank conversation earlier this week. I also think it is important to note, when members of this committee reach out to ask for answers, we are doing that not to create more work for you, but because we are ultimately accountable to the American taxpayer and require those answers to be able to make truly informed decisions about how to spend those taxpayer dollars, their money.

So thank you for the responses I have already received and I trust that you and your team are going to follow up on the other questions that we discussed in our call.

We did talk about in our call the disconnect between ICE and Customs and Border Patrol, specifically when it comes to tracking illegal immigrants once they have been released into the United States. So today can you confirm for me the ability—the inability, rather, for ICE to track illegal immigrants' location and then their activity within the homeland on that person level following their release by CBP?

Mr. JOHNSON. Sure. Thanks, Congresswoman.

As I mentioned in our call, there are certainly some gaps in our ability to track everyone that is released in the interior. For those individuals that are released on an alternative to detention, whether it is an ankle monitor or a smart link or telephonic reporting, we have, you know, much better success at keeping track of those, but for individuals that are just released with notification to report to ICE or to show up in court, then our ability to track those folks closely is much more limited. And——

Ms. HINSON. So this gap you talk about, why is it so much more challenging to track individuals now than it was in 2019?

Mr. JOHNSON. No, I don't think it was much more limited to track in 2019. The systems have been—the same systems are in place and in 2019, when we were seeing a surge of family units that were being released, I mean, they were being released with a notice to appear and not—you know, we couldn't enroll everyone on ATD because the numbers were high, just as they are now. So we were certainly running into those same issues in 2019 as we are today, that has not changed.

Ms. HINSON. Can you state for the record that you are not currently able to tell Iowans how many illegal immigrants are present in Iowa right now or how many CBP has released into the country with plans to be in Iowa?

Mr. JOHNSON. That is correct. And, again, I would want to just—that is my understanding, I would like to start with. I would like to go back to CBP and just clarify that they are unable to pull data by state, but that is my understanding that their system of record will not sort of product a report based on the states that the individuals that they are releasing are proposing to reside.

Ms. HINSON. Right. And you say you want to go back to them obviously to confirm this, but do you believe that ICE should be able to provide this information? You know, obviously, we have got a gap here in communication if you can't and they can't. But do you believe Americans should know if illegal immigrants are in their neighborhood? Specifically, you talk about some of these risk categories, I think people deserve to know who is coming in.

Mr. JOHNSON. I agree and, you know, it should be possible for that information to be transferred over to ICE's system of record in a way that would allow us to track folks down to the state and, quite frankly, the cities that these individuals are living in, we just don't have that capability or capacity currently.

Ms. HINSON. Okay. So why is that? I mean, is it a lack of resources that you are not able to track individuals down to that in-person level at this point?

Mr. JOHNSON. It is our—it is the two systems, the one system that CBP uses and the one that ICE uses, they just don't talk to each other in a meaningful way. So I do think it is, you know, getting some technology that will make the two systems talk would be extremely, you know, helpful, or maybe we will have to just scrap the two systems that are being used and start afresh with something that provides the sophistication that we need to track folks.

Ms. HINSON. Well, Director Johnson, I appreciate those answers and I will probably have a few more questions in round two, but thank you.

And, Madam Chair, I yield back. Thank you.

Ms. ROYBAL-ALLARD. Mr. Aguilar.

Mr. AGUILAR. Thank you, Madam Chair. I appreciate the opportunity to dialogue here with the Acting Director. And thanks for our conversation earlier in the week, Acting Director.

I wanted to bring up an issue that had some local impacts as well. And let me start by saying, in fiscal year 2021, this committee included report language that directs ICE to publish on a publicly-accessible website reports on arrests, detention, and removal of U.S. citizens that were citizens when they were detained or found to be citizens while in ICE custody. Can you tell me the status of the report that is being prepared and what can the committee expect to see—when can the committee expect to see this information online?

Mr. JOHNSON. So, Mr. Congressman, I do not know the background on the actual U.S. citizen report. I do remember clearing something related to U.S. citizens in ICE custody over the last week and it is my understanding that that is going to be sort of signed off on and submitted to the committee soon. I just don't

know if that is the same report that is going to be posted—that we are required to post on the web. So can I take that as a get-back and follow up with your staff?

Mr. AGUILAR. Absolutely. And I would just, you know, encourage you with an eye toward following the guidance of the report language to include this in a publicly-available format as well. I am happy to view the information, obviously, in the committee role, but I think that this deserves to be publicly available as well that ICE is—the number of individuals and the manner in which ICE detains U.S. citizens, as some of my constituents have experienced.

Acting Director, I wanted to talk specifically about the Adelanto facility in Southern California. There have been ongoing concerns with the facility and sometime around October of last year ICE began operating a new annex to increase their bed capacity near Adelanto, right next door. Can you tell me what the capacity of that facility is? And, if you can't, is that something that you can get back to us on?

Mr. JOHNSON. Yes. I mean, the capacity at Adelanto, if I remember correctly, is somewhere around 2,000 or thereabout, if I remember correctly, but I will confirm, and the annex is definitely much smaller. I think it is somewhere around 600 beds total, maybe 800 at the annex, but I will get you those exact figures and, you know, following this meeting.

I will say that our use of the annex right now has been limited largely to just the new intake and testing and quarantine of positive cases and we have not seen, you know, any sort of significant population there. Once those folks clear their quarantine, they are transferred over to Adelanto.

Mr. AGUILAR. So can you tell me then how many beds we pay for that aren't being utilized?

Mr. JOHNSON. At both facilities, Adelanto and——

Mr. AGUILAR. Sure. And I bring this up in the context of there was a state bill that sought to limit for-profit prisons, and I know ICE entered into contracts with these facilities and with others around the country just, you know, prior to this bill taking effect. And so I just wanted to kind of get for the record, you know, what contracts do we have. If you said 2,000 at one facility, six to 800 at the annex, you know, what is the population there, and are we under contract and are we paying for bed space that we are not utilizing.

Mr. JOHNSON. Copy that. We will certainly run down that information. I believe of the three or four facilities that we entered into sort of contracts with right there in that sort of midst of the new California legislation, I think that one facility near Adelanto is the only one that we actually activated, but I will confirm that to you, Congressman Aguilar, and let you know.

Mr. AGUILAR. But you agree that we are paying for bed space that we aren't utilizing?

Mr. JOHNSON. For sure. Especially right now during this pandemic, I mean, that is the case across the country in a number of our facilities that we have these guaranteed minimums. And it is just because there has been so much uncertainty surrounding whether Title 42 is going to end or, you know, a host of litigation that is at play that could significantly turn things around and we

would have needed all of these beds, but that is absolutely accurate that there are some beds being paid for.

Mr. AGUILAR. Yeah, I think that is just something critically that we need to look at as we keep an eye on the fiscal year 2022 budget. It is pretty clear that there is a lot of bed space that we are utilizing in many cases—or that we are under-utilizing and we are paying companies for that, and I think that that is something we have to remedy and fix.

Thank you, Madam Chair.

Ms. ROYBAL-ALLARD. Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Madam Chair.

Director Johnson, great to see you, and please thank all your men and women for the job that they do. As a former law enforcement officer, I am particularly appreciative of the work that you and your office accomplish.

If you would, Director, I want to talk a little bit about 287(g) because I am hearing some rumors that this program may actually be in danger of being cut back or eliminated, and I really want this committee to hear how important this program is. I know as a sheriff this is one of the few programs that was a win-win-win. It is a win for the community because it makes—it keeps our communities safer by getting rid of criminals, it keeps our officers safer by ICE officers come to the jail and pick these guys up for deportation and they don't have to find them on the street, and it is safer for them because they are found in those locations. And I would like you, if you would, Director, because I know as these numbers continue to go up on the interior of the country, a program like 287(g)—and let me make this clear, I am only talking about the jail-based program, because the task force program that happens out on the street where you are actually going and looking for individuals, I never had that, I never did that, because I felt it drove people underground and I did not want to do that, but my jail had a very robust 287(g) program.

And these are individuals who are in the interior of our country, committing crimes, getting arrested, and that is a prerequisite for 287(g), they have to go to jail under the JEM program, they go to jail and then they work on being deported.

Can you talk about how important that program is to the safety of your officers and our communities?

Mr. JOHNSON. Absolutely. Thanks, Mr. Congressman.

You know, as you mentioned, this is a perfect of good cooperation between federal and state law enforcement. As I mentioned earlier, these relationships that we have are vital to ICE being able to sort of successfully perform its mission. The 287(g) program has the two types, the Task Force Model, which Jacksonville did not necessarily have, and then you have the Jail Enforcement Model, which you did have, which is basically sharing that, you know, information as you run in print with ICE and letting us know if there is an ICE-wanted and ICE warrant.

So, as I mentioned, you know, there are a lot of jurisdictions that find the program useful, you know, and others who have decided for whatever reason that it is not as useful, it runs contrary to some of the other, you know, law enforcement obligations, which I

understand. I have heard concerns from folks about them not wanting to report crime.

But I do think that, you know, any time we can have our officers not have to go out into the communities and arrest people that are in local custody, whether it is a 287(g) program or it is whether the facility is honoring a detainer, it makes our officers safe.

Mr. RUTHERFORD. So, Director, I mean, look, you ran the ERO program for a long time, so can you talk about how there has been growth in the 287(g) program that has made it better for your officers, safer for your officers?

Mr. JOHNSON. So I don't have the exact numbers. I mean, I do know that there are at least over 100 current agreements. Some of the agreements are fairly useful and then, you know, there are obviously some agreements that there is just not a whole lot of activity.

So, look, any time our guys and gals don't have to go out and arrest someone in the communities and put themselves at risk, it is a good thing for folks. But, you know, I certainly recognize the sort of—you know, the issues associated with some that think that it just results in certain folks being apprehended and potentially targeted, which is certainly something I don't think any of us want to see.

Mr. RUTHERFORD. Thank you very much.

And I see my time has run out, Madam Chair. But I certainly hope, Director, this is a program that survives any cuts from the Biden administration.

Thank you. I yield back.

Ms. ROYBAL-ALLARD. Mr. Quigley.

Mr. QUIGLEY. Thank you, Madam Chair.

Thank you, Director, for being here. Sir, I was one of the founding members of the Transgender Equality Caucus, so I think justifiably concerned about their care under ICE detention. As of February 2019, ICE confirmed it was jailing more than 100 transgender individuals in 20 different immigration jails across the U.S. Unfortunately, immigration detention is notoriously dangerous and harmful for transgender immigrants who are likely to be seeking asylum because of trans-phobic violence they have already faced or they fear and, because of such histories, they are likely to suffer from depression, post-traumatic stress disorder, and other mental health conditions.

Additionally, in 2017, a congressional inquiry revealed that LGBTQ people in ICE custody are 97 times more likely to be sexually victimized than non-LGBT people in detention.

Sir, do you know how many people are currently in ICE custody who identify as transgender and which facilities they are detained in?

Mr. JOHNSON. Sir, I do not have that information in front of me, but it is certainly something I can run down.

Mr. QUIGLEY. Okay. Now, our advocates report that many transgender individuals in ICE, they don't reveal their identity because they fear they will be subject to segregation and other harms. Can you tell us a little bit about the training and protocols in place to ensure that individuals coming into custody are pro-

vided a safe and protected opportunity to reveal their gender and their orientation to ICE?

Mr. JOHNSON. Absolutely. You know, upon intake, individuals are asked a series of questions and one of the questions is, you know, how they identify. So there are a number of opportunities along the way for individuals to sort of reveal their LGBTQ status to an officer at any point in the process. There is also the detention reporting and information line where, if they don't feel comfortable reporting it to the officer, they can report it to our hotline, or they can report it during their medical screening when they are in front of medical professionals and not officers.

We have made some efforts on sort of, you know, improving our training and identifying specific facilities that would focus on housing these individuals in a less restrictive environment, but there is always more work we can do. I mean, we are looking at all aspects of our vulnerable population to include transgender and this is going to continue to be a priority for us as we move forward in assessing our detention framework.

Mr. QUIGLEY. And obviously there have been horrors told about transgender individuals being abused in these facilities. So it just seems obvious that training needs to be pretty dramatically expanded and altered to make sure that the culture understands that these abuses are not going to be tolerated and that, if anything, extra protection needs to be afforded those who identify to all of yours.

Are there plans to expand what you are talking about even more?

Mr. JOHNSON. Yes, definitely some work is underway to figure out, as I mentioned, how to deal with various segments of our vulnerable population to include transgender, you know, identifying other alternatives where that is possible. You know, as you may be aware, I mean, some individuals that are transgender have pretty serious criminal convictions and it is—you know, that is one area where we are just trying to evaluate some of the mitigating factors that come with some of these cases like, you know, their special vulnerabilities compared to the public safety threat that they actually pose.

But we are going to continue to sort of dig into that issue and see where we can make improvements.

Mr. QUIGLEY. Yes, if you could get back to us on that, as well as my initial question about the number of transgender individuals and where they are located, and any plans and how those plans coming moving forward for additional and improved training and care, I appreciate it.

Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Ms. Underwood.

Ms. UNDERWOOD. Thank you, Madam Chair, and thank you for holding today's hearing.

Mr. Johnson, as you know, vaccinating your detainees against COVID–19 is important not only for their own health, but also for the health in the communities where the detention facilities are located. I have a county jail in my district that contracts with ICE and, despite some initial confusion, I am pleased to report that everybody detained there was offered COVID–19 vaccines on March

10th. However, over the last few months, there have been broader communication breakdowns around ICE detainee vaccinations that need to be addressed.

You stated in your testimony that COVID–19 vaccines for people in ICE's custody were included in the Federal Government's allocation for each state, and that the local and state public health departments are responsible for distributing them to the detainees. However, I understand that DHS is currently reevaluating its strategy for vaccinating people in custody.

Can you please clarify for the committee what the current plan is for getting ICE's detainees vaccinated?

Mr. JOHNSON. Thank you, Congresswoman.

As things currently stand today, the allotment for vaccines for detainees across the entire country is part of the individual state's allotment——

Ms. UNDERWOOD. Right, exactly.

Mr. JOHNSON [continuing]. That is the current sort of plan. And, as you are probably aware, what priority level the inmates and ICE detainees are vary significantly by state. I mean, we have some states in the Ninth Circuit, for instance, California, Arizona, where people have already started to get their vaccines actually a few months ago, whereas in other states they are much lower on a priority list. So because of that sort of variance, we have been looking at working with CDC and HHS to just see if we can get our own batch of vaccines, so we can just deploy them across the country to the ICE detainee population.

The problem with that is, if you have ten ICE detainees, like in your situation where, you know, the number of ICE detainees in your facility compared to the number of local inmates, is—you know, it could be much, much lower. So for ten ICE—if we bring vaccines for ten ICE detainees and there are 500 local inmates that don't get vaccinated, then that could create some problems.

So that is one of the issues that we are going to have to work through if we deliver just the vaccine to the ICE population that is detained in these local facilities with U.S. citizen inmates.

Ms. UNDERWOOD. So if ICE is dependent on state and local jurisdictions for vaccine allocations, what outreach have you done to convey that need to local partners?

Mr. JOHNSON. Oh, the locals are aware. I mean, that was communicated in the original plan on how to deal with not just the ICE detainee population, but the U.S. Marshals Service population and many of the, you know, populations across the country, that it was going to be consistent with the individual states to vaccinate their inmate populations.

Ms. UNDERWOOD. So what plans then do you have to ensure that all detainees at all facilities have access to any translation services that they may need to learn about the vaccination in a language that they understand, right? We are trying to make sure that everybody can get vaccinated and we don't want there to be barriers in place.

Mr. JOHNSON. So we do have a fairly robust and comprehensive interpreter and translation services line. I also think we have already created some material that explains not only the importance of vaccinations, but some of the other educational materials sur-

rounding COVID generally. So that is certainly a priority for us. But if there are—you know, all of our facilities have access to our interpreters hotline and if there are any issues with communication and communicating the importance of the vaccine, then we will certainly, you know, make sure we focus on that. But it is a fair point and we will make sure we get something up to folks to remind them.

Ms. UNDERWOOD. Great. And you stated in your testimony that ICE Health Service Corps will administer vaccines at facilities that they staff; however, the Health Service Corps staffs only 20 of the over 200 facilities that house ICE detainees. So, who administers the vaccines at the other 90 percent? So that is different than the allocation.

Mr. JOHNSON. The person who administers it is the health—you know, it is the health authority that oversees that particular clinic. So I don' know if you are at or near McHenry, but——

Ms. UNDERWOOD. Yes, I represent the McHenry ICE—or the McHenry County Jail.

Mr. JOHNSON. Yes, so it is the health service administrator and that medical authority that would be responsible for not only just administering the test to the ICE inmates—I mean, the ICE detainees, but also the McHenry County inmates as well.

Ms. UNDERWOOD. Okay. Well, vaccination is so important. It is not just a moral obligation, but it is important to protect the public health of all Americans. I am looking forward to coming back in round two. Thank you very much.

I yield back.

Ms. ROYBAL-ALLARD. Thank you. And that completes round one, and we do have time for a second round.

Director Johnson, I want to go back to an issue that was raised by Congressman Aguilar. Beginning in fiscal year 2019, and then continuing over the course of the fiscal year 2020, ICE entered into contracts to increase its guaranteed minimum detention bed capacity by over 10,000 beds, without providing notification to Congress about how this would impact future appropriation requirements.

While ICE has the responsibility to humanely enforce the laws of our country, we have a responsibility to oversee the agency's budget. Not disclosing this information obstructed our ability to do so, resulting in likely hundreds of millions of dollars going to pay for detention beds that have not been used during the pandemic, and while Title 42 public health order has dramatically reduced the need for detention beds for recent border crossers.

My question is why ICE didn't engage with Congress and how the plan to expand guaranteed minimum detention capacity would tie this committee's hands when making funding questions.

Mr. JOHNSON. Thanks, Chairwoman. I mean, I am fairly certain that ICE was in communication with the committee during 2019 when we were sort of bring on all the 20,000 additional detention beds, and we were providing ramp-up plans, and explaining to folks our plan to relieve the overcrowding that we were faced with along the Southwest border.

So there was certainly some visibility into all the beds, and efforts, and work that was underway to try to get those individuals out of the overcrowded border patrol stations. Now, maybe there

was no specific discussion on how those contracts were going to be structured, and that some of them were going to have to include some guaranteed minimums.

Ms. ROYBAL-ALLARD. I just want to make the point that you are right on that. The discussions that you are talking about were not about contracting, and the impression that was given that these were temporary. And now, we are in this situation where it is impacting our budget. So in light of the reduction in detention bed requirements related to Title 42, another part of the question that I had is why didn't ICE, at the very least, delay expanding its guaranteed minimum capacity until after the public health order could be lifted?

Mr. JOHNSON. So I think in large part, we brought on all those beds well before March 2020. And as you may know, Chairwoman, we have been at risk of losing Title 42 it seems like at every month or every few weeks. So there was just so much uncertainty surrounding how long we would be able to keep expelling people, as well as there were other things that reduced the population prior to the new administration coming in, like MPP and some of the other stuff that was also the subject of significant litigation.

So I think the only answer is that there was just so much uncertainty surrounding our detainee population, whereas you know, just overnight, we could start seeing 3,000 and 5,000 people a day, and those beds could fill up, that there was just a lot of reticence to ending all of those contracts and agreements, and then finding ourselves back in a situation like we were in 2019, where border patrol had 15,000 people in custody, and no place for them to go.

Ms. ROYBAL-ALLARD. I think what you are describing is a situation which highlights why it was important to actually work with the subcommittee, and to plan this out in a way that we wouldn't be in this situation now, where it is impacting our budget.

One more question on that, what financial analysis was conducted to determine that ICE could absorb the cost associated with these substantial growth and its guaranteed minimum capacity?

Mr. JOHNSON. So there was certainly some analysis by our budget folks. I mean, if I remember correctly, I mean, I think even for fiscal year 2021, even though—I mean, we have gotten rid of some of the facilities with GMs. There is still a good number that exists. But I think for 2021, we were able to absorb the additional cost associated with some of those guaranteed minimum contracts, just based on our current burn rate, and the fact that we are not using a lot of other beds outside of those GM facilities.

But I totally get your point. I mean, I will do a much better job in the future of making sure folks are aware of the various structures of any contracts that are being brought on that might impact funding in out years.

Ms. ROYBAL-ALLARD. Okay. Does ICE have internal controls in place to ensure that it doesn't commit taxpayers to expenditures for which Congress does not provide funding?

Mr. JOHNSON. We do. There are some various controls in place that ensure that we don't go above what was allotted by Congress.

Ms. ROYBAL-ALLARD. Okay. So Somehow there appears, then, to be a breakdown, because we are in this situation right now. And my time is up, but I do want to emphasize what Congressman

Aguilar asked for, and that is the amount of funding that ICE has spent on empty beds in 2020 and so far this year. If you could provide that with us, I would appreciate it.

Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, Madam Chair.

Director Johnson, the country is still operating under a Title 42 public health declaration because of the COVID pandemic, which allows ICE and CBP to repatriate and remove migrants who have crossed the border illegally, immediately after their apprehension, thus keeping the numbers of migrants who are released into the U.S. after crossing illegally down. But we get the sense that there are talks of revoking the Title 42 declaration, which means the ability to swiftly repatriate and return migrants also goes away.

I have several questions. What are the plans to lift the Title 42 declaration, sir?

Mr. JOHNSON. So there is certainly a concern that we may use our title 42 authority. I think it is all stemming from a number of lawsuits that are out there. I am not aware that it would be lifted sort of voluntarily, because again, with the large number of single adults that are being expelled, we think that in this COVID environment, that is extremely helpful. So I don't think it is a situation where it is going to just be lifted electively. We will be mandated through some sort of court order to lift it.

Mr. FLEISCHMANN. What would that mean for ICE operations, sir, and the population ICE is responsible for tracking through the court process?

Mr. JOHNSON. Well, the biggest impact is just going to be the single adults that are coming across the southern border that are largely being expelled via Title 42. The last report I received was somewhere around 3,000 single adults per day. The impact of 3,000 people a day coming into ICE custody in the midst of a pandemic could significantly impact our operations.

On the family unit front, we are only expelling about 25 percent of the family units right now. So that will be a little bit of an impact, but nothing as significant as the impact as it would be for single adults.

Mr. FLEISCHMANN. For planning purposes, sir, how many people are you estimating will flood the border and into ICE's detention or responsibility, sir?

Mr. JOHNSON. Very little visibility on what the impact might be in terms of additional people coming. What I can say, sir, is that we are expelling somewhere around 3,000 to 3,500 single adults a day. So those would certainly be people that would be coming into our immigration system if T–42 were to go away.

Mr. FLEISCHMANN. Yes, sir. What plans does ICE have to meet the increased numbers, and can you meet the demand for services and detention within your current budget, sir?

Mr. JOHNSON. In fiscal year 2021, perhaps. I mean, I would want to go back and confirm, just because our numbers have been so low. We may be able to absorb an increase for the next four, five months of this fiscal year. But you know, at 3,000 a day, it could very well exceed our—first, our funding, as well as just our ability and capacity within our detention network. But I don't have anything other than that, sir.

Mr. FLEISCHMANN. Thank you, Mr. Director. And Madam Chair, I am going to yield back. I think Mr. Palazzo is going to take the chair as ranking member. I have got a couple of questions to ask in Labor H. So, Mr. Director, I think you, and Madam Chair, I will be back momentarily.

Ms. ROYBAL-ALLARD. Okay. Mr. Cuellar.

Mr. CUELLAR. Madam Chair. Director, follow up on Title 42, I hope Title 42 doesn't go away. My understanding is that you get about 3,000 single adults per day, about 90 to 95 percent of those single adults are expelled back under this 1944 law. If you look at the Del Rio area and you get Cubans, Haitians, and Venezuelans, mainly. Then you go to the Laredo area, and you get mainly Mexicans that are coming in, single adults. And then you go to the valley, that is where you get 15 percent are kids, 36, 37 percent are family units. But in the Laredo area, if you would release all those adults into our community, I will tell you my community would not be happy. And I know you have got to follow whatever the administration says, but just I can tell you my community would not want to have where most of the people coming in the Laredo area are single adults. And to be released in our area, my community would not be happy with that.

But that is—I will ask you to comment on Title 42. But the other thing is, talk about prosecutorial discretion. In the valley, they have released 20,400 people on what I call the honor system. I know some of the folks in the administration have called this a notice to appear, but my understanding is a notice to appear is I862, I–82. The people that are being released are under an I385, which is an admission to release document.

So, under the 385 document, the remark there is that they are supposed to go to a local ICE office after final destination and report to you. My understanding is for you to do that, you have to do that manually. So you have to check manually 20,400 cases, and I think you need some sort of computer, where you would be able to connect with CBP, because I don't think you all are able to talk under those circumstances or check those 20,400 people that have been released on the honor system.

And by the way, it is not only family units. I have single adults that have been released. Tell us a little bit about the points that I have just mentioned.

Mr. JOHNSON. Thanks, Congressman. To your point, I mean, Title 42 is absolutely critical. Without it, we would have so many negative outcomes in our detention facilities, and I suspect that most of the intake would have been shut down based on significant numbers of quarantines and extremely high positivity rates at certain facilities.

So the only way we have been able to survive and have so few COVID-related deaths in custody over the last 15 months has been because of Title 42.

In terms of the 20,400 folks that are being released, you are absolutely correct. There is no automated method by which we can track those individuals. There is a requirement for them to show up at their closest ICE office and report. Once they report to an ICE office, they are put into our system of record. And at that point, we can track those folks at that time. But otherwise, we

would just have to get a list from border patrol of the 20,000 cases and check them pretty regularly.

Mr. CUELLAR. So Mr. Director, so when they are released, they are not put in the system itself, and it is not a notice to appear before an immigration court. So in order for you to put them in the system, Mr. Director, you have to wait for them to show up, if they show up, so you can put them in the system, correct?

Mr. JOHNSON. That is when they get put into the ICE system of record. They are certainly in the border patrol system, because they process—they make the encounter and they process the individual. But they typically don't get into the ICE system until they actually report. That is with the exception of those individuals what are being enrolled into ATD.

Now, if you are enrolled in ATD, then obviously we have greater ability to track those folks, because we are taking their information, putting it in our system at the time that we are putting the GPS monitor or putting them in SmartLink.

Mr. CUELLAR. Thank you, Mr. Director. Real quickly, because my time is up, have there been any talks about creating additional immigration court dockets to deal with this surge? I know it is under Department of Justice, but any talks on that? Just a yes or no, sorry.

Mr. JOHNSON. Yes. There are talks that are underway to create a much more accelerated process so that these folks could get adjudicated much more quickly than they do currently.

Mr. CUELLAR. Thank you, Mr. Director. Thank you, Madam Chair.

Ms. ROYBAL-ALLARD. Okay. Mr. Palazzo.

Mr. PALAZZO. Thank you, Madam Chair. This committee has already begun working on crafting the fiscal year 2022 budget legislation. And I know the acting director, you are limited as to what you can share before the president releases his budget in detail. But generally, what resources does ICE need, and with the flood of migrants coming into our country, I hope there is a better way to monitor these individuals before they find some way to disappear.

So, what resources does ICE need, and how can this committee help you and your agents do their jobs most effectively?

Mr. JOHNSON. Thanks, Congressman. I mean, I would start with just the help we need on the data modernization effort. I mean, that is an area where we continue to struggle with our data analytics and reporting. It has certainly, I am sure, been a frustration for some of the committee members. So just funding along those efforts.

Additional attorneys are certainly—as I mentioned before, we have 1,300 attorneys. There are over 600 judges. We need attorneys to represent and adjudicate these cases in courtrooms across the country.

The other thing is the ERO case officers. We have nearly three million people on the non-detained docket, and if there is a real expectation if these cases are actually monitored, and we can sort of track them, and know when folks are showing up for court, then we need sufficient ERO case officers to track them.

And then lastly, on the HSI side, we need more special agents. We need our criminal analysts at a more reflective, appropriate ratio so that they can provide the case support that these criminal investigations need. And we need to beef up our international footprint so that we can dismantle and tackle these TCOs right there before they make it to our border.

Mr. PALAZZO. With the contact media narrative, and just conversations, you hear people wanting to abolish ICE. There is this defund police movement, which just makes no sense in the world. Can you tell me, is this affecting your team's morale in any way or fashion? And how is recruitment, and how is retention? Because it has to be extremely tough when we are trying to ask you to do your jobs, enforce our Nation's laws, and at the same time, it feels like we are handcuffing you from being able to do those jobs, just like the border patrol. Instead of enforcing our laws on the border, I mean, they are picking up trash, changing diapers. They basically become babysitters, and that is not what they signed on for.

And I know your agents, you all do great work. You are tasked with a monumental mission. As part of our overarching homeland security mission, can you just talk to the morale, the recruitment, and retention? And what can we do, as a committee, to—I mean, obviously, words hurt, and when we say things, it could have an impact on your agency and other federal agencies as well.

So if you don't mind just sharing your thoughts on that.

Mr. JOHNSON. Sure. Again, it is certainly challenging when, you know, and I am sure some of the men and women are impacted when you hear statements like that. But look we realize that it was a—we are going to get criticized for carrying out our job, no matter what job it is. I mean, ICE is the only agency where 50 percent of the people are going to be mad at us 100 percent of the time. And our men and women are professionals. They will carry out the mission, and perform it with great professionalism and pride.

In terms of recruitment and retention, I mean, I think we have a fairly specialized workforce, where people sign up for this job because they like the job, and they typically don't—at least in the officer corps, the special agents and the deportation officers, obviously there is always going to be issues with attorneys, and support folks who can certainly find a better, less hectic place to work other than ICE.

We struggle, to some respects, in those categories, but our law enforcement corps are here to stay, and they typically don't go until they retire.

Mr. PALAZZO. Well, Director Johnson, I appreciate your remarks. And thank you for your 30 plus years of service, and let the men and women under your supervision know how much America appreciates their work and commitment. Thank you.

Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Mr. Price.

Mr. PRICE. Thank you, Madam Chair. Mr. Johnson, let me pursue a little further these intertwined issues of targeting enforcement on truly dangerous people, and the kind of relations you maintain with local law enforcement. Looking at figures—and you cited this more generally, looking at the people in detention, and

how many had serious records over the past administration, I am quoting here from the track reports at Syracuse University.

"The number of people in ICE detention rose from 41,163 in 2016 to 49,396 in 2019. But at the same time, the number of those individuals who had serious level one criminal records declined from 7,475 in 2016 to 6,048 in 2019. The percentage of those detained with no criminal conviction at all rose from 57 to 64 percent. In other words, ICE raids became both more frequent and less discriminating."

And I can tell you that both that increased frequency and that lesser discrimination, more random quality, was felt in immigrant communities throughout the country, including a lot that I saw in communities that I represent. Just a lot more anxiety and apprehension.

So I wonder, do you have any kind of comparable—you said earlier in your earlier testimony that the percentage of those enforcement actions involving serious criminals had increased, and I don't know exactly the time frame you were referring to. But do you have figures you could supply that would document that?

Mr. JOHNSON. I do. And what we have been—the period that I am referring to is after the release of our February 18 guidance, where it made clear what the sort of priorities were, and where we wanted the officers out in the field to focus their efforts. So that is the period that we were able to compare the last two months or so, compare to the preceding months to see what the data looked like.

Mr. PRICE. All right. If you could give us those precise numbers, that is, of course, the kind of direction we were looking for and hoping for with this new administration.

Now, in the matter of local law enforcement, I was interested in the exchange with Mr. Rutherford earlier, who of course comes from a law enforcement background. As I understood it, he described a system based—a jail-based system, based on the penal system, and of course, as I said earlier, this is what some of us had in mind when we were trying to reform this earlier. Secure communities turned out to be, I would say, less focused on serious criminals, more on people who were apprehended, sometimes for traffic violations, or whatever. It wasn't officially discriminating.

And then, of course, these other models of the 287(g) program, the so-called taskforce model are less discriminating yet. So the question, I think, you and we are going to need to face is is this salvageable at all, or is this 287—and then you add to that the weaponization of 287(g), just the absolutely reprehensible weaponization of this program during the last four years, I just wonder if it is salvageable?

Mr. JOHNSON. No, that is a good question. Again, I think there is some that find usefulness in it, and others that don't want to touch it at all, because of some of the polarization, or just the impact that it has on local community.

I mean, I think the question, at least as I see it, as long as we can all agree on, or come to some agreement on what types of cases that everyone feels comfortable targeting, whether it is in this 287(g) sort of framework, or whether it is just in honoring detainers, but just identifying what everyone is sort of in agreement with

in terms of those folks should be on the table to be removed, because we don't them released into our communities.

And I think if we start there, then I think there would be some opportunities to find some middle ground and actually potentially salvage it or come up with something, a new program that sort of addresses the issue that we are all trying to solve.

Mr. PRICE. Yes, sir. That is possible—entirely possible, completely outside of a 287(g) framework, I would think. Thank you. Thank you, Madam Chair.

Ms. ROYBAL-ALLARD. Ms. Hinson.

Ms. HINSON. Thank you, Madam Chair, for the second round. And thank you, Acting Director Johnson, as well. You mentioned that communications break down between CBP and ICE in terms of your systems. And Congressman Cuellar was hitting on that as well in his line of questioning a little bit earlier.

Our office stands ready to work with you to come up with solutions on that. Because ultimately, this is a breakdown on communication that is keeping you from fulfilling your mission. It is keeping CBP from fulfilling their mission. Ultimately, a barrier to keeping our community safe as well. So we are ready to work on that. I think a clear priority list there.

I want to go to something you said about the number of arrests, the lower number of arrests. Basically, we know that is about a 50 percent reduction in arrests at this point, due to the priority changes laid out in the guidance memo from February. And Madam Chair, I would like to ask unanimous consent to enter the guidance memo from February 18th, 2021 into the record.

Ms. ROYBAL-ALLARD. So granted.

Ms. HINSON. Thank you. So, Director Johnson, were you aware that it would result in that 50 percent reduction based on these criteria laid out here? Do you believe the changes in this memo are impacting your ability to carry out your mission of enforcing all of our immigration laws to the fullest extent possible?

Mr. JOHNSON. I suspected that there would be some reduction and the low-level folks that we had taken into custody in terms of the prior administration. So absolutely, I did think that that was a possibility.

Ms. HINSON. I mean, a fifty percent reduction is a significant reduction. Is it accurate right now that ICE is averaging one interior arrest for every two and a half months per officer? So that is on pace of about four to five arrests per year, per officer. Does that seem accurate to you?

Mr. JOHNSON. I don't know. I have not looked at——

Ms. HINSON. Okay. Well, it is definitely a low number, and in my mind, it keeps you from fulfilling your mission. And I think that is an important flag when you do that math. If arrests are down significantly and we are talking about eliminating Title 42, 3,000 adults coming in a day, 21,000 a week, over a million a year. This is a significant challenge, obviously, coming your way, and we want to make sure we are catching the worst of the worst, obviously. But this is your mission at its core.

So, I think we need to get back to prioritizing your mission. And obviously this committee stands to do that. I also wanted to flag, it is my understanding that a long time senior employee at the

agency rang a warning bell about this and this process in an email to you and other senior officials as well.

So based on your many years of service, and you are talking about approaching 30 years of service, you have got to have a professional well-honed opinion about this. Do you have concerns about the impact that this might have long term on the ability to carry out ICE's mission?

Ms. ROYBAL-ALLARD. Ms. Hinson, I think we have lost the connection with the director.

Ms. HINSON. Okay. Well, I will follow up with him on our questions, for the record. But appreciate the second round, Madam Chair, and I would yield back until we get that sorted out.

Ms. ROYBAL-ALLARD. Okay. Let me check on what the possibility is of getting him back.

The report I have is that they are trying to reconnect the director. And we have a little bit of time, so Ms. Hinson, I will give you the time back so you can ask that final question or make that final point, if we get connected. Okay?

Ms. HINSON. Yeah. Thank you very much. I appreciate that.

Ms. ROYBAL-ALLARD. Director, can you hear us? I see him back on the screen, but I don't know if he can hear us or not.

You may be on mute, Director.

We will just recess just for a couple of minutes while they fix his audio. Apparently it is not working.

Mr. JOHNSON. Can you hear me now?

Ms. ROYBAL-ALLARD. Yes, we can. Ms. Hinson.

Ms. HINSON. Yes. And thank you, Madam Chair, for that flexibility, and thank you, Acting Director. I know technological challenges can be a problem for all of us.

So I just wanted to go back. I am not sure where you heard my last question cut off, but I wanted to flag that we understood a long term senior employee actually flagged it for you in an email and to other senior officials about this guidance being a concern.

So I just wanted to know from your professional opinion, you have got about 30 years of experience in this field, did you have concerns about the impact that this would have on the agency's ability to carry out its ultimate mission?

Mr. JOHNSON. So what I would sort of respond, I guess, is that certainly no concerns from my perspective, if the goal if just keeping our communities safe, and making sure that individuals convicted of serious crimes, or those that pose the biggest public safety threats, or any public safety threat, quite frankly, as well as a national security threat are still sort of prime for immigration enforcement. So certainly no concerns on that front from my perspective.

Ms. HINSON. I would real quick point to the category number three, which is public safety category, that says, "A non-citizen is presumed to be a public safety enforcement and removal priority if he or she poses a threat to public safety, and he or she has been convicted of an aggravated felony."

I think that is concerning to me when I read that, because I look at how much time that might take, and they are a danger to our community, and they are not meeting these three criteria, when it is your agency's mission to get these people into custody.

So I think this narrows it beyond the scope of what actually is designed to keep our public safe. So that would be my main concern with this guidance at this point. And I think, again, our Iowans deserve to know who is in their communities, and it is your job to make sure that our communities are safe and we are protected from these goals.

So Madam Chair, I understand my time is out and I yield back. Thank you.

Ms. ROYBAL-ALLARD. Mr. Aguilar.

Mr. AGUILAR. Thank you, Madam Chair. Acting Director, I wanted to talk a little bit more about the Adelanto facility. And in November of 2020, there were inspections of the facility, specifically the ICE processing centers east and west Adelanto. Because of the pandemic, these inspections were conducted remotely, I understand. Staff sent photos and videos at the facility to the inspectors and conducted interviews by phone.

In one instance, it was noted that there was mold in the shower. However, the pictures provided to the inspectors did not show mold. Can you walk me through the logistics of how ICE complied with these inspections, and how can we be confident that you are getting a true picture of the facilities, and that inspectors have an honest view of what is going on?

Mr. JOHNSON. Again, this is all unprecedented territory. I mean, we have never been having to operate in the midst of a global pandemic. There was a lot of changes that we had to sort of implement as it relates to our facilities, and whether it is suspending visitation, really limiting the number of individuals that were actually showing up at the facility, because everyone that goes there is a potential threat at spreading the virus.

So while it was certainly not ideal to go to a sort of virtual format for doing these inspections, and quite frankly not something that many of the inspectional components had sort of even developed a plan for, but we felt like we still needed to have some sort of oversight at these facilities during the pandemic. So, I think that is sort of just where folks landed on trying to provide some sort of oversight of facilities during this unusual time. Is it preferred and ideal? Absolutely not. Is it possible that you don't get a true and accurate assessment as you would when you are actually on site? Certainly. But it is the best we have given the circumstances.

Mr. AGUILAR. Do you plan more inspections of this nature in the coming months? Or how can we remedy this, and what type of guidance can you give to the facilities to ensure that it is a more complete review?

Mr. JOHNSON. So good question. I do think that as things stand currently, ODO is doing two of these inspections each year. So I mean, it really just depends on how long we are in the midst of this pandemic, sort of in terms of how long, whether or not we are going to do this—have to do this at least one more time before we are beyond this thing.

But I certainly get your point that you have some concerns at how these are being done, and I will take that back, and get with a team, and see if there is anything we can do on our end to try to make sure that we get a good feel for conditions as they exist at the facilities, even if we are doing this remotely.

Mr. AGUILAR. Thank you. I appreciate it. Can I ask briefly about the Office of Detention Ombudsman, the Chairwoman's leadership and the committee's guidance created this office. Can you tell me how it is going, what the timelines and measurables are, and things that we need to know in order to make sure that that office is staffed up and ready to help?

Mr. JOHNSON. Sure. I can tell you what little bit I know. That is an office that reports directly to the secretary. So it is not an office that is under ICE's purview. I know that they have been doing quite a bit of hiring to beef up their staff, and they have been working closely with a lot of the other inspectional entities, like CRCL and others that perform these audits, that just understand sort of what their role is going to be, and how they can sort of compliment the process and program.

So outside of that, I would just have to defer to the department, since it reports to the secretary.

Mr. AGUILAR. Thank you. I appreciate it. I yield back, Madam Chair.

Ms. ROYBAL-ALLARD. Ms. Underwood.

Ms. UNDERWOOD. Thank you, Madam Chair. Okay. So Mr. Director, I wanted to continue on with my vaccine questions. What percentage of ICE detainees are fully vaccinated?

Mr. JOHNSON. If I recall correctly, and don't quote me on this, I will certainly get you the precise numbers, but if I remember correctly, it is like 20 percent have had at least one shot. But let me confirm that that is the case——

Ms. UNDERWOOD. Okay. You had testified that 1,229 detainees were fully vaccinated as of May 5th. We are just not sure what percentage of the total detainee population that is. And we, based on the numbers that we have access to, believe that that is around 7 percent. But we really do ask that you follow up promptly with that numbers.

I am concerned, because at 7 percent, that would lag far behind both the nation as a whole, and at 20 percent, sir, because over one-third of American adults are fully vaccinated, and even the Federal Bureau of Prisons as one-third of their incarcerated people fully vaccinated.

So can you speak about your plans, or the administration's plans to get more shots in arms as quickly as possible.

Mr. JOHNSON. So I do know, like I said, that our chief medical officer at the department is in conversations with CDC to see if we can't just get our vaccines ourselves. In fact, I think there was just some email traffic maybe a day or so ago——

Ms. UNDERWOOD. Perfect.

Mr. JOHNSON [continuing]. About potentially getting 20,000 vaccines. So we will get you an update on that and circle back.

Ms. UNDERWOOD. Thank you. Now, Mr. Johnson, you testified that the administration's use of Title 42 is "critical to your ability to implement social distancing in detention," and that your efforts—and it is essential or critical to your efforts to prevent the spread of COVID–19, and that they would be—it would be undermined if the expulsions under title 42 ended.

In light of this concern, what are you doing to prepare for the eventual lifting of title 42 restrictions?

Mr. JOHNSON. We are preparing as best we can. I mean, we are talking to our transportation vendors to make sure we have the resources, capability, and capacity to move much larger numbers. We are making sure we have the sufficient PPE so that if we do need to move people by bus or by plane, that folks have the proper PPE. We are also looking at whether or not there are some opportunities for us to move people to one location, just so that they can be tested and quarantined before sending them to a longer-term facility.

So there is a lot of ways, or a lot of things that we are looking at, just to figure out how best to deal with a huge number every single day, because it will be overwhelming and could put us in a tough spot really quickly.

Ms. UNDERWOOD. Thank you. While the pandemic is an extraordinary circumstance, we can't continue expelling people forever. So, it is imperative that we have a plan for keeping people safe and healthy.

Mr. Johnson, you testified that "it is a requirement that ICE test 100 percent of those who come into ICE custody for COVID–19." Specifically, you explained that all detainees are tested within 12 hours of admission to a facility, and then again before release from quarantine if they had been exposed to the virus. Are you currently fulfilling that requirement and testing 100 percent of detainees within 12 hours of admission? Or are there cases where people are not tested within that timeframe?

Mr. JOHNSON. I am not aware of any instances where people are not being tested at this point in the process. I know that six months ago, or nine months ago when we were early on, that there were still some capacity issues. But I think we have gotten past those hurdles at this point.

Ms. UNDERWOOD. And how frequently are detainees tested after initial intake and quarantine?

Mr. JOHNSON. It varies by facility. I know at our ICE-owned facilities, we try to test—do saturation testing at least quarterly, if I remember correctly. But let me take that as a get back.

As far as the state and local jails, I am sure it is all over the place, and there is very little inconsistency about how frequently they do saturation testing.

Ms. UNDERWOOD. Okay. Well, detention centers aren't islands. The staffing contractors who come in and out every day can and do bring the virus with them. We know from the New York Times that they have linked numerous outbreaks within ICE detention centers to then having community spread in the surrounding area. So it is really important that guards are tested frequently, in addition to the detainees. And we will follow up with you about the guard testing.

I yield back.

Ms. ROYBAL-ALLARD. That completes the second round. Before we adjourn, Director Johnson, I just want to bring your attention to the Unified Immigration Portal, which we funded, to enable agencies like ICE to get information about a migrant's release directly by CBP. Perhaps that could be helpful in giving you some of the information that you need based on the questions that were asked.

If there are no more questions, Acting Director, thank you so much for your time and for helping us think through these challenges. One second, please.

I have just been informed that Ms. Hinson would like to add something. Ms. Hinson.

Ms. HINSON. And I will be quick. Thank you, Madam Chair. I just wanted to follow up, Director Johnson, on this memo specifically. Did you or your staff write this? And if not, who wrote it?

Mr. JOHNSON. Are you referring to the February 18 memo?

Ms. HINSON. Correct.

Mr. JOHNSON. Yes. Me and my staff wrote it.

Ms. HINSON. Did you and your experts at ICE go through it and look to make sure that it was either justified or conflicted with what your role is? I mean, did you find any conflicting—you said you weren't worried, but was there any part of it in that guidance that you felt was conflicted with your mission?

Mr. JOHNSON. So look, that memo was drafted following the January 21, at that time acting secretary, memo. So this was the guidance that was required to sort of come out as a result of that January 21 memo.

Now, this is just interim, and we are working on our final guide. And so there is certainly some issues or some areas in this particular February 18 memo that I would change, and that we will change once we issue the final draft.

But based on the timeline that we needed to get out our guidance, that is sort of where we landed, and it is interim, and I am sure it will be improved.

Ms. HINSON. What is your timeframe for getting that final guidance? That is my last question, Madam Chair.

Mr. JOHNSON. I mean, the discussions continue every day. We were hoping to get something out here within the next week or two, but it could be a month. It could be six weeks. I mean, that is my best guess right now.

Ms. HINSON. All right. Thank you, Director. And I appreciate the extra time, Madam Chair.

Ms. UNDERWOOD. Madam Chair, you are muted.

Ms. ROYBAL-ALLARD. Ms. Underwood.

Ms. UNDERWOOD. Thank you so much, Madam Chair, for the additional time.

Mr. Johnson, do you have the authority to require testing for guards and other staff at all detention facilities?

Mr. JOHNSON. To require testing?

Ms. UNDERWOOD. Yeah, COVID testing.

Mr. JOHNSON. I can't require testing of detainees. So I don't know that I can require testing of the contract guard staff. So that is a question I will just need to run by our legal folks to know for sure, but for some reason, I don't think so.

Ms. UNDERWOOD. Okay. Well, I am really concerned about that limitation, sir. If you would please provide the committee with a written explanation of the legal or contractual limitations that might prevent you from requiring COVID–19 tests for staff and contractors at the ICE detention facilities.

Mr. JOHNSON. Will do.

Ms. UNDERWOOD. Okay. Thank you. Testing is critical for protecting your workforce, and the people in your custody, and the communities where your facilities are located. I certainly look forward to working with you to fill this need. Thank you so much, Madam Chair, for the extra time, and I yield back.

Ms. ROYBAL-ALLARD. Okay. Director, once again, thank you very much for your time. I will be submitting additional questions for the record, which I hope we will get a quick response on.

The Subcommittee on Homeland Security now stands adjourned.

[Whereupon, at 12:04 p.m., the subcommittee was adjourned.]

WEDNESDAY, MAY 19, 2021.

# U.S. CUSTOMS AND BORDER PROTECTION RESOURCE MANAGEMENT AND OPERATIONAL PRIORITIES

## WITNESS

**TROY MILLER, SENIOR OFFICIAL PERFORMING THE DUTIES OF THE COMMISSIONER, U.S. CUSTOMS AND BORDER PROTECTION**

Ms. ROYBAL-ALLARD. The Subcommittee on Homeland Security will come to order.

During today's virtual hearing, members are responsible for muting and unmuting themselves. When you are recognized to speak, if I notice that you have not unmuted yourself, I will ask you if you would like the staff to unmute you. If you indicate approval by nodding, staff will unmute your microphone.

To avoid inadvertent background noise, the chair or staff designated by the chair may mute participant microphones when they are not recognized to speak.

If there is a technology issue during a member's speaking time, we will move to the next member until the issue is resolved, and you will retain the balance of your time.

We will be following the 5-minute rule. With 1 minute remaining in your time, the clock on your screen will turn yellow. When your time has expired, the clock will turn red, and it will be time to recognize the next member.

We will follow the speaking order set forth in the House rules, beginning with the chair and ranking member, followed by members present at the time the hearing is called to order in order of seniority, and we will alternate by party. Next, we will go to members who are not present when the hearing was called to order, until every member present has had the first round.

Members can submit information in writing at any of our hearings or markups using the email address provided in advance to your staff.

And let's begin.

I would like to welcome Mr. Troy Miller, the senior official performing the duties of the Commissioner, who is here to discuss his agency's operations, particularly its activities along the southwest border. This is Mr. Miller's first time to testify in front of the subcommittee.

So welcome, Mr. Miller.

I recently visited the border with Secretary Mayorkas, and I want to commend the CBP personnel who have been working so hard over the last few months to manage an incredibly difficult challenge. Thank you for your efforts to impose order on what might otherwise have spiraled into an unmanageable situation.

While challenges undoubtedly remain, I look forward to an update from you on the situation on the southern border and how you are working to ensure that migrants receive adequate shelter, culturally informed nutrition, trauma care, and due process while in CBP custody. These efforts are vital as we work towards a more humane, efficient immigration system.

I continue to have concerns about the lack of child welfare professionals and caregivers in CBP facilities. The subcommittee has repeatedly asked CBP to quickly deploy such professionals into border facilities to provide child-centric care for kids who have already experienced significant trauma.

The COVID–19 pandemic has also taken a toll on the morale of the CBP workforce, which has continued under most difficult circumstances to fulfill its mission of ensuring border security and the flow of international commerce. I understand that you have established peer support, medical resources, and caregiver support for the CBP workforce. Please let us know how we can help you with these initiatives.

To help address the shortfall in CBP fee collections resulting from the pandemic-related reduction in international travel, we appropriated $840 million in supplemental funding in our fiscal year 2021 bill. It now seems unlikely the funding we appropriated will be sufficient to carry the agency through the end of the fiscal year. This morning, we will want your candid assessment about CBP's current fiscal posture.

Also, while I know you are still limited in what you can say about the budget request for the coming year, we will want to have a good discussion about what it will take to address all of these challenges, both now and in fiscal year 2022.

In conclusion, on behalf of the subcommittee, I convey our heartfelt condolences to the families and colleagues of those who have lost their lives in the line of duty. Tragically, since January 2020, CBP has seen 32 line-of-duty deaths, 30 of which were directly tied to COVID–19. I reaffirm our continued support for the health and well-being of your workforce and our appreciation for their service.

I now turn to the distinguished gentleman from Tennessee, Ranking Member Fleischmann, for his opening remarks.

Mr. FLEISCHMANN. Thank you, Madam Chairwoman.

Mr. Miller, I too want to welcome you to the subcommittee, sir. Thank you for being with us today as we discuss the operations of Customs and Border Protection. Your decades of service to protecting this country and your commitment and leadership with Customs and CBP are greatly appreciated.

I would especially like to thank you for stepping into this role of Acting Commissioner during this transition. I know this position has taken you away from your home and family, but we all appreciate the stable and steady leadership you provide for the mission and the men and women at CBP, especially during this challenging year.

I pass along my sincere and heartfelt condolences, as did our chair, to the families, friends, and colleagues of the 34 CBP employees who lost their lives to COVID.

The issues we are seeing at all of our borders and ports of entry are complex and made all the more challenging due to the pan-

demic and world's unsettled economies. We are seeing record numbers of migrants presented at our southern border, numbers we would not have imagined even in the busiest months of 2019, that threaten the safety of our Nation.

We have heard about CBP identifying serious known criminals and even individuals matching to the terrorist watchlist within the many large groups apprehended at the border.

Let me be clear: I am not saying that every migrant apprehended is a hardened criminal. I know that is not the case. However, the sheer volume of people makes it harder for CBP officers and agents to properly identify and screen everyone for threats and—that pose threats to our communities.

Further, the seizure of drugs, weapons, and counterfeit goods have not slowed during the pandemic, indicating that the cartels and transnational criminal organizations are still targeting our borders and our communities to fuel their profits.

I was really hoping we would have the fiscal 2022 budget at the time of this hearing, but it appears, Mr. Miller, timing is on your side and you will have avoided any questions about the upcoming budget year.

But I will tell you, and you know, that the investments we make with CBP are so important to the mission. The funds we provide for people, training, technology, operations, and, yes, even the wall have shown to play a significant role in protecting our country. I have concerns that what I do know about the CBP budget I don't like.

I am concerned that the fiscal 2022 budget does not contain any new funds for the border wall construction, even though work still exists. And when you consider the work left unfinished by the removal of DOD funds, DHS might need even more investment to complete those miles.

Even more disturbing is the proposal to rescind funds at the end of the year. I don't know how the administration can make that math add up, when decisions on how to resume border wall construction or the cost to cancel contracts have not yet been made. I think it is foolish to back into a number when we haven't even reviewed the contracts and current needs.

Further, I fear that, without adequate investment and without a strong message that we are actively enforcing all of our Nation's immigration laws, the numbers at the border will only grow and, consequently, will strain the resources across CBP's mission. I hope the parts of the budget I have not seen yet will shed some light on how we are going to resolve these challenges.

Thank you again, Mr. Miller, for being with us this morning. I very much look forward to your testimony, sir.

And, Madam Chairwoman, I yield back. Thank you.

Ms. ROYBAL-ALLARD. Mr. Miller, we will submit the full text of your official statement for the hearing record. But I do want to note that we did not receive your testimony until late yesterday even though it was due to the committee 48 hours prior to the start of this hearing. This type of delay is unacceptable and hinders Congress's ability to conduct its oversight. And I certainly hope that this is not going to be a pattern as we continue to request important information for the subcommittee.

Please begin your oral summary, which I ask that you keep to 5 minutes. Thank you.

Mr. MILLER. Chairwoman Roybal-Allard, Ranking Member Fleischmann, and members of the subcommittee, I am honored to testify before you today on behalf of U.S. Customs and Border Protection.

CBP proudly serves the American people, and we take very seriously our responsibility to protect the United States from terrorism and criminal activity while enabling lawful travel and trade.

These responsibilities have been challenged by COVID–19. The pandemic has forced all of us to do things differently, and CBP is no exception. We have changed how we process, care for, and monitor those in our custody.

CBP, along with our federal, state, local, and nongovernmental partners, have implemented a robust, multilayered approach to ensure migrants are tested before continuing their immigration journey into the United States. Suspected COVID–19 cases are referred to local health systems for appropriate testing, diagnosis, and treatment. DHS is working to expand non-congregate sheltering for migrants who test positive or have potentially been exposed.

Tragically, COVID–19 has claimed the lives of 34 CBP employees and 30 in the line of duty—34 lives among the more than 586,000 American lives the virus has claimed to date in this country. Services will be held today for an employee who lost his life in the line of duty. Since the pandemic started, over 8,700 CBP employees have tested positive.

Even under the cloud of COVID–19, we are better prepared today to meet the demand placed on us during large-scale migrant surges, such as we are currently experiencing on the southwest border.

In March, CBP encountered 172,000 migrants attempting to cross the southwest land border. That number increased 3 percent in April to 178,000, with over 62 percent immediately expelled pursuant to title 42.

Although fewer than 11 percent of encounters in March were unaccompanied children, or UCs, by the end of March, that population accounted for almost half of all the people in our custody. In response, we mobilized four soft-sided facilities in Arizona and Texas with a combined capacity of 2,500.

To expedite UC transfers from CBP custody to Department of Health and Human Services custody, DHS stood up the Movement Coordination Cell with representatives from CBP, the Federal Emergency Management Agency, HHS Office of Refugee Resettlement, and U.S. Immigration and Customs Enforcement.

This interagency approach has been remarkably successful in decreasing the average number of children in CBP custody. On May 11, there were just 455 children in our custody. The average time in custody has also dropped from 115 hours in March to just 28 hours in May.

CBP faces other challenges at our Nation's ports of entry as well. In coordination with the Governments of Mexico and Canada, only essential trade and travel is allowed to cross our borders. These restrictions are reviewed monthly to protect public health without unnecessarily prolonging the restrictions. International air travel

into the United States decreased by 95 percent in March 2020 and currently stands 70 percent below pre-pandemic levels.

Presidential proclamations remain in place limiting entry from China, Iran, the Schengen Area, the United Kingdom, the Republic of Ireland, Brazil, South Africa, and India. International travel to Mexico and the Caribbean have shown signs of rebounding, and CBP stands ready to secure and facilitate air travel as it returns to pre-pandemic levels.

This sharp decline in volume directly impacts CBP's budget. International air passengers pay about 94 percent of CBP user fees, which, in turn, fund about 40 percent of CBP's Office of Field Operations salaries.

Day after day, the men and women of CBP persistently safeguard America's economic and public health, ensuring travelers and goods move safely and efficiently across U.S. borders, that migrants and visitors are properly documented, and that trade laws, regulations, and related international agreements are enforced. We are absolutely committed to balancing border security, national security, properly caring for those in our custody, and keeping the American people and our workforce safe.

Thank you for the opportunity to testify today. I look forward to your questions.

[The information follows:]

TESTIMONY OF

Troy A. Miller
Senior Official Performing the Duties of the Commissioner
U.S. Customs and Border Protection

BEFORE

U.S. House of Representatives
House Committee on Appropriations
Subcommittee on Homeland Security

ON

"U.S. Customs and Border Protection Resource Management and Operational Priorities"

May 19, 2021
**Washington, D.C.**

Chairwoman Roybal-Allard, Ranking Member Fleischmann, and Members of the Subcommittee, I'm honored to appear before you today to discuss U.S. Customs and Border Protection (CBP) resource management and operational priorities. The American people place enormous trust and confidence in CBP to keep them safe. At CBP we proudly serve the American people and take very seriously our responsibility to protect the United States from acts of terrorism and criminal activity while enabling lawful travel and legitimate trade.

The United States shares some 5,000 miles of border with Canada and about 1,900 miles of border with Mexico. We have approximately 95,000 miles of shoreline, and CBP is responsible for preventing the illegal movement of people and contraband across those borders by land, air, or sea. Historically, most migrants who enter the United States without authorization were single adult Mexican males crossing the border from Mexico. That demographic has shifted in recent years, specifically in FY 2019, and now includes high numbers of noncitizen families and unaccompanied children (UCs).

The number of migrants entering between the ports of entry (POEs) along the Southwest border is, once again, increasing. While the largest demographic of migrants crossing between the POEs is still single adult Mexican men, the number of UCs doubled in just one month from February to March of this year. In the first few months of 2021, CBP experienced a significant increase in enforcement encounters and a significant spike in the number of UCs being encountered and held in CBP custody while they are processed for transfer into the custody of the U.S. Department of Health and Human Services (HHS).

The COVID-19 pandemic that emerged in FY 2020 continues to challenge CBP, especially with growing numbers of migrants in our custody. U.S. Border Patrol (USBP) facilities were not designed to hold families or children, and they certainly were not designed for the social distancing requirements necessary for safety during the pandemic. COVID-19 has forced all of us to do things differently, and CBP is no exception. To prevent the spread of the virus, we have changed the way we clean our facilities and our vehicles, and we have changed the way we process, care for, and monitor migrants in our custody.

CBP learned a lot in FY 2019, when we encountered high numbers of Central American families and children and had to temporarily maintain custody of them in USBP facilities built to hold single adult men. We learned to appropriately adapt to this changing demographic and the increasing numbers we had in our custody as the rest of the immigration system struggled to keep pace with our rate of apprehension. We have since become adept at quickly and efficiently setting up soft-sided facilities (SSFs) to expand our holding capacity for families and children in CBP custody. Children require different amenities and care than do single adults. For example, children have different nutritional needs and require specialized medical care and screenings. To meet these special needs of families and children in CBP custody, we expanded our medical contract to provide additional medical services and screenings, with a particular focus on pediatric care. Since 2019, we have continued to refine our processes and skills. As a result, we are better prepared today to meet the demands placed on us during large-scale migrant surges, such as the one we are currently experiencing – even under the cloud of COVID-19.

**FY 2020 Accomplishments**

In FY 2020, CBP took nearly 650,000 enforcement actions that included encounters with nearly 9,500 migrants who are inadmissible because they were convicted of a crime and the arrests of more than 9,100 people wanted by other law enforcement agencies or for whom there is an outstanding arrest warrant. In FY 2020, we seized more than $102.2 million in currency, more than 582,000 pounds of marijuana, more than 44,000 pounds of cocaine, approximately 5,700 pounds of heroin, more than 177,000 pounds of methamphetamine, and more than 4,700 pounds of fentanyl.[1]

Additionally, CBP processed more than 28.5 million cargo containers, which equates to more than 32.8 million international trade transactions worth $2.4 trillion in imports and another $1.4 trillion in U.S. exports. CBP collected approximately $78.8 billion in duties, taxes, and other fees, including more than $74.4 billion in duties, a 3.5 percent increase over FY 2019. We conducted more than 26,500 seizures of goods – valued at more than $1.3 billion – that violated intellectual property rights.[2]

On the trade front, the COVID-19 pandemic caused major disruption in supply chains around the world. In many cases, the virus halted production altogether, as businesses shut their doors while others operated at partial capacity. In response to extraordinary COVID-19 circumstances, CBP provided financial relief to the trade community through the deferral of more than $574 million in import duties in March and April 2020. Much of the increase in duty collections in FY 2020 are a result of the FY 2018 tariffs instituted on products imported from China, including steel, aluminum, washing machines, washing machine parts, solar panels, and other Chinese goods.

During FY 2020, CBP agriculture specialists, with their extensive training and expertise in biological sciences and agriculture inspection, conducted about 1.14 million interceptions of prohibited plant materials, meat, and/or animal byproducts at U.S. POEs, while submitting 31,785 pest detections.[3]

CBP officers processed nearly 238 million travelers at air, land, and sea POEs, including more than 62.1 million travelers at airports. While these numbers are down dramatically from FY 2019, we expect them to rebound as the travel industry recovers from the effects of the pandemic.[4]

As the pandemic unfolded, counterfeit, unapproved or otherwise substandard COVID related products began appearing in the flow of products destined for U.S. markets. CBP seized more than 177,000 Food and Drug Administration (FDA)-prohibited COVID-19 test kits in 378

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[1] *CBP Enforcement Statistics Fiscal Year 2020*, https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics-fy2020 (April 29, 2021).
[2] *CBP Trade and Travel Report FY 2020*, February 2021, https://www.cbp.gov/sites/default/files/assets/documents/2021-Feb/CBP-FY2020-Trade-and-Travel-Report.pdf (April 29, 2021).
[3] Ibid.
[4] Ibid.

incidents, more than 12.7 million counterfeit face masks in 352 incidents, and more than 38,000 FDA-prohibited chloroquine tablets in 221 incidents.

**FY 2021 Accomplishments to Date**

*Enforcement Actions*

In just the first six months of FY 2021, CBP took more than 569,850 enforcement actions along the Southwest border, although many are recidivists. While that number is over 110,000 more than in all of FY 2020, with 458,088, the volume of cross-border traffic in FY 2020 was exceptionally low. Thus far in FY 2021, through April, CBP has encountered more than 7,800 migrants who are inadmissible because they have been convicted of a crime and arrested more than 5,700 individuals wanted by other law enforcement agencies nationwide or for whom there was an active arrest warrant. We have seized more than $43.8 million in currency, more than 229,000 pounds of marijuana, more than 62,000 pounds of cocaine, more than 3,200 pounds of heroin, more than 105,000 pounds of methamphetamine, and more than 6,400 pounds of fentanyl nationwide.

Between October 1, 2020, and February 28, 2021, CBP cleared more than 61.2 million international mail shipments. From October 1 through March 31, CBP seized more than 600 FDA-prohibited COVID-19 test kits in 39 incidents, more than 21 million counterfeit face masks in 355 incidents, and more than 760 FDA-prohibited chloroquine tablets in 12 incidents.

*Medical Services*

As CBP has done for several years prior to FY 2021, we have expanded the scope and scale of the medical support services for people in our custody. The medical support construct was carefully crafted over several years with extensive internal and external subject-matter expert consultation and input to tailor it to CBP's unique mission and law enforcement role. Our medical construct for migrants in CBP facilities relies on contract medical personnel for basic acute care and referral to local health systems for complex, urgent/emergent health care, or urgent/emergent mental health care.

CBP is committed to the health and safety of the people in our custody, with a special focus on children. Children brought into CBP custody receive health intake interviews, including COVID-19 considerations and temperature checks, as well as more comprehensive assessments by medical personnel. We have contract medical providers, licensed, and credentialed to care for children, onsite 24/7 to address medical issues, coordinate referrals to local health systems, prioritize children for transfer to the U.S. Department of Health and Human Services (HHS), conduct follow-up care, address public health and infectious disease issues – including COVID-19 – and prepare medical summaries upon transfer out of CBP custody. We continue to incorporate trauma-informed behavioral health care considerations into our medical support efforts. Our medical providers are trained, licensed, and credentialed to identify urgent behavioral health concerns in children in custody and conduct psychological triage, psychological first aid, coordinate referral for further care, and prioritize children for transfer out of CBP custody.

*Travel*

Presidential Proclamations are still in place limiting international air travel into the United States from China, Iran, the Schengen Area, the United Kingdom, the Republic of Ireland, Brazil, South Africa, and now India. Since March 2020, international air travel into the United States has decreased 75 percent. However, we are starting to see increases in international air travel as we head into the busy summer travel season. CBP is ready to secure and facilitate international travel as it continues its return to pre-pandemic levels.

Since March 2020, travel across our land borders has been restricted to essential trade and travel. CBP continues to facilitate essential travel exceptions, which include crucial supply chains that ensure food, fuel, medicine, and other critical materials reach individuals on both sides of the border. Provided that the travel is for an essential purpose, travelers may be admitted irrespective of family or relational status. Targeted restrictions on non-essential travel have helped the United States in its efforts to mitigate the spread of COVID-19 while maintaining the cross-border flow of critical goods and services.

The governments of the United States, Canada, and Mexico are working together on travel restrictions along our shared borders. These restrictions, which limit travel to essential travel only, are re-evaluated monthly. This enables our three countries to make the best decisions from a public health and safety standpoint without unnecessarily prolonging restrictions. CBP, as part of a larger U.S. Department of Homeland Security (DHS)-wide effort, continuously tracks public health initiatives, vaccination rates, and federal, state, and provincial trends to best inform our decisions on loosening or removing these travel restrictions. Our decisions will continue to be informed by science and public health experts.

*Trade*

For the first quarter of FY 2021, CBP processed 9 million trade entries valued at $670 million. We collected $23.4 million in duties, and temporarily deferred $575.1 million in duties and fees for almost 3,000 importers. We conducted 62 audits resulting in the collection of $7 million, and implemented 480 trade penalties. The total amount collected from trade-related penalties and liquidated damages was slightly less than $2 million.[5]

In March, CBP issued a forced labor finding calling for the seizure of products made in Malaysia by Top Glove Corporation that were determined to have been manufactured using forced labor. This finding reflects the agency's renewed focus on the detection and prevention of goods produced with forced labor. Thus far in the 2nd Quarter of Fiscal Year 2021 CBP has taken enforcement action against 641 shipments of goods suspected of having been produced using forced labor resulting in 479 detentions.

**Challenges Ahead**

COVID-19 remains atop CBP's list of ongoing challenges. Due to the unique challenges of this pandemic and its potential impact on the health of Americans, the Centers for Disease Control

[5] *Trade Statistics*, https://www.cbp.gov/newsroom/stats/trade (April 29, 2021).

and Prevention (CDC) issued an order pursuant to its public health authorities under Title 42 of the U.S. Code. Congress granted this authority to HHS.

Under the CDC Order, most migrants who enter the United States without authorization are being returned to Mexico or Canada. If they cannot be returned to Mexico or Canada, CBP coordinates with U.S. Immigration and Customs Enforcement (ICE) to return them to their home countries. CBP continues to expel single adults and family units that are encountered pursuant to CDC guidance under Title 42 authority, although the numbers of families expelled has decreased under the current Administration. About 62 percent of total encounters resulted in a Title 42 expulsion for the month of April.[6]

While migrants are in our custody, CBP personnel inspect them for symptoms or risk factors associated with COVID-19 and consult with onsite contract medical personnel, the CDC, or local health systems as appropriate. Onsite contract medical personnel can provide basic assessment and supportive treatment, but suspected COVID-19 cases are referred to local health systems for appropriate testing, diagnosis, and treatment. These COVID-19 procedures are consistent with longstanding CBP procedures for preventing the spread of communicable diseases.

*Migrant Testing*

In response to requests from border state officials and non-governmental organizations (NGOs), who are critical partners in DHS's border response, the DHS Chief Medical Officer, along with CBP representatives, have engaged in significant on-the-ground dialogue and collaboration with local partners to facilitate testing with the Federal Emergency Management Agency (FEMA) funding support to ensure the safety and wellbeing of those in CBP care as well as the surrounding communities. CBP is committed to the health and welfare of our workforce, communities, and individuals in our care and custody, and has developed, implemented, and continuously evaluates a robust, multi-layered approach to ensure migrants we encounter are tested for COVID-19 before continuing their immigration journey into the United States.

CBP works with local health systems, DHS, ICE, and HHS to facilitate COVID-19 testing as appropriate. This includes: referrals of persons with COVID-19 concerns to local health systems for definitive testing and diagnosis; coordination with local governments/NGOs for testing of persons released from CBP custody; coordination with DHS and ICE for testing of persons released from CBP custody in locations without local government/NGO testing capability; and coordination with ICE and HHS for testing of UCs transferred to HHS/ORR. In addition to the COVID-19 testing conducted by state, local, and NGO partners, the Countering Weapons of Mass Destruction Office and its contractors, under the guidance of the DHS Chief Medical Officer, provides field-level support to CBP and ICE for testing family units and unaccompanied children at various location along the southwest border. In March and April 2021, DHS and ICE tested more than 24,000 noncitizens in DHS care and custody.

[6] *CBP Announces April 2021 Operational Update,* May 11, 2021, https://www.cbp.gov/newsroom/national-media-release/cbp-announces-march-2021-operational-update (May 18, 2021).

DHS is working to identify additional COVID-19 testing capacity for migrants being released, as well as expanding non-congregate sheltering for those migrants who test positive for COVID-19 or have been in close contact with other potentially infected individuals. Through partnerships with eligible state and local governments, FEMA also can support certain COVID-19-related testing and sheltering requirements. This funding does not require state or local cost-sharing and is consistent with President Biden's direction to FEMA regarding COVID-19 support to communities. Additional funding is also available to reimburse local and non-governmental organizations for COVID-19 testing of migrants through the Emergency Food and Shelter Grant Program.

*Counterfeit COVID-19 Products*

Since the COVID-19 pandemic emerged, detecting counterfeit or non-FDA-approved COVID-19-related products has become a routine activity for CBP personnel. These products could jeopardize the health and safety of Americans. Since the beginning of calendar year 2020, CBP has seized a total of almost 178,000 unapproved or counterfeit COVID-19 or antibody test kits, more than 34.6 million counterfeit or unapproved masks, as well as chloroquine, hydroxychloroquine, and azithromycin pills, and unapproved hand sanitizer and lanyards. While the numbers are decreasing since the pandemic first emerged, unsavory individuals continue to try to cash in on COVID-19. CBP remains on alert, prepared to combat these criminal acts and identify and seize unapproved or counterfeit products that use false or misleading claims, lack required warnings, or lack proper approvals.

*Protecting the CBP Workforce*

The health and wellbeing of CBP agents, officers, and staff has always been and remains a top priority. CBP personnel operate in high-risk environments, working in congregate settings and at the front lines of border management and response.

Tragically, 34 CBP lives are among more than 586,000 the virus has claimed to date in the United States. Since the start of the pandemic, more than 8,600 CBP employees have tested positive for COVID-19. CBP collaborated closely with the Department of Veterans Affairs and DHS to get COVID-19 vaccines into the arms of our frontline personnel. Through this effort, we were able to directly vaccinate 33 percent of our eligible workforce in addition to facilitating community vaccine access for the remainder of CBP employees. Vaccines are not required for CBP staff but are available to all who want them under CBP's Operation VOW and local communities.

To protect migrants in our custody as well as CBP and contract staff, we have implemented the Hierarchy of Controls, a method used by experts to control hazards and reduce risks in the workplace. This tool provides a progression of protective solutions ranging from agency-wide initiatives to individual actions. At the agency level, we implemented administrative and engineering controls to reduce the risk of exposure as much as possible. These measures include reconfiguring workspaces, using barriers to enforce social distancing, increasing outside air exchanges, replacing in-person contact with virtual technology whenever possible, using electronic signatures, and establishing cleaning and disinfectant standards. Personal protective

equipment (PPE) is now required for tasks with potential exposure to COVID-19, as identified in the CBP Job Hazard Analysis and PPE Assessment. We have maximized the use of telework programs for administrative and headquarters staff; and provided PPE to our agents, officers, and staff. We added hand sanitizer stations in in our facilities to ensure it is available to migrants and staff.

*Surge at the Southwest Border*

While the number of CBP encounters dropped dramatically in FY 2020, the numbers for FY 2021 are once again rising. To be absolutely clear, the border is not open to unauthorized migration. We are seeing this rising number because of the worsening conditions in Mexico and the Northern Triangle countries of Central America. Issues such as violence, natural disasters, food insecurity, and poverty have long existed in these areas but have become more severe since the pandemic emerged. In March of this year alone, CBP encountered 172,000 migrants attempting to cross the Southwest land border. This represents a 71 percent increase over the previous month. CBP expelled 103,900 individuals pursuant to CDC's Title 42 order.[7] Of those, about 29,000 had already been expelled and were attempting to enter again. In April, the number of individuals CBP encountered at the Southwest land border increased 3 percent, with more than 178,000 encounters.[8]

In this fiscal year, we have also seen a return of large groups, especially in the Rio Grande Valley region of Texas. Groups of 100 or more people had dropped dramatically, from a high of 216 in all of FY 2019 to just 10 in FY 2020. During the first six months of FY 2021, however, CBP recorded 50 large-group encounters for a combined total of more than 6,200 migrants.

Migration increases are not new to CBP; neither are increases in the number of UCs. Historically, when such increases occur, CBP becomes the default relief valve for downstream bottlenecks in our immigration system. If CBP officers and agents apprehend more migrants than are being returned to their last country of transit or transferred to ICE or HHS custody, migrants, including families and UCs, aggregate in CBP facilities, which were constructed as short-term holding facilities for single men.

To accommodate the swelling numbers of families and children in CBP custody, we mobilized four SSFs located in Yuma and Tucson, Arizona; and Eagle Pass and Donna, Texas. These SSFs have a combined capacity to accommodate as many as 2,500 migrants and feature significant improvements over previous versions. They include mini pods (units) separated with clear vinyl to promote social distancing and to protect migrants, CBP staff, and contract personnel inside. Designated intake and processing areas are separate from the general holding space.

To assist with SSF operations and processing, CBP deployed 300 agents from the northern and coastal sectors to the Rio Grande Valley. We anticipate the number of agents deployed to the

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[7] *CBP Announces March 2021 Operational Update,* April 8, 2021, https://www.cbp.gov/newsroom/national-media-release/cbp-announces-march-2021-operational-update (April 29, 2021).
[8] *CBP Announces April 2021 Operational Update,* May 11, 2021, https://www.cbp.gov/newsroom/national-media-release/cbp-announces-march-2021-operational-update (May 12, 2021).

Southwest border will increase to about 424 by the end of May. Another 370 local CBP officers are expected to be deployed to assist with processing in the SSFs.

*Transnational Criminal Organizations*

CBP engages in many activities in Mexico to dismantle transnational criminal organizations (TCOs) that profit from smuggling activities involving both people and illicit goods and narcotics. Both CBP and the government of Mexico (GOM) commit resources and personnel to conduct regular, coordinated patrols, air and marine surveillance, counter-network operations, and joint enforcement actions along our shared borders. Through CBP's Joint Security Program (JSP), CBP officers and agents coordinate with the GOM on admissibility/immigration and criminal non-citizen referrals; drugs, money, and organized crime; and migrant smuggling, special interest aliens, and terrorism-related targets.

CBP has taken the lead on Operation Sentinel, a major U.S. interagency effort supported by the GOM that aims to cut off access to TCO profits from human smuggling by denying these criminals the ability to engage in travel, trade, and finance in the United States. CBP also engages in information and intelligence sharing with GOM related to smuggling routes, weapons/cash/drug caches, TCO operational trends, and operational successes. CBP leads anti-TCO and border security focused capacity building and training under the auspices of CBP's Office of International Affairs, Anti-TCO and Border Violence Prevention Inter-Agency Agreement with the Department of State's Bureau of International Narcotics and Law Enforcement.

*Unaccompanied Children*

Overall, USBP encounters along the Southwest border this fiscal year have increased by 124 percent over the total for FY 2020, while the number of UCs increased 163 percent. March saw a 100 percent increase over February – 18,890 total UCs in March alone. Fewer than 11 percent of encounters in March were UCs, but by the end of March that population of children accounted for almost half of all people in CBP custody. Southwest border encounters with UCs and single minors from Northern Triangle countries dropped by 12 percent in April, but still represented a significant challenge for CBP.[9]

USBP prioritizes UC referrals and transfers to the HHS ORR, but the ability to do so is directly tied to ORR's capacity. By March 2021, the number of UCs entering USBP custody far exceeded ORR's capacity to provide placement. In response, and in conjunction with FEMA, HHS began rapid expansion of ORR's housing/placement capacity through Emergency Influx Shelters (EISs). USBP continues to work closely with HHS to expedite the transfer of UCs into HHS custody.

DHS successfully stood up the interagency Movement Coordination Cell (MCC) to bring together colleagues from FEMA, ORR, U.S. Immigration and Customs Enforcement (ICE), and CBP to share a common operating picture: the rapid transfer of UCs from CBP custody to ORR

[9] *CBP Announces April 2021 Operational Update,* May 11, 2021, https://www.cbp.gov/newsroom/national-media-release/cbp-announces-march-2021-operational-update (May 12, 2021).

custody – whether to licensed bed facilities or EISs. This interagency approach has been remarkably successful in reducing the average time in custody that unaccompanied children spend in CBP facilities.

Thanks to interagency cooperation and focus on building ORR capacity, in April 2021, the average number of children in CBP custody has decreased to 2,895 from 4,109 in March 2021 – with the number of children in CBP custody at 455 on May 11. In March, unaccompanied children spent an average of 115 hours in CBP custody. Now, unaccompanied children are being held in CBP facilities for an average of 28 hours.[10]

*Migrant Protection Protocols*

On January 21, 2021, DHS suspended the Migrant Protection Protocols (MPP) program, which returned asylum seekers to Mexico pending their immigration court date. On February 19, 2021, CBP began processing into the United States those individuals previously enrolled in MPP who had pending immigration court proceedings. As of May 6, 2021, more than 10,000 of these individuals have been processed into the U.S. as part of the administration's commitment to a safe, orderly, and humane immigration system. This process ideally includes preregistration with CBP facilitated through international and non-governmental organizations, and COVID testing while in Mexico, as well as non-governmental organizations helping individuals in the United States meet their immigration court obligations in the United States.

*User Fees*

About 94 percent of CBP's user fees are paid by international air passengers. In March 2020, international passenger volume saw a 95 percent decline compared to the same period in FY 2019. Traffic has recovered slightly to a 70 percent decline as of March 2021 but is still well below pre-pandemic levels. These user fees provide significant support for POE operations, funding about 40 percent of CBP Office of Field Operations salaries.

The pandemic continues to significantly impact international air travel, causing a decline in fee collections for CBP's largest accounts (customs and immigration inspection fees). The projected revenue for FY 2021 has declined by about $1.3 billion from pre-pandemic estimates. Congress provided emergency funds in the FY 2021 appropriations to mitigate the declines. To continue to meet mission needs during this time of fiscal constraint, CBP has leveraged user fee carryover, additional Congressionally enacted funds, and has reduced costs to the greatest extent possible while still meeting our vital mission.

**The President's FY 2022 Discretionary Request**

The President outlined CBP funding in the *FY 2022 Discretionary Request*, including an estimated $1.2 billion for border infrastructure that would include modernization of land POEs, modern border security technology and assets, and funding to ensure the safe and humane treatment of migrants in CBP custody. These investments will enable us to facilitate more robust

[10] *CBP Announces April 2021 Operational Update,* April 8, 2021, https://www.cbp.gov/newsroom/national-media-release/cbp-announces-april-2021-operational-update (April 29, 2021).

and effective security screening to guard against human smuggling and trafficking, illicit drugs and weapons smuggling, the illegal entry of migrants, and the importation of unlawful goods. These funds will also enable more efficient processing of legal trade, travel, and commerce at U.S. POEs.

The discretionary request does not include funding for the Southwest border wall system. To align with the Administration's border security vision, we have paused construction of the border wall system.[11] While a path forward is determined, as required by the President's Proclamation, the DHS Secretary has authorized two exceptions to protect the life and safety of the local communities, to include repairing of the compromised levees in the Rio Grande Valley and remediation of dangerous soil erosion in San Diego. As prudent stewards of taxpayer money, we intend to ensure that taxpayer-funded investments are made in a smart and cost-effective way, while still meeting border security requirements and complying with appropriations statutes. We understand that the federal government must balance many competing needs. We will work with administration partners to make sure all funding – including non-appropriated funds such as those from the Treasury Forfeiture Fund – is given due consideration for a purpose that aligns with our values and strategic goals. Meanwhile, we will continue to leverage the investments already made along the Southwest border as part of our strategy to secure and protect the border.

Once the President's FY 2022 Budget is released, I will be happy to provide additional information on requested CBP resources.

**Conclusion**

Day after day — pandemic or not — the men and women of CBP persistently safeguard American economic and public health by ensuring travelers and goods move safely and efficiently across U.S. borders, that migrants and visitors are properly documented, and that trade laws, regulations, and related international agreements are enforced. We are absolutely committed to balancing the need to maintain border security, properly care for those in our custody, and keep the American people and our workforce safe.

Thank you for the opportunity to testify today. I look forward to your questions.

[11] President Biden. "Proclamation on the Termination of Emergency with Respect to the Southern Border of the United States and Redirection of Funds Diverted to Border Wall Construction" Jan. 20, 2021, https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/proclamation-termination-of-emergency-with-respect-to-southern-border-of-united-states-and-redirection-of-funds-diverted-to-border-wall-construction/ (April 23, 2021).

Ms. ROYBAL-ALLARD. Mr. Miller, it is my understanding that CBP has recently implemented a form of prosecutorial discretion, to include the issuance of notices to report to ICE, also known as RTI or an I–385, to certain migrant families in the RGV sector of Texas due to severe overcrowding in CBP facilities.

This began at a time when CBP had thousands of unaccompanied children in its custody and was also having to manage the impact of COVID–19. As CBP has worked with HHS to reduce the number of children in CBP custody, the number of such notices issued has gone down significantly.

Notices to report to ICE have unfortunately been referred to as "catch and release," which I have always found to be extremely disrespectful to migrants, most of whom are fleeing desperate conditions. I believe that no one should be using a fishing term to refer to human beings.

Mr. Miller, can you elaborate on the rationale for issuing such notices, including the impact of changes in ICE operations, and describe how you have worked to introduce more efficiency and accountability into the process?

Mr. MILLER. Chairwoman, thank you for the question.

As you indicate, notice to report was initiated in the Rio Grande Valley, and only in the Rio Grande Valley, on March 19, 2021. Let me be clear: This is not a decision we made lightly, but it was necessary, as you pointed out, given the capacity in our facilities and the need to decompress our facilities to keep not only the folks in our custody safe but to keep our agents and officers safe.

The surge of family units began in RGV on January 23 when Tamaulipas stopped taking back Northern Triangle families with tender-age children under the age of 7. The situation on the ground, on March 19, we had encountered 2,439 migrants in between the ports of entry in RGV alone. We had over 2,600 unaccompanied children, of which 1,943 unaccompanied children were held over 72 hours in our soft-sided facility. Pre-COVID, the capacity of our soft-sided facility was 1,000.

What we did before initiating our notice to report was to move 470 agents to the southwest border. We set up virtual processing. We increased overtime for our Border Patrol agents. We moved some of the migrants for processing laterally from RGV to other sectors. The DHS Volunteer Force was activated. HHS and ICE personnel were deployed to our facility in Donna.

The notice-to-report process cuts the paperwork in half, but let me clear up some misconceptions about the notice to report. Agents perform the same national security and border security checks as they would with notice to appear. They will collect biometrics and facial recognition for the I–385 when they complete the I–213. The migrants are also given a G–56, which tells them that they must report to an ICE location within 60 days. This is essentially the same process that we perform during the NTA—same checks collecting the same biographic and biometric information.

Let me correct a common misrepresentation. Currently, DOJ time and date to determine—in the NTA, the time and date is marked as "to be determined." So we are not issuing a court date on an NTA today because of DOJ not having a non-detained docket.

We are filling out five less forms, cutting the time in half. And the reason this continues in RGV, as you mentioned, to a limited extent, is we continue to see about 1,700 migrants a day, with a greater percentage of family units in RGV, 41 percent versus 25 percent nationally, and a greater number of UCs, unaccompanied children, 14 percent versus 8 percent nationally.

What we are doing to fix this: We are working with the DHS CIO, Chief Information Officer, ICE, CIS, EOIR to streamline and automate the A–File process.

Thank you for your question.

Ms. ROYBAL-ALLARD. [Inaudible.]

Mr. MILLER. Chairwoman.

Mr. CUELLAR. We can't hear you, Madam Chair.

Ms. ROYBAL-ALLARD. Oh. So CBP does conduct a security assessment on individuals before they are considered for release with a notice to report to ICE?

Mr. MILLER. They are.

Ms. ROYBAL-ALLARD. They are.

And what responsibilities does a recipient of a notice to report to ICE have? And what are the consequences for failing to appear or report?

Mr. MILLER. Similar to the notice to appear, they are directed to report to an ICE office within 60 days. Within that 60 days, when they report to the ICE office, they will have to complete the NTA paperwork and obtain a court date.

Ms. ROYBAL-ALLARD. Okay.

And are there additional process forms that could address concerns such as ICE not being informed of when migrants with such notices are in certain locations?

Mr. MILLER. So we are fixing those process notifications now through—thank you for your continued assistance for the Unified Immigration Portal. That system brings all the data together for CBP, ICE, HHS. And, under the direction of the CIO from DHS, we continue to expand that program.

Ms. ROYBAL-ALLARD. Okay. Well, thank you, Mr. Miller.

I just would like to point out that the issuance of a notice to report to ICE is not a misuse of prosecutorial discretion, as some have mischaracterized it. It is a tool for managing the immigration adjudication process when overcrowding in CBP holding facilities has become a threat to health and safety and ICE and HHS are unable to quickly assume custody of migrants.

I now turn to our ranking member, Mr. Fleischmann, for his questions.

Mr. FLEISCHMANN. Thank you, Madam Chair.

Mr. Miller, we have been waiting for the administration to release the results of border wall construction contract review. I am very concerned about reports that the administration is seeking to nullify the DHS appropriations that were the result of bipartisan, bicameral negotiations and rescind funds that were lawfully appropriated.

Simply destroying the work that has already been done or that is under contract is foolish and contrary to what previous CBP Commissioners have requested prior to the Trump administration.

I have a few questions, sir. I will start with three and then go from there.

What is the status of the border wall contract review, and when do you anticipate that Congress will be briefed on those results? Can you tell us what criteria is being used to evaluate the existing contracts and pending work? And are frontline officers and agents being consulted, sir?

Mr. MILLER. Sir, thank you for the question.

As you know, we have signed the exemption for RGV, the safety and welfare exemption for RGV, as well as San Diego, for the erosion issue that we had out in San Diego. The border wall plan currently sits with DHS and the administration, and we await the decisions, and we will implement once they are given to us.

Mr. FLEISCHMANN. Okay.

A lot has changed over the past few years. Is there any effort underway to comprehensively evaluate the different layers of security—wall or barrier, technology, and law enforcement personnel—that are needed to maintain operational security effectively and efficiently at the land borders?

Mr. MILLER. Sir, yes, that is something that we are looking at very closely. As my predecessors used to call it, the three-legged stool—the infrastructure, the technology, the personnel—we need all three for border security.

Certainly, the Border Patrol continues to look at their version of a workload staffing model, which we hope to roll out by the end of this year. We are looking at our technology needs and our infrastructure needs as well. So 100 percent, sir.

Mr. FLEISCHMANN. Thank you.

Will this administration submit another Border Security Improvement Plan to the committee for review, sir?

Mr. MILLER. I will have to get back to you on that, sir.

Mr. FLEISCHMANN. Okay. We would appreciate that.

Mr. Miller, I asked these questions to your colleague Mr. Johnson last week, but I would like to get your impression.

Countries are still operating under a title 42 public health declaration because of the COVID pandemic. Under the title 42 authority, ICE and CBP have been repatriating and removing migrants who have crossed the border illegally near-immediately after their apprehension, thus keeping the numbers of migrants who are released into the U.S. after crossing illegally down.

But we get the sense that there are talks of revoking the title 42 declaration, which means the ability to swiftly repatriate and return migrants also goes away.

For planning purposes, how many people are you estimating will flood the border into CBP's stations for processing? And what plans does CBP have to meet the increased numbers? And can you meet these processing demands within your current budget?

Mr. MILLER. Sir, thank you for the question.

We continue—obviously, we are still under a global pandemic, and the CDC order will be lifted when the health professionals decide that it needs to be. But, as we look at the eventual and, we hope, soon lifting of Title 42—for the sake of our economy and the world—we continue to assess our operations.

Number one, the soft-sided facilities. We have stood up four soft-sided facilities. We are in the process of standing up a fifth soft-sided facility.

We have moved additional resources downrange, Border Patrol agents.

We have stood up what is called our Movement Coordination Cell, which has helped us move out—in coordination with HHS and ICE, which has helped us move children into the appropriate settings. We are also going to create a Movement Coordination Cell for single adults and family units that will be housed right here at the Ronald Reagan Building.

We continue to look at all of our processes and procedures to automate them, like the automated A–File, working with the DHS CIO.

And we continue to look at our projections going forward, but, right now, the majority of the encounters we see with migrants continue to be single adults, about 65 percent. And we believe we have the appropriate laws and policies in place to remove the single adults.

Mr. FLEISCHMANN. Mr. Miller, thank you for your responses, sir.

Madam Chair, my time has expired, and I will yield back. Thank you.

Ms. ROYBAL-ALLARD. Mr. Cuellar.

Mr. CUELLAR. Thank you, Madam Chair.

And, Mr. Miller, thank you for being here with you. And I appreciate all the good folks that work for you up and down the border, northern border, coastal, and every part of the U.S.

I want to talk about nonessential travel. As you know, it is something that I have been trying to do, been trying to open up since last year. Under the former Commissioner, Mark Morgan, we almost had something worked out where we could have a phase-in, depending on the health of the communities. And CBP and the local communities would decide how to open the borders in a safe way.

We are in a much better situation than we were last year, as you know. Vaccinations and cases in, you know, my hometown of Laredo and the Valley are extremely low and all that.

You know, my problem are contradictions that we have. And I am not blaming you. But, you know, we let undocumented aliens into the U.S. and there is no health issue. We talk about bringing in legal Mexican visa holders that, before the pandemic, were spending over $19 billion for our restaurants, hotels, small businesses, not only the border, but, I mean, California, Texas, you know, Colorado, and all over that, but there is a health issue on that. They say it is a health issue, according to the Secretary.

When you let a rich Mexican fly in, they can fly in, and it is not a health issue. You let a poor Mexican that wants to come over and spend $15, $20 or see a family member on the U.S. side, it is a health issue. So there are a lot of contradictions.

In my area along the border, there are some businesses that depend on 40, 50, maybe even more, percent on Mexican shoppers. When I talked to the Secretary, he said it is a health issue, as I just mentioned, which I respectfully disagree with him, the way he put it, especially on the contradictions I just mentioned to you.

So I talked to CDC. CDC basically—well, the Secretary said, "Talk to CDC. It is a health issue." I talked to CDC. They pushed it back to Homeland, and they said it is a Homeland Security issue.

I have had very good talks with your Health Under secretary, and he does a great job. And I am just trying to figure out, you know, when are we going to open this up? I mean, if there are so many contradictions—and I have businesses that have closed down not only because of the pandemic, but, on top of that, you lose 40, 50, 60 percent of your business. What do we need to do to get this open, in spite of all those contradictions I just laid out to you?

And, you know, my businesses are so frustrated. My communities are so frustrated. I mean, I assume we are going to open up one of these days, but I am just trying to see if we can expedite this in a safe way. And I, you know, want to follow up with you after this call, if you don't mind—after this hearing, should I say.

Mr. MILLER. Congressman, thank you so much. And, first of all, thank you for recognizing the heroic work that the men and women of CBP continue to do under unprecedented times, under the most difficult situations.

First and foremost, as you know from the background of my career, I grew up in small communities on the northern border, and I understand the economic impact that this is having on the small communities and the communities on the southwest border.

So, really, I am committed to working with you over the next 30 days or so to see what we can do in a more regional approach. And I look forward to working with you into the future so we can do that as well. And we will continue to consult with DHS, like you said, CWMD and CDC and CBP, to ensure that we have a clear path forward.

And I thank you for the question.

Mr. CUELLAR. All right. And I would like to follow up on that, because I keep getting different signals on that.

Just real quickly, I would ask you—because I am going to ask for another round of questioning if we have time—but I would ask you to look at the technology and some of the requests for proposals are set out to be 14 years of performance, and I am a little worried about that.

We can follow up. I know my time is up. I have about 20 seconds left. But I am just concerned that, if we go with some of the RFPs, we are going to see the same thing we saw with Boeing in 2008, and we are still in the same place with technology.

So, anyway, I would like the follow up on that issue, on some of the RFPs that you put out for towers and instruments and communications along the border.

My time is up, but I would like to follow up on that, Mr. Miller, and thank you for your time.

Ms. ROYBAL-ALLARD. Mr. Palazzo.

Mr. PALAZZO. Thank you, Madam Chair, Ranking Member Fleischmann.

Commissioner Miller, thank you for being here today. I appreciate everything you are doing. As you mentioned, you know, you all are operating under some unprecedented times and hardships. Big thanks goes out to all the CBP agents and their families underneath you that show up every day with their number-one goal of

keeping Americans safe. And that should be the number-one goal of this committee. That should be the number-one goal of all Members in Congress. So I thank you for what you do.

You know, I had an opportunity to go to the border in 2019 as a part of the conferee on the Appropriations Committee. And, you know, we had a great host, Henry Cuellar. We went to Laredo. And Ranking Member Fleischmann was with us, and Chairman Granger at the time. And, you know, while we were at a point of entry, they seized 7 to 8 kilos of cocaine.

And I know some of my colleagues are focused on, you know, this humanitarian crisis at the border, and, you know, we are focused on it as well. But I am wondering about the crisis and the dangers of, as our CBP agents and others are misdirected, taken off their core missions, to focus on, you know, other jobs, other things to help address the humanitarian crisis, we have huge gaping holes on our southern border, where we don't know what is coming over. We don't know the true amount of drugs.

I mean, obviously from what you seized in 2020, the COVID epidemic obviously did not keep the cartels from working overtime—44,000 pounds of cocaine, 5,700 pounds of heroin, 177,000 pounds of methamphetamine, and 4,700 pounds of fentanyl. Now, if I am correct in the back-of-my-napkin figures, 4,700 pounds is enough to kill every American two times over. And that is what you seized. And so what scares me is what we haven't seized.

And so can you kind of address, you know, the type of people that you are apprehending, whether they are on the terrorist watchlist, whether they are sex offenders, murderers—and, again, those are the ones that we are catching, not the got-aways—and, also, your concerns with the hard narcotics that are coming across?

And what technologies can we give you? I mean, obviously, Congress isn't committed to giving you all the barrier that you need. And we know it is effective. I mean, just look; we wrapped our Capitol around it with two rows of barrier.

And, you know, so, between the boots, the barrier, and technology, what can be most effective to execute your job in keeping Americans safe?

Mr. MILLER. Sir, thank you. And thank you for acknowledging, as well, the incredible work the men and women are doing, because, ultimately, that is what they are hired to do, that is what they want to do, and that is what they are doing—border security, national security, keeping the American people safe.

So just a little bit on the numbers, as we sit here today. Our fentanyl seizures are up 308 percent in fiscal year 2021; heroin, 14 percent; cocaine, 100 percent; and methamphetamines, up 20 percent. So the men and women continue to do a phenomenal job of keeping these dangerous narcotics off the streets.

So a couple things on the technology. We have a pretty good plan going into 2024 to increase the vehicles being screened on the southwest border from less than 1 percent to around 40 percent in fiscal year 2024. Thank you to Congress for those funds.

We also have a plan to increase our screening technology for the commercial traffic on the southwest border up to 90 percent by fiscal year 2024. And we are in the process of procuring that equipment as well.

If you look at the fentanyl pandemic and where it started, it started at the mail facilities. And thanks to this committee, we received funds and have deployed some additional technology at our mail facilities in JFK, where my daytime job is, where I left on January 20. And that technology and the re-imaging of the mail facilities and the ECCs is going to be hugely beneficial.

On the Border Patrol side, we continue to look at technology such as AST, which have artificial intelligence embedded within it. And, that should help to ensure that we are directing agents to the places they need to be to encounter the subjects we need to encounter.

Mr. PALAZZO. All right. Well, thank you, Commissioner Miller.

I see my time has expired, and I look forward to having a second round of questions. Madam Chair, I yield back.

Mr. MILLER. Thank you, sir.

Ms. ROYBAL-ALLARD. Mr. Price.

Mr. PRICE. Thank you, Madam Chair.

And welcome, Commissioner. We appreciate your testimony and your service and that of your colleagues as well.

I have some questions about the attempts to alter the so-called "Remain in Mexico" policy, which I am sure other members will also be addressing.

I want to start, though, with an aspect, a wrinkle in that policy that I encountered at the border. Like lots of Members, I have visited the border and have a lasting impression from those visits. And this one has to do with Matamoros and the practice of so-called metering.

As you know, under the Trump administration, the CBP engaged in the practice of metering or regulating asylum-seekers at our Nation's ports of entry, severely limiting the number of people who were able to even seek asylum.

I remember going in the summer of 2019 to Matamoros. There were migrant, mainly, it appeared, families waiting outside the bridge, not even able to go on the bridge, in 102-degree heat, very insecure conditions, very deprived conditions. Some had waited months, 3 or 4 months, for their names to be called from a, kind of, vague, indeterminate list for the few slots that were available to even make application for asylum.

And, of course, they knew that if their name did come up and they could make application, then they would need to spend time in overcrowded CBP holding facilities or, indeed, be sent back in to Mexico.

Now, there was no CBP waiting list or official process that allowed migrants to wait in line. It was run by someone different at every Mexican border town. No transparency in how names appeared on the list, in what order. No transparency in terms of how the names came up, whether there might be people jumping the line. The list was taped to the window of a building in Matamoros and had 2,000 names on it. And the migrants told me that, at the time, no name had been called for some time—not one name.

Now, this process created a huge backlog of asylum-seekers, who were denied even the chance to make application at our port. They, of course, sometimes concluded they had no choice but to attempt to cross the borders between our ports.

So what can you tell me about that metering policy and whether you have officially ended the practice, or what is going on with this particular class of asylum-seekers? Given the history of metering and other troubling Trump policies, what have you done in this administration to improve the process for handling these applicants, this large backlog of applicants?

Mr. MILLER. Sir, thank you for your question.

As you know, as our Nation's ports of entry, in particular on the southwest border, we have a difficult task of juggling legitimate trade and travel while doing things like intercepting fentanyl that is coming into our communities, whether it is a hard narcotic or bad people, bad things. And, really, that is our major job, facilitating legitimate trade and travel.

And, on top of that, when you layer in the situation we are currently seeing with the global pandemic, our facilities, as you know, were not built to hold migrants or anybody for long amounts of time.

So I think, to answer your question, we have started, through the MPP process, or wind-down, and bringing those folks back into the country for their hearings, we have started a process where we are getting advance information in scheduling and doing the vetting in advance and scheduling times for them to arrive at our ports of entry and, thus, enabling us to process them in a very timely manner.

So I think, as we move forward, when we talk about technology and innovation and some of those things, I think those are the processes that we need to look at so we are getting advance information and we are able to do the vetting in advance and we are able to ensure that we are processing appropriately when they arrive at our Nation's ports of entry so, at the same time, we can do our job of facilitating legitimate trade and travel.

Mr. PRICE. So are these encampments still there? Or how has the situation changed for the asylum-seeker who previously was waiting in this, kind of, indeterminate situation?

Mr. MILLER. So for the folks that are remaining in Mexico, we are scheduling appointments. Matamoros, we have wound down that camp through the MPP process. But we still do, in places like San Ysidro, have large groups of folks south of our border.

Mr. PRICE. But they do know when they can have an appointment? Or is that not right? Are they still waiting for days and waiting for some kind of list to be cleared? That is my question.

Mr. MILLER. I will have to get back to you on that question, but not at this time.

Mr. PRICE. All right.

Thank you, Madam Chair.

Ms. ROYBAL-ALLARD. Mrs. Hinson.

Mrs. HINSON. Thank you, Madam Chair.

And good morning, everyone.

I want to go back to kind of a line of questioning that we first started learning about at our hearing last week. We exposed some concerning issues on the communication challenges between CBP and ICE.

So, Acting Commissioner Miller, I am going to focus on that today. I appreciate your service to our country. I think it is impera-

tive that we acknowledge our gratitude for the men and women who are keeping our borders safe. And, again, I want to make sure we are prioritizing their morale. We are hearing about a lot of very challenging situations at the border they are obviously on the front lines of.

Back in April, I had the chance to visit the southern border, myself, and see the current crisis. And your agents welcomed me there; they welcomed our delegation. We heard about all the time and energy they are devoting to their jobs to keep the country safe. And I am grateful to them. They are putting their lives in harm's way. Obviously, they catch those not only crossing into our country illegally, but they are also policing the human smugglers, the drug traffickers, the cartels. I think it has to be frustrating for them to then see those people sometimes released into the interior soon after.

Several reports have come to my attention regarding notices to appear. Obviously, those are the official notices issued to illegal immigrants telling them that they are expected to report to a court proceeding or an immigration office. And I would like to follow up a little bit on the chairwoman's line of questioning. I appreciated her remarks about some of the discrepancies with the notices to appear.

So my first question today is: Is the CBP currently providing one of these notices to appear to all individuals, families, unaccompanied minors who are released from CBP into the interior? And, if not, can you give me a specific ratio?

Mr. MILLER. So we are, yes, issuing—depending on the processing pathway. Obviously, unaccompanied children are processed a different way under title 8 and turned over to HHS. And single adults, if they are returned, again, will be processed under Title 8.

If we are talking about the family units, whether it is a notice to appear or notice to report, yes, we are issuing one or the other for all family units.

Mrs. HINSON. Is there specific written guidance for how you issue those NTAs, who gets one, who does not?

Mr. MILLER. There is.

Mrs. HINSON. Okay.

Mr. MILLER. We have policies and procedures across the southwest border—across the CBP.

Mrs. HINSON. If you could make sure our office gets those, that would be much appreciated.

And then is it possible at this point for CBP and ICE, or either agency independently, to track an individual who does not receive an NTA?

Mr. MILLER. I don't understand the question. We are giving them an NTA or an NTR. The folks that would not get one were not processed and we would not have encountered.

Mrs. HINSON. So, if they are released without an NTA, there is no way to track them. Once you give them an NTA, is there a way to track them through either CBP when you release them or ICE at this point? Do you know?

Mr. MILLER. So we don't release them without an NTA or an NTR. However, if we do release them with an NTA or NTR, we do collect the 213 information, we do collect the I–385 information,

and we do collect the destination information if they give it to us. And, yes, we can pull that out, as well as——

Mrs. HINSON. So you can collect the information, but can you actually track them? Can you find out if—you know, what is the process for actually ensuring that, after they get that NTA or NTR, they actually get to the place they said they were going to be? Do you have the ability to do that?

Mr. MILLER. We can pull the information from the forms or the information that we have in our systems, and we can tell if they have reported within the 60 days as they are supposed to.

Mrs. HINSON. Okay.

So the biggest concern I have is the breakdown in communication between CBP and ICE. Because, as we learned last week—and they did tell us that there is no way to track them once the NTA or NTR is given and they are out of our your custody until they either check in or, as we know, many times don't.

So I would like to know what efforts you are taking as an organization to coordinate with ICE on tracking those people, making sure that your processes are more coordinated. Because, right now, frankly, it seems like one arm doesn't know what the other arm is doing.

Mr. MILLER. Thank you for that question. And I will say that our relationship with ICE today is 100 percent better, and it continues to get better. We talk every single day. We stood up a Movement Coordination Cell right here in the Ronald Reagan Building where I sit. ICE is present in the Movement Coordination Cell. And as we continue to look at single adults and family units, they are going to put additional people in that Movement Coordination Cell, which will allow us to ensure that we are seeing the same thing at the same time.

Mrs. HINSON. Okay.

Well, I look forward to a second round of questioning. Madam Chair, thank you very much, and I yield back.

Ms. ROYBAL-ALLARD. Ms. Underwood.

Ms. UNDERWOOD. Thank you, Madam Chair, for holding today's hearing.

Mr. Miller, we know that vaccination remains a critical part of ending the COVID–19 pandemic and saving lives, so I am interested to hear about the vaccine rollout for both your workforce and the people in your custody.

Let's start with your workforce. Mr. Miller, what percentage of CBP employees are fully vaccinated as of today or your most recent available data?

Mr. MILLER. So, Chairwoman—or excuse me, ma'am, thank you for your question.

Ms. UNDERWOOD. Sure.

Mr. MILLER. I do not know the percentage of individuals in our workforce that have the vaccination. Obviously, there are privacy laws, and they can get the vaccination on their own or they can get the vaccination through the VA.

I can tell you, though, we had a slow rollout of the vaccination to the workforce, but under the guidance of our Chief Medical Officer and the Department, we have made significant progress. And,

obviously, now the vaccines are available to all of those who want it.

Ms. UNDERWOOD. Well, I did read in your testimony that 33 percent of your eligible workforce were vaccinated at VA sites and the rest do have access to community sites. Do you know how many have actually taken advantage of that access and been vaccinated with your VA partnership?

Mr. MILLER. So those numbers are correct with the VA partnership. I do not know outside the VA partnership.

Ms. UNDERWOOD. Okay.

So I understand that CBP previously faced some vaccine supply challenges that slowed down workforce vaccination efforts. Now that vaccine production has caught up with demand, are you finding it easier to get more shots in arms? Or have vaccine confidence, you know, issues created challenges on the demand side?

Mr. MILLER. So, certainly, on the demand side, I think everybody that wants a vaccine can get the vaccine. And we are continuing to message to the workforce the benefits of the vaccine and, encouraging them to get the vaccine, while not mandating it.

Ms. UNDERWOOD. Yeah, this is a top concern for me, and it needs to be a proactive priority for the Department as well. Vaccine hesitancy in America is at an all-time high, and the stakes are literally life or death.

I was devastated when I heard about Freddie Vasquez, the Border Patrol agent and father of four who lost his life to COVID earlier this month. His wife, a nurse, reports that he took every precaution to protect his family over the past year, but ultimately he had delayed getting vaccinated.

What steps are you taking to proactively combat vaccine hesitancy and disinformation and to make sure your employees have accurate information about the safety, efficacy, and critical importance of the COVID–19 vaccine?

Mr. MILLER. So I myself, all the leadership in CBP, we continue to message it, we continue to muster it. We continue to message it at the local levels, the national levels, the sector levels, the station levels, the port levels. But, ultimately, it is a personal choice.

So we are going to continue to message it in any way we can, and I am willing to work with you if you think you have some good ideas for us to how to continue to message the benefits of the vaccination for the workforce, because I, too, believe it is vitally important. And, frankly, stories like that break my heart.

Ms. UNDERWOOD. Great. Thank you, sir.

Vaccinating CBP employees is essential to not only protecting their own health but also ensuring that they don't expose migrants to the virus or bring it home from their workplace to their families and communities.

Now that we have enough vaccines to go around, there is no excuse for vaccination rates across the country to be so low as they are, and especially for our own Federal workforce. I know, as you have said, you don't want to lose more agents like Freddie Vasquez any more than I do, so I do look forward to partnering with you and keeping informed about your plans to proactively address this crisis.

Thank you.

Mr. MILLER. Thank you.

Ms. UNDERWOOD. Next, can you tell me about your plans for vaccinating migrants in CBP custody? I understand that DHS is reevaluating its vaccination strategy and that ICE will soon get a direct allocation. What changes can we expect to see at CBP?

Mr. MILLER. So, ma'am, I can tell you, as you pointed out, our first goal really was getting our own folks vaccinated, and it continues to be our number-one priority.

Then our second goal was really to fix the overcrowding in our facilities, working with HHS, ICE, FEMA, and the like to ensure that we are getting children the proper care that they needed. And, right now, as we sit, the children's time in custody is about 20 hours, 21 hours, but it is under a day.

And I have, as you know, continual conversations with the Chief Medical Officer at the Department. He has indicated that he is working with ICE, but we have not had those conversations with CBP as of yet.

Ms. UNDERWOOD. Okay. Well, as you know, vaccinating migrants not only keeps them safe, but it also protects the communities that they may travel to after they leave your custody. The question that we face must be how, not if, we get vaccines to migrants. And so I really ask that you begin to make those plans and keep our committee updated on any resource needs that you have as you, you know, do the vaccine rollout.

Now, Mr. Miller, as you know, the chairwoman and I pushed to include funding in the fiscal 2020 appropriations for an interoperable electronic health record system, or EHR, for Customs and Border Protection. And, as a nurse, I have seen firsthand how important good record-keeping is to good patient care.

Obviously, continuity of care can be an even greater challenge for migrants who may be transferred from one Federal agency to another. And I witnessed this myself when I visited the border in 2019 and saw records being kept on paper, if they were kept at all.

Which is why I am so glad that the funds we provided are already being put to use. I understand that you have nearly completed phase one of the EHR rollout. And so, very quickly, before my time is expired, we know phase one has begun along the southwest border. Have your officers begun using the new system to ensure that migrants are getting appropriate care, and has the rollout gone smoothly?

Mr. MILLER. Yes, we have. And, as you stated, this summer, we will complete rollout of phase one across the southwest border; and, quickly, phase two will be connecting to our other system, both the OFO and the Border Patrol; and, thirdly, we will start working with the other government agencies.

Ms. UNDERWOOD. Excellent.

My time has expired. Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Madam Chair.

Commissioner Miller, thank you very much for your service. And please pass on to your men and women our condolences for those 34 officers who lost their lives this last year. I want to join with the chairwoman in offering those condolences, and also Freddie

Vasquez's family, as well, who is sadly having a funeral today. We greatly, greatly appreciate and honor their service to this country.

But, as you know, we do have a lot of crises that we are facing in this country right now, not just on the southern border. I mean, we are looking at an economic crisis. You know, lumber is skyrocketing, prices. Food costs are going up. We have an energy crisis. We have gas lines I haven't seen since the 1970s. And we have a national security issue with, you know, Israel and Hamas. And, you know, they have been emboldened, I think, by the perceived weakness of this administration.

And now, you know, they finally admit that we have a crisis at the border that, quite frankly, Mr. Miller—or to Mr. Miller, you are going to have to deal with. And so I want to make sure that this committee is doing all we can to help you be successful. And I think some of what we need to do is talk plainly about some of these programs.

The notice to appear is not a notice to appear; it is a notice to disappear—to disappear into the interior of this country. And I will let you share the numbers that actually show up when they are supposed to. And that is in addition to all of the other alternatives to detention that are utilized.

So if you could talk a little bit about the NTA.

And I would like an answer to this as well, Commissioner, because I am very concerned, and I think it is important that this committee know, the 287(g) program—and I am not talking about the program on the street, the task force effort. I am talking about the JEM, the jail piece of 287(g), where we take criminals who have already been arrested and help ICE get them out of the country.

And I am hearing that the 287(g) program may be eliminated by the Biden-Harris administration. I hope that is not true, because I can tell you, having been a sheriff and run a 287(g) program, my community was much safer because I was able to get all of those criminal aliens out of the country.

And so if you could talk a little bit about that as well, I would be curious to know where you see us going on 287(g) and the notice to disappear into the interior of the country program.

Mr. MILLER. Well, sir, thank you for your question. And really, I would defer both of those questions to ICE.

Mr. RUTHERFORD. Have you heard that discussion about doing away with 287(g)?

Mr. MILLER. I have not.

Mr. RUTHERFORD. Okay. Well, let me ask you this because this is an area I know that we can help you. As the points of entry—and you talked about the increase of folks coming between those points of entry crossing the borders, tunnels are a major, major factor. And sometimes I don't think we give them enough emphasis.

And I really—and not faulting you, but I really do believe that the tunneling program has been insufficient at best. And what can we do to help you get a better-tunneling detection program started?

Mr. MILLER. Well, sir, thank you for that question. I think we have made progress in the Tunnel Detection Program. In the last couple of years we stood up regional teams in San Diego, Cali-

fornia; Nogales, Arizona; El Paso, Texas; and McAllen, along with the tunnel task force that HSI runs.

We have made additional—thanks to this committee's help—we have made additional investments in persistent and mobile detection technologies. I just received a brief yesterday about the interagency collaboration that is going on—and I see that the time has expired—that is going on to address this problem area.

And we will continue to work with you and your staff to ensure that we are getting the right technology to improve the program.

Mr. RUTHERFORD. Okay. And we may be able to talk about that a little more on a follow-up second round.

Madam Chair, I see my time has expired. I yield back.

Ms. ROYBAL-ALLARD. Mr. Quigley.

Mr. QUIGLEY. Thank you, Madam Chairman. Welcome, sir. Good to talk to you the other day. As I mentioned, and I would like to go in a little more detail. On August 28, 2020, 20 dogs enters the U.S. on a flight from Jordan to Chicago's O'Hare International Airport. Due to improper vaccination certificates, 18 of these dogs were denied entry and were held by Alliance Ground International LLC, a customs and border patrol bonded warehouse where they awaited CDC and APHIS-approved review.

These animals were later found in small cages covered in feces and urine and had been without food or water for several days. Several of the dogs died. A clear and brazen violation of the Animal Welfare Act.

During the pandemic, live animal imports as pets increased significantly. And there is concern this incident will repeat itself if CBD lacks adequate facilities and procedures to care for live animals at all the ports of entry.

At this time, there is only one such facility known as ARK that is equipped to safely handle live animals during potential required quarantine. It is located in New York City, which obviously doesn't help everywhere else in the country.

Why is there only one CBP-bonded warehouse facility in the U.S. that is well-equipped to care for live animals that are held for legally required quarantines? And can you commit to adding more facilities that will meet the standard for care for live animals at ports of entry? What resources do you need to do this?

Mr. MILLER. Sir, thank you for the question. And, number one, we did work with our interagency partners in Chicago to address that issue, sent out what is called a trade pipeline to ensure something like that doesn't happen again.

I really—there are multiple agencies involved whether it is the Center for Disease Control or was it USD–APHIS. As you mentioned, we do have a bonded warehouse in New York to cover such issues so I am committed to working with you and the interagency to figure out what we can do to continue to look at this issue and ensure that we have the proper care and even facilities at our other locations.

Mr. QUIGLEY. It is not that there aren't private sector facilities that can't do this. We need to locate them, certify them, and pay them for their services. You know, can we commit to doing this, especially at the major ports of entry in the United States to start?

Mr. MILLER. Again, I have to talk to APHIS and CDC. And, we will look at that and certainly get back to you.

Mr. QUIGLEY. All right. And there are currently no CBP practices in place to require everybody in the warehouse to maintain the standard of care for live animals that exceeds the basic requirements of the Animal Welfare Act. And as we saw in this incident in Chicago, it was a major fail. Will you commit to updating the practices to ensure the safety and welfare of live animals in custody and the bonded warehouses that contract with you?

Mr. MILLER. Yeah. Again, yes, we will work on that with our partners.

Mr. QUIGLEY. All right. We appreciate that. Rather than go into a series that will take much longer, Madam Chairwoman, I will yield back at this time. Thank you.

Ms. ROYBAL-ALLARD. Mr. Aguilar.

Mr. AGUILAR. Thank you, Madam Chair. I appreciate it. Sorry for my tardiness. Multiple committee hearings, as all of you know. Thank you so much. And I wanted to ask a little bit, acting commissioner, about your conversation you had with the ranking member.

Looking forward to a world after Title 42, you mentioned coordination with ORR with respect to unaccompanied children. Does the CBP plan to coordinate with local NGOs and organization that support asylum seekers as part of the post-Title 42 strategy as well?

Mr. MILLER. Yes, sir, we do, and we are coordinating. We actually have NGO coordinators across the Southwest border both in the Border Patrol and the Office of Field Operations who are having almost daily conversations with the NGOs. I myself have met with a good portion of the NGOs across the Southwest border.

Mr. AGUILAR. How many of those coordinators do you have? And with respect to their conversations, are you talking—is there a conversation about post-Title 42 in that, or is it just we are all going to work together and keep the lines of communication open? I am asking specifically about post-Title 42.

Mr. MILLER. So there is a coordinator at each sector and at each field office. And we are talking, specifically, about the coordination that is going on between the NGOs and CBP, which is happening today. Are we talking, specifically, about the post-Title 42 environment? I would have to get back to you on that.

Mr. AGUILAR. I would appreciate if you would. I also wanted to continue on the line of questioning that Representative Underwood asked about vaccinations and spend a little time focusing on how CBP's posture may change as they interact with more vaccinated individuals.

Does CBP have a process to interact with individuals who state that they have received the vaccine when they present themselves at the border? And does CBP have a plan to validate if an individual has received a vaccine?

Mr. MILLER. So as of now, we do have what is called our Job Hazard Analysis. That is something that we send out to our ports and our Border Patrol stations that dictate how we interact with the traveling public and the migrants and those folks we interact with on a daily basis.

We continually update the Job Hazard Analysis based on the conditions that we face. As of as of now, we are treating everybody we encounter as if they may have COVID. But as things change, we will continue to update that guidance.

Mr. AGUILAR. What type of strategies are your medical professionals talking about with respect to vaccinated individuals; an individual who presents themselves and states that they have been vaccinated? What guidance have they been giving you with respect to that? I understand that there is manuals, and I understand that things, policies get updated. I am asking specifically about this issue.

Mr. MILLER. Well, specifically, today, we are treating everybody as if they would still have COVID. We are still wearing our PPE. That is the most recent Job Hazard Analysis we put out there.

CDC are the folks that dictate the vaccinated folks' vaccination or testing regimen and how they are entering the country. That is how we are treating them today as if they had COVID.

Mr. AGUILAR. As you think through what that planning might look like, what resources or supplies would you need in order to ensure the safety of CBP personnel, migrants, asylum seekers, and the American public should the border reopen?

Mr. MILLER. So, sir, we continue to ensure that we have the appropriate stockpile of PPE, to ensure that we have the appropriate supplies for the migrants, for our officers and our agents. We continue to update the guidance. As the pandemic changes, you know, I think we have come an awful long ways during the pandemic in learning what and how we can do it, what supplies we need, ensuring that we have the appropriate stockpile. I would give the agency credit. We are one of the few agencies that had the appropriate stockpile going into the pandemic to deal with what we are dealing with today.

Mr. AGUILAR. And I want to give the agency credit for doing that. I just think that there is more that we can do when it comes to providing that discussion and the policies and looking past the next curve. I think we need to do a little bit more of a deep dive and look forward to the continued conversations. I yield back, Madam Chair.

Mr. MILLER. Thank you, sir.

Ms. ROYBAL-ALLARD. I believe that concludes the first round. So we are going to go into a second round of questioning.

Mr. Miller, last week, you released data showing more than 178,000 total encounters at the border in April. Can you talk more about the demographics that make up that number, the transport scene with regards to migrants coming from countries other than Mexico or the Northern Triangle countries, and talk about some of the push and pull factors for migrants in different demographics and for different originating countries.

Mr. MILLER. Thank you, ma'am, for that question.

So, really, right now, across the Southwest border, we are seeing about 65 percent, 65 percent single adults, somewhere in the neighborhood of 10 percent of unaccompanied children, and about 25 percent family units across the Southwest border. As I indicated in our first question, the family unit percentage is a little bit higher in the Rio Grande Valley.

When we look at the demographics, we continue to see Mexico and the Northern Triangle be in the highest floor. Ecuador, Cuba, Brazil, Venezuela, Haiti; Nicaragua round out to top 10 of the folks we are seeing. What we have seen on the Western flank is we have seen an increase of the Brazilians, which provide a unique challenge because of the Portuguese language, ensuring that we have the folks to communicate with them the right way. We continue to see a high amount of Cubans, I think, I mentioned, and Venezuelans as well.

Ms. ROYBAL-ALLARD. And some of the push and pull factors that you are seeing for these different demographics?

Mr. MILLER. So I think the push and pull factors are pretty much the same because the demographics—as you have seen the increase focus on Brazil a little bit. Brazil has had a real tough time with the pandemic. The economic insecurity, the Northern Triangle, as you know, we have had, we have had droughts, we have had hurricanes, unemployment, the crime, the corruption. So, I think some of the factors that we have seen over time remain the same.

Ms. ROYBAL-ALLARD. Okay. And I want to ask a question, this has to do with encounters in March which totaled over 173,000, of which around 60,000 or 35 percent were so-called recidivists, meaning individuals who attempted to reenter the country after having been previously removed. Do you think that a relatively high recidivism rate is linked to the current reliance on Title 42's expulsion authority?

Mr. MILLER. I do. I think that Title 42 lends itself to a higher recidivism rate. However, that being said, we are able to process these folks and send them back relatively quickly, keeping them out of our facilities and keeping the facilities decompressed.

Ms. ROYBAL-ALLARD. Okay. I recently traveled with the Secretary to visit the temporary CBP facility in Donna, Texas. And while I noted a much-improved environment as compared to the surge in 2019, more procedures are still needed for how CBP cares for those in this custody, particularly, care for children and families.

I understand that you are working closely with the DHS chief medical officer to address short- medium- and long-term issues to improve the care of children. What recommendations is the CMO making at this time?

Mr. MILLER. Thank you, ma'am. Just as a little background for everybody here, in 2016, we had no medical staff at our facilities. At the beginning of the current situation, we had around 700 medical staff. Now, today, as we sit here, we have 850 across the Southwest border. We have hired additional caregivers. That is one of the short-term recommendations that the CMO made that we are acting on, additional caregivers.

We have four behavioral health advisors that can be contacted by the caregivers on the ground. Some of the other recommendations that have been made of ensuring that the children are orientated, more orientation videos ensuring that they have frequent contact or ability to contact the relatives via phone.

So we are implementing those. Keeping the kids active. Things like coloring books, getting outside, ensuring that we are getting them outside two or three times a day.

Ms. ROYBAL-ALLARD. Mr. Miller, I am running short of time, but I did have a follow-up that I think is important and that is what the status is of establishing a child welfare professional program, and, you know, and increasing the number of nonmedical child caregivers, because that has been a top priority of mine and of this subcommittee. Can you give us a status report on that?

Mr. MILLER. Ma'am, we are in the process of hiring additional caregivers. We have 260 in the pipeline that are hired now, and we are getting those full-time jobs across the Southwest border.

Ms. ROYBAL-ALLARD. And what is the status of their training of CBP personnel who come into contact with migrants who have you know trauma, what is their ongoing CBP officers with regard to working with these children that have trauma?

Mr. MILLER. So thank you for that question. And we are working with the CMO, and we will be training our Border Patrol agents along with the caregivers in trauma-informed training care.

Ms. ROYBAL-ALLARD. Thank you.

Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, Madam Chair. Mr. Miller, continuing with my line of questioning about Title 42 servers, do you think people are waiting in Mexico in anticipation of the Title 42 declaration being lifted soon?

Mr. MILLER. I don't know that they are waiting in Mexico for the Title 42 to be lifted. I do know that we are preparing in the Customs and Border Protection for the eventuality of Title 42 to be lifted. And we discussed many of those things that we are doing to prepare for it.

Mr. FLEISCHMANN. I see in your written testimony, sir, that about 62 percent of total encounters resulted in a Title 42 expulsion for the month of April. For the 38 percent of persons encountered—for the other 38 percent of the persons encountered, what was the ultimate result of their encounters with CBP, and what was it about this population that made them not eligible for Title 42 expulsion, sir?

Mr. MILLER. So Title 42 is mainly, the easiest way to say it is for Spanish-speaking nations. So some of the folks you are talking about would have been from other locations. Many of them would have been those family units with tender-aged children that we talked about. So those would be the two biggest groups.

Mr. FLEISCHMANN. Thank you. Should or when Title 42 gets lifted, what percentage of that 62 percent will still be able to be quickly repatriated?

Mr. MILLER. So I think as we discussed before a large percentage who we are seeing right now, about 65 percent of the folks we are seeing are single adults. And we will continue to work with ICE on Title 8 processing of those individuals.

Mr. FLEISCHMANN. Thank you for that. Following up on that, are you getting the support you need from ICE and HHS to quickly remove migrants from the Border Patrol stations and land ports of entry, sir?

Mr. MILLER. So we have made significant progress with unaccompanied children, as we have mentioned, through the Movement Coordination Cell that set up here at the Ronald Reagan Building at CBP headquarters. We are literally sitting side by side, looking

at the information every single day to make sure we are moving the children out within that mandated 72 hours and really trying to do it within a day.

We are taking the same approach with the single adults and the family units. And we are going to stand up a cell, an interagency cell with ICE and CBP to continue to look at the surges across the Southwest border, sector by sector, field office by field office, so we can respond timely to those situations.

Mr. FLEISCHMANN. Yes, sir. And, finally, will COVID still be an operational challenge at the border even when public health declaration is lifted? If so, how will you need to adapt to keep your people safe?

Mr. MILLER. Well, thank you for that question, sir, because, the health and welfare of the workforce continues to be the number one priority here.

So we are going to need to work very closely with the healthcare professionals with CDC, with everybody to ensure to the previous line of questioning from Congressman Aguilar on exactly what we are going to do to plan out for the eventuality of the Title 42 and Title 19 go away.

So those are ongoing discussions with the medical professionals. The professionals will be happy to update you as they come to conclusion.

Mr. FLEISCHMANN. Mr. Miller, thank you for answering my questions and for your service in stepping up at this time.

Madam Chair, I have some more time left, but in light of the fact that some of the members want to ask additional questions, I am going to yield back at this time.

So thank you so much, and I appreciate your testimony.

Mr. MILLER. Thank you, sir.

Ms. ROYBAL-ALLARD. Mr. Cuellar.

Mr. CUELLAR. Thank you, Madam Chair. Mr. Miller, again, we have already reached out to your office to sit down with you and CDC and your health, DHS health officer to talk about the border restrictions.

As I mentioned, just to add one last point, I go home every day—I mean, every week, so I live at the border. I don't go visit. So I see things very differently from some of my colleagues, both the Democrats and the Republicans.

And every time I fly over here in the morning, I ask the Border Patrol folks there, you know, how many families are there, how many people are there flying? There are families that fly every time I fly to D.C. on the plane, and again it is not a health issue I have those folks, but the legal visa holders from Mexico, that is a health issue. So I do want to follow up on that because I see that every time I go and go home to the border.

I want to ask about the construction of the border wall. As you know, I am dead set against the wall, and I am glad that they rescind the money. One of the things is you all made a determination that my area, the Laredo sector needed a border wall. We don't want a border wall. What we want is everything but the border wall.

So there was a $1.3 billion that was appropriated to the Laredo sector to build a wall. We don't want the wall. We want the roads.

We want to eradicate the Carrizos. We want the technology. We want a new checkpoint for Border Patrol outside of Laredo.

If that checkpoint was the port of entry, it would be the fourth largest port of entry in the country because the number of trucks that we have there. The World Trade Bridge is now at 17,000 trucks a day. And, you know, most trucks will come through ports of entry and not in between.

My question, and I know I had asked the chairwoman about this at the very beginning is will that $1.3 billion that got appropriated to the Laredo sector stay there for technology, roads, and all that? Or is this now a pot of money that Homeland is going to take out and put in other places of the area?

The security questions are still there. I mean, you all thought that there was a need for a wall, which I disagree, but I still want the technology there. Will you all put the—are you all looking at putting that money back in the Laredo sector, or are you going to take that somewhere else and say there is no need, there is no security issue in my sector?

Mr. MILLER. Well, sir, as I mentioned before, the final determination on the wall and the funding, is with DHS and the administration as we speak. I certainly acknowledge, as we discussed previously, sir, the need for technology, infrastructure, and people to secure the Southwest border. And we are going to continue to look at what that calculus needs to be and ensure that we are getting the technology downrange to help the men and women of CBP and keep our community safe.

Mr. CUELLAR. Well, I would like to follow up on that because I am going to push for that money to stay there. One of the other things I see is the Del Rio sector has Brazilians—I mean has people from Cuba, Haitians, Venezuelans. The Valley gets some of the family units, as you mentioned the percentages of family and unaccompanied kids.

So Laredo gets over 90 percent of the apprehensions or Mexicans. And we have stash houses. We got, you know, times that they put up 180 people in a trailer. Sip gangs (ph). As you know, sip gangs (ph) usually steal drugs from one another. I have videos where they are stealing a commodity, if I can use that term, which are people. They are stealing undocumented aliens from one gang to another gang. And if anybody wants to see that video, I would be happy to share with you.

So we got that type of issue. And that is why I am saying if you are determined to put a wall, then I will ask you to also determine that we still have that security interest and keep that $1.3 billion in the Laredo area without a wall. So I would ask you to please take a look at that.

Mr. MILLER. Thank you, sir. I would just like to hit on one of the points that you raised. We can talk about with further questioning or offline, but Operation Sentinel is what we are doing to take down these transnational criminal organizations that really are profiting off the vulnerable. So I would be happy to further discuss those operations and what we are doing to attack these TCOs.

Mr. CUELLAR. Yes, and we will follow up with the moneys because most of the moneys for smuggling people in comes from the U.S. and not from other places. So I think you and I have to have

a conversation. I would love to follow up on that. We have got to follow that money.

With that, thank you so much, Mr. Miller.

Thank you, Madam Chair.

Mr. MILLER. Thank you, sir.

Ms. ROYBAL-ALLARD. Mr. Palazzo.

Mr. PALAZZO. Thank you, Madam Chair. Commissioner Miller, back in, I guess, 2012, 2013, when I was on the Homeland Security Authorization Committee, we would use a term or a metrics about operational control over the border. And back then I think we were around 43 percent operational control. That means at any given time, we know we have control over the border. And I know that may be outdated. Could you just comment on, you know, what in-houses do you all use now to kind of derive an operational control number for the border?

Mr. MILLER. Sir, that is something I will have to get back to you on. The exact percentages, I don't want to misspeak on that, sir.

Mr. PALAZZO. Okay. Please do. Also, I know I have been a huge advocate, as some of my colleagues have been, since I have been in Congress to utilize the National Guard to help support your frontline people down there in the CBP and ICE and others. Can you tell us about the partnership with the National Guard, maybe share some successes, and some of the stories of what they actually do to support you and your men and women?

Mr. MILLER. Well, sir, thank you. I mean, there is no more important partnership on the Southwest border right now than the partnership with the National Guard. As you probably know that the RFA has got approved for next year as well.

So a couple of things, the National Guard continues to provide us flight hours for the Border Patrol agents on the ground when our marine office is not able to provide those hours. They are out there every single day really looking, sitting on those surveillance cameras and through that surveillance equipment to tip off the Border Patrol agents when we have groups illegally entering between the ports of entry.

And really I can't say enough about the continued service that they have, really, saving migrants' lives. I mean, I literally see a case every single week where the National Guard [inaudible] identified somebody that is in distress or have saved somebody that is in distress. So, yeah, the work they are doing every single day to not only help us with the security but the safety and welfare of those that we encounter is incredible.

Mr. PALAZZO. Well, thank you. I am glad to hear that. As a National Guardsman myself, I am glad they are being utilized, and I think it is a huge multiplying effort that helps you focus on your jobs, and they can pick up missions. They also get valuable training for them as well——

Mr. MILLER. They sure do.

Mr. PALAZZO [continuing]. They probably wouldn't be getting otherwise.

And real quick, I know we talk a lot about the southern border. It is truly again a humanitarian crisis. It is an invasion. There is all kind of adjectives we can use to describe it. And we all have our own reasons why we think it is continuing to be a crisis.

Can we pivot to the maritime border for a second? I know you mentioned in your testimony 95,000 miles of slide. So I will show you that we do, but I am more specific towards the Gulf of Mexico. So like it is a huge blind spot for us because our focus is like whether it is trying to interdict drugs on the high seas, we are in the Caribbean, and any area in South or Central America. What were some of the things that you could use or share with us, any issues that you have with the maritime border?

Mr. MILLER. So, again, as you pointed out, 95,000 miles is a lot of miles to patrol. But really the maritime border is much like the Southwest border. It really comes down to partnerships, right? We really need to be able to work with, and we do work with the United States Coast Guard very closely. You know, we also continue to work with multiple interagency groups.

We have a center down there in New Orleans where we are working with ICE, we are working with Coast Guard, the state and locals, Air, and Marine. You know it is about information sharing. And, you know, it is continuing to look at technology so we can see inside places like the Gulf. I think when you look at the shoreline down in Florida, it is a little bit more advanced, working with JIATF South or JTF East and the partnerships at down range with our partners, whether it be Panama, Guatemala, Honduras—Guatemala, Costa Rica, and some of those places. So it is very challenging, but it is all about partnerships and increasing our technology.

Mr. PALAZZO. Absolutely. Partnerships and relationships are extremely important.

Commissioner Miller, thank you so much, my time is up.

Madam Chair, I yield back.

Mr. MILLER. Thank you, sir.

Ms. ROYBAL-ALLARD. Mr. Price.

Mr. PRICE. Thank you, Madam Chair. Mr. Commissioner, I appreciate your offer at the last round of questioning to get back with them, more detailed account, for the record, of the metering policy that I described and where that stands at this point.

I think it is important to know how individuals and families in those circumstances are now being dealt with and what remains, really, in terms of how we should be dealing with this and how we can deal with this in a responsible way so that people, people are able to make their application, and then pending the review are able to wait in intolerable circumstances.

With that, let me turn to the Mexico policy itself, the Remain in Mexico policy itself. As you know, migrants make this treacherous journey, dangerous to the U.S. to seek legal refuge. They having applied the—often have had to wait in overcrowded CBP facilities much longer than the prescribed time. And then under the Trump administration, the policy was in many, if not most of these cases, to return these migrants to Mexico, to dangerous border towns, encampment situations under a program with no or little oversight.

They faced extreme difficulties in Mexico, often just insecure—food insecure, dangerous situations. They have, of course, trouble getting legal counsel. They often had their cases closed in absentia because they were simply unable to return for their court hearings

or even learn when those hearings were occurring in any kind of reliable way.

So, thankfully, the Biden administration has now announced that it is ending this policy. Tens of thousands of people, including vulnerable populations who were forcibly returned to Mexico are now being processed or in the stage of beginning to be processed.

So that is what I want to ask you to describe. What challenge is the agency encountering in trying to do this course correction or remedy this program. What additional resources or legislative changes do you need to regain our footing in the handling and processing of these individuals. And what kind of success have you had in processing the so-called MPP migrants since the February change in policy?

Mr. MILLER. Sir, thank you for that question. And, really, I would like to highlight, really the incredible work by the Office of Field Operations and their innovation, and the Office of Information Technology working with the partners in Mexico.

The international organizations, we are able to collect advanced information through our CBP One app, and really vet those individuals in advance of arrival and schedule arrival times from Brownsville, Eagle Pass, El Paso, Hidalgo, Laredo, and San Diego to ensure that we are processing expeditiously but to ensure that we are also continuing to uphold border security and national security at the same time. So today we have processed over 10,000 of those individuals through our ports of entry.

As far as challenges, I know we are looking at some of the additional population what we call the Yellow population that was removed in absentia. So those folks we are working with EOIR and ICE OPLA to have those cases opened back up, at which time we will begin doing that same process through the international organizations gathering information, vetting them, and scheduling the time in a humane and orderly process.

Mr. PRICE. Well, thank you for that update here too. If you want to provide further information for the record, that would let us gauge the scale of this effort, the problem that is remaining, that would be helpful.

We commend you for turning this around, and we know it is not easy, and these situations are inherently difficult. And so any further information you want to provide, we will be receptive.

Mr. MILLER. Thank you sir.

Mr. PRICE. Thank you very much.

Ms. ROYBAL-ALLARD. Mrs. Hinson.

Mrs. HINSON. Thank you, Madam Chair. Thank you, again, Commissioner Miller, for going through round two and for staying to answer our questions today.

I just wanted to focus the second round on something that I think people back in Iowa have told me they are concerned, I am certainly concerned about human trafficking across the Southern border, particularly, when minor children are involved.

We have got several groups in Iowa uninterrupted and my district being one of them that are working to end human trafficking. So I just wanted to ask you some questions, specifically, about that. How does CBP verify the ages of individuals when they are apprehended at the border or when they are brought into custody, be-

cause, obviously, there can be some discrepancies there? So how is that process working?

Mr. MILLER. Well, it is a difficult process to be perfectly honest with you.

So as we encounter individuals, whether they have documents, or what have you, who they are with, if we previously encountered them, questions, questions to them, questions to their family members.

You know, obviously, the Border Patrol agents, Office of Field Operations officers are well-trained in this type of activity. We have a couple of different things we can do if needed, we can fingerprint children, if needed. We work with ICE on the rapid DNA to determine they're family members. So there is a number of things we can do to collectively try to determine age, if those relationships are legitimate. And we continue to look at new innovative ways to do that.

Mrs. HINSON. So if someone doesn't have an ID, let's say, they don't have survival documentation of their age, what does that step look like? Because, obviously, the biggest concern is that you have young girls posing as adult women and vice versa, adult women posing as young girls, or, you know, young men and young boys too. So what does that process look like if the information is not something that can be certified?

Mr. MILLER. Well, first, there are agents that deal with this every single day, so it is, through questioning, it is through talking to family members, the folks that they are arriving with. But at the end of the day, if we are unable to determine age, we are going to err on the side of being a juvenile and putting them through that process.

Mrs. HINSON. And can you just walk me briefly what does the process look like for someone, you know, just the verification who they are, that they are who they say they are, so to speak?

Mr. MILLER. Well, the agents will encounter them. They will take them, obviously, to the station or the sector for processing. They will ask them their age. They will see if they have any identifiable information. They will talk to the folks that they are traveling with, if there are any family unit members, the folks that they were encountered with.

If the agents are talking to hundreds and hundreds of people so through that experience, they are able to determine or determine likely age. But at the end of the day, we are going to err on the side of that being a juvenile and coordinate with ICE and HHS, ORR for the appropriate procedure.

Mrs. HINSON. I think the biggest concern is we don't want kids getting on planes going to someplace when we don't know who they are going to, we don't know if they are who they initially say they are. I think the one thing I want, and the last thing I want is the government to be enabling human trafficking to happen.

So if you can follow up with them from the interview processes that your agency used to verify those identities and especially when it comes to the children, I would certainly appreciate that on follow-up.

Also, I just wanted to follow up on something Congressman Cuellar was talking about was using technology to help at the bor-

der. Can you talk a little bit about may be the use of like drones and technology, high-impact cameras, how those could be helpful to you in keeping agents safe and still fulfilling the goal of keeping our borders safe as well?

Mr. MILLER. Thank you for that question. We have what is called the INVNT team that works with really investments, venture backed start-up companies, small businesses, so we can look at things like counter UAS, not only UAS, but counter UAS. And we have used those contracts to establish procurement of drones to help us.

We continue to look at, towers that have artificial intelligence embedded with them. So, there is a number of different things we continue to look at along the Southwest border to continue. We continue to update our technology.

Mrs. HINSON. Yeah, I have had a chance to see the autonomous surveillance towers, I think, is what you are referring to, the person in there. It is remarkable what we can do with that technology.

And so I would encourage your conversation and continued conversations with us about the use of that technology, because I think that is something that is absolutely crucial. I am moving forward to keep us safe.

So, commissioner, thank you so much for answering our questions today. I appreciate you coming before the committee.

Mr. MILLER. Thank you, ma'am.

Mrs. HINSON. Thank you, Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Ms. Underwood.

Ms. UNDERWOOD. Thank you, Madam Chair. Mr. Miller, I have some more questions. I want to pick up where we left off with the Electric Health Records System. As you look ahead to completing phase 2 of the EHR implementation and integrating that electronic health record with CBP's other systems, do you anticipate any challenges or need for additional resources in order to meet the timeline which is next year?

Mr. MILLER. I believe on the integration with our own systems, I believe that we should be fine on the timeline. I think we may have to come back at a future time when we talk about integration with other government systems. But I think we are in pretty good shape for our own integration.

Ms. UNDERWOOD. Thank you. Well, please, keep my office updated as you continue rolling out this essential system.

Now, Mr. Miller, we both know that a Border Patrol facility is no place for a child. But, obviously, when you encounter an unaccompanied child at the border, you can't just leave them to wander the streets or the desert unsupervised. So having kids temporarily in your custody is an unfortunate reality while you prepare to transfer them to a specialized HHS facility and ultimately to their families. I believe that the number of children in CBP custody has decreased from over 5,000 to under 500 in the past 2 months, and that the average time that a child spends in custody has decreased from over 5 days to under 24 hours. It is incredible progress, and I know that there is more that we can do to provide for both the physical and the psychosocial health of these children.

I was glad to hear that you recently invited the chief medical officer to visit your facilities. Can you tell us more about what he found in his assessment?

Mr. MILLER. First and foremost, and again, I will take every opportunity to say thank you to men and women. Because the first thing that he did tell me was the incredible work that is going on down range and the incredible compassion that the Border Patrol agents mostly in this case they continue to have.

And, I think many of us, myself having a 6-year-old, are fathers, mothers, and again, it is a real tough situation for them. So some of the other things that I think we mentioned is having that connectivity to the behavioral health advisors, which we have four of so we are continuing to look at that. And, continuing to look at those caregivers. We mentioned that. So we are upping the caregivers at the facilities. The training of our officers and agents is essential.

So we are going to ensure that we get the proper training. The orientation you pointed out was really important, because often when the children travel these long distances they don't quite understand where they are or how they got there, to be perfectly honest.

So updating our orientation videos and ensuring they are getting those on a timely basis. Keeping the children active, right? We have to keep the children active. So, ensuring that they are getting outside, which frankly was difficult when we had over 3,000 in those in our facility at——

Ms. UNDERWOOD. Right.

Mr. MILLER [continuing]. Donna. So getting the children outside at least two times a day. Looking at those additional activities that we can have the children doing, whether it is coloring, all sorts of things, coloring books, you know a number of different things depending on the age of the children.

Ms. UNDERWOOD. So if you had to have a timeline associated with fulfilling those recommendations, what would that expected timeline be, and what additional resources do you need from our committee to implement the full list of recommendations as quickly as possible?

Mr. MILLER. I don't have an exact timeline. I can say that we are moving out on most, if not all, of those issues as we speak here today, but I would be happy to fill you in on a timeline. Once—I really haven't got the formal recommendation yet, but I have asked for it and worked with a team to start implementing some.

So once I get the formal recommendations and I have a formal plan I will circle back with you and let you know what we are doing.

Ms. UNDERWOOD. So does that mean, like, a month, 2 months?

Mr. MILLER. So, it means that we are implementing now and, I would think within the next week or so we can get back to you with a plan and what our plans are.

Ms. UNDERWOOD. Fantastic. Thank you, Mr. Miller. I know that my constituents share my concern about the well-being of the children who made this difficult journey to our border.

And I look forward to working with you to ensure that their stays are safe and as short as possible.

Thank you, Madam Chair, and I yield back.

Mr. MILLER. Thank you, ma'am.

Ms. ROYBAL-ALLARD. Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Madam Chair. Mr. Miller—Commissioner Miller, you know, one of the things I want to make sure is that many on this committee are doing all we can to help you be successful, particularly, on our Southern border. And I know when Congressman Palazzo asked about the operational—the percentage of operational control, I would like—I want that same information so that we can help you, but I would actually like to see it served by region.

Because I know as you travel from San Diego all the way east of the Rio Grande Valley, there is a whole myriad of different types of enforcement taking place, and I think that would give us a good idea is—you know, because there is some areas as Mr. Cuellar said, that they don't want a wall. And you know what, every area doesn't need a wall. There are areas where surveillance technology, access roads, is maybe all they need. And so what I want to make sure is we are giving you what you need where you need it.

And one of the things that I want to focus on, also, is I know, for example, in the Fort Huachuca (ph) area in Arizona, tremendous work going on there. And I would suspect that is probably one of highest control areas because we have local state and federal working together there, integrated through the big pipe. You have got the UAS going on there. So all of that, I think, works together.

One of the things I want to make sure is as we tighten the Southern border, we are going to see more and more—people are either going to go over the wall, under the wall, which is why I want to help you with the tunneling—or they are going to want to go around. And when they go around it, they are going to go to the maritime corridors.

And I have an AMO training center in my district in northeast Florida, and I want to make sure that we have got good throughput there for you to give you the men and women that you need for the air and maritime operations. I know there is some throughput issues at the training center there, and if you can let me know how we can help you with that, we would really like to step up on that as well as the tunneling technology that we talked about earlier.

And so can you let he know, where do you think we are going with the AMO in northeast Florida, and is it going to be able to meet your needs? What do you need?

Mr. MILLER. So I am going to start by addressing your first request. And, yeah, 300 percent by region, we do track it by region. And, I just want to ensure that we get the Border Patrol up there briefing the folks on the exact criteria that we use.

Mr. RUTHERFORD. Yeah.

Mr. MILLER. I appreciate your support for Air and Marine and the continued support. I believe that that the facility that we built is meeting our training needs, but I will certainly, if they are not, I will get back to you and let you know what additional resources we need. We are making a lot of progress on modernizing our fleet and really standardizing our fleet.

So, I think we are making progress there as well. On the maritime issue——

Mr. RUTHERFORD. What I should add, commissioner, they have had some upgrades there, and they have been great. But I do believe there is some additional things that we can do. So I would appreciate you looking into that.

Mr. MILLER. Oh, no, I certainly will. And on the maritime front, we are already seeing that in San Diego. We are working very closely, obviously, Border Patrol, Air and Marine, but also the U.S. Coast Guard, the state and locals to address that are out there. So that is something we are seeing.

Mr. RUTHERFORD. Okay. Well, thank you. And Madam Chair, I see my time is just about out. I will yield back.

Ms. ROYBAL-ALLARD. Mr. Aguilar.

Mr. AGUILAR. Thanks so much, Madam Chair. And acting commissioner, I wanted to pick up on a topic that the chair had mentioned. The President's Fiscal Year 2022 Discretionary Request states that requested funding for DHS will support the safe and humane treatment of migrants in CBP custody.

I wanted to raise a proposal that my colleagues in the Hispanic Caucus have raised with the President and Vice President to support CBP when there are larger numbers of asylum seekers at our Southwest border. This proposal would create a humanitarian response team at the borders staffed by volunteers who have been trained to rapidly respond to the border to assist the supporting asylum seekers and accompanied children at the border.

These humanitarian response teams would model existing disaster medical assistance teams, but would also include case workers, social workers, child welfare professionals. We believe that these teams will reduce the time that individuals remain in custody and ensure that all migrants are aware of immigration court dates and requirements and help with transportation and logistics as they are reunited with family members, working within the Homeland Security and the OOR process obviously to create these teams.

Do you think this type of structure would be beneficial to assisting CBP in processing individuals at the border.

Mr. MILLER. That is something I would have to look at. I know we are looking at obviously, thanks to the committee for the funds for the Humanitarian Care Center in South Texas. But the humanitarian response teams isn't something that I have looked at, so I would love to see the proposal and give you feedback.

Mr. AGUILAR. Yeah, absolutely. And I would love for you to have a conversation with some of our colleagues in the Hispanic Caucus who have been fleshing out some of these ideas as well to see, you know, what technical support or advice or concerns you might have.

Commissioner, I am also concerned about some of the language that was referenced earlier regarding individuals presenting themselves at the border with different names. The vast majority of children seeking asylum at the border are fleeing dangerous and often life-threatening circumstances, and we should be doing all that we can to ensure that they receive the appropriate protections and care while—as often as we can.

Are you aware of widespread examples of where migrant children are presenting themselves under different names?

Mr. MILLER. I am not at this point, no.

Mr. AGUILAR. Are you aware of government trafficking children as my colleague referenced?

Mr. MILLER. Excuse me? I didn't—you broke up.

Mr. AGUILAR. Are you aware of the government trafficking children as was referenced in an earlier question?

Mr. MILLER. We have, back in 2019, we did see quite a few cases with children being trafficked. And that is why we work with ICE to stand up to rapid DNA testing.

Mr. AGUILAR. But not by the government?

Mr. MILLER. Oh, not, not by the government, no. Excuse me. No. I am sorry. I wasn't listening to the question.

Mr. AGUILAR. Of course, of course. I just want to be cautious about the language that we use because some of those statements have consequences and are often based on little or no evidence. So I just think we need to be either thoughtful about, you know, how we talk about, you know, these incredibly sensitive issues especially when it includes children.

So I appreciate you sticking around for a second round and thank the chair for the indulgence, and I yield back.

Mr. MILLER. Thank you, sir.

Ms. ROYBAL-ALLARD. I don't believe there are any more questions. However, Mr. Miller, in closing, I would like to ask one more question that I believe is on behalf of all the members of this subcommittee.

As noted during the hearing, more than 31 agents, officers, and other personnel have tragically lost their lives in the line of duty since January of last year. In addition to these tragedies, every day CBP personnel interact with migrants who are fleeing desperate circumstances, and the toll on them cannot be discounted.

How are you addressing the mental health needs of the CBP workforce as a result of COVID and current operation, and are those services available to the families of CBP personnel?

Mr. MILLER. Well, ma'am, thank you. Thank you for that question. As you know, the tragedy of the pandemic has obviously affected us all, but as you know, it has taken a toll on the workforce and along with the additional stresses that we see every single day.

So as you know, we have a very robust peer support program. We have a very robust chaplaincy program. We have a very robust Employee Assistance system or EAP. We have an advocacy program for the survivors.

So we are in continual contact with the survivors of those that we lose. But, frankly, I am worried about taking care of those who take care of us. In other words, those groups have had an incredible strain on them over the last year.

So one of the things that we are looking at is having some clinicians down on the Southwest border. We have three of them, one in El Paso, one in Del Rio, and one in RGV.

I have had a chance to visit with the chiefs of the Southwest border in San Antonio just last week, and the three that had that program said it was very beneficial in that there was somebody onsite with them. It wasn't a call, it wasn't the EAP, it was somebody onsite with them that they could talk to, and they really think that

they have averted some unfortunate circumstances for our team members.

So I think looking at that program, expanding that program to additional sectors and field offices across CBP would be beneficial. But, frankly, I am willing to work with anybody that I can to ensure that the men and women are getting the support they need.

So I welcome any suggestions.

Ms. ROYBAL-ALLARD. Okay. As a follow-up, in calendar year 2020, the deaths of 60 BP personnel were attributed to suicide, while there have been five such deaths already in 2021. What are you doing, specifically, to help CBP personnel who may be contemplating suicide, and how can we help you help your workforce?

Mr. MILLER. So, I think supporting the clinicians that we talked about, that we believe that tragedy has been averted because of that program.

So expanding that program to ensure that there are folks onsite to talk to our personnel. The chief of Border Patrol, he is the one that brought up taking care of those that take care of us.

So we are out there, they are out there talking to our peer support, our chaplains, our advocacy groups every single day. They spend an awful lot of time in the field. We have what is called "Shine-a-Light" campaign going on right now where myself and the senior leadership are talking to folks about ensuring that they are getting the help they need, which is good. But, I think that one-on-one communication talking to folks on the ground—I am trying to get out as much as I can to talk to the men and women to see what additional support they need.

So it is really an all-in approach. But again, I am welcome to take any additional ideas from the professionals that—even we consult with the professionals. But any additional ideas that the committee thinks would helpful, we are all ears.

Ms. ROYBAL-ALLARD. Well, please let us know as new information comes up from the professionals that you talk to, any way that we can be helpful, please let us know.

And with that, if there are no more questions, we will conclude today's hearing. Mr. Miller, thank you very much for your time, the subcommittee on Homeland Security stands adjourned.

[Material submitted for inclusion in the record follows:]

QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE CHUCK FLEISCHMANN on behalf of THE HONORABLE MIKE SIMPSON**

**Troy Miller, Senior Official Performing the Duties of the Commissioner**
**U.S. Customs and Border Protection**
Committee on Appropriations
Subcommittee on Homeland Security
*U.S. Customs and Border Protection Resource Management and Operational Priorities*
May 19, 2021

**Small Business Innovation Research (SBIR) Program**

***Background:*** In July 2020, Customs and Border Protection (CBP) leveraged Phase III authority to establish Autonomous Surveillance Towers (AST) as a program of record. Prior to becoming an SBIR Phase III program, AST was matured and derisked through eight SBIR competitions involving hundreds of competitors and $8 million in SBIR funds over three years and significant internal research and development by Anduril Industries, Inc. AST's capabilities have been deployed and operationally validated with CBP as well as multiple branches of the U.S. military. It has been subjected to over a dozen operational evaluations and multiple real-world deployments during that time.

CBP has benefited from these investments, the resulting technology is highly effective and requires no manpower to operate – enabling CBP to more effectively use its manpower to respond to threats.

In December 2020 CBP issued a TPIC draft Request for Proposal (dRFP) which would recompete many of the requirements that AST's more than 100 fielded towers are already meeting at a higher price point. I am concerned that this dRFP violates SBIR statute and policy. I am also concerned that recompeting an existing Phase III program will send a chilling message to private sector innovators across the country who would like to put their resources and expertise to use for the security of our nation. CBP has demonstrated through the dRFP that the agency will collaborate with the private sector until the technology can be taken in-house or shopped to the innovators' competitors, regardless of price point.

***Question:***

1. Why did CBP issue a draft Request for Proposal to potentially recompete an active Phase III program for AST as part of its Integrated Surveillance Towers, Power, Instrumentation, and Communications (IST/TPIC) Program?

***Answer:*** TPIC is not a "recompete" of the July 2020 $250 million Phase III Small Business Innovative Research (SBIR) Contract Award. The IST Program intends to acquire a wide range of new surveillance towers and also upgrade legacy towers through the TPIC Indefinite Delivery, Indefinite Quantity contracts. Although the draft TPIC Request for Proposals (dRFP) released in December 2020 may have been five months after the SBIR Phase III award, TPIC market research and interaction with industry for a follow-on tower solution acquisition began nearly three years earlier. In February 2021, DHS approved the TPIC Acquisition Plan. USBP has invested a great deal of time and resources planning for the follow-on tower-based acquisition. It should be noted that the IST Program will still have the ability to award orders off the current, active SBIR Phase III contract if required; this contract has four more years left in its period of performance. Currently, however, U.S. Border Patrol (USBP) has no requirement to purchase more autonomous surveillance towers.

2. Under SBIR law phase III, the Agency must award the SBIR company with follow on work to the greatest extent practicable, including any technologies derived from the original statement of work. Please explain in detail how IST/TPIC does not violate SBIR law and if you provided a justification to the Small Business Administration as required by SBIR law for the IST/TPIC solicitation.

***Answer:*** Please note that the Small Business Administration (SBA) is assisting CBP with a review of the Phase III award and the dRFP to ensure compliance with SBIR law. CBP respects the goals of the SBIR law and encourages Small Business Concerns (SBC) to participate in the solicitation process upon release of the official RFP.

That said, the IST Program intends to acquire a wide range of new surveillance tower capabilities and also upgrade legacy towers through the TPIC Indefinite Delivery, Indefinite Quantity contracts. The IST Program will jointly deploy these

new tower-based surveillance systems along with CBP's Common Operating Picture (COP) program. The TPIC scope allows USBP to be more flexible when deploying tower solutions in each Station/Sector region that may require different tower surveillance capabilities due to terrain, population density, and other factors.

The SBIR Program does not reduce CBP's broad discretion to determine its needs and the best way to meet them. In addition, CBP can still award orders off the current, active AST SBIR Phase III contract if required; this contract has four more years left in its period of performance. Currently, however, USBP has no requirement to purchase more autonomous surveillance towers.

3. In your view, is the dRFP consistent with the goals of the SBIR law?

***Answer:*** The dRFP is consistent with the goals of the SBIR law in that it strengthens the role of innovative SBC and stimulates technological innovation thereby increasing competition, productivity, and economic growth. The specific requirements of the dRFP are different from what the Phase III SBIR award offers. However, it should be noted that the Small Business Administration (SBA) is assisting CBP with a review of the Phase III award and the dRFP to ensure compliance with SBIR law. CBP respects the goals of the SBIR law and encourages SBC to participate in the solicitation process upon release of the official RFP.

4. What is lacking from existing AST technology that keep it from being deployable along the border and necessitate a new dRFP?

***Answer:*** AST technology provides one set of short-range capabilities in support of the USBP mission. The IST Program intends to acquire a wide range of new surveillance tower capabilities and includes the scope to upgrade legacy sensor towers; all of this work is intended to be competed through the TPIC Indefinite Delivery, Indefinite Quantity contracts. New TPIC deployments will also rely on a Common Operating Picture (COP) acquired through a separate CBP Program. The COP will fuse all imagery, video, and data from any sensor system, not only tower sensors, but also mobile, subterranean, and aerial sensors. The new COP Program can also provide the autonomous detection and identification capabilities for USBP agents that will allow significant reductions of agent operators inside the command-and-control facilities.

5. Do you believe the Anduril case and this dRFP create an incentive or disincentive for the private sector to collaborate with CBP in the future?

***Answer:*** The IST/TPIC acquisition strategy is built to incentivize vendors to collaborate with CBP. The DHS approved TPIC Acquisition Plan states that USBP believes that "by separating the TPIC procurement from that of the COP software, it opened up the competition for companies that could provide towers but did not possess the ability to provide the COP software, and vice versa." USBP is expecting 25-30 proposals from industry for this effort. Subcontracting to small businesses will be required under this contract and TPIC offerors will be required to submit and adhere to a small business subcontracting plan. The initial full and open competition is expected to result in multiple (up to three) IDIQ awards and subsequent delivery orders will be competed amongst the IDIQ holders. CBP Obligated $52.6 M dollars to Anduril in FY20 and $18.6 M in FY21 for a total of $71.2 M. These successful procurements provided Anduril with business for the purchase of 143 towers beyond the original 60 purchased by the Commissioner's Innovation Team for a Technology Demonstration, and was the catalyst for establishing the Autonomous Surveillance Towers (AST) Program of Record for CBP. Beyond AST, CBP currently does not have requirements to procure Anduril's short range autonomous towers in future years.

QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE [C.A. DUTCH RUPPERSBERGER]**

**Troy Miller, Senior Official Performing the Duties of the Commissioner**
**U.S. Customs and Border Protection**
Committee on Appropriations
Subcommittee on Homeland Security
*U.S. Customs and Border Protection Resource Management and Operational Priorities*
May 19, 2021

**Subject**

***Background:*** Mr. Miller, I am increasingly concerned about the growing challenges at the border and how that activity is stressing our border security system, and if we are doing everything we can to provide our agents with maximum awareness and be

of assistance to those migrants who are in distress. If our agents on the ground can't accurately and consistently communicate with each other, then both of those objectives are at risk. Help me get a clearer picture of exactly what is happening on the southwestern border. I know in April the number of arrests increased and the number of unaccompanied minors dropped. And I know you, CBP agents, and your whole team are focused on "disrupting criminal organizations and saving lives of vulnerable immigrants".

***Question:***

6. How many migrants cross the border per day, on average?

***Answer:*** Between April 1, 2021 and May 19, 2021, CBP saw an average enforcement encounter rate of 5,882 per day along the Southwest Land Border.

7. How many rescues does CBP conduct per day of migrants?

***Answer:*** Between Air and Marine Operations and U.S. Border Patrol, CBP conducted an average of over 40 rescues per day along the Southwest Land Border in April and May 2021.

8. Given these numbers, how can we ensure CBP's ability to utilize innovative technology, including communications equipment, to support its humanitarian mission?

***Answer:*** Communications and data connectivity remain priority areas for CBP and the CBP Innovation Team. CBP must enable the transition of mission relevant data to and from frontline personnel. Enhanced communications improve data/information flows, enhance situational awareness, and improve operational and resource allocation decision-making processes, including support for CBP's humanitarian mission.

During FY21-22, the CBP Innovation Team will conduct pilot deployments of several technologies that may improve communications with and between field units. Technologies include low bandwidth satellite communications for agents and officers, tethered Small Unmanned Aircraft Systems (SUAS) with LTE cellular nodes, and hybrid communications infrastructures that combine different modalities such as high bandwidth satellite and mesh networks. These capabilities can extend the communications range and capacity of agents and officers, both in the field and at CBP facilities. Additionally, these technologies will be assessed as

a potential enhancement to the current rescue beacon technology in support of the Missing Migrant Program (MMP).

***Background:*** CBP operators often operate in areas along the northern, southern, and coastal borders where there is limited or no cellular connectivity, which creates a dangerous operating environment for both CBP agents as well as individuals who cross in the border enforcement zone. Agents are protecting nearly 7,000 miles of land border and 328 ports of entry, it is imperative that they be well equipped, no matter the environment with the best operations and communications equipment for the mission.

***Question:***

9. Would mobile mesh networks ensure that CBP officers have the communications equipment they need to maintain situation awareness in austere environments?

***Answer:*** In certain environments and conditions mesh radios may assist CBP personnel by improving or maintaining situational awareness. However, it is important to note that because of differences in terrain and operational needs across CBP, there is no one communications modality that will solve all of CBP's communication challenges. As noted above, solving CBP's communications challenges will require a suite of integrated solutions, in which mesh radio could play a substantial role.

***Background:*** Mr. Miller, CBP's innovation office has deployed numerous technologies that benefit the agency, such as artificial intelligence, mesh networks, and smart sensors. I want to see the men and women on the ground, doing the work at our borders to be safe and feel confident that no matter the terrain or environment, their communications will not fail them.

***Question:***

10. Are you investing in the Innovation Team with the goal of making CBP operations safer and more efficient?

***Answer:*** The core mission of the CBP Innovation Team is to identify, adapt, and deliver innovative commercial technology solutions in operationally relevant quantities (pilot deployments) to keep frontline personnel safe and effective. The

CBP Innovation Team has an absolute focus on integrating solutions into the CBP enterprise while transitioning them into CBP Programs of Record.

Edge communications has been, and remains, a key focus area for the CBP Innovation Team.

11. What do you need to accelerate the rollout of the most promising innovations in communications and operations that make CBP's operations safer?

***Answer:*** First and foremost, I would like to thank the Committee for providing continued support to CBP's Innovation Team. The funding has fueled more than 50 investments in critical technology and has resulted in 15 technology transitions since the CBP Innovation Team's inception.

CBP is committed to delivering innovative technology to the field as quickly as possible. We will continue to find ways to accelerate and scale successful pilots.

***Background:*** Mr. Miller, CBP uses the "Team Awareness Kit" to ensure officer connectivity and accountability. TAK is a vital CBP capability which increases the safety of both officers in the field as well as those apprehended. Despite the vital role TAK plays in officer safety, it has only been deployed to about 25% of the CBP workforce.

***Question:***

12. Should TAK be rolled out to the entirety of CBP operations?

***Answer:*** Yes, TAK is an extremely valuable tool that dramatically improves communications, enhances law enforcement responses, and increases situational awareness and officer safety. TAK server federation over the past few years has proven extremely effective as users from USBP, OFO, and AMO responded to joint operations during civil unrest, coastal operations, or border rescues. In addition to efforts within CBP components, CBP has leveraged the TAK application and server federation with USCG, USSS, and FBI in support of various National Special Security Events.

13. And what can you do to expedite the TAK rollout to all of the CBP workforce?

***Answer:*** CBP has successfully implemented the necessary training steps for an enterprise delivery of software and infrastructure to support the deployment of TAK to all CBP personnel. CBP will continue to deploy TAK to CBP personnel as quickly as possible.

QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE John H. Rutherford**

**Troy Miller, Senior Official Performing the Duties of the Commissioner**
**U.S. Customs and Border Protection**
Committee on Appropriations
Subcommittee on Homeland Security
*U.S. Customs and Border Protection Resource Management and Operational Priorities*
May 19, 2021

**Subject: Cross-Border Tunnel Threats**

***Background:***

On February 23, 2021 the Office of Inspector General issued a report titled: 'CBP Has Improved Southwest Border Technology, but Significant Challenges Remain.' This report discusses Border Patrol's successes in finding tunnels with human intelligence and routine patrol operations, and discusses the lack of adequate technology to detect tunneling activities. It is my understanding that the Cross-Border Tunnel Threat Program is continuing to install fixed sites for tunnel detection, but that has been significantly delayed. Also, that there is mobile detection technology that CBP has had recent successful demonstrations with.

***Question:***

14. Does CBP have a comprehensive approach to tunnel detection that includes both fixed and mobile detection?

***Answer:*** Yes, USBP has developed a comprehensive approach to tunnel detection, treating the threat holistically through the combination of fixed and mobile solutions. USBP also has fixed subsurface sensor technology systems in high-threat locations across the Southwest Border (SWB). Concurrently, USBP identified a suite of mobile solutions to complement and enhance the capabilities of the fixed systems. These mobile solutions can also be leveraged to localize the threat in areas without the fixed systems. At this time, this approach has not been fully implemented due to resource constraints and timing associated with the DHS Acquisition Process.

15. If so, is there funding to sustain such an approach over multiple years?

***Answer:*** As of Fiscal Year FY2021, the Cross Border Tunnel Threat (CBTT) Program is allocated $2 million annually in Operations & Sustainment (O&S) funds. CBTT is in the process of updating the program Lifecycle Cost Estimate to reflect the funding needed in the future.

16. If CBP lacks the technology as stated in this report, what is preventing CBP from adopting proven technologies?

***Answer:*** As stated in the DHS OIG report, shifting priorities, real estate and environmental clearance requirements, extended research and development timelines, and funding limitations are all challenges to the rapid adaptation of these technologies.

In addition to the mitigations outlined by CBP in the report, USBP is working to overcome these challenges and advance USBP's counter tunnel operations capabilities. In particular, USBP is pivoting toward a Commercial Off the Shelf (COTS) strategy for the mobile detection solution by applying mature technologies from the geophysical field to the unique operational environment.

17. Would additional operational funding for the program allow the Cross-Border Tunnel Threat Program to expand its dedicated personnel, conduct sustained missions (rather than limited testing), and acquire dedicated drilling capability?

***Answer:*** Yes, additional funding could undoubtedly allow the program to expand and mature. CBTT is in the process of updating the program Lifecycle Cost Estimate to reflect the funding needed in the future

**Subject: Field Communication**

***Background:***
There are many parts of the border that are remote and have limited or no service, making communication difficult. To help address this problem CBP's innovation office has deployed numerous technologies that benefit the agency, such as artificial intelligence, mesh networks, and smart sensors. It is also my understanding, that CBP has on a limited basis deployed the "Team Awareness Kit" to ensure officer connectivity and accountability. These kits increase the safety of both officers and those they interact with or apprehend.

***Question:***

18. Should TAK be rolled out to the entirety of CBP operations?

***Answer:*** Yes, TAK is an extremely valuable tool that dramatically improves communications, enhances law enforcement responses, and increases situational awareness and officer safety. TAK server federation over the past few years has proven extremely effective as users from USBP, OFO, and AMO responded to joint operations during civil unrest, coastal operations, or border rescues. In addition to efforts within CBP components, CBP has leveraged the TAK application and server federation with USCG, USSS, and FBI in support of various National Special Security Events.

19. If so, what can be done to expedite the TAK rollout to all of the CBP workforce?

***Answer:*** CBP has successfully implemented the necessary training steps for an enterprise delivery of software and infrastructure to support the deployment of TAK to all CBP personnel. CBP will continue to deploy TAK to CBP personnel as quickly as possible.

20. What do you need to accelerate the rollout of the most promising innovations in communications and operations that make CBP's operations safer?

***Answer:***

First and foremost, I would like to thank the Committee for providing continued support to CBP's Innovation Team. The funding has fueled more than 50 investments in critical technology and has resulted in 15 technology transitions since the CBP Innovation Team's inception.

CBP is committed to delivering innovative technology to the field as quickly as possible. We will continue to find ways to accelerate and scale successful pilots.

**Subject: Airport Staffing**

***Background:***

In March 2020 both international and domestic air travel experienced a significant decline due to the COVID-19 pandemic. However, that trend is beginning to reverse, on a single day in March of this year 1.5 million people passed through TSA security checkpoints for the first time in a year. As more people are vaccinated and countries begin lifting travel restrictions, we must be ready to safely welcome international visitors back through our airports.

***Question:***

21. As air traffic continues to recover, does CBP have a plan to ramp up staffing to accommodate increased operations both at U.S. ports of entry and at Preclearance locations?

***Answer:*** CBP Ports of Entry and Preclearance locations have maintained consistent levels of staffing positions throughout the pandemic and therefore can absorb the increase in international travel as we recover from the pandemic. Long term, the Office of Field Operations employs a multi-pronged strategy to keep pace with pre-pandemic level workload increases year over year (expected to resume at some point) to include alternative funding strategies, business transformation initiatives and efficiencies, and modeling the optimum staffing resources necessary to keep up with increasing workloads for CBP officers (Workload Staffing Model), CBP Agriculture Specialists (Agriculture Specialist Resource Allocation Model), Mission Support, Technician, and Fines Penalties and Forfeiture staff (Mission and Operational Support Resource Allocation Model).

22. What steps are being taken to prepare for increased traffic?

***Answer:*** See prior response.

QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE ASHLEY HINSON (IA-01)**

**Troy Miller, Senior Official Performing the Duties of the Commissioner**
**U.S. Customs and Border Protection**
Committee on Appropriations
Subcommittee on Homeland Security
*U.S. Customs and Border Protection Resource Management and Operational Priorities*
May 19, 2021

**Subject**

***Background:*** Multiple reports from the media have claimed that Customs and Border Patrol (CBP) was releasing individuals from CBP custody into the interior without Notices to Appear (NTAs) or similar reporting requirements and documentation.

***Question:***

23. Is CBP currently releasing anyone without an NTA?

***Answer:*** To ensure safe conditions in CBP custody and adhere to COVID-19 protocols, some individuals have been released with a Notice to Report (NTR) to an ICE field office for further processing rather than a Notice to Appear (NTA). People who receive an NTR undergo biometric collection and appropriate background checks.

24. Has CBP released individuals into the interior without NTAs in calendar year (CY) 2021?

***Answer:*** See above answer.

25. If yes, how many individuals, including those that arrived as a family, have been released into the interior without an NTA in CY 2021?

***Answer:*** CBP only releases single adults and family units with a Notice to Report (NTR) in limited circumstances, including whether they are subject to expulsion under Title 42. The data is FOUO/LES and therefore not available for public record as a response to this QFR. It is provided separately to the Committee during weekly Migration calls.

26. What are the factors that determine whether or not someone released from CBP into the interior receives an NTA?

***Answer:*** In recent months, USBP has been experiencing a high volume of encounters of persons attempting to enter the United States between the ports of entry along the SWB. Due to these high numbers, capacity limitations, COVID-19 protocols, and other conditions, USBP is processing and releasing some noncitizens with an NTR rather than an NTA to prioritize limited resources.

In determining how to process an individual, Border Patrol Agents consider whether the noncitizen poses a threat to national security, border security, or a public safety risk, as outlined in the January 20, 2021 Memorandum: Review of and Interim Revision to Civil Immigration Enforcement and Removal Policies and Priorities from then-Acting Secretary Pekoske. All noncitizens provided an NTR will be searched and enrolled into the biometric system.

THURSDAY, MAY 20, 2021.

## MEMBER'S DAY

Ms. ROYBAL-ALLARD. The Subcommittee on Homeland Security will come to order. During today's virtual hearing, we will be joined by House colleagues who will speak about priorities for their districts and communities. I look forward to hearing their perspectives on the issues facing the Department of Homeland Security's vital mission to protect our Nation.

After each Member provides testimony, I will ask members of the subcommittee whether they have any questions or comments. If you are recognized to speak, if I notice that you have not unmuted yourself, I will ask you if you would like the staff to unmute you. If you indicate approval by nodding, staff will unmute your microphone.

To avoid inadvertent background noise, the chair or staff designated by the chair may mute participants' microphones when they are not recognized to speak.

As a reminder, subcommittee members can submit information in writing at any of our hearings or markups, using the email address provided in advance to your staff.

The testimony we hear today will provide important insight as we work to draft our appropriation bills for fiscal year 2022. We appreciate our colleagues joining us this morning.

I would now like to turn to the distinguished gentlemen from Tennessee, Ranking Member Fleischmann, for his opening remarks.

Mr. FLEISCHMANN. Madam Chair, thank you again for chairing another very important hearing for the Homeland Security Subcommittee. Today is very important to both yourself and to me, where we hear from our colleagues who are going to make presentations for the needs of their district. So, with that, my comments will be brief.

I am solicitous of all the Members from both sides of the aisle from across the Nation, and I do want to assure those who are joining us today for the first time that, despite some very contentious issues which face our Nation and our Conference and this subcommittee, the vast majority of the issues that we deal with, on both sides of the dais, there are large areas of agreement. So we will certainly listen to you all with an open mind today.

And I really appreciate the fact that you have come before us today.

So, with that, Madam Chair, I will yield back, and I thank you.

And to those, again, to the Members who are going to make presentations today, we look forward to them. Thank you. I yield back.

Ms. ROYBAL-ALLARD. Our first witness is Congressman Van Drew from the Second District of New Jersey.

Mr. Van Drew.

**STATEMENT OF HON. JEFFERSON VAN DREW, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY**

Mr. VAN DREW. Thank you. Good morning, Madam Chair and Ranking Member Fleischmann, and thank you for providing this opportunity to testify before the Appropriations Subcommittee on Homeland Security. I am here today to advocate for an incredibly important and urgent project.

I respectfully request that this committee provide $4.6 million in Community Project Funding for the Lake Lenape Dam Rehabilitation Flood Mitigation Project. Through the Pre-Disaster Mitigation Program account, this project is necessary, eligible, of merit, and has unparalleled community support.

My testimony today will consist of three parts: the clear and present danger of flooding present by the dam, the eligibility of the project to receive funding through the PDM account, and the merits of this request for Community Project Funding.

The Lake Lenape Dam located in Mays Landing, New Jersey, is a high hazard, class 1 dam, currently rated in poor condition in August 2020's inspections.

The Lake Lenape Dam is in very real danger of total failure. Here is a flood map showing the potentially catastrophic results of such a failure, and you can look and see what it does to the surrounding communities. You have the very same flood map. It was supplied to you by my office, and it is very illustrative of the danger that is there.

And immediately downstream from the dam is a dense residential and commercial development. As Mays Landing is the county seat, many key government offices are located within what would surely be a flood path created by a failure of this aged and deteriorated dam.

In most catastrophic scenarios, a breach during a hundred-year storm, the resulting flood would nearly inundate half of Mays Landing, resulting in almost certain fatalities, millions of dollars of property damage, and severe damage to critical infrastructure.

The threat of failure of Lake Lenape Dam is imminent. The potential impacts are calamitous, and it is time to address this, and it is time to address it now.

To achieve an effective remedy to flooding, the county's engineer has concluded that the spillway must be completely replaced with a modern solution. The county is prepared to receive any PDM grant funds in fiscal year 2022 that immediately obligate them to begin construction of the already developed designs.

In the most recent BRIC funding round, one of the priorities was to increase funding to applicants that facilitate adoption and enforcement of the latest published Building Codes and dam safety standards.

This proposed Lake Lenape Dam and associated infrastructure components have been engineered to the latest Building Code standards to rectify the current mitigation concerns of a structure that has exceeded its useful life.

The Pre-Disaster Mitigation Program aims to categorically shift the Federal focus away from reactive disaster spending and to-

wards research-supported, proactive investment in community resilience. The Lake Lenape Dam is such a project and, as such, would be eligible for BRIC. And it would be eligible for the funding as well.

The sentiment is echoed by the New Jersey Office of Emergency Management. As elaborated by New Jersey's OEM's letter of endorsement, quote, this project's overall risk-reduction goals are consistent with the goals and objectives of the New Jersey State Hazard Mitigation Plan, and the successful completion of the plan will result in a more resilient and viable community.

In furtherance of the project's eligibility, it has been determined to have a positive cost-benefit ratio of 1.42, and this was calculated with the official FEMA benefit-cost calculator versus 6.00. This rating places it well within the range of viability.

Finally, and most importantly, for Community Project Funding, this project has unparalleled community support. Nearly 2,000 residents of the local community have signed a petition in support of this project. Literally, everyone supports it.

The project has letters of support from local governments, local businesses, and local residential organizations as well. The County Board of Commissioners unanimously has letters of support as well, and the board itself unanimously passed a resolution, and it supports providing a 25-percent standard match to completely fund the proposal.

The project has total and passionate support from the community, and it is understandable why it does. This project has unparalleled community support, is eligible, and is meritorious of funding, and is critically needed.

Chair, Ranking Member, I urge you to provide this grant funding so that the community can quickly and decisively address this existential threat. I thank you so much for your time, and I yield back.

[The information follows:]

Congressman Jeff Van Drew (NJ-02) – Homeland Appropriations Testimony

Good X Chair Roybal-Allard and Ranking Member Fleischmann and thank you for providing the opportunity to testify before the Appropriations Subcommittee on Homeland Security.

I am here today to advocate for an incredibly important and urgent project. I respectfully request that this committee provide $4.6 million in Community Project Funding for the Lake Lenape Dam Rehabilitation Flood Mitigation project, through the Pre-Disaster Mitigation program account.

This project is necessary, eligible, of merit, and has unparalleled community support. My testimony today will consist of three parts:

1) The clear and present danger of flooding presented by the dam.
2) The eligibility of this project to receive funding through the PDM account.
3) The merits of this request for Community Project Funding.

The Lake Lenape Dam, located in Mays Landing, New Jersey, is a High-Hazard, Class I Dam, currently rated in POOR condition in an August 2020 inspection. The Lake Lenape Dam is in very real danger of total failure. Here is a flood map of the potential flooding from such an event.

(Show Map)

Immediately downstream of the Lake Lenape Dam is dense residential and commercial development. As Mays Landing is the County Seat, many key government offices are located within what would surely be a flood path created by a failure of this aged and deteriorated dam. In the most catastrophic scenarios, the resulting flood would inundate nearly half of Mays Landing, resulting in almost certain fatalities, millions of dollars of property damage, and severe damage to critical infrastructure. The threat of failure of the Lake Lenape Dam is imminent, the potential impacts are calamitous, and the time to address this is now.

To achieve an effective remedy to flooding, the County's Engineer has concluded that the spillway must be completely replaced with a modern solution. The County is prepared to receive any PDM grant funds in FY22 and immediately obligate them to begin construction of the already-developed designs.

In the most recent BRIC funding round, one of the priorities was to increase funding to applicants that facilitate adoption and enforcement of the latest published building codes and Dam Safety Standards. The proposed Lake Lenape Dam and associated infrastructure components have been engineered to the latest building codes to rectify the current mitigation concerns of a structure that has exceeded its useful life.

The Pre-Disaster Mitigation BRIC program aims to categorically shift the federal focus away from reactive disaster spending and toward research-supported, proactive investment in community resilience. The Lake Lenape Dam project is such a project and as such would be eligible for BRIC funding. This sentiment is echoed by the New Jersey Office of Emergency Management.

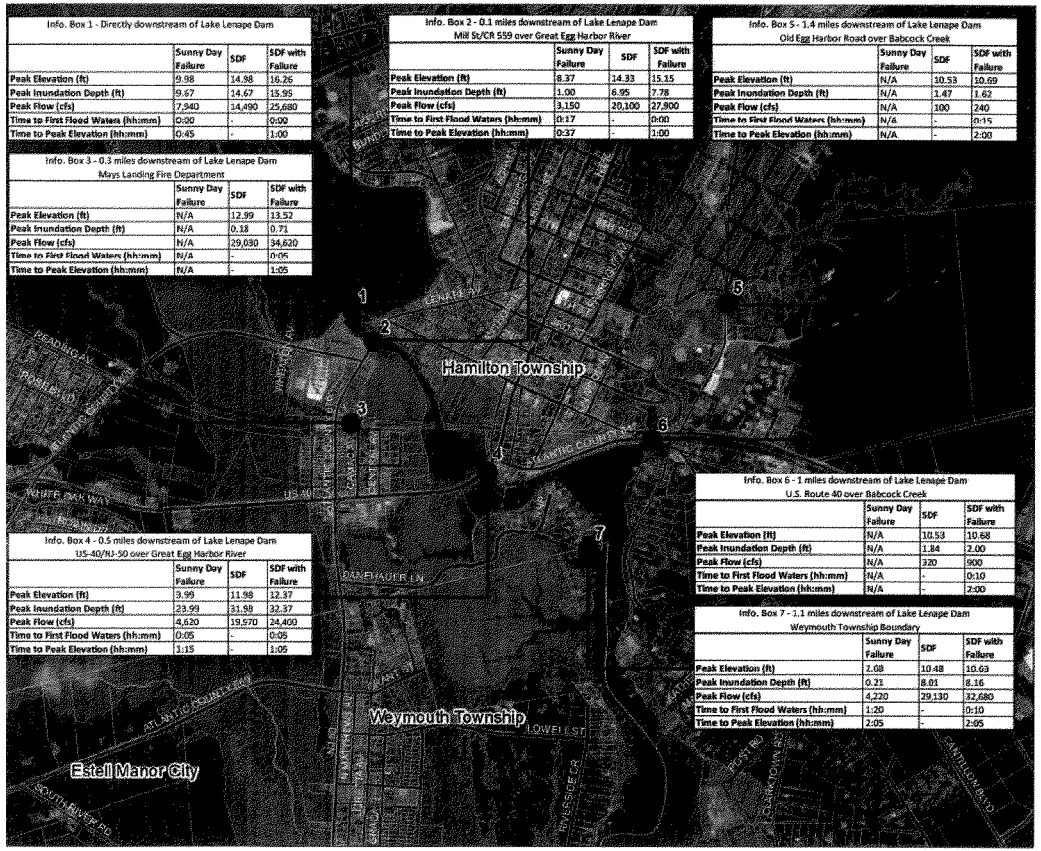
As elaborated in NJ OEM's letter of endorsement:

"This project's overall risk reduction goals are consistent with the goals and objectives of the New Jersey State Hazard Mitigation Plan, and the successful completion of the plan will result in a more resilient and viable community."

In furtherance of the project's eligibility, it has been determined to have a positive Cost-Benefit ratio of 1.42. This was calculated with the official FEMA Benefit-Cost Calculator v 6.0.0. This rating places it well within the range of viability.

Finally, and most importantly for Community Project Funding, this project has unparalleled community support. Nearly 2,000 residents of the local community have signed a petition in support of this project. The project has letters of support from local governments, local businesses, and local residential organizations. The County Board of Commissioners unanimously passed a resolution committing to providing the 25% standard match to complete funding for the proposal. This project has total and passionate support from the entire community.

This project has unparalleled community support, is eligible and meritorious of funding, and is critically needed. Chair Roybal-Allard, Ranking Member Fleischmann, I urge you to provide this grant funding so that the community can quickly and decisively address this existential threat.




Info. Box 1 - Directly downstream of Lake Lenape Dam

| | Sunny Day Failure | SDF | SDF with Failure |
|---|---|---|---|
| Peak Elevation (ft) | 9.98 | 14.98 | 16.26 |
| Peak Inundation Depth (ft) | 9.67 | 14.67 | 15.95 |
| Peak Flow (cfs) | 7,940 | 14,490 | 25,680 |
| Time to First Flood Waters (hh:mm) | 0:00 | - | 0:00 |
| Time to Peak Elevation (hh:mm) | 0:45 | - | 1:00 |

Info. Box 2 - 0.1 miles downstream of Lake Lenape Dam
Mill St/CR 559 over Great Egg Harbor River

| | Sunny Day Failure | SDF | SDF with Failure |
|---|---|---|---|
| Peak Elevation (ft) | 8.37 | 14.33 | 15.15 |
| Peak Inundation Depth (ft) | 1.00 | 6.95 | 7.78 |
| Peak Flow (cfs) | 3,150 | 20,100 | 27,900 |
| Time to First Flood Waters (hh:mm) | 0:17 | - | 0:00 |
| Time to Peak Elevation (hh:mm) | 0:37 | - | 1:00 |

Info. Box 5 - 1.4 miles downstream of Lake Lenape Dam
Old Egg Harbor Road over Babcock Creek

| | Sunny Day Failure | SDF | SDF with Failure |
|---|---|---|---|
| Peak Elevation (ft) | N/A | 10.53 | 10.69 |
| Peak Inundation Depth (ft) | N/A | 1.47 | 1.62 |
| Peak Flow (cfs) | N/A | 100 | 240 |
| Time to First Flood Waters (hh:mm) | N/A | - | 0:15 |
| Time to Peak Elevation (hh:mm) | N/A | - | 2:00 |

Info. Box 3 - 0.3 miles downstream of Lake Lenape Dam
Mays Landing Fire Department

| | Sunny Day Failure | SDF | SDF with Failure |
|---|---|---|---|
| Peak Elevation (ft) | N/A | 12.99 | 13.52 |
| Peak Inundation Depth (ft) | N/A | 0.18 | 0.71 |
| Peak Flow (cfs) | N/A | 29,030 | 34,620 |
| Time to First Flood Waters (hh:mm) | N/A | - | 0:05 |
| Time to Peak Elevation (hh:mm) | N/A | - | 1:05 |

Info. Box 6 - 1 miles downstream of Lake Lenape Dam
U.S. Route 40 over Babcock Creek

| | Sunny Day Failure | SDF | SDF with Failure |
|---|---|---|---|
| Peak Elevation (ft) | N/A | 10.53 | 10.68 |
| Peak Inundation Depth (ft) | N/A | 1.84 | 2.00 |
| Peak Flow (cfs) | N/A | 320 | 900 |
| Time to First Flood Waters (hh:mm) | N/A | - | 0:10 |
| Time to Peak Elevation (hh:mm) | N/A | - | 2:00 |

Info. Box 4 - 0.5 miles downstream of Lake Lenape Dam
US-40/NJ-50 over Great Egg Harbor River

| | Sunny Day Failure | SDF | SDF with Failure |
|---|---|---|---|
| Peak Elevation (ft) | 3.99 | 11.98 | 12.37 |
| Peak Inundation Depth (ft) | 23.99 | 31.98 | 32.37 |
| Peak Flow (cfs) | 4,620 | 19,970 | 24,400 |
| Time to First Flood Waters (hh:mm) | 0:05 | - | 0:05 |
| Time to Peak Elevation (hh:mm) | 1:15 | - | 1:05 |

Info. Box 7 - 1.1 miles downstream of Lake Lenape Dam
Weymouth Township Boundary

| | Sunny Day Failure | SDF | SDF with Failure |
|---|---|---|---|
| Peak Elevation (ft) | 2.08 | 10.48 | 10.63 |
| Peak Inundation Depth (ft) | 0.21 | 8.01 | 8.16 |
| Peak Flow (cfs) | 4,220 | 29,130 | 32,680 |
| Time to First Flood Waters (hh:mm) | 1:20 | - | 0:10 |
| Time to Peak Elevation (hh:mm) | 2:05 | - | 2:05 |

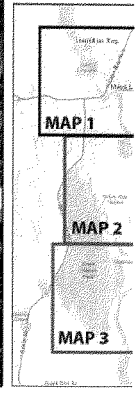
# Dam Breach (Map 1 of 3)

Projected Coordinate
Plane New Jersey FIPS
Projection: Transverse
False Easting: 49212
False Northing: 0.0000
Central Meridian: -74.5
Linear Unit: Foot US

0 0.125 0.25

## Legend

Municipa
Parcel B
Roadway
Sunny D
SDF Bre



Ms. ROYBAL-ALLARD. Okay.

Thank you, Mr. Van Drew, for your testimony. And based on the information that we have, this seems like it is a good mitigation project and will hopefully meet all the criteria for the program.

The total project cost is above the maximum amount that will likely be funded in this bill for mitigation projects, which is likely to be more like a million dollars. Do you know whether or not there are sufficient local resources available to cover the remainder cost of the project?

Mr. VAN DREW. There are. If we need to do it, we can, absolutely. There is so much concern about this dam and the need is so great, and the safety concerns are real, so whatever it takes.

Ms. ROYBAL-ALLARD. Okay.

Mr. Fleischmann, do you have any questions?

Mr. FLEISCHMANN. No. I just want to thank the gentleman from New Jersey for a very well-articulated presentation and for the education on that. Thank you. That is certainly going to help us in our decisionmaking process. So I thank the gentleman, and I yield back.

Mr. VAN DREW. Thank you, Ranking Member.

Ms. ROYBAL-ALLARD. Next, I would like to call on Congressman Pat Fallon from the Fourth District of Texas.

**STATEMENT OF HON. PAT FALLON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS**

Mr. FALLON. Thank you, Madam Chair, and Ranking Member Fleischmann, and members of the subcommittee, I appreciate the opportunity to visit with you today. As we all know, we are currently facing a crisis at the southern border.

While we can certainly debate what caused this crisis and what is the best way to handle the surge of immigrants crossing our border, the fact remains that we are currently underresourced and understaffed in this fight.

With this in mind, I ask if you would respectfully consider a commonsense appropriations request to support the men and women of the U.S. Customs and Border Patrol by providing them adequate resources to accomplish the mission that we have tasked them with. Because of the surge of migrants, a significant number of our agents on the border have been forced to divert their attention from law enforcement activities to mundane administrative tasks and processing immigrants. I mean, they are changing diapers and things of that nature.

We are talking hundreds of thousands of folks every month, and it is the right and humane thing to do, and also we don't want the drug cartels to win. And they are very powerful, and they are very dangerous.

This has compounded the effects of the surge that our Border Patrol are doing so many other things, and the immigrants, as we know, there is fewer agents covering the border for security purposes, what we have actually hired them to do.

And the migrants themselves are at risk, and the drug smugglers and the human traffickers are the ones that are profiting. Previously, this committee has recognized the issue of diverting the

BPAs from law enforcement activities by providing funding for Border Patrol processing coordinators.

These coordinators seek to alleviate the administrative burdens put on our agents so that they may, you know, instead, focus on law enforcement duties.

Last Congress, this committee increased funding for these positions by $7 million. I want to thank you; it was the right thing to do, and I appreciate that.

This year, we are at a critical juncture, even more so than last year, and there seems to be, unfortunately, little hope that the tide of migration is going to slow anytime soon. As such, we must use every tool that we have to prevent the migrants from entering illegally and also being harmed in any way by the evil drug smugglers.

And we still have a chance and want to work to fix the root causes of the problem. Hopefully we can do that in a bipartisan fashion.

Ensuring that the Border Patrol agents are able to do their jobs, that is nonpartisan and that is apolitical. And with this in mind, I ask respectfully if you would continue to invest in the critical roles of our Border Patrol agents and our processing coordinators by supporting the highest level of funding possible for the Border Patrol operations and their support staff.

Thank you very much for allowing me to share my thoughts and my request, and I stand ready to answer any questions, and I yield back.

[The information follows:]

# Member Day Testimony – Subcommittee on Homeland Security

## Rep. Pat Fallon (TX-04)

Chairwoman Roybal-Allard, Ranking Member Fleischmann, Members of the Subcommittee, thank you for the opportunity to testify before you today.

As you all know, we are currently facing a crisis on our Southern Border. While we can debate what caused this crisis or what is the best way to handle the surge of immigrants crossing our border, the fact remains that we are currently under resourced and understaffed on our border.

With this in mind, I ask that you consider my commonsense appropriations request to support the men and women of the U.S. Customs and Border Patrol by providing them adequate resourcing to accomplish their mission. Because of the surge of immigrants, a significant number of Border Patrol Agents (BPA's) have been forced to divert their attention from law enforcement activities to mundane administrative tasks in order to process migrants. This has compounded the effects of the surge in immigrants as we now have fewer BPAs covering our border. Illegal immigrants including drug smugglers, human traffickers, and criminals then exploit these holes in our security to enter the country unlawfully.

Previously, this committee has recognized the issue of diverting BPAs from law enforcement activities by providing funding for Border Patrol Processing Coordinators. These coordinators seek to alleviate the administrative burden put on the BPAs so that they may instead focus on law enforcement duties.

Last Congress, this Committee increased funding for these positions by $7 million. This year, we are at a critical juncture. There seems to be little hope that the tide of immigrants is going to slow any time soon as more illegals are processed and sent into our country. We must use every tool we have to prevent migrants from entering illegally as we simultaneously work to fix the root causes of the problem. Ensuring BPAs are able to do their job and not drown in administrative work is a simple step toward this goal. With this in mind, I ask that you continue to invest in the critical roles of Border Patrol Processing Coordinators by supporting the highest level of funding possible for the U.S. Customs and Border Patrol Operations and Support account. Thank you again for your time today and attention to this matter. I stand ready to answer any questions you may have.

Ms. ROYBAL-ALLARD. Mr. Fallon, thank you so very much for your comments. And as you noted, the Processing Coordinator Program is one that we have supported for several years. So we were very excited to see that the first class graduated this past year, and in June, we understand that CBP will be graduating the second class from the Federal Law Enforcement Training Center in Charleston, South Carolina.

So, as you know, this is something that is very important and that we will, you know, continue to support. So, again, I just want to say thank you for your comments and for your support of this program.

Mr. FALLON. Thank you, Madam Chair.

Ms. ROYBAL-ALLARD. Mr. Fleischmann, do you have any questions or comments?

Mr. FLEISCHMANN. Just want to reiterate and affirm what you have said, Madam Chair, and to the gentleman from Texas, thank you again for again a well-articulated, well-reasoned presentation. I am so glad that you have come before us today, but I could not agree more with the chair's comments in that regard.

And, with that, I will yield back.

Mr. FALLON. Thanks.

Ms. ROYBAL-ALLARD. Okay. Thank you.

Is Congresswoman Jackson Lee here yet?

Chuck, if it is okay with you, I am going to maybe just recess for about maybe 5 minutes to see if she is coming, and then, if not, then we will just adjourn.

Mr. FLEISCHMANN. Yes, ma'am, whatever you wish. We will be here. So, either way, you can stay open or adjourn, I will be here. It would be my pleasure.

Ms. ROYBAL-ALLARD. Okay. For a few minutes.

Mr. FLEISCHMANN. Yes.

Ms. ROYBAL-ALLARD. Okay. Thank you.

[Recess.]

Ms. ROYBAL-ALLARD. Mr. Fleischmann. Apparently Ms. Jackson Lee has been detained, and we don't know exactly how long. So I am going to conclude today's hearing, and she can submit her testimony to the subcommittee.

Mr. FLEISCHMANN. Yes, ma'am, and please convey to Ms. Jackson Lee, who is a friend, that I will be more than glad to look at that with you, in whatever way she decides to submit that, and we understand.

Ms. ROYBAL-ALLARD. Okay. Thank you.

Mr. FLEISCHMANN. It is a pleasure.

Ms. ROYBAL-ALLARD. Okay. The Subcommittee on Homeland Security stands adjourned.

The information follows:

# CONGRESSWOMAN SHEILA JACKSON LEE (TX-18)

## STATEMENT BEFORE THE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON HOMELAND SECURITY

## VIRTUAL MEMBER DAY HEARING ON HOMELAND SECURITY AND RELATED AGENCIES APPROPRIATIONS ACT FOR FY2022 THURSDAY, MAY 20, 2021 10:00 A.M. CISCO WEBEX

*Chairwoman Roybal-Allard, Ranking Member Fleischmann and distinguished Members of the Subcommittee:*

- As a senior member of the Committee on Homeland Security, and the Chair of the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security, let me offer my appreciation and thanks to Chairwoman Roybal-Allard and Ranking Member Fleischmann for the difficult work and choices that must be made to produce a truly bipartisan Homeland Security spending bill, and for their commitment to providing the resources needed to secure our homeland.
- Madam Chair, I understand that my entire statement will be made part of the record so I will keep my remarks brief. In the few minutes allotted I wish to highlight several programs that warrant the Committee's continuing attention and support.
- **I support $14 billion for Pre-Disaster Mitigation (PDM) Program**
  The Pre-Disaster Mitigation Program within FEMA takes a forward-looking approach to prepare for a disaster before it occurs. Mitigation enables communities to recover more quickly when a disaster strikes, and ultimately saves money associated with costly disaster recovery efforts. In fact, it is estimated that each $1 spent on mitigation saves roughly $3 to $4 on disaster spending.

- **I support $130 million for the Port Security Grant Program (PSGP)**
  The Port Security Grant Program directly supports State, local, and private maritime infrastructure by making funds available to improve port-wide maritime security risk management; enhance maritime domain awareness; support maritime security training and exercises; and to maintain or reestablish maritime security mitigation protocols that support port recovery and resiliency capabilities.

- **I support $9.0 billion for TSA to fully address additional requirements in screening processes and procedures**
  These additional requirements will allow TSA the opportunity to address the additional requirements previously identified more fully in response to findings from covert testing of screening processes and procedures. $3.0 billion to support FTE Transportation Security Officers (TSO)s to ensure effective screening operations and maintain an appropriate staffing level at checkpoints.

- **I support $65 million for University Programs, Homeland Security Centers of Excellence for HBCUs**
  The Centers bring together leading experts and researchers to conduct multidisciplinary research and education for homeland security solutions. The Centers are authorized by Congress and chosen by the Science & Technology Directorate through a competitive selection process. Each Center is led by a university in collaboration with partners from other institutions, agencies, laboratories, think tanks, and the private sector.

- **I support robust funding for the FEMA's Hazard Mitigation Assistance (HMA) grants program**
  FEMA's Hazard Mitigation Assistance (HMA) grants reduce disaster losses and protect life and property from future disasters. Mitigation includes community risk reduction, improved resilience of critical infrastructure, risk reduction for vulnerabilities from natural hazards and climate change, and initiatives to reduce future risks. Projects must provide a long term solution.

- **I support $435 million for the Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program**
  At minimum, fund the SAFER Grant Program at the $435 million. This program, authorized in 2003, provides much-needed funding for career and volunteer fire departments to hire new firefighters and recruit and retain volunteer firefighters. This program is critical to the thousands of fire stations across the country that are currently operating short of staff and to those seeking to retain current first responders in the face of the economic downturn and recovery.

- **I support $775 million for the Urban Area Security Initiative**
  I respectfully request FY 2022 funding levels of $775 million for the Urban Area Security Initiative (UASI). UASI funds are provided to urban areas across the country that are at high-risk of terrorist attacks. These funds are used for planning,

operations, training and exercise to prevent, respond to, and recover from acts of terrorism.

- **I support $135 million for the Transit Security Grant Program**
  I request $135 million for the Transit Security Grant Program (TSGP). Mass transit systems have unique security challenges, and one way the federal government fulfills its obligation to secure our homeland is by assisting localities in protecting them. TSGP provides critical funds for public transit entities to shield against terrorist attacks. Our request also asks that TSGP be kept separate and not consolidated into a larger grant program.

- **I support $27 million for immigrant integration and citizenship programs within U.S. Citizenship and Immigration Services (USCIS)**
  These funds will assist the more than 8.8 million legal permanent residents who are currently eligible to realize their dream of U.S. citizenship, and will help ensure the full and successful integration of immigrants into our society at a critical time in the evolution of our national immigration policy.

**REQUESTED REPORT LANGUAGE:**

- Finally, Madam Chair, I would request the Committee to include the following language in the report:

  1. **Anti-White Nationalist Domestic Terrorism Actions**
     "The Committee is cognizant of the vulnerabilities to the safety and security of persons, property, and interests working or located in the U.S. Capitol and its environs. The insurrection that occurred on January 6, 2021, when an incited mob of domestic terrorists, white nationalists and supremacists laid siege to the Capitol Building in order to disrupt a constitutionally mandated duty of the Congress is a dark stain on the nation's history, and exacerbated by the fact that a large number of the marauders had previously taken oaths – as law enforcement officers, as members of the military, and as civil servants and contractors - to uphold and defend the Constitution, and to do so with true faith and allegiance.

     "The U.S. Intelligence Community has assessed that domestic terrorism, particularly white supremacy and white nationalist organizations, is the greatest and most imminent threat to our nation and democratic form of government. The Committee applauds the service and sacrifice of the men and women who serve the American people in the civilian and military sectors of government. The Committee, however, cautions and directs the Secretary to exercise vigilance and take decisive action to identify, isolate, and remove from service individuals whose actions of January 62 2021 at the U.S. Capitol or whose connections, actions, or affiliations with white nationalist organizations pose a threat to the security of the United States. Actions the Secretary should take include undertaking an immediate review of a clearance when a security clearance holder is reported to have engaged in violent acts against individuals, property, or public spaces based on the security clearance holder's association or sympathy with persons or organizations that advocate, threaten, or use force or violence, or any

other illegal or unconstitutional means, in an effort to prevent others from exercising their rights under the Constitution or laws of the United States or of any State, based on factors including, at a minimum, race, religion, national origin, or disability."

2. **Pre-Disaster Mitigation**
   "The Committee encourages FEMA to give priority consideration to grants that address heightened risk for natural disaster hazards due to climate change."

3. **300 Foot Rule for LEO Coverage at Category X Airports**
   "The Committee encourages the Department to pursue a rulemaking that will guarantee full law enforcement coverage at every security checkpoint at our nation's largest airports. All Category X airports should have a law enforcement officer stationed within 300 feet of every security checkpoint during operating hours. The Under Secretary ought to have authority to waive this requirement only if the police chief or local law enforcement lead with jurisdiction over such airport certifies in a written application to the Under Secretary that adherence to such a rule would adversely affect airport security or cause undue hardship for the airport policing entity."

4. **Public Private Partnerships Promoting Integration of Lawful Immigrants**
   "The USCIS to examine the feasibility of soliciting and accepting donations from the private sector to enhance the capacity of the Office of Citizenship and the Citizenship and Integration Grants program."

**CONCLUSION**

- Madam Chair, I thank you and the Ranking Member for your leadership and for extending me this opportunity to share some of my priorities with you.

WEDNESDAY, MAY 26, 2021.

# DEPARTMENT OF HOMELAND SECURITY RESOURCE MANAGEMENT AND OPERATIONAL PRIORITIES

## WITNESS

**HON. ALEJANDRO MAYORKAS, SECRETARY, DEPARTMENT OF HOMELAND SECURITY**

Ms. ROYBAL-ALLARD. The Subcommittee on Homeland Security will come to order.

During today's virtual hearing, members are responsible for muting and unmuting themselves. When you are recognized to speak, if I notice that you have not unmuted yourself, I will ask you if you would like the staff to unmute you. If you indicate approval by nodding, staff will unmute your microphone. To avoid inadvertent background noise, the chair or staff designated by the chair may mute participant microphones when they are not recognized to speak.

If there is a technology issue during the member's speaking time, we will move to the next member until the issue is resolved, and you will retain the balance of your time.

We will be following the 5-minute rule. With 1 minute remaining in your time, the clock on your screen will turn yellow. When your time is expired, the clock will turn red, and it will be time to recognize the next member.

We will follow the speaking order set forth in the House rules, beginning with the chair and ranking member and followed by members present at the time that the hearing is called to order in order of seniority, and we will alternate by party. Next, we will go to members who were not present when the hearing was called to order until every member present has had a first round.

Members can submit information in writing at any of our hearings or markups, using the email address provided in advance to your staff.

Now, let's begin. I am going to keep my opening remarks brief to allow maximum time for questions.

I welcome the Honorable Alejandro Mayorkas, Secretary of the Department of Homeland Security, who is here to discuss the Department's operations and resource requirements.

Mr. Secretary, this is your first appearance before this subcommittee in your current role, but you are certainly not new to the Department and its diverse set of missions. I can think of no one more qualified to lead the Department at this very challenging time.

We scheduled this hearing with you late in the month, hoping that we could discuss the details of the Department's fiscal year 2022 budget request. Unfortunately, we will not be getting the full

budget request until Friday, which means you are limited in what you can say about it. Nevertheless, I hope to have a good discussion this morning, not only about the current operations of the Department and the use of its appropriated resources but also about what it will take to continue addressing the many challenges you face in the coming fiscal year.

Mr. Secretary, I recently visited the border with you, and I want to commend all the DHS personnel who have been working so hard over the last few months to manage an incredibly difficult challenge.

Working closely with the Department of Health and Human Services, you were able to reduce the number of unaccompanied children in CBP custody from over 5,000 to now around 500. And I understand that CBP and ICE recently established a coordination cell to help prevent overcrowding of families at CBP facilities. We look forward to seeing progress on this as quickly as possible.

Your Department is also facing a significant challenge in the cybersecurity area, with several breaches of government and private sector systems over the past several months. The Colonial Pipeline breach in particular was a wake-up call to many Americans about how malicious cyber actors, often backed by foreign states, can disrupt the U.S. economy and all of our lives.

I was pleased to hear yesterday about the impending TSA directive on pipeline cybersecurity reporting. I was surprised, however, to have found out about it in the press, particularly given our engagement with TSA and CISA on the Colonial Pipeline issue over the past few weeks.

Mr. Secretary, since January 2020, the Department has seen 51 line of duty deaths, 43 of which were reported as related to COVID–19. On behalf of the subcommittee, I convey our most sincere condolences to the families and colleagues of the members of the DHS family who have lost their lives over the last year.

Mr. Secretary, the Department has a varied and challenging mission set that is not always fully appreciated, and I want you to know this subcommittee does appreciate what you and the 240,000 men and women who work for you do every day to help keep our Nation safe.

Please convey to the men and women of the Department that they have our continued support during this very challenging time, that we will continue to do our best to provide the resources necessary to protect their health and well-being, and that they have our deep gratitude for their service to our country.

I now turn to the distinguished gentleman from Tennessee, Ranking Member Fleischmann, for his opening remarks.

Mr. FLEISCHMANN. Thank you, Madam Chairwoman.

And thank you, Mr. Secretary, for your presence here today and for stepping up to serve at a most difficult and challenging time in our Nation's history, sir.

I welcome you to the subcommittee, and I thank you for reaching out to me the other week. I very much enjoyed our conversation, and I look forward to meeting with you in person as soon as possible.

I know we were all hoping that we would have had a chance to talk about the fiscal year 2022 budget for the Department of Home-

land Security, but timing is not on our side. I am sure your people have briefed you up and up and down on all the facts and figures, so please feel free to share any budget information with us today that you can that you would deem helpful.

We have had some very positive oversight and readiness hearings with the components of this Department: Coast Guard, Secret Service, TSA, CISA, FEMA, CBP, and ICE. And it is good to know that you have some very capable leaders and people in the components working to keep our country safe. I wish we could have discussed the budget proposal, but we covered a lot of ground in our earlier hearings.

Mr. Secretary, though, there are some difficult issues that this administration needs to address about the security at our borders and our infrastructure and how laws are upheld. As the Secretary, we are looking to you to provide answers. I fear we are at a crisis point. Border apprehensions are at an all-time high, but ICE apprehensions are at an all-time low. We have lost balance.

I have been to the southwest border this year, as well as in the past, to meet with agents and officers on the front lines. We have hundreds of youths coming through an airport in Chattanooga on the way to HHS facilities across the region. What we are seeing today is not sustainable, and I am not seeing any actions from the administration that progress is being made to address these problems. Instead, we are just seeing more problems.

I told Mr. Johnson with ICE when he was with us about 2 weeks ago that ICE is a crucial component in our ability to enforce immigration, customs, and trade laws in this country.

The Washington Post last night published an article about how ICE is basically doing nothing because they have been basically told not to do their jobs. Now, this was a Washington Post article.

I worry that, without operational law enforcement, we will lose the battle against bad actors coming into our country unvetted, cartels, smugglers, and traffickers. If the administration continues to send the signal that people who enter the country illegally face no consequence for breaking the law, the cartels are emboldened to continue victimizing people and raising their profits by exploiting a lax system.

I do look forward to your testimony today and everyone's questions. As appropriators, we must come to an agreement for the annual spending bill. I am sure we are all up to the task, and I am optimistic we can return some balance to the system.

Thank you, Mr. Secretary.

Madam Chair, I yield back the remainder of my time.

Ms. ROYBAL-ALLARD. Mr. Secretary, we will submit the full text of your official statement for the hearing record. Please begin your oral summary, which I would ask that you keep to 5 minutes.

Secretary MAYORKAS. Thank you very much, Chairwoman Roybal-Allard, Ranking Member Fleischmann, and distinguished members of the subcommittee.

Good morning. I very much appreciate the opportunity to be with you today. The Department of Homeland Security is confronting serious, complex, and dynamic threats to the security of our Nation on a daily basis. Under the Biden-Harris administration, we are aggressively pursuing efforts to address our most pressing security

concerns, from cybersecurity to domestic violent extremism to the COVID–19 pandemic and more.

This is hard work, but that is what 240,000 colleagues in the Department of Homeland Security do every day. Their dedicated efforts keep our communities safe and secure. And the resources afforded by this Congress help ensure we can effectively meet our mission and recruit and retain our Nation's most talented professionals.

The President's proposed budget will invest in our broad mission set, including preventing terrorism, securing and managing our borders, repairing the broken immigration system, safeguarding cyber and critical infrastructure, and strengthening national preparedness and resilience. It will provide DHS with the resources we need to keep our country safe, strong, and prosperous.

While I am unable to address specific details of the President's budget until it is officially released later this week, I welcome this opportunity to discuss several key agency priorities for fiscal year 2022 laid out in the President's $52.2 billion discretionary request for DHS.

This request includes approximately $1.2 billion for border infrastructure improvements to fund modernization of our land ports of entry and border security technology, and to ensure the safe and humane treatment of migrants in Customs and Border Protection custody. It would also support our enhanced efforts to combat the smuggling and trafficking of people, illicit drugs and weapons, while providing for more efficient travel, trade, and commerce.

We are working tirelessly to rebuild our immigration system into one that upholds our Nation's laws and is fair, equitable, and reflects our values. To achieve this, the fiscal year 2022 request includes $345 million to U.S. Citizenship and Immigration Services to address naturalization, asylum, and other program backlogs. The budget request also supports up to 125,000 refuge admissions for fiscal year 2022.

To meet the President's bold vision for combating climate change, the discretionary request includes an additional investment of $540 million above the fiscal year 2021 enacted level to increase resilience efforts and enhance predisaster planning.

It will support resiliency in infrastructure, particularly for vulnerable and historically underserved communities, and it would resource the Federal Emergency Management Agency with the ability to hire additional staff to prepare and respond to the increasing number of emergencies and disasters our Nation has experienced.

In recent months, DHS has made it a top priority to address domestic violent extremism, which I believe to be the most lethal and persistent terrorism-related threat to the United States today.

The fiscal year 2022 request includes $131 million to support innovative methods to prevent domestic violent extremism while reflecting and respecting privacy, civil rights, and civil liberties. It also supports critical research of the root causes of radicalization, enhanced community outreach, and funding for locally driven efforts.

Finally, in the face of increasing cyber threats, it is critical that we promote resilience not only within the Federal Government but across the public and private sectors in our critical infrastructure

systems. The recent ransomware attack on the Colonial Pipeline serves as a stark example of this ever-present threat.

Our discretionary request includes $2.1 billion for our Cybersecurity and Infrastructure Security Agency, which leads DHS and interagency efforts to defend against today's threats and build a more secure and resilient future.

We will also further strengthen the cyber capabilities of the Transportation Security Administration, the U.S. Secret Service, Homeland Security Investigations, and the U.S. Coast Guard.

The budget also proposes $618 million for needed investments in research and development and innovation across DHS, laying out a strong foundation to not just respond to the threats of today but prepare for and defend against the threats of tomorrow.

Thank you for the opportunity to be here today. I am grateful for your continued support for the dedicated public servants of the Department of Homeland Security and for the work they do each and every day.

I look forward to discussing the President's proposed fiscal year 2022 budget in greater detail when officially released, and I welcome your questions today. Thank you very much.

Ms. ROYBAL-ALLARD. Thank you, Mr. Secretary.

I want to commend you and the DHS personnel who have been working so hard over the last few months to manage an incredibly difficult situation on our southern border. Significant challenges remain, of course, but you and your team have been able to impose order on what otherwise could have spiraled into an unmanageable situation.

Can you update us on the current status of the border, what trends you are seeing, and how they may be different from what we saw during the last major influx of migrants in 2019?

Secretary MAYORKAS. Thank you very much, Madam Chairwoman. I must echo your commendation of our frontline personnel, of course, the United States Border Patrol, also the men and women of FEMA and U.S. Citizenship and Immigration Services, whom we have deployed to address the influx of unaccompanied children at our border.

You correctly noted that we have reduced the number of unaccompanied children in Border Patrol custody from almost 5,000 children a little bit more than 30 days ago to less than 600 today.

We continue to see the migration, the irregular migration of unaccompanied children, but we continue in our success of managing that flow, moving those children more rapidly to HHS shelters that are properly equipped to address the needs of unaccompanied children. And we are reengineering the process from beginning to end, not only to achieve the more facile and expeditious movement of the children from Border Patrol facilities to Health and Human Services facilities but, importantly, to more expeditiously move those children from the HHS facilities to the parents and legal guardians who are responsible for their care here in the United States.

So we continue with our success. The challenge is not behind us, but nor is the progress in reengineering to better improve the system. And so I appreciate that opportunity.

Ms. ROYBAL-ALLARD. Now, DHS continues to use the title 42 authority granted by CDC in March 2020 to rapidly expel most migrants. When do you think the title 42 authority will be lifted, and are there specific metrics that the CDC will use to make this decision?

Secretary MAYORKAS. The title 42 authority that we employ to expel individuals and family members at the border is the authority of CDC, and it is based upon a public health imperative. And we use it based upon the CDC's assessment of the public health conditions and what is needed to protect the health and safety of the American public and the migrants themselves.

We are watching the data. We are watching the science, led by the CDC, and we will no longer rely upon title 42 when there is no longer a public health imperative basis to do so. We do not have metrics, we in the Department of Homeland Security. It is not necessarily based on the flows that we see but, rather, the public health details and facts that underlie our actions. And we are in close touch on a daily basis with the CDC to understand the public health conditions that serve as a predicate for our use of that authority.

Ms. ROYBAL-ALLARD. Okay. Once title 42 does go away, CBP will begin giving migrants their full due process, as required by law, such as the right to claim asylum. How are you preparing for this change, and what additional resources will be needed to effectively manage it?

Secretary MAYORKAS. Madam Chairwoman, we in the Department of Homeland Security, our personnel have dealt with surges many times before. These surges occur periodically and, more specifically, seasonally.

We are not only looking at the tools that we have historically used under our different authorities, under title 8 of the United States Code, but, once again, we are looking at the processes that we have and how we can build upon them and improve them.

And so we are looking at, for example, the asylum system and the duration, the length of time it takes to achieve a final adjudication and how we can use our regulatory authorities to bring far greater efficiency to that system.

So we are looking not only at the tools that we historically have had but also how we can improve the processes that have existed. And it is our sincere hope and our urge that Congress pass legislation to reform a system that we all understand to be so fundamentally broken.

Ms. ROYBAL-ALLARD. Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, Madam Chair.

And, again, Mr. Secretary, thank you for being with us today. As you know, sir, I want to thank you again. And my colleagues know that when I deal with administration officials in any administration, such as yourself, I want to deal with you with the utmost humility and respect, but today, sir, I have got to ask some very pointed questions, and I do that with the utmost respect towards you and towards your office. But I am deeply troubled, sir.

In my opening statement, I mentioned the recent article from The Washington Post about the near shutdown of the agency charged with enforcing our Nation's immigration laws. The Wash-

ington Post states: The agency's 6,000 officers currently average one arrest every 2 months—one arrest every 2 months.

My first question, sir, is that an accurate statistic, and is that the intended outcome of the various orders and directives, a near stop of all immigration violation arrests, sir?

Secretary MAYORKAS. Mr. Ranking Member, I have a few things to say, if I may. And let me answer your question at the top and then address, if I may, a few of your preliminary remarks. That is a data point with which I am completely unfamiliar. I do not believe it is accurate, and we will provide your office with accurate data.

I think there are a few important things to say in addition to that. Number one, I very much appreciated our conversation a few weeks ago and the respect that you have for this office and for our Department and the support that you provide to the men and women of our Department. And I welcome the pointed questions. I well understand it is our shared responsibility to both ask pointed questions and to deliver answers for them.

Law enforcement effectiveness is not a quantitative issue; it is a qualitative one. The question is, as to whom are we dedicating our resources, what will deliver the greatest public safety results for the American public? And that is what I am focused on.

And I have a tremendous amount of experience in this realm, not only because of my service in the Department of Homeland Security but my 12 years of service in the United States Department of Justice as a Federal prosecutor, investigating and prosecuting criminals for 9 years on the front lines, in the trenches, in the Federal courtroom, as well as serving as a United States Attorney for 3 years.

So I am very well aware of what is needed to deliver for the American public the public safety that we all deserve and to which we aspire.

Mr. FLEISCHMANN. And I do acknowledge and honor your experience, sir. But another quote from this article: One of the priority groups, recent border crossers, are effectively no longer subject to arrest once they reach the U.S. interior.

I have two questions, sir—well, two separate sets of questions. Is this true? Has President Biden already abandoned the directive that recent border crossers would be held to basic immigration laws?

And then, as a followup, are there no consequences for illegally crossing the border at this point? Because, frankly, sir, it appears that President Biden's message to one and all is that the U.S. has no limits to whom can come because the administration will not enforce any of its immigration laws. Is that the message, this country will not enforce its immigration laws? And I will let you respond, sir.

Secretary MAYORKAS. No, it is not. And the President could not have been clearer in his articulation of this administration's position, nor could I have been clearer and continue to be, which is the border is closed.

And this administration administers and enforces the laws of the United States of America. And that is not only the laws of account-

ability but also the humanitarian laws that Congress passed many years ago.

And there are three priority areas specifically and explicitly articulated in both the January 20th memorandum of then-Acting Secretary Pekoske and the February 8th guidance of Acting ICE Director Tae Johnson. And those three priority areas are: national security, public safety, and border security. And border security is specifically defined as recent border crossers.

And I think that those documents and our actions speak powerfully to the fact that the border is closed and that we enforce the laws that Congress has passed. But we will do so effectively to ensure the greatest impact and outcome from the resources that we have.

Mr. FLEISCHMANN. Mr. Secretary, my time has expired. I thank you for your responses, and I will reserve for round two.

Madam Chair, I yield back. Thank you.

Ms. ROYBAL-ALLARD. Mr. Cuellar.

Mr. CUELLAR. Thank you so much, Madam Chair, Ranking Member.

Mr. Secretary, thank you so much for what you do. Some of us have dealt with the Homeland Secretaries since the Bush administration, and everybody comes in with their own thoughts and philosophies, and I understand that. And no matter what you do, some people think you are doing too little, some people think you are doing too much. So I know you have a very complicated job, and we want to be as supportive as we can to help you succeed.

My question is: I need for you to help me give a message to my border communities. What would you tell my border communities when we talk about reopening the southwest border to nonessential travel?

In Laredo, for example, downtown Laredo, in bridge number one, there have been about 150 businesses that have closed, people that got their—earned savings, they lost their businesses, they lost their savings, because, one, you had the COVID–19 situation, the pandemic, and on top of that, some of those businesses depend 30, 40, 50 percent on the Mexican shoppers.

Some of them are asking me, you know, why is it that the Mexicans can fly in or the undocumented people can come in through either a bridge in Laredo through the metering system or at the bus stations we see them or at the airports in Laredo, and I see them every time I fly to D.C., families going into the interior.

So we have done everything, talked to the Mexicans. I talked to your health adviser, Gary. He is an excellent person. I talked to CDC. In fact, this Friday I have a call with DHS, CDC, and NIH on border openings. I have talked to the Mexicans. Everybody says we are ready to open up this month.

I am hoping that we can get some good news, Mr. Secretary, because when we said it was temporary restrictions, you know, it has been over a year. And that word "temporary" to me was going to be a little earlier. I know it is health-driven. I understand that. I am with you.

But what message could you give us of some hope and optimism to my border communities from Laredo down to the valley and up and down the border from California, New Mexico, Arizona? And,

of course, I know it affects the northern border. But gives us some news that hopefully this month will be the last time, that at least we can open up in a phased-in way. And I understand it is health-driven. I understand. I just want to be very helpful to you to help you open up the border.

Secretary MAYORKAS. Thank you very much, Congressman. I had the privilege of visiting the border with you when I served as Deputy Secretary, and I know how much of a champion you are for those border communities.

And thank you also for mentioning Gary. That is Gary Rasicot, who is a fantastic public servant. I am going to take the luxury of 30 seconds since we did give a shout-out. I must give a shout-out to the budget team of the U.S. Department of Homeland Security, which is just as good as it gets, I must say.

Congressman, we are watching not only the public health situation on a daily basis, but also the economic situation on a daily basis. And we very well understand the economic consequences of our use of title 42 on the one hand and, more importantly, the public health situation that it reflects and its impact on the border communities and how much the flow of people and goods, its criticality to the prosperity of those border communities.

We confer every single day on that. And the assurance that I can give the people whom you represent and throughout the border communities on our southern border and on the northern border is that we will not restrict travel one day more than the public health imperative requires. That is the assurance I can give.

Mr. CUELLAR. All right, thank you. I know I have got about 20 seconds left, so we are going to have this conversation. And, hopefully, you will allow your Under Secretary, Gary, to join us so we can talk to CDC, because the last time I talked to the CDC they said it was Homeland's decision, and then you are telling me that it is CDC's. So, hopefully, you are allowing to be part of this conversation on Friday morning on that.

But thank you again for your service. I have some other questions, but I will save it for the second round. Thank you, Mr. Secretary.

Secretary MAYORKAS. Thank you, Congressman. And let me be clear, and I apologize if I wasn't. This is an all-of-government effort, and we are working across the Federal Government enterprise to make these decisions.

Ms. ROYBAL-ALLARD. Mr. Palazzo. Mr. Palazzo.

I will then go to Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Madam Chair. Thank you, Ranking Member.

And, Mr. Secretary, it is great to be with you.

Listen, I first want to ask you a question about—I know I read with actually great delight the support from your administration and the President concerning the Jones Act. And I think that is critical to our national security that we have a strong maritime organization in this country, and I think the Jones Act helps in that regard.

But I do have to ask you a question because I see, when the Colonial Pipeline shutdown occurred, there were two waivers, two Jones Act waivers granted. We see them being granted during hur-

ricanes oftentimes, but it is my understanding that during these two requests for waivers, one vessel never arrived until the weekend, when things were actually back up and running, and the second waiver might never be used.

So my question is, Mr. Secretary, are we getting to a point where these Jones Act waivers almost become, you know, a box that is checked when we have any kind of national disaster? Because I don't know that that is helpful for our maritime industry.

Secretary MAYORKAS. Congressman, thank you very much. The Jones Act is a very important statutory framework to protect American-flag vessels. The Colonial Pipeline cyber attack that emanated from a very pernicious use of ransomware, with which we are all too familiar, posed a very significant threat to the flow of materials that are much needed in a particular region of the United States.

And we by no means addressed the waiver requests in a check-the-box approach. Far from that, we worked around the clock, methodically and thoroughly assessing the statutory requirements, addressing the question whether, in fact, American-flag vessels were sufficient to deliver product on an emergency basis, and we made the decision that, in fact, they were not.

And if, in fact, the region needed a supplemental supply, because Colonial Pipeline could not come through in time and bring its system back up, that we would permit foreign-flag vessels to bring the much needed supply to the American people.

Whether or not those waiver requests were used speak of Colonial Pipeline's ability to bring its systems back up and deliver in a timely fashion. But we felt, as a matter of law and as a matter of the market, the assessment was that we needed to have that facility available should, in fact, Colonial Pipeline not be able to come through. That was a very measured, scientific, and legal analysis under the law.

Mr. RUTHERFORD. Okay. Thank you very much for that. You know, the administration is facing several crises at one time here. We have got an economic crisis, with the inflation that is creeping in, the energy crisis.

I want to talk to you a minute about the national security crisis also, and looking at domestic violence intervention—I am sorry—domestic violent extremists. And I notice your national priority area, one of them for the UASI was for DVEs. And, as a former police officer, I really do appreciate that focus.

Can you talk a little bit about the $20 million that you just directed toward targeting violence prevention and terrorist prevention?

Secretary MAYORKAS. Thank you very much, Congressman. And, also, thank you very much for your prior service as a police officer. I had the privilege of bringing police officer work to bear in a Federal courtroom and vindicate the tremendous work that law enforcement performed.

The $20 million grant program is to equip communities, our State, local, Tribal, and territorial partners, to develop innovative programs to address the rise of domestic violent extremism and the serious threat that it poses.

And that grant program is designed to equip local communities because, as you well know, it is the local communities, the neighborhoods, the people, the family, loved ones, friends, who can identify individuals who are beginning to exhibit traits of concern and intervene so that we can prevent the further development of violent tendencies born of hateful ideologies and extreme ideologies.

It is the front lines that are our best defense to preventing this type of violence. And so that grant program is designed to resource and equip our local authorities and our nongovernmental institutions in that fight.

Mr. RUTHERFORD. Thank you very much, Mr. Secretary.

And I will have a followup in a second round on that.

Madam Chair, I see my time has expired. I yield back.

Ms. ROYBAL-ALLARD. Ms. Underwood.

Ms. UNDERWOOD. Thank you, Madam Chair.

And, Mr. Secretary, it is a pleasure to see you here today. The chairwoman and I are both concerned about shortcomings in the way medical services are managed across the Department, both for DHS personnel and for individuals in custody. Mr. Secretary, I understand that you and the chairwoman have discussed this issue and that you share our concerns as well.

The Department's Chief Medical Office is currently isolated, confusingly, within the Countering Weapons of Mass Destruction Office. Rather than reporting directly to you, the CMO instead reports to the Assistant Secretary in charge of that Countering Weapons of Mass Destruction Office. At the same time, each DHS component has its own medical officer overseeing its own medical contracts, leading to disparate guidelines and little to no meaningful coordination across the Department.

Mr. Secretary, what is your view on how the current organizational structure hinders coordination and effectiveness of medical services across DHS?

Secretary MAYORKAS. Congresswoman, thank you very much for your question. This is an issue that, indeed, I did discuss with the chairwoman and an issue that I am studying very closely with our team here in the Department of Homeland Security.

We have an extraordinary Chief Medical Officer in Dr. Pritesh Gandhi. And I am concerned that our organization is too fractured in this area, both with respect to ensuring the health and safety of our personnel but also in addressing medical issues that arise in the course of our day-to-day work across the Department of Homeland Security enterprise.

I am studying this, based on materials that I have been provided. I have been speaking with a number of people. My intention, so that I can assure you that this is receiving the utmost focus, is to actually speak with people across the Department.

I owe it to the experts who work in this area on a day-to-day basis to speak with them to receive their assessments, to understand the arguments for and against the current structure, and to reform it accordingly, which I intend to do.

Ms. UNDERWOOD. Great. What kind of organizational changes would you like to see to address the problem? I am sure in your assessment and conversations you have already begun to gain some information.

And with those organizational changes, could you use your existing authorities or would it require congressional action?

Secretary MAYORKAS. Congresswoman, it is my understanding that congressional action will be required because the placement of a Chief Medical Officer in the office that is known by its acronym CWMD was, in fact, a legislative change, the separation of the Chief Medical Officer and the office that now resides in our management directorate. But that is not to say that reforms cannot be implemented outside of the legislative construct, but it is something that I am looking at very carefully.

Ms. UNDERWOOD. Okay. And when can you provide us with a path forward, you know, how much time?

Secretary MAYORKAS. I would expect to be able to do so in just several weeks, Congresswoman.

Ms. UNDERWOOD. Thank you. Well, I look forward to working with you, sir, and my colleagues on the authorizing committee to strengthen medical coordination and oversight across the Department and ensure that your entire workforce as well as everybody in DHS custody has consistent access to high-quality care.

Now, Mr. Secretary, we all know that vaccination remains a critical part of ending the COVID–19 pandemic and saving lives. For DHS, vaccinating both your workforce and your detainees is essential, both for their own well-being and for the health and safety of communities across the country.

And I want to start by talking about your workforce. I know you have worked hard to stand up Operation Vaccinate Our Workforce, or VOW, to rapidly increase access to vaccines. And you testified that 77 percent of your frontline workforce who elected to receive the vaccine have been vaccinated. Can you clarify what percentage of the entire DHS workforce is fully vaccinated?

Secretary MAYORKAS. Congresswoman, two things: Number one, by my response to your earlier question that I will have an assessment to you within several weeks, by your expression of surprise, I clearly imposed upon myself too aggressive a timeline.

Ms. UNDERWOOD. No way.

Secretary MAYORKAS. Congresswoman, we have focused so intensely on Operation VOW, Vaccinate Our Workforce, for the well-being of our frontline personnel. I don't have an answer to your specific question, and I will get that information to you as soon as I can.

Ms. UNDERWOOD. Okay. Excellent.

And, with that, Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Mr. Palazzo.

Mr. PALAZZO. Yes, Madam Chair. Can you hear me this time?

Ms. ROYBAL-ALLARD. Yes, we can.

Mr. PALAZZO. All right. Well, Madam Chair, thank you. Ranking Member Fleischmann, thank you.

And, Mr. Secretary, thank you for being here today.

Listen, I just got back from the border late last night. I was down there with 12 of my colleagues. And, you know, what we are seeing and what we are hearing on the border isn't what we are really hearing from the administration or the mainstream media.

There is absolutely an invasion taking place on our southern border. Single adult men by the hundreds every night trying to break

into our border. Unaccompanied children, family units are just walking up and turning themselves in. And, I mean, you know, there is one winner in all this, and right now it is the cartel, and the one loser is the American people.

And, you know, just my understanding is families will pay thousands of dollars to have one person smuggled into America or smuggled across the Northern Triangle, through Mexico. Sometimes it costs several thousand dollars per state to pass. But the cartels bring them in. And just as we have seen a couple weeks ago, they will dump children even over the border fence. And if it wasn't for our brave and committed CBP officers, those children's, you know, lives could have been in danger.

But it is not just children. On my flight back last night, there was a lady who also paid smugglers to get into our country, and she had a full body cast on. They pushed her over the fence, and she broke her back, where then the American people took care of her and provided for her medical services, and now she is off to whoever knows where, to her sponsors. But she wasn't alone on that flight. I mean, there were several illegals who came in our country, minors, that are flying all across the United States.

So, effectively, Mr. Cellular is not the only person that is practically living on the border because we are turning all of our States into border States with our policy.

So, I guess, real quick, what is the administration doing to stop this? Because it doesn't look like what they are doing is working. It looks like you rolled out a big welcome mat to say: Send us your kids. And that is criminal, because, you know, as long as they know if they get to our border, that we are going to take them and we are going to turn them into American citizens and let them, you know, roam free around the country, these people desperate in these countries are going to continue to take that risk, unnecessary risk I might add. And so please tell me what this administration is doing.

Secretary MAYORKAS. Congressman, a few things. First of all, I appreciate your recognition of the bravery of the men and women of the United States Border Patrol.

Secondly, I appreciate your articulation of the cruelty of the human smuggling networks and the cartels. That is precisely why we have enhanced our efforts to tackle the activities of the smugglers, the traffickers, the cartels. We have operated, for example, we have launched Operation Sentinel in the last few weeks to build upon the work that preceded this administration.

Your characterization, however, with respect to how we are addressing individuals apprehended at the border, I must respectfully disagree with from beginning to end. Individuals are expelled under title 42 of the United States Code. Those who are not expelled are placed into immigration proceedings, where they are able to make claims for relief under the laws that Congress passed. And if their claims for relief do not prevail, then they are removed from the United States.

And so we continue to enforce the immigration laws. And I should say that we are improving the administrative processes in a way that has not been done before, not by the prior administration nor administrations before then. Most notably I should com-

ment are to ensure that the asylum system, while making sure that it follows due process requirements, is more expeditious and delivers justice with greater speed for the American public and for the migrants who are claiming humanitarian relief.

And so it is not an invasion. People are not coming in without regular order. They are being placed in immigration proceedings. They have the ability to make a claim, as the law provides, to an asylum officer, to an immigration judge, and the courts of the United States.

Mr. PALAZZO. I look forward to our second round of questions.

Madam Chairwoman, I yield back.

Ms. ROYBAL-ALLARD. Mr. Quigley.

Mr. QUIGLEY. Thank you, Madam Chairwoman.

Mr. Secretary, thank you for being here. Mr. Rutherford touched on a little bit the UASI grants. And for those watching, those are Urban Area Security Initiative grants that assist high-threat, high-density urban areas like Chicago, to help us build and sustain the capabilities necessary to prevent, protect against, respond to, and recover from acts of terrorism, all threats, foreign and domestic.

Let me ask broadly, what is your vision for UASI? I guess before I say that, I should thank you as well. I was pleased to hear that DHS, under your leadership, prevented some of the quick changes to the formula that were proposed previously. So I appreciate that.

But as we go forward and as we always see evolving threats, what is your vision for this, and can you talk about some of the challenges the UASI program currently faces?

Secretary MAYORKAS. Thank you very much, Congressman. Indeed, I did put a halt to changes in the grant formula that would have redirected Urban Area Security Initiative grants in a way that, in my view and in the view of fellow experts, would not have delivered public safety and security in the most effective way to the urban areas across the United States.

Those grants we have calibrated to address the most urgent priorities affecting our Homeland. And so two important changes that I made was to require a certain percentage of the grant funds, 7.5 percent to be precise, dedicated to combating domestic violent extremism. That equates to approximately $77 million. In addition, again, to address the most urgent threats facing our Homeland, I increased the minimum amount that must be dedicated to cybersecurity from 5 percent to 7.5 percent.

One of the things that I am looking at very closely, Congressman, in partnership with the law enforcement community and the emergency and first responder community writ large, is whether the formulas do need to be redesigned to better deliver for the urban areas that the grant program is designed to serve.

And so we are going to be engaging with stakeholders across the country to better understand their concerns with the existing formula and see what changes, if any, are suitable to meet more effectively the moment.

Mr. QUIGLEY. And you would come back to us before implementing those, I would assume, at least for some thoughts and consultation.

Secretary MAYORKAS. Most certainly, Congressman.

Mr. QUIGLEY. No, and part of this is, as the threats grow—and, obviously, we have seen it in what you had to address with cyber and your talk about increasing that, others asking for this, which in the formula changes would have diluted the effort, right?—is there a need not just to reassess who needs what, but just how much we need and perhaps an overall increase, given the enhanced threats, again, not just foreign as we were focused on, but clearly domestic now?

Secretary MAYORKAS. I would welcome that conversation, Congressman. I think that is a very, very important one to have.

Mr. QUIGLEY. Finally, any new tools that you are talking about with State and local leaders? And the example I hear about is updating integrated information-sharing networks to improve analyzing, synthesizing, and disseminating info to prevent such attacks.

Secretary MAYORKAS. Thank you so much, Congressman. Indeed, we are engaged in discussions with our State, local, Tribal, and territorial partners.

One of the things which you mentioned is the provision of information to them, not only in real time but to make sure that the information we provide is actionable for them.

One of the things that we discussed, I discussed with our Office of Intelligence and Analysis is whether that office, I&A—everything seems to be known by an acronym in the Federal enterprise——

Mr. QUIGLEY. Yes.

Secretary MAYORKAS [continuing]. The Office of Intelligence and Analysis has the infrastructure to deliver real-time actionable information on both a secure environment and an unclassified environment. And we, with the support of this subcommittee and Congress, are building a better infrastructure for that.

Mr. QUIGLEY. We appreciate that. And my time is up, but I look forward to those communications and working with you and giving you the resources you need. Thanks again for your help.

I yield back.

Secretary MAYORKAS. Thank you.

Ms. ROYBAL-ALLARD. Mrs. Hinson.

Mrs. HINSON. Well, thank you, Madam Chairwoman.

And thank you, Mr. Secretary, for joining us today. I appreciate this hearing.

And I do wish to echo some concerns that I know several members have talked about, that we had been given more complete information on the Department's budget plans in its entirety so we could look at those details more closely.

But my line of questioning actually centers today on an experience we have right here in the district, Mr. Secretary. In August of 2020, a derecho storm descended on eastern Iowa and much of the Midwest. It took hours to work its way through. Weeklong blackouts. Some people didn't have power or internet for over a month. Damage from which our communities will take literally years to recover from. Accord to NOAA, the August derecho is considered one of the top 10 most expensive disasters in the past 5 years, at a price tag of $11 billion.

One of the primary concerns that I hear from my constituents is about their interaction with FEMA's Individuals and Households Program specifically when seeking Federal disaster assistance.

I am grateful for all the work that FEMA has done for Iowans through several disasters, including this one, providing more than $11 million in individual assistance grants in response to the derecho specifically. However, I believe there is significant room for improvement in IHP, particularly when it comes to clarity and transparency with the average American who is going through this process.

And so I recently wrote a letter to Administrator Criswell, requesting some data on the IHP program, the acceptance rates, the appeals process to a FEMA ruling denying assistance. And in September, the GAO issued a report on the effectiveness of IHP, citing that of the 4.4 million people who applied for that assistance, only 2 million were actually found eligible and received that aid.

Specifically, GAO found that FEMA needs to increase its clarity in the application process for those who need to supply more information in their applications. We saw that happening with our constituents. And in this report, GAO recommended 14 actions directly to FEMA on how to improve this program.

So, Mr. Secretary, my question to you today is, can you provide a status update on the Department's work to implement those recommendations from GAO?

Secretary MAYORKAS. Congresswoman, thank you very much. I am familiar with the program. I am familiar with the GAO report, and I will circle back with your office to provide you with the status of our actions in response to the 14 recommendations.

I know that one of the primary reasons why the assistance rate is what it is, is because one of the thresholds that must be met is the inadequacy or the lack of insurance coverage. And, in fact, people who do have insurance and who recover insurance proceeds in response to a disaster may not be eligible for the individual assistance under the FEMA grant program.

I am also very well aware of the concerns with respect to clarity and transparency in terms of the eligibility criteria and making sure the public understands what the assistance program is for and when its resources can be triggered. It is something we are very focused upon because this impacts real people in real ways. And so I would welcome the opportunity to circle back with you personally, and, of course, with our respective teams so that I can deliver the specificity in response to your question that you deserve.

Ms. HINSON. Yeah. And I appreciate that, Mr. Secretary, because if there is one thing that we have heard, it is that there is some challenging going through this process. And when you think about constituents during their greatest time of need, it is when they don't have a roof over their head or they don't have that power. So we need to find a meaningful path forward here so we can best serve the people who are going through the process, you know.

You know, a lack of clarity in the application process, obviously, is contributing, I think, to lower acceptance rates. Do you think that, if that is the case, that the agency should be working to prevent this?

Secretary MAYORKAS. Well, we have an obligation to be clear and transparent and to communicate things appropriately to the American people, and so we are taking a very serious look at this. And, of course, we have an obligation to remedy any infirmities.

I do want to say, though, I must champion the men and women of the Federal Emergency Management Agency. They are just extraordinary in what they do. We all have room for improvement, and that does not diminish their excellence. But the room for improvement we will use as an opportunity to be better, rest assured.

Ms. HINSON. All right. I appreciate that.

Mr. Secretary, and I will reserve some followup questions for round two, but we appreciate FEMA's work. They helped us through a major flood in 2008 and obviously this derecho in August. So thank you, Mr. Secretary.

And, Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. I understand that the chairwoman of the full Appropriations Committee is with us, and so I will now yield to her.

The CHAIR. Thank you so much. Thank you very much, Madam Chair, and I apologize to you and to Secretary Mayorkas. I am chairing another hearing, but I did want to have the opportunity to really greet the Secretary, thank him for his great work, and his years of great work in public service. And, if I can, I just want to get a question asked here of Mr. Secretary.

As chair of the Labor, Health and Human Services Appropriations Committee, and we have had conversations before, I spend a significant amount of time on the unaccompanied children program. And I know the Department of Health and Human Services has been in contact with you and advocates as to how we could potentially divert children from entering the unaccompanied children program; in particular, discharging children to the non-parental relatives they enter the United States with. So I have heard from advocates that the number of children in the UC program who came with a nonparental relative could number in the thousands. So, look. I would also note I am not advocating for family detention, but I am looking at how we are able to discharge a grandmother and a granddaughter together as quickly as possible.

So, with that, can you tell me what the status is of these conversations with HHS? And are there barriers on your end to delaying the removal of these relatives so that they can serve as sponsors while the children go through their immigration court proceedings?

Secretary MAYORKAS. Madam Chairwoman, thank you so much for this important question, and I know that we discussed this previously a number of weeks ago. One of the things that we are very, very focused on is expediting, moving more efficiently in the union of the unaccompanied child with a parent, legal guardian, or qualified sponsor here in the United States. We are reengineering that process.

When a child arrives in the custody of a relative who is not a parent or legal guardian, then that child is, in fact, defined as an unaccompanied child. And to change that would require legislative action, I believe, to change the terms of the Trafficking Victims Protection Reauthorization Act, the TVPRA. But we are looking at

processes in the meantime with respect to how we can more effectively unite an unaccompanied child with a qualified sponsor here in the United States. That is where our current focus is.

The CHAIR. I appreciate that, and I will look into it along with my colleague, the chair of the Homeland Subcommittee. Both of us are particularly interested in these areas and to look at what may be required in terms of legislative language.

Your goal, as well as our goal, is to see that the children, when they are in our custody, for the lowest length of time in custody and that they can move to be discharged as quickly as possible. And we want look for the ways in which with keeping the child safe and in good hands be able to expedite this process.

We are also very, very much aware that we have had to cut back on the licensed shelters that children are in because of COVID, and we will revisit that to see—with some of the new guidance and the science behind that guidance to see whether or not those—at least some of those licensed beds can be used. But the issue is—and I appreciate what you said about reimagining. I mean, I think that is the right word here, of what we can do to expedite discharge. We know, you know, that the longer these children are held in an emergency intake shelter, that it is so disruptive of their lives. It has, you know, physical, you know, repercussions. It has very serious mental and traumatic repercussions. And I know what you want to do, and what we want to do is to try to work with you to see if we can't reimagine with you ways in which we move to discharge as quickly as possible and, at the same time, protect the child and continue to try to protect that child with the services that he or she may need while they are in the custody of the United States, which is what we are charged with by law.

I thank you for, you know, your work, and I thank you for understanding this issue and the compassion that you and the professionalism that you bring to this issue. So thank you very, very much.

Secretary MAYORKAS. Thank you, Madam Chairwoman.

Ms. ROYBAL-ALLARD. Mr. Price.

Mr. PRICE. Thank you, Madam Chair.

Welcome, Mr. Secretary. I think congratulations are still in order for your early appointment and confirmation. Happy to work with you, and I appreciate your appearance here today.

I want to pursue a line of questioning I began with the acting ICE Administrator a few weeks ago. It has to do with the Department's philosophy, the Department's approach with respect to enforcement actions, particularly the targeting of those actions and the exercise of prosecutorial discretion. You are probably aware that this has been a difficult issue over many administrations in many years.

With this subcommittee, there was a particular effort 14 years ago to push for more precise and more targeted ICE enforcement, to focus on dangerous individuals who shouldn't be in the country when it came to detention and deportation. We directed funding back then with the assumption that most deportations would be of such people and that they would link up with the penal system as people emerged, actually, from the criminal system. It does raise

the question of direction to local law enforcement, which I will get to later or maybe in the next round.

But the result was eventually the Secure Communities Program in the Bush administration. And as you, I am sure, also know, that program turned out to be controversial, pretty difficult, mainly because it was much less targeted, much less discriminating, as we had hoped, much less focused on dangerous individuals.

So, during the Obama administration, there was discussion, agitation about the blanket policy of secure communities and the establishment of the Priority Enforcement Program, PEP, during the Obama administration. That program came a way of achieving greater targeting, greater prioritization of individuals for immigration enforcement.

Unfortunately, the Secure Communities Program was brought back with a vengeance by the Trump administration, bringing back a much more capricious targeting strategy that swept up non-threatening individuals along with those who posed a threat. I quoted some figures from the Syracuse University program that tracks these things. The number of people in ICE detention rose from 41,163 in 2016 to 49,319. At the same time, the number of individuals who had serious level 1 criminal records declined from 7475 in 2016 to 2019. The percentage of those detained with no criminal record at all rose 57 to 64 percent.

In other words, ICE raids became both more frequent and less discriminating. I saw this in my direct, the impact of more raids and a more random quality to those raids and a lot of anxiety and fear in the community as a result.

Given this framework, can you tell us where this administration intends to go?

Secretary MAYORKAS. Thank you very much, Congressman.

When I was a Federal prosecutor in the United States Attorney's Office, we had 186, approximately 186 assistant United States attorneys who enforced Federal criminal law. And we dealt with drug trafficking, business crimes, public corruption, Federal Foreign Corrupt Practices Act, cybercrime, the whole panoply of crimes. And 186 criminal prosecutors could not address every single Federal crime that occurred in a jurisdiction that was populated by 18 million people. And, therefore, we set forth guidelines that guided our use of resources are to bring to bear the greatest impact for the safety of the people in the Central District of California. That approach is mirrored across prosecution offices from coast to coast and border to border.

That is no different than what we are endeavoring to do here in the U.S. Department of Homeland Security. How can our resources be dedicated in the enforcement of Federal immigration law to deliver in the enforcement arena the greatest public safety impact.

And so we are not pursuing cases indiscriminately. We are not pursuing them devoid of factors that educate and inform the administration of criminal justice or civil immigration justice, but we are doing so by looking at what poses the greatest threat, what resources do we have, and what delivers the best outcome for the American people, and that is what we are doing.

Mr. PRICE. Thank you, sir.

Thank you, Madam Chair.

Ms. ROYBAL-ALLARD. Mr. Aguilar.

Mr. AGUILAR. Thank you, Madam Chair.

And thank you, Mr. Secretary for being here.

I wanted to follow up briefly on the line of questioning that my colleague, Ms. Underwood, talked about. You know, given kind of the Byzantine nature of the DHS, you know, medical officer perspective, I wanted to ask what role that individual, DHS' Chief Medical Officer, will play in establishing guidelines to safely process individuals at the southern border as we lead into or as we look toward a post-title 42 world.

Secretary MAYORKAS. Thank you, Congressman. The Chief Medical Officer, Dr. Pritesh Gandhi, and one of his colleagues, Dr. Alex Eastman, and their team have done extraordinary work not only on the border but, quite frankly, with the workforce in tandem with other colleagues in delivering on Operation VOW that was referenced earlier, Vaccinate our Workforce. They have built—they have designed and built an architecture across the southern border to ensure in partnership with State and local authorities and community-based organizations with the Mexican Government the testing, isolation, and quarantine, as needed, of individuals who are apprehended and placed in immigration proceedings. They have done an extraordinary job, and I would be quite privileged to provide the details to you and your team.

Mr. AGUILAR. Sure. But I guess the question is what will—specific to title 42, will they continue to—will you continue to follow their guidance and follow their lead when it comes to the conditions and the processing of individuals in a post-title 42 world, in establishing those guidelines to process individuals who present themselves for lawful asylum?

Secretary MAYORKAS. So we, our Chief Medical Officer, our experts elsewhere in the Department, are connected with the CDC, and we communicate with respect to the data, the science, what the public health imperative requires, both with respect to the situation now in a title 42 environment as well as planning for what will occur when the use of title 42 is no longer needed because the public health imperative no longer requires it. I hope I am answering your question, but they are integrally involved in the planning and execution of those plans to ensure, on the one hand, the public health of the American people and, on the other hand, the health of the migrants themselves.

Mr. AGUILAR. I appreciate that. I wanted to talk briefly about detention facilities. Since I have been in Congress, I have heard from immigrants and individuals in detention, advocates about the mistreatment within detention centers across the country. And I was pleased to see DHS chose to close the Carreiro Immigration Detention Center and is preparing to close the Irwin County Detention Center. These closures are one step closer to ensuring that we treat individuals in our custody with the dignity and respect. Now, as DHS continues a review of the detention facilities across the country, can we expect to see the closure of additional detention facilities, including family detention facilities?

Secretary MAYORKAS. Congressman, we are studying the issue very carefully. My direction could not have been clearer, which is that we will not tolerate the mistreatment of individuals in deten-

tion or substandard conditions, and we will take whatever actions are needed to ensure that that directive is honored across the board.

Mr. AGUILAR. I appreciate that. And specific to the budget, ahead of this week's budget release, can we expect to see decreased immigration detention funding in exchange for support of safer ATD programs?

Secretary MAYORKAS. Congressman, one of the things that I have observed is the detention of individuals that do not pose a threat to public safety or do not pose a risk of flight such that we are not confident in their appearance in future immigration proceedings. I am concerned about the overuse of detention where alternatives to detention, ATD, would suffice in ensuring the integrity of the immigration system. And we will, indeed, be looking at that and executing accordingly.

Mr. AGUILAR. Thank you, Mr. Secretary.

I yield back, Madam Chair.

Ms. ROYBAL-ALLARD. That completes the first round, so we will be going into a second round.

Mr. Secretary, before I go on to my questions with regards to the detention, I just want to point out one other thing. With regards to the article that was referenced in The Washington Post, it also states that ICE agents arrested 645 people who matched the administration's new priorities in March and then more than doubled that number in April to 1,552 and that the data shows that it is the individuals with the highest level of criminality that are now being targeted, which is really the intent in terms of being sure that the American people are safe by targeting those with the highest criminal and the most dangerous in our country. So I just wanted to reference the other part of the article that talked about who exactly was being targeted.

Mr. Secretary, to help free up space in overcrowded CBP holding facilities, ICE recently began using its two large family detention centers as family staging centers or FSCs where migrant families are held for up to 72 hours while being processed. ICE has also begun using several hotels as emergency family staging centers or EFSCs. How are decisions made about whether to release families directly from CBP custody or to transfer them to ICE FSCs or EFSCs for processing?

Secretary MAYORKAS. Madam Chairwoman, if I can make one comment. I appreciate your citation to other data captured in The Washington Post article. The one data that your colleague, the Congressman, cited is a data point with which I am unfamiliar, and I will drill down on that. The article makes a very, very important point, and it is that article's foundational point, which is that the resources of Immigration and Customs Enforcement are going to be dedicated to the greatest impact on behalf of the American people. We will not be enforcing law indiscriminately, misusing resources that don't deliver quality for the investment of resources.

With respect to the ICE facilities, the reason that we are employing those facilities in the way that we are is because of the fact that we are, indeed, still addressing the COVID–19 pandemic imperative, and we need facilities to test and, importantly, isolate and quarantine family unit members as the science requires. And so we

have transformed those facilities, and we are using the hotels for that purpose if and when, for example, local facilities or community-based organizations that could provide similar services are inadequate. So what we have done is built an architecture to ensure the appropriate and required testing, isolation, and quarantine of family unit members whom we are unable to expel under title 42.

Ms. ROYBAL-ALLARD. The use of hotels has received some criticism. What was the process for awarding this contract for managing the EFSCs? And what are your plans for that contract going forward? And what are your plans, more broadly, for family detention in the future?

Secretary MAYORKAS. Madam Chairwoman, I am not familiar with the particulars of the contract and how that was arranged. It is not appropriate for me to be involved in the specific advertising and selection of contractors, but I know that that has received questions and is the subject of a review by the Office of Inspector General.

Ms. ROYBAL-ALLARD. Our understanding is that these facilities have not been used to their full capacity even though the Border Patrol has continued to release families directly from their custody to prevent overcrowding. Can you describe what changes will be made as a result of the CBP ICE coordination cell that was recently established?

Secretary MAYORKAS. Madam Chairwoman, that coordination cell is but one coordination cell because we also have a transportation coordination cell that speaks to the partnership not only across the Department of Homeland Security enterprise but across the all of government enterprise that is addressing the migration of unaccompanied children to our southern border and both bringing greater efficiency to the processes that we currently have as well as reengineering the processes.

So that coordination cell of which you speak specifically is designed to take a look at the influx of unaccompanied children and family members whom we are able to expel under title 42 because of limited capacity in Mexico to receive them to understand the available resources we have here along the border for the testing, isolation, and quarantine as needed of the individuals and to make sure that those resources are being utilized efficiently and effectively, and including most cost-effectively.

Ms. ROYBAL-ALLARD. Just one quick final question on this. When migrants are being released from either ICE or CBP custody, are they being enrolled into alternatives to detention and offered ICE-funded case management services, such as legal orientation programs and trauma counseling?

Secretary MAYORKAS. They are, and that is our objective, Madam Chairwoman. They are in immigration proceedings. They receive a notice to appear either at the border or at an ICE facility. They are placed in immigration proceedings, and we are working to build a better infrastructure in partnership with community-based organizations to provide them with legal process and guidance along the way. The data demonstrates, quite powerfully, that individuals who are guided in the process who receive information and access to counsel have a far higher appearance rate in immigration proceedings than those who don't.

Ms. ROYBAL-ALLARD. Mr. Fleischmann.

Mr. FLEISCHMANN. Thank you, Madam Chair, and Mr. Secretary. I appreciate the questions of folks on both sides of the dais.

Let me just say this: While I applaud ICE for going after some very dangerous criminals in this country that are posing threats, the Biden administration—and I am adamant about this—is doing nothing to disincentivize the wave of migrants coming in, that are just pouring in and overwhelming the entire system, including ICE, so you are forced to pick and choose. If we kept illegal immigration at a minimum, we would not have the system overrun at all levels.

And, with that, Mr. Secretary, you were once the head of USCIS, so you know what is involved in applying for citizenship and asylum, sir. It is a commitment, and there is a defined process spelled out in statute. Do you think it is fair that migrants who cease participating in the legal processes related to their immigration status be allowed to remain in this country? I am talking about people who knowingly fail to show up for their court hearings and are no longer checking in with their local ICE offices. If so, why, sir? And a followup to that, do you think that migrants who have been issued final orders of removal by courts in this Nation should be allowed to stay in this country? If so, why, sir?

Secretary MAYORKAS. Mr. Ranking Member, let me first express my disagreement with your statement that this administration and this Department is doing nothing to disincentivize people from irregular migration, and let me just cite two examples, if I may.

First, we have engaged in robust communication, not only along the migratory path, but in the countries of origins in the Northern Triangle, Guatemala, Honduras, and El Salvador, to seek to persuade individuals from taking the perilous journey north. Secondly, we are investing in addressing the root causes of migration so that individuals do not feel compelled to leave their homes out of desperation, combating extraordinary violence and poverty. And, thirdly, we are building legal pathways so that individuals do not need to take the perilous journey and can, in the countries of origin, avail themselves of refugee processing, Central American Minors Program, and other pathways that apply the laws of the United States to their claims of eligibility so that they can avail themselves of a safe, orderly, and humane immigration system that was the intent of Congress.

We, as I articulated at the very outset of this hearing and throughout the questioning, Mr. Ranking Member, do apply the laws of the United States, will continue to apply the laws of the United States, and we will do so to maximum effect for the benefit of the American public as Congress intended. The fact of the matter is that we cannot, with the resources that we have, address the fact that we have over 11 million undocumented individuals in the United States. And we all are in agreement, although there is so much disagreement about immigration policy, and it is so polarizing, there is unanimity that the system is broken and is in need of reform. And it is my sincere hope and I am working very hard to achieve legislative immigration reform. That is fundamentally the answer. And until that is achieved, and I hope that is very, very soon, we will enforce the laws to ensure the best outcome and most effective outcome for the American people.

Mr. FLEISCHMANN. Mr. Secretary, I thank you for your articulate and thorough answers to this. Obviously, there are some broad areas of disagreements between us on these key issues, but I do agree that the system is broken, is overwhelmed, and these issues need to be addressed. And I do commit to work on behalf of my constituents and the American people, as I know you will, to come to some type of a solution in this regard. But thank you for your service. Thank you for your testimony today.

And, Madam Chair, I will yield back.

Ms. ROYBAL-ALLARD. Mr. Cuellar.

Mr. CUELLAR. Thank you, Madam Chair.

Mr. Secretary, last time we spoke, we left off that we were supposed to get together, so hopefully sometime soon we can catch up.

Last night, Mr. Secretary, the EMC Guillermo heard from the city of Laredo, and the Laredo Health Director, Richard Chamberlain, told me that the city of Laredo has been aiding NGOs throughout the past couple of months. But they noted that their initial volume that they are getting from the valley has now increased from 50 persons a day; now they are getting 250 to 350 people a day from the valley or from the Del Rio area. Laredo has two shelters, NGOs, that have been helping with food and shelter and health assessments, but this is a—the directors from Laredo, they are getting a little concerned because what they are saying is that about 6 out of 100 people that are coming in every day are testing COVID–19 positive, that is, the migrants or the asylum seekers.

And then the other issues that when the shelters are full because there are only two shelters in Laredo, Border Patrol is self-loading them directly at bus stations or at the airport. And as I mentioned, every time I fly from Laredo to D.C. to do my work, I see folks there. So this is not my words; this is the health directors in Laredo. They are saying that they are worried about U.S. citizens being exposed to infectious disease threats. And keep in mind the frustration that the border nonessential are closed, but they are seeing literally thousands of people every week being brought down from the valley where I am at right now.

So my question is, what can you do to help, number one, and what do I tell the city of Laredo? And the second part has to do is what do I tell the Starr County Sheriff, Rene Fuentes? What do I tell the Zapata Sheriff, Raymundo Del Bosque, or the Webb County Sheriff, Martin Cuellar, which is my brother, or Claudio Trevino, the Laredo Police Chief, or the La Salle Sheriff, Anthony Zertuche, or the McMullen, Emmett Shelton, where they are now seeing increases of criminal activity? And this is from the sheriffs. This is not me saying this, and they are seeing stash houses growing. They are seeing this illegal activity. So, instead of the regular work that they are doing, they are now focusing on this immigration-related activity.

I know that we increased Stone Garden, and I was hoping with that money that I fought to increase, it would go down to south Texas, but President Trump sent a lot of it to Florida, and I hope it comes back to the southwest border. And I also would like to follow up with you on the $1.3 billion that was appropriated for the border wall in the Laredo sector, which I fought against President

Trump. And now that that money is there, you know, and we will wait for the budget, now they want to take it out when there were security requirements in the Laredo sector. Now they want to take that money out. And I am glad that the wall is not going to be done, but my question is, what do I tell the city of Laredo? What do I tell the border communities in Roma, Texas, where I am at? What do I tell all the sheriffs about the facts that I just mentioned. These are not my words. These are words directly from them. So we need your help on this.

Secretary MAYORKAS. Congressman, that is quite a number of questions, and I have quite a number of answers. Perhaps it would be best for me to speak with you directly so I don't consume the remaining time, but let me just answer as succinctly as I can. In 1989—I started as a Federal prosecutor on September 25, 1989. In 1989, 1990, 1991, 2, 3, 4, 5, 6, 7, 8, 9, 2000, and 2001, I left in April of 2001. On the border, there were the challenges of stash houses. And so the work on the border is dynamic, evolving, and there are threads of consistency for years and years. And so I want to make sure that the American public understands that the challenges that our noble and brave law enforcement officers face on the border are by no means new. And the threat of trafficking and the threat that the cartels pose and the threat of criminality is nothing new or specific to the border, quite frankly, as we know all too well, and when we look at the homicide rates across the country, over the all too many years.

I look forward to engaging with the border sheriffs and the border chiefs. I have a periodic meeting with law enforcement on precisely this issue, and I would look forward to hearing from them and addressing their needs and the solutions that we can deliver. Operation Sentinel is one of them, and enhanced law enforcement in a task force model is a stark example.

I also would be very pleased to speak with the officials in Laredo because we do have an architecture for the movement of individuals, which also is not specific to this particular time but is something that we have employed over the many years of addressing irregular migration at our southern border and the architecture that we have for the testing, isolation, and quarantine of individuals. And so I would welcome the opportunity to speak directly with the officials whom you reference and, of course, with you in a one-on-one to delve further into these important issues.

Ms. ROYBAL-ALLARD. Mr. Palazzo.

Mr. PALAZZO. Thank you, Madam Chair.

Mr. Secretary, listen. You have got a huge job and a huge responsibility. The Department of Homeland Security, you are over a huge amount of agencies, but the number one priority that you have and that we have as Members of Congress is to keep America safe. And so although we may disagree on some adjectives and some language, I do still think that we do have—it is not an invasion. We definitely have a huge crisis on our southern border. Just ask the people under your command, and I think they would agree with me.

But, you know, we also want to work with you. Like, this committee wants to work for the common good of the American people, and we have got to strive towards more bipartisan legislation and

not—by bipartisan, I don't mean just having one Democrat sign on to Republicans or one Republican sign on a Democrat, but we need to try to get more to a super majority. Because we pass legislation, whether it is your immigration reform, which people want to talk about, but it needs to be bipartisan because if it is not partisan in a true fashion, it will be good for the majority of Americans.

You mentioned you used title 42 to expel, you know, those who are here illegally and should not be in our country, but you also said, you know, once the pandemic is over, you are going to get rid of title 42. What are you going to use then to expel immigrants that are coming over to America? Please keep your remarks brief.

Secretary MAYORKAS. Congressman, thank you for your remarks before your question, and thank you for the question. Title 42 is a public health authority of the CDC, and it requires a public health determination of need, and it is not a tool of immigration enforcement by law. It is not a tool to monitor or to control flows of people as a matter of immigration policy. It is a public health law. So the data from a public health perspective, the public health data, has to support its use. And when——

Mr. PALAZZO. Mr. Secretary, thank you——

Secretary MAYORKAS [continuing]. That title 42 authority is no longer available, we will use immigration law, continue to use immigration law and the other resources that we have available to address irregular migration just as we have in the past.

Mr. PALAZZO. Mr. Secretary, I do appreciate that. I do appreciate that. I just know that the Border Patrol agents, they really want to keep some form of title 42 in place or the migrant, you know, protection protocols that were working. Their fear is they are going to become overwhelmed once again.

Also, listen. We are fair people. We believe that, you know, there are several things. We have been to the border, you know. You need more resources on the border, right. You need more boots because, you know, they are stretched to the max. We need technology. Technology works, and we need the best technology ever, but we also need barriers. Barriers work. You cannot deny barriers don't work. We wrapped ourselves in the Capitol with two barriers to keep people out. And so is there any intention on finishing the fence? And, also, there was, and you know, steps that was actually destroyed that was already there to be replaced with the new bollard fencing. Can we at least not replace the fence that we tore down because it is requiring much more resources to patrol and secure our southern border.

Secretary MAYORKAS. Congressman, we are studying the issues of parts of the wall that has been there for years that is no longer sustainable and whether that can be or should be rebuilt. We are looking at some of the very issues that you have identified, and I look forward to circling back with you to discuss our assessments.

Mr. PALAZZO. And so using the immigration laws that you just mentioned and once title 42 goes away, wouldn't it be better if we could adjudicate these claims on our border faster instead of releasing them into our interior? For many of them, if they don't have a credible asylum claim, they are not going to show up. They are going to disappear and add to that undocumented number. Judges would help, right? If we could adjudicate on the spot, on the border,

we need more judges or other resources. Can you please tell us what you need to do your job, and we want to help you to do that.

Secretary MAYORKAS. Thank you so much. Thank you so much, Congressman. This is an area where I too will circle back with you because we are, indeed, taking a look at the fact that it is multiple years between the time of apprehension and final adjudication of an asylum claim that is too long a period of time. What can we do to improve the process to deliver an outcome more rapidly, which speaks to the efficiency and orderly immigration system and, quite frankly, delivers justice for the applicants themselves more rapidly. This is something that has not been tackled successfully in the past, and we will tackle it now it is something that we are looking at both with respect to the administration of the asylum laws, the credible fear determinations, who can make them, how quickly can we reach a final adjudication, and what are the needs of the immigration court system. We are taking a very close look at that in partnership with the Department of Justice.

Ms. ROYBAL-ALLARD. Ms. Underwood.

Ms. UNDERWOOD. Well, thank you, Madam Chair.

Mr. Secretary, when you shared the percentage of your workforce that has been vaccinated, can you break that down by component?

Secretary MAYORKAS. I would be very happy to provide that data to you, Congresswoman. I don't have it at my fingertips.

Ms. UNDERWOOD. No problem.

Secretary MAYORKAS. I apologize.

Ms. UNDERWOOD. Yeah. No problem.

So now that we have successfully gotten the vaccine supply up, we have to focus on vaccinating every frontline worker, increasing vaccine confidence, and combating disinformation. How has vaccine hesitancy impacted your efforts to vaccinate DHS personnel? And what proactive steps are you taking to increase vaccine confidence and ensure your employees have accurate information about not only the safety and efficacy of the COVID–19 vaccine but also the critical importance of vaccination to America's national security?

Secretary MAYORKAS. We have invested so mightily not just resources but individual energy in Operation VOW, Vaccinate our Workforce. Not only to ensure that those who are willing to be vaccinated have the vaccine available and accessible and can receive it—and, indeed, the number of personnel has increased dramatically as a part of Operation VOW—but to also inform and educate and persuade those personnel who are hesitant to receive the vaccine to, in fact, be vaccinated. That is an ongoing effort. It is an effort of education, information, persuasion, and accommodation.

Ms. UNDERWOOD. Great. Thank you.

Turning to detainees, I understand that DHS is currently reevaluating its vaccination strategy for migrants in custody. What can you tell us about your plans to improve access to vaccination for your detainees? And how soon do you expect to be able to offer the COVID–19 vaccines for every individual in your custody?

Secretary MAYORKAS. That is something that we are looking at very carefully, Congresswoman. I spoke with our Chief Medical Officer earlier this week about this very subject. That is under review, and I will provide your office with a timetable.

Ms. UNDERWOOD. And do you believe that better coordination of medical care across the Department would facilitate further improvements in this kind of vaccination effort and medical operations in general?

Secretary MAYORKAS. Congresswoman, I have not found coordination of resources in our Department to be an obstacle with respect to this particular issue.

Ms. UNDERWOOD. Thank you.

Vaccination for both DHS staff and detainees is essential, not only for the health of both groups but also for preventing community spread and protecting Americans. Please do keep our office updated on your efforts to accelerate this process.

Now I would like to switch gears and talk about a major threat to our homeland and a top concern for many of my constituents: domestic terrorism and domestic violent extremism. In fact, I would like to read part of a message that I received last summer from a mother in my district, "—There is a malicious cell in Antioch that is becoming more and more emboldened to take the law into their own hands. I am becoming fearful to send my children to the same schools as White supremacist militia members."

Unfortunately, the Federal agencies whose job it is to track and respond to threats of violent extremism were caught flatfooted when a horde of White supremacists and other domestic extremists invaded the Capitol. ABC News reported that, in the months leading up to the January 6 insurrection, the DHS Office of Intelligence and Analysis had been practically dismantled after it was revealed that, under the Trump administration, it had inappropriately targeted journalists reporting on the excessive use of force by Federal agents in Oregon.

Mr. Secretary, I know that you weren't in charge during these events, but since being confirmed, what steps have you taken and what future plans do you have to repair the department's operations so that it can provide essential intelligence on real threats like the Capitol insurrection?

Secretary MAYORKAS. I am, Congresswoman, very proud of the men and women of the Office of Intelligence and Analysis. We have prioritized the dissemination of real-time, actionable information to our State, local, Tribal, territorial partners. We are committed to doing so in an apolitical way, guided only by the Homeland Security imperative. And, in fact, I penned earlier this week a message to the men and women of the Office of Intelligence and Analysis, underscoring the apolitical nature of our work and expressing my gratitude for their commitment to our values and principles as well as our underlying mission.

Ms. UNDERWOOD. Now, Mr. Secretary, that is a policy change that I appreciate, but my question was about operational changes. Can you detail any operational changes over at Intelligence and Analysis?

Secretary MAYORKAS. So we are looking—I am sorry if I didn't answer your question fulsomely at first. We are looking at the very different products that we can disseminate to our partners in the community. We issued a National Terrorism Advisory System Bulletin in January. We renewed it, but within the past 2 weeks, we have issued information bulletins. We very well may issue an addi-

tional information bulletin based on the threat landscape today. We are invested in the infrastructure to more effectively disseminate information to local communities to deliver the technological changes that are needed to more effectively accomplish that. We also have renamed an office, the Center for Prevention Programs and Partnerships, to more ably equip local communities, to more effectively work in partnership with them to address the threat of domestic terrorism. And we are looking at our grant programs and how we can both strengthen them and develop innovative communication tools to inform the American public on how to detect the evolving threat, how to report concerns, and how to prevent, respond, and be resilient to them.

Ms. UNDERWOOD. Thank you.

Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Ms. Hinson.

Ms. HINSON. And thank you, Madam Chair, and thank you again, Mr. Secretary, for sticking around for round two of questions. I actually wanted to call your attention to another communication issue within your Department, and I hope we can work together to resolve this specifically.

This subcommittee has already heard from ICE and Customs and Border Patrol this year, and there was a common thread that stuck out to me in those conversations that the agencies didn't seem to be effectively communicating on immigration issues. And while they share, obviously, this common goal of keeping Americans safe and protecting our border, they don't seem to be sharing the information, and it is vitally important when we are trying to manage this crisis at the border, track illegal immigrants who have been caught and then released into the homeland, and then arrest and deport those who have chosen not to follow our laws or pose a risk to public safety, as we were discussing earlier in this hearing. So, do you agree, Mr. Secretary, that ICE and CBP should be sharing that data and information specifically when it comes to tracking illegal immigrants?

Secretary MAYORKAS. Oh, absolutely. And I speak regularly together with Troy Miller of Customs and Border Protection, Dave Johnson of Immigration and Customs Enforcement, multiple times a week. And so I would be very eager to and interested in receiving the details with respect to the communication concerns that you reference, Congresswoman.

Ms. HINSON. Yes. And, Mr. Secretary, the CBP should be conveying that information to ICE. ICE should be in some way tracking that individual or family unit, and whether or not the NTA is met. And what Director Johnson told us just a few weeks ago is that that is not happening once they are out of CBP custody. So do you believe that your Department at any time should be able to actually identify an illegal immigrant in this country who the Department has processed and released into this country?

Secretary MAYORKAS. I am not sure I understand your question. Congresswoman——

Ms. HINSON. Do you think that, once they are in the country and we have issued—we have gone through this process, that we should be able to know where they are? We should be able to track them if they are in this country illegally?

Secretary MAYORKAS. To know and track more than 11 million undocumented individuals in the United States?

Ms. HINSON. We have no idea, Mr. Secretary, and this is a direct response to one of our earlier questions; how many are specifically in Iowa? Once they come across that border and they are out of CBP custody, we have been informed there is no way to track these individuals unless they actually show up for that NTA hearing, which, as we know, sometimes they do not. So do you believe that we should be able to?

Secretary MAYORKAS. I am not sure I agree with the premise of your question, Congresswoman. When an individual is placed into immigration proceedings, they are done—they are placed into immigration proceedings through a Notice to Appear. When they are properly informed of the hearing date, time, and location, they have appropriate information. They have assistance of counsel. The appearance rate is extraordinarily high.

I am not aware of the fact that we have the tools, resources, and capabilities to track the more than 11 million unlawfully present individuals in the United States, which speaks to the fundamental broken system and the need for immigration reform. So many——

Ms. HINSON. And I am speaking, Mr. Secretary, specifically to the people who have been through CBP and processed and then released into the homeland, not the ones who made it across the border and are in this country illegally that we maybe didn't go through that process. I think the point I would like to make, Mr. Secretary, is I would ask the administration to seriously look at this. I stand ready to look at the resources necessary to make sure these departments can actually talk to each other and communicate to each other. This is a safety and security issue if we can't exactly know how many immigrants are coming to a State like Iowa. When we are looking at over a million, possibly, as we have heard this number keep going up this year, that is highly concerning to me, and I would ask you to seriously look at policies that we can make sure these departments can track these individuals once they are in the country illegally even if they do have that NTA. We know that sometimes they don't appear, and that is a safety and security issue.

Secretary MAYORKAS. Let me, if I can, Congresswoman. I really welcome the opportunity to speak with you about this because I am not sure we have a common understanding of the problem that you have identified because if we have a common understanding of the problem, I assure you that we have a solution. Because what we do is we place individuals in immigration proceedings, and an individual who is a recent border crosser who does not appear in immigration proceedings is a priority for enforcement action under the guidelines that were issued on January 20 and revised on February 8.

Ms. HINSON. All right. Thank you, Mr. Secretary. I will have some questions for followup as well.

Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Mr. Price.

Mr. PRICE. Thank you, Madam Chair.

Mr. Secretary, I want to acknowledge your forthright response earlier on the question of the targeting of ICE enforcement actions.

Of course, the question of enforcement discretion, the discretion that you exercise, that also raises the question about how well targeted is the work you do with other law enforcement agencies. So that is what I want to turn to now.

As you know, the 287(g) program in particular greatly was increased by the last administration from 30 to 150 participating jurisdictions. The way the 287(g) program works or doesn't work has been at the center of these discussions about discretion. Are you talking about dangerous people at the point they are released for the penal system, or are you talking about people picked up for minor offenses, or are you talking even about local law enforcement being commandeered to take proactive actions, which often, it is argued, compromises their local community policing role?

Then there is the weaponizing of 287(g). This was of great concern. For example, the Atlanta Director of ICE at one point in the last administration acknowledged that the targeting of immigration raids, of ICE raids was—it was targeted at jurisdictions where the local sheriffs had chosen to withdraw from these voluntary 287(g) agreements. There were provocative billboards, even, purchased by ICE across the State in areas where 287(g) agreements were being ended.

So I want to register my hope and my expectation that in this new administration, we are going to see some serious changes, we are going to see a renewed focus on targeted enforcement, and we are going to see the reform, if not the elimination, of 287(g).

And that leads to my question. Would you describe where the administration is in the process of the 287(g) program, if the administration will be ending some of the agreements possibly made in the last 4 years, or has the program, perhaps, outlived its usefulness? What do you see as the future of that program? And then that does raise the further question of what is the appropriate relationship to local law enforcement?

Secretary MAYORKAS. Congressman——

Mr. PRICE. Identifying people who are truly dangerous clearly could be a matter of working with local law enforcement. And so, if not some of these flawed programs, then what would you look for in those relationships?

Secretary MAYORKAS. Congressman, I am certainly aware of the abuses of the 287(g) program, and I believe that I brought an example of that abuse to an end recently.

We are focused on smart and effective law enforcement. And in that regard, I am engaging with the men and women of ICE in the development of Secretary's enforcement guidelines. And once we have done that, I do intend to continue my dialogue with sheriffs and chiefs of police across the country to see how we can most effectively partner in the service of the new architecture of smart and effective law enforcement.

And I do believe that they have a vital role to play, such that when an individual who, indeed, poses a very significant public safety threat is in local custody and is about to be released, that that individual is not released into the immigrant community, whom that individual will victimize, but that we can bring our resources to bear for the protection of the public.

And so I do think that we can achieve a valuable partnership that addresses and ends the pernicious practices of the past and serves a more intelligent and effective law enforcement goal.

Mr. PRICE. I do think that is an important enterprise, and I am glad to hear you are engaged in it. There is a good deal of confusion I think and uncertainty about what that relationship would look like, and so it is important I think to firm that up and make these expectations clear.

Thank you, Madam Chair.

Ms. ROYBAL-ALLARD. Mr. Aguilar.

Mr. AGUILAR. Thank you, Madam Chair.

And, Mr. Secretary, I wanted to continue down the line of detention and specifically talk about the Office of the Detention Ombudsman, which was a product of the chairwoman's leadership and the work of this committee. This office reports directly to you and has access to inspect and conduct oversight of all detention facilities and can assist individuals who report mistreatment or abuse in DHS detention facilities.

What is the status of the office and its operations, and can you describe your interaction with this office since you have been Secretary?

Secretary MAYORKAS. Thank you very much. And I very much appreciate Congress' support in creating the Office of the Detention Ombudsman. I have met with the leadership of that office. I know that the office leaders have traveled to the border and have visited facilities in the interior. We have discussed the focus of their work and how to most effectively prioritize that work.

And, right now, our thinking is to really address casework to, in fact, address complaints and concerns about mistreatment and conditions brought by individuals in detention, community-based organizations, and tackling the challenges that those complaints surface.

So we have been in touch. And, of course, I have also been in close touch with the Office for Civil Rights and Civil Liberties that has jurisdiction and responsibilities itself that are intertwined with those of the Office of the Detention Ombudsman, to make sure that we can most cohesively bring the different resources to bear.

Mr. AGUILAR. So, if Members of Congress understand one thing, it is casework. And so, you know, given that fact, will there be metrics associated with it? Will you be, you know, making public number of cases open, number of cases closed, you know, open cases, you know, average length of a case? You know, will you be making those metrics available?

Secretary MAYORKAS. Congressman, I have not actually looked at what metrics we will develop and publish. It is a very important question, and I will act on that immediately.

Mr. AGUILAR. I appreciate it, Mr. Secretary.

And I will just go briefly to USCIS. I am concerned about the ongoing and growing backlog, which has ballooned to over 3 million cases. I understand that the pandemic has obviously made it more difficult for caseworkers to process, as offices were closed and unable to conduct interviews.

Given your background with your previous role as Director of USCIS, can you share your plans in reducing the backlog in the upcoming fiscal year?

Secretary MAYORKAS. Congressman, this is something that we have studied very carefully. You will see in the President's fiscal year 2022 budget a request for an appropriation of approximately $345 million to U.S. Citizenship and Immigration Services for a number of objectives, one of which is, indeed, to address the backlog.

It is also that time when U.S. Citizenship and Immigration Services is considering a new fee rule to address the cost structure that guides its adjudications, the fees it receives. We are in dialogue about that. We are very, very focused on the backlog and know the obstacle it creates for those who are seeking access to our legal immigration system.

Mr. AGUILAR. I appreciate it.

I will yield back, Madam Chair.

Thanks, Mr. Secretary.

Ms. ROYBAL-ALLARD. I believe that completes the second round. And I have had a request from some members for a third round, so we will go into a third round. The request, Mrs. Hinson, Mr. Palazzo, Ms. Underwood have made that request. Are there any other members who would like to participate in the third round at this time? Please let us know. And Mr. Cuellar.

Mr. Secretary, TSA Administrator Pekoske has talked about the relatively low level of compensation for Transportation Security Officers. He believes it is not commensurate with the training, technical skill, and responsibilities of the job and that it contributes to chronic recruitment and retention challenges.

Do you believe that migrating the TSA workforce to a GS pay system would alleviate some of those hiring/retention challenges?

Secretary MAYORKAS. Madam Chairwoman, I do, and that is something that we are studying right now.

Ms. ROYBAL-ALLARD. Since the creation of DHS, employee morale has consistently ranked among the worst in Federal Government. And this is based on the Federal Employee Viewpoint Survey conducted yearly by the Office of Personnel Management.

Each administration has tried to address this issue, but the problem persists. What are your plans for improving morale within the Department?

Secretary MAYORKAS. Madam Chairwoman, I am incredibly proud of the men and women of the Department of Homeland Security. I am very invested in their well-being, their sense of fulfillment, their dedication to mission and the opportunities that they have before them to realize their greatest hopes and highest aspirations.

I have collected information with respect to all of the efforts across the Department to invest in our workforce. I have studied those efforts, and I am developing plans to enhance and strengthen them.

Ms. ROYBAL-ALLARD. Mr. Palazzo.

Mr. PALAZZO. Thank you, Madam Chair.

And, Mr. Secretary, thank you for hanging out with us to answer our questions for a third round. So, during my trip to El Paso, we

went by Fort Bliss, and we actually visited the emergency intake site. Very impressive how it was, you know, built so fast.

I think it is going to help, you know, provide some of that compassion that we expect to address the humanitarian crisis at the border. But the one thing they could not answer is they could not answer what is it costing the American taxpayers. And, as appropriators, I thought—there were two appropriators on the border trip. They couldn't answer it.

So, if you could, could you please provide to myself and perhaps the committee, if they are interested, the actual daily/monthly cost of the emergency intake site.

Secretary MAYORKAS. I most certainly will. That information is in the possession of the Department of Health and Human Services. The emergency intake sites are operated by HHS. But I certainly will—we work in an all-of-government effort to address the needs at the southern border, so I will speak with our partners and get that information to you, Congressman.

Mr. PALAZZO. Thank you. And, yes, it is under Health and Human Services. I appreciate that.

Also, this isn't really under your jurisdiction, but I think, for the committee's benefit, they should know that we also tried to visit the El Paso Intelligence Center. It is so important to see what is going on to get a good idea of what is really taking place at the border, from the smuggling—listen, we know the drugs are off the charts. The Fentanyl, there is already 6,000 pounds of Fentanyl in the first 5 months of the year. Cocaine, hard narcotics.

I mean, as our Border Patrol agents in the awesome job that they are doing, as they are misdirected and redirected to meet this crisis at the border, the humanitarian crisis, that we are just allowing who knows what.

Like someone mentioned, like, I mean, the got-aways, the people that are coming across, we don't know their nationality. We don't know what their intent is, and we don't know how much drugs. I mean, there are sex offenders. Already 265 sex offenders have been apprehended this year alone that we know of. Murderers, criminals.

And so that is why, you know, I support the boots on the ground, the technology. And they really need technology. With the limited resources that they have, they can redirect their precious resources to the criminal activity if they have better technology and more technology.

And, of course, barriers work. I just cannot understand why we don't have more fencing or at least replace the fencing that we have.

Real quick, listen, I know, again, you have a big agency. There are so many things we want to talk about. There are other borders as well. There is the maritime border, which is so important to me and many of us who live amongst the coastal regions of our Nation.

And I have just got to tell you, the Coast Guard is under your purview, and they do an awesome job. You know, the National Security Cutters. You know, they are smuggling drugs across our border, we understand that, but your men and women in the Coast Guard, or America's men and women in the Coast Guard, they are doing a heck of a job, you know.

And they have multimissions, but I just want to let you know we think it is a great investment, you know, with the limited resources that we have, to support the Coast Guard's cutter replacement program. It is desperately needed.

And I know that someone mentioned the Jones Act earlier. That is extremely important, protecting America's industrial maritime base. And I hope you will continue to support that with the administration, maybe be a voice when others truly don't understand how important the Jones Act is.

And I know I have a lot more stuff to talk about. If we could do—Madam Chair, we need to start doing congressional oversight and going on codels. And I would love to, you know, make them more bipartisan. I know we weren't able to get any of our colleagues across the aisle to join us on that 12-member border trip. But I think it is really important for not one party or the other to do it on their own, but to do it together.

So, with that, I will be respectful of the Secretary's time and my colleagues, and I yield back.

Ms. ROYBAL-ALLARD. As soon as restrictions are lifted, we will be doing some traveling.

Mr. PALAZZO. I understand.

Ms. ROYBAL-ALLARD. Mr. Cuellar.

Mr. CUELLAR. Thank you, Madam Chair.

And, Mr. Secretary, you have been more than generous on your time on a third round with us. First of all, I want to say thank you for filling up those gaps at that border levy in south Texas in my district. And thank you so much for working with the Army Corps on doing that, especially with hurricane season around the corner, number one.

Number two, I would like to follow up with you when we get together on what you plan to do on some of those gaps here on the fence. I would like to talk to you about that.

But the other thing I want to talk to you about is, you know, when the President—and I want to thank President Biden for putting that order to stop the building of the fence itself. You know, the Army Corps did its job, you did your job, but the Department of Justice still has some lawsuits that are going on. And I would like to see if there is any way you can talk to the Attorney General because, I mean, there are some people that are still afraid that they are going to be losing their lands. They still have lawsuits, several of them down here in the valley. So I would like to follow up with you on those lawsuits because pretty much everything has stopped except some of those lawsuits, and I would like to get your assistance on that part.

And, with that, I just want to say thank you. You have been more than generous with your time, and I look forward to sitting down with you again in person when we open up on that.

Secretary MAYORKAS. Thank you, Congressman.

Mr. CUELLAR. Madam Chair—she is not there. So I will just—well, I am the last chair, so I guess if she is okay with that, I will yield back the balance of the time.

Madam Chair, I yield back the balance of the time and thank you so much.

Thank you, Mr. Secretary.

Ms. ROYBAL-ALLARD. Mrs. Hinson.

Mrs. HINSON. Thank you, Madam Chair.

And thank you again, Mr. Secretary.

I wanted to go back to some comments that you made about the immigration process being broken, and that is something that I think we can all agree on. I did three public townhalls yesterday in my district, and I want to echo that I heard that from many people as we were having discussions about the border that we need to talk about immigration reform as well.

Our process is onerous, it is expensive for people to go through, and it incentivizes illegal immigration as a result. So it is broken, and we need to fix it. But I think one of the ways we start to tackle this problem to fix it is to ensure that we can effectively manage what is happening at the border.

And as I learned—I went down to the Del Rio Sector and visited with the CBP down there at Eagle Pass. And the local sheriffs and the law enforcement there are fighting those cartels every day. We heard it direct out of the mouth of one of my constituents yesterday: The cartels are evil people, and we can't let them win.

So I just want to go back really quickly to what you said in response to the ranking member's question about your administration, the administration's work on disincentives to illegal immigration. But at the most basic level, wouldn't the best disincentive be that it won't work, it won't be successful when you come across the border. It won't be profitable for the cartels and the coyotes and the human traffickers. Wouldn't the best way to stop illegal immigration be to stop illegal immigrants from being successful in entering into the country?

Secretary MAYORKAS. Congresswoman, the law that Congress passed, the law of the United States indicates that if an individual arrives and is apprehended in between the ports of entry and makes a claim of credible fear of persecution in the country of origin by reason of their membership in a particular social group, they have a right to make that claim of credible fear and pursue their claim of asylum. That is the law of the United States, and we are obligated to honor it.

We do not condone illegal immigration. We combat illegal immigration. We enforce the laws of accountability, and we also enforce the laws of humanitarian relief.

Mrs. HINSON. But, Mr. Secretary, there are many people who do not have credible claims. So, if they are successful in going through this process, then doesn't that send the wrong message in the first place? I agree we need to make some policy changes here, and that is very clear from our discussion and our discussions with CBP and ICE as well.

But I think the point I am trying to make, Mr. Secretary, is that, you know, we say the border is closed or you said the border is closed, but we are seeing people be successful, and that is incentivizing this process to continue.

And so my question is specifically, shouldn't we try to send a clear message that it is not going to be successful? We need to stop these cartels from being successful.

Secretary MAYORKAS. Congresswoman, individuals who do not make a claim of credible fear are removed. I just respectfully disagree with the premise of your question.

Mrs. HINSON. Well, I will be following up with some additional questions for the record.

Secretary MAYORKAS. We are enforcing——

Mrs. HINSON. And I will be following up with some additional questions for the record. Again, this goes back to the question I asked a little bit ago about specifically not only disincentivizing illegal immigration, but being able to effectively communicate between departments and track as well. I think there are a lot of parts of this conversation that we need some additional answers to, and I will follow up with questions for the record.

Madam Chair, I yield back.

Ms. ROYBAL-ALLARD. Ms. Underwood.

Ms. UNDERWOOD. Thank you, Madam Chair.

Mr. Secretary, I want to pick back up on the domestic violent extremism. I think you referenced this to the response to my operational changes question. But earlier this month, a DHS National Terrorism Advisory System Bulletin warned, "Violent extremists may seek to exploit the easing of COVID–19-related restrictions across the United States to conduct attacks against a broader range of targets."

Mr. Secretary, what does that broader range of targets encompass, and what do local leaders need to be doing to prepare for this high risk as they implement reopening plans?

Secretary MAYORKAS. Regrettably, Congresswoman, some of those may include, for example, houses of worship, regardless of denomination.

And what we need to do and what we are doing is disseminating information to faith leaders across the country with respect to the detection of threats, the information that we ourselves have in our possession that we are disseminating to them, and best practices with respect to the hardening of their facilities for the security of their followers.

Ms. UNDERWOOD. Okay. Counterterrorism researchers have identified social media as a powerful propellant, fueling the rise of violent extremism. So I was heartened by the State Department's announcement this month that the United States had finally joined the Christ Church call to action and international pledge by dozens of countries and tech companies to eliminate terrorist and violent extremist content online.

Secretary Blinken stated that at the Christ Church Call Summit that countering violent extremism is one of our highest counterterrorism priorities.

Mr. Secretary, given that counterterrorism falls within the DHS mission, what is DHS' role, if any, in coordinating with the State Department to fulfill our commitment to the Christ Church call?

Secretary MAYORKAS. Congresswoman, I am engaging with our international partners, both in a bilateral context as well as a multilateral context, in a unified and coordinated, I should say, battle against domestic violent extremism.

I will say, though, that there was a very important principle articulated by the Secretary of State and one that we have articu-

lated here domestically, of course, as well, which is that we will battle the domestic violent extremism, we will battle domestic terrorism, but we will also do so upholding our constitutional principles, the constitutional rights, the privacy rights, and the civil rights, and liberties of the American public. We are not tackling the freedom of speech but, rather, the connectivity between speech and violence.

Ms. UNDERWOOD. Yes, sir. So, while the pledge to eliminate terrorist content online is a major step forward, our current reality is that social media is a major platform for extremist group organizing.

The Capitol attack was largely planned online in public forums. And I was disturbed to read reports that hundreds of extremist militias were still openly organizing on Facebook months after the insurrection. We need to be identifying these threats before they turn violent.

Now, 2 weeks ago, you testified to the Senate Appropriations Committee that DHS now has analysts dedicated to identifying linkages between extremist narratives on social media and indicators of intention to commit violent acts. How many DHS analysts are working on this full time?

And since you stated that domestic violent extremism is the number one terrorist threat facing our country, do you need additional resources to track publicly available online extremist content and identify actionable threats of violence?

Secretary MAYORKAS. I will need to get back to you with respect to the precise number of analysts that we have dedicated to this. I should say that not only do we rely on the excellence of our own analysts, but we also harness the resources in the private sector. Academic institutions have conducted studies, and we utilize those, and we do so in open source, through open sources as well as through contract vehicles.

And we have also, you will see in the President's fiscal year 2022 budget request, an augmentation of funds to best address the fight against domestic terrorism and domestic violent extremism. I believe the request will approximate $130 million for a variety of needs and utilities.

Ms. UNDERWOOD. Yes, sir. Well, I certainly look forward to reviewing that request and working with you to keep our country safe.

Madam Chair, I yield back. Thank you so much for the additional time.

Ms. ROYBAL-ALLARD. Mr. Secretary, I know you have a hard stop at 12:30, because you have to go over to the Senate for another hearing.

So, Mr. Rutherford, you [inaudible.]

Mr. RUTHERFORD. Thank you, Madam Chair.

I will keep this very short. Mr. Secretary, I want to talk a little bit about a program that is very important to law enforcement, and I want to talk about it in a context of the expansion of alternatives to detention that are being discussed now for these illegal aliens, whether you call it a notice to appear, notice to return. And everyone knows that the compliance of those folks who are released with those notices is pretty small.

But one of the—which is why I think—and I want to speak for and in support of 287(g). Now, particularly the JEM model, the Jail Enforcement Model, not the Task Force Model on the street, because, quite frankly, I never used that in my community because I thought it drove people into a subculture that made them less accessible to services.

But the Jail Model, importantly, the Jail Model only addresses those illegal immigrants who have actually already broken some other law in my community, whether it is robbery or aggravated battery, whatever it might be. And I know with your experiences as a U.S. attorney, you know the numbers of crimes that these individuals can be involved in.

And I guess my quick question is: I am hearing that 287(g) may be eliminated by this administration, by the Biden administration, your administration. And so my question is, is that true, and is that true for both models? Is it true for the Task Force Model only, or are we talking about the Jail Enforcement Model also?

Because I can tell you, in Jacksonville, Florida, we had tremendous, tremendous success with that program. I was able to remove so many criminals from our community as a result of that. And, as you know, Mr. Secretary, I probably removed, you know, a couple hundred of them two or more times over the period of years.

And so can you just give me your insight on where 287(g) is going, both the JEM and the Task Force?

Secretary MAYORKAS. I think, if I may, Congressman, articulate what I mentioned in response to a question by Congressman Price, which is I am very focused on smart and effective enforcement, executing our responsibilities, utilizing our resources to achieve the greatest public safety impact, and I intend to do so in partnership with our State and local law enforcement personnel across the country.

I don't intend to divorce our agency from that. I recognize the importance and effectiveness of community policing. I understand that different jurisdictions have different dynamics, and I intend to work closely with State and local law enforcement across the country, in partnership, to achieve the greatest public safety impact on behalf of the American public. That would be my response to your question.

Mr. RUTHERFORD. Thank you very much, Mr. Secretary.

And I see I am almost out of time, Madam Chair, so I am going to go ahead and yield back and let the Secretary get to his next meeting.

Thank you very much, Mr. Secretary.

I yield back, Madam Chair.

Ms. ROYBAL-ALLARD. Mr. Secretary, thank you very much for your time. You have been very generous with it.

And, with that, the subcommittee on Homeland Security stands adjourned.

[Material submitted for inclusion follows:]

QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE REP. C.A. DUTCH RUPPERSBERGER**
**Alejandro Mayorkas, Secretary**
**Department of Homeland Security**
Committee on Appropriations
Subcommittee on Homeland Security
*Department of Homeland Security Resource Management and Operational Priorities*
May 26, 2021

**Cameroonians in DHS Custody**

***Background:*** Mr. Secretary, I recently met with an Cameroonian interest group who brought to my attention that three Marylanders formerly detained in Immigration and Customs Enforcement custody who were mistreated. As explained to me, in response, the interest group filed complaints with the Department of Homeland Security's Office for Civil Rights and Civil Liberties. The grievances centered upon anti-black and anti-African discrimination, as well as medical negligence.

***Question:***

- Is your office aware of these of these filed complaints?
- What steps are ICE taking to rectify the mistreatment of Cameroonian detainees?
- Do you think your staff could keep in close contact with mine until this situation is resolved?

***Answer:***

Based on the limited information provided, the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) has identified no records in our possession that appear to match the description of the correspondence. If possible, please provide the Department of Homeland Security (DHS) with the names and A numbers of any Cameroonian individuals that were identified in the correspondence. The following information would also enable CRCL to conduct a more comprehensive search: the name of the Cameroonian interest group, the

name(s) of the person(s) from that organization who sent correspondence to CRCL, the date(s) the organization sent the correspondence, and the method of transmission (email or postal mail, etc., and the email address(es) to which they sent it, if applicable).

CRCL has received some allegations of discriminatory treatment of individuals of Cameroonian descent detained by U.S. Immigration and Customs Enforcement (ICE) and has initiated investigations into some of those allegations. Currently, CRCL has three open investigations related to the treatment of Cameroonians detained at the Pine Prairie Detention Center and has a targeted virtual onsite investigation (an investigation focused on a specific issue or allegation) scheduled for September 2021 to investigate these and other concerns related to conditions at the facility.

Secretary Mayorkas has often stressed his commitment to making DHS "open, transparent, and accountable." The Department is committed to providing Members of Congress with appropriate information to perform their duties and welcomes the opportunity for continued engagement with your staff. You may contact CRCL at crcl@hq.dhs.gov with any questions.

***Background:*** Mr. Secretary, there is mounting violence in Cameroon. Cameroonian asylum seekers slated for deportation fear politically motivated prosecution, violence, and retaliation. Civilians in Cameroon are caught between multiple armed conflicts between Anglophone separatists, the government, and Boko Haram. Shortages of essentials like water, food, healthcare, and housing making safe return impossible. In fact, Rights Watch estimates that 3.9 million people in Cameroon are in need of humanitarian assistance and 720,000 people are internally displaced.

***Question:***

- Do you believe the Administration should order ICE to immediately halt all deportations to Cameroon until the violence in this country has abated and pending legal motions are heard?
- Do you believe the Administration should designate Cameroonians for Temporary Protected Status or Deferred Enforced Departure?

***Answer:***

ICE and DHS carefully consider the conditions on the ground and the safety of individuals prior to removing them. DHS and its relevant components will continue to monitor the situation in Cameroon and respond appropriately on a case-by-case basis.

Additionally, DHS ensures that all noncitizens in the removal proceedings have a full and fair opportunity to claim asylum, contest removability, and apply for relief or protection from removal. This includes withholding of removal or deferral of removal under regulations implementing U.S. obligations under Article 3 of the Convention Against Torture. In removal proceedings, individuals are afforded a number of significant procedural safeguards, including, but not limited to, the right to be represented by legal counsel (at no expense to the U.S. Government), the right to contest any charges of removability, and the right to present and examine any evidence against them.

Furthermore, if a noncitizen's application for relief or protection from removal is denied by an immigration judge, they may appeal the adverse decision to the Board of Immigration Appeals (BIA). If the BIA appeal is unsuccessful, the individual may seek review before the U.S. Court of Appeals having jurisdiction over the case. If all the individual's claims for relief or protection from removal have been denied, and they have exhausted all available appeals, the individual may be able to file a motion to reopen removal proceedings in certain circumstances (i.e., when he or she can present evidence of a change in country conditions).

The Secretary of Homeland Security has the statutory authority to designate a country for Temporary Protected Status (TPS) based on one or more of the following factors: (1) there is an ongoing armed conflict within the country that would pose a serious threat to the personal safety of the country's nationals if they were returned; (2) there has been an environmental disaster resulting in a substantial, but temporary, disruption of the living conditions in the area affected, the country is temporarily unable to handle adequately the return of its nationals, and the country has officially requested TPS designation; or (3) there exist extraordinary and temporary conditions in the country that prevent nationals from returning in safety.

DHS will continue to closely monitor the developments in Cameroon and consider the above-mentioned statutory factors in making any future TPS determination.

## TSA PreCheck

***Background:*** I've read we are expecting a summer surge in travel, both business and personal, over the next few months. How is TSA making sure they are adequately staffed at airports across the country as people return to travel? In 2016, Americans experienced significant delays resulting in missed flights, travelers sleeping in airports on cots, etc. Growing the TSA PreCheck enrollments helps decrease the overall number of travelers who require full screening because as a known traveler, the government has already vetted in the individual ahead of their travel.

***Question:***

- What opportunities are on the nearby horizon that would allow TSA to significantly grow its TSA PreCheck program and can these opportunities be deployed in time to help with the travel surge we are expecting this year?

***Answer:***
TSA's Universal Enrollment Services provider, IDEMIA, offers a nationwide network of over 440 enrollment centers in support of the TSA PreCheck® Application Program, and there is currently plenty of enrollment center capacity and appointment availability. TSA provides individuals with a simple enrollment process, including the ability to start a TSA PreCheck enrollment online, which shortens the in-person enrollment time. On average, an individual can complete the in-person enrollment process in five to 10 minutes for new applicants to the program. For renewing members, TSA offers the ability to renew a TSA PreCheck membership fully online, with no in-person visit required.

TSA is also working to onboard additional enrollment providers, as required by the TSA Modernization Act of 2018. In January 2020, TSA awarded Other Transaction Agreements (OTA) to Alclear, LLC (CLEAR), Telos Identity Management Solutions, LLC, and Idemia Identity & Security USA, LLC (TSA's current enrollment provider). TSA is working with these new enrollment providers so they may begin operations as soon as they meet TSA's requirements. TSA estimates the new enrollment providers under the OTAs will go live by the end of 2021, but timelines are tentative and dependent on each vendor's ability to meet TSA requirements and being granted the authority to operate.

QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE ASHLEY HINSON (IA-01)**
**Alejandro Mayorkas, Secretary**
**Department of Homeland Security**
Committee on Appropriations
Subcommittee on Homeland Security
*Department of Homeland Security Resource Management and Operational Priorities*
May 26, 2021

## Department Communication

***Background:*** During the hearing, Secretary Mayorkas stated there are no communication challenges, to his knowledge, between US CBP and ICE. In contrast, ICE Acting Director Johnson indicated that communication between the agencies could be improved, and specifically that information sharing from CBP to ICE is lacking.

***Question:***

- Can you please elaborate on Secretary Mayorkas's comments and why there is this discrepancy within the Department?
- As every federal can improve, what would you say are the biggest areas of potential improvement for communication and collaboration between ICE and CBP?

***Answer:***

There is no discrepancy. Like any large organization, the Department is constantly striving to improve its intra-departmental communication, as Acting Director Johnson recognized.

ICE and U.S. Customs and Border Protection (CBP) workforces communicate and co-operate at thousands of touchpoints every day. One key area of mutual interest, and DHS Headquarters investment, is in enhancing the technology to transfer information and cooperate more efficiently in an electronic environment and reduce the need to create, maintain, and transfer paper files.

In February 2021, the DHS Office of the Chief Information Officer and Office of Immigration Statistics launched the Southwest Border Technology Integration Program (SWBTIP) to digitize noncitizen processing to support a more efficient, effective, and humane immigration system. In addition to CBP and ICE, other DHS Components and Offices including U.S. Citizenship &

Immigration Services (USCIS), the Office of Strategy, Policy & Plans, Science & Technology Directorate, and Office of Operations Coordination play active roles in this effort.

The SWBTIP builds on longstanding efforts that operations and information technology teams across DHS have been working on for years, particularly the Unified Immigration Portal (UIP), a data exchange and visualization tool connecting information from immigration agencies to enable more effective collaboration. UIP brings together data from internal systems of record and enables data sharing and visualizations to illustrate a more complete understanding of an individual's immigration journey.

The effort has seen several accomplishments since launching in February 2021. ICE launched a new Case Acceptance System (CAS) which allows ICE to accept cases electronically, enabling it to more quickly review cases and notify CBP of any issues. CBP implemented electronic signatures on Notices to Appear that ICE can accept through the CAS system. These efforts have led to reduced time to process Notices to Appear in CBP locations and increased transparency across the organization. USCIS, CBP, and ICE will use this work, expanding dispositions and incorporating USCIS electronic A-File systems, to build the first end-to-end inter-agency electronic A-file. In addition, DHS has used integrated data from across agency systems to develop daily dashboards for unaccompanied children, family units, and overall border encounters, to further data-driven decision-making.

Despite these achievements, DHS is mindful that room for improvement remains. Going forward, the SWBTIP will focus on rolling out digital signatures and A-Files for all common encounter types across the Southwest Border. Digitizing existing processes is also only the first step; follow-on work will use this as a foundation to further automate and re-engineer processes at all stages and better use data to enable decisions to be made with a complete understanding of impacts throughout the system. DHS is deeply appreciative of $50M in funding recently announced through the Technology Modernization Fund, which will accelerate this work across Components.

## Title 42

***Background:*** During the hearing, Secretary Mayorkas indicated that changes to Title 42 were not a primary concern of the Department.

***Question:***

- While Title 42 is related specifically to public health, do you concur that its existence has a tangible impact on the number of illegal immigrants crossing the border?
- Have you spoken directly with agents on the ground about the impact of ending Title 42?
- If you have not spoken directly with agents on the ground at the border about this, why have you not done so?

***Answer:***
CBP continues to assist the Centers for Disease Control and Prevention in implementing its Order Suspending the Right to Introduce Persons from Certain Countries Where a Quarantinable Communicable Disease Exists. This is a public health authority. While Title 42 helps mitigate risk and reduce COVID-19 exposure for our workforce, those in our custody, and the community, it has also resulted in an increase in recidivism by those immediately expelled from the United States. CBP continues to work with our federal partners, foreign governments, and key stakeholders to safely and quickly manage current and ongoing migration surges.

## Budget Request

***Background:*** According to the President's budget request documents, there are no new funds specifically providing for new CBP agents.

***Question:***

- Given this, do you have a plan in place for agents on the frontlines of the border, who have already stated that they will be overwhelmed?

***Answer:***
CBP has adopted a whole-of-government approach to addressing border surge requirements. U.S. Border Patrol (USBP) continues to leverage our strong relationships with state and local law enforcement and ongoing assistance from the Department of Defense to maintain situational

awareness of cross-border threats. To expedite processing and reduce the number of migrants in custody, we have augmented personnel and facilities by leveraging Federal Government-wide support. CBP has deployed Border Patrol agents and CBP officers from around the country to support Southwest Border processing both through temporary duty assignments and virtual support. Finally, the DHS Volunteer Force is supporting migrant care efforts as part of comprehensive efforts to return agents to their law enforcement responsibilities and border security mission to the greatest extent possible.

CBP is also leveraging technology to reduce manpower requirements for tasks such as static observation and processing. Ground monitoring systems and video surveillance towers provide wide area visibility and enhance the ability of agents in the field to monitor large areas of terrain. CBP continues to add additional fixed and mobile monitoring and surveillance systems across the Southwest Border (SWB). Digitized processing via the Case Acceptance System within the Unified Immigration Portal allows for expedited processing of noncitizens encountered by CBP and seamless review and transfer to ICE, significantly reducing processing timelines and freeing up Border Patrol Agents for other duties. CBP has recently installed this system in every sector on the SWB and is working alongside ICE to further increase its use.

Additionally, CBP created a new Border Patrol Processing Coordinator (BPPC) position on May 17, 2019, to perform administrative tasks related to processing individuals encountered by Border Patrol agents. BPPCs may also assume responsibility for transporting individuals and property in Border Patrol custody and perform custodial watch of detained individuals at hospitals. BPPCs also will assist in enabling agents to return to their law enforcement responsibilities and border security mission in the field. It is a cost-efficient solution to provide the processing capacity CBP needs while returning agents to law enforcement duties. USBP continues to identify additional ways to use BPPCs. To date, CBP has received appropriated funds to support 600 BPPC positions, and an additional 125 positions are requested in the FY 2022 President's Budget.

CBP's first BPPC job announcement closed on January 29, 2020. Onboarding was delayed by COVID-19 when CBP temporarily stopped in-person interviews and cancelled academy training. Interviews and academy training have since resumed and the hiring process has returned to normal operations. A total of 136 BPPCs have been hired as of June 19, 2021, including 84 in the past two months. Additionally, 339 BPPCs are in the CBP hiring pipeline as of July 1, 2021.

## Notices to Appear (NTA)

***Background:*** The Secretary noted during his answers that the appearance rate for those with an NTA is "extraordinarily high."

***Question:***

- Can you please provide the rate of those who appear to those who fail to appear?
- Is DHS currently able to identify the location of every individual who has a notice to appear (NTA), including those who have failed to comply with that notice?
- Are there enforcement mechanisms in place for those who fail to comply with a notice to appear?
- Of those who fail to appear, how many have criminal records, convictions, past deportations, or other causes for public safety concern, either before or after their entry into the interior?

***Answer:***
Appearance rates following a Notice to Appear (NTA) rely on Department of Justice Executive Office for Immigration Review (EOIR) data and analysis. DHS respectfully defers to EOIR to provide the most recent information. DHS also refers the committee to a report issued by the Congressional Research Service that explains the calculation of appearance rate in court of individuals in removal proceedings. This independent report can be found at https://crsreports.congress.gov/product/pdf/IF/IF11892.

All individuals who receive a NTA in immigration court must provide a contact address at which they can be reached during proceedings. Such individuals must also provide a written record of any change of address to EOIR (Form EOIR-33) and ICE (Form I-333). Some individuals in immigration proceedings have reporting obligations as a condition of their release from government custody such that ICE has knowledge of their location. At the border, USBP agents collect biometric and biographic information (fingerprints, photographs, telephone numbers, and an address in the United States) and run a background check to identify people with criminal convictions or who otherwise pose a public safety risk.

When an individual fails to appear in immigration court for a hearing, an immigration judge may order the person removed in absentia. Once this removal order becomes final following a brief window of time during which the individual can seek to reopen the case, ICE can execute that order by seeking to remove the individual. The decision to take enforcement action is make on a case-by-case basis in light of the agency's enforcement priorities and the totality of the circumstances.

DHS respectfully defers to EOIR to provide the requested information regarding characteristics of the population who fail to appear in immigration court proceedings. However, when a NTA is issued to an individual at the border or at a subsequent check-in at an ICE Field Office, ICE assesses whether the individual presents a risk of flight or to public safety and makes detention or supervision decisions accordingly. Individuals with past criminal records, convictions, past deportations, or other causes for public safety concern are addressed appropriately on a case-by-case basis.

## Border Application

***Background:*** During the hearing, the Secretary testified about 11 million undocumented individuals being present in the country.

***Question:***

- When applying for entry at the border, how many non-credible asylum claims have been determined since January 20, 2021?
- How many of those individuals have been expelled from the country?
- During the hearing, Secretary Mayorkas referred to 11 million undocumented individuals in the country several times. Did all 11 million of these individuals pass through CBP?
- During my questioning, the Secretary reacted as though my line of questions about being able to keep track of all 11 million individuals was unreasonable. Please explain this.
- Can you tell me where all 11 million individuals who are believed to be in the country illegally are currently located?
- Can you tell me where all undocumented individuals are who have been released into the country by CBP since January 20, 2021?
- Is DHS currently able to identify the location of every individual who has a notice to appear (NTA), including those who have failed to comply with that notice?
- Are there enforcement mechanisms in place for those who fail to comply with a notice to appear?

***Answer:***

From January 20, 2021, to June 15, 2021, there were 15,320 credible fear screening determinations. From this group, 4,211 individuals were found by the USCIS Asylum Office not to have a credible fear of persecution or torture. USCIS defers to the Department of Justice for information on the outcome of any requests for review of credible fear determinations by Immigration Judges.

In FY 2021 YTD, as of June 5, 2021, ICE expelled 24,404 noncitizens under Title 42 authority. In FY 2021 YTD, as of June 5, 2021, ICE has removed 41,951 noncitizens under Title 8 authority. [1]

The undocumented population includes individuals who entered the United States without inspection or were admitted temporarily and remained past the date they were permitted to remain. Additional information on this topic can be found in this DHS report from the Office of Immigration Statistics, titled "Immigrant Population Residing in the United States, January 2015–January 2018." Please see:
https://www.dhs.gov/sites/default/files/publications/immigration-statistics/Pop_Estimate/UnauthImmigrant/unauthorized_immigrant_population_estimates_2015_-_2018.pdf

Estimating the precise number of this population is complex. The Department generates its estimate of the unauthorized population by subtracting the legally-resident, foreign-born population from the total foreign-born population. More specifically, the estimate is calculated using a "residual method" in which the unauthorized population is the remainder (or residual) after the legally-resident, foreign-born population – naturalized citizens, lawful permanent residents, asylees, refugees, and certain nonimmigrants – is subtracted from the total foreign-born population. The legally-resident subpopulation was estimated primarily based on DHS administrative records and modeled components of population change (such as emigration and mortality). The total foreign-born population estimate was derived from the American Community Survey (ACS) of the U.S. Census Bureau with adjustments for undercount and the choice of reference date.

The demographic data in the ACS survey and administrative records allows the Department to generate estimates of states of residence. California and Texas remained the leading states of residence of the unauthorized population in 2018, with estimated populations of 2.6 million and 1.9 million people respectively, 40 percent of the total number. The next leading states are estimated to be Florida (660,000), New York (520,000), Illinois (450,000), and New Jersey (460,000). The 10 leading states represent 70 percent of the unauthorized population in 2018.

When individuals are apprehended at the border, U.S. Border Patrol agents collect biometric and biographic information (fingerprints, photographs, telephone numbers, and an address in the United States) and run a background check to identify people with criminal convictions or who otherwise pose a public safety risk. All individuals who are released from custody must provide a contact address at their onward destination and are legally obligated to report any change of address timely.

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[1] Removals from the United States occur pursuant to immigration authorities found in Title 8 of the U.S. Code. Expulsions are carried out pursuant to public health authorities found in Title 42 of the U.S. Code.

This includes those individuals released with a charging document (Notice to Appear). Generally, migrants not referred by CBP to ICE will be transferred to a local NGO for temporary shelter care and assistance making travel arrangements.

When CBP apprehends certain family units along the Southwest Border and releases them based on operational needs and other considerations, they are issued a Form G-56 Interview Notice or Form I-385 Booking Record, and instructed to report to an ICE field office within 60 days of release. More recently however, USBP has been transitioning to the issuance of parole, which requires the noncitizen to report to an ICE field office within 15 days. The I-385 document includes the subject's photograph and biographic information and can be used as identification until the individual reaches their destination and reports to an ICE field office for further processing. Any subject encountered by USBP undergoes the same identification, vetting, and processing intake procedures.

If ICE officers determine that an individual is not complying with the terms of their release, ICE may take further action, to include enforcement action in cases where it is appropriate, based upon current enforcement priorities and the overall totality of the circumstances associated with the individual.

When an individual fails to appear in immigration court for a hearing, an immigration judge may order the person removed *in absentia*. Once this removal order becomes final following a brief window of time during which the individual can seek to reopen the case, ICE can execute that order by seeking to remove the individual. The decision to take enforcement action is make on a case-by-case basis in light of the agency's enforcement priorities and the totality of the circumstances.

## FEMA

***Background:*** During the hearing, we discussed GAO's recommendations to FEMA for improving the IHP.

***Question:***

- It's been a few weeks since we had the opportunity to speak; can you please let me know the status update of the Department's efforts to implement GAO's recommendations to improve FEMA's individual assistance program (IHP)?

***Answer:***
FEMA Individual Assistance Division (FEMA-IA) provided the Government Accountability Office (GAO) an update on actions the agency is taking to resolve and close all 14

recommendations in GAO-20-503, the GAO's audit of FEMA Individual and Household Program (IHP). FEMA-IA continues to make progress towards completing (1) initial internal review of notification letters; (2) focus groups; and (3) a final report to inform additional letter revisions by December 31, 2021, with an estimated completion date of April 29, 2022. FEMA-IA will finalize the notification letters, translate them, and update them in the National Emergency Management Information System of record by April 29, 2022.

In addition, a joint FEMA-Small Business Administration (SBA) working group assessed SBA assistance and IHP with regard to applicant eligibility and presented its findings to leadership at both agencies in December 2020; agency leadership are reviewing options for further examination.

FEMA-IA has developed a leadership training program to be held quarterly for new supervisors beginning in January 2022 and anticipates that all FEMA-IA IHP Application Services Section supervisors will be trained by the end of 2022. Thereafter, FEMA will conduct annual training for new supervisors.

QUESTIONS FOR THE RECORD SUBMITTED BY

**THE HONORABLE STEVEN M. PALAZZO**
**Alejandro Mayorkas, Secretary**
**Department of Homeland Security**
Committee on Appropriations
Subcommittee on Homeland Security
*Department of Homeland Security Resource Management and Operational Priorities*
May 26, 2021

**Recent Jones Act Waivers**

***Background:*** As a result of the Colonial pipeline hack that shut down the pipeline, you approved not one, but two Jones Act waivers. It's my understanding that throughout the pipeline disruption, the domestic maritime industry attempted to convey vessel availability data to the Administration but found it to be unresponsive on many levels. It is also not clear to me what the rationale was to issue the waivers—one of which went to Citgo, the Venezuelan-owned petroleum company. Waivers for foreign-flagged vessels ultimately displace U.S. vessels and American mariners.

***Question:***

1. Why wasn't industry data on vessel availability factored into the Administration's decision-making process, and how do you justify the decision to issue the two waivers?
2. Did the waivers make any material difference in the delivery of gasoline in the U.S.? My understanding is that one of the companies decided not to exercise its waiver and, in fact, diverted its cargo to Europe.

***Answer:***

The waiver statute, 46 U.S.C. § 501(b), requires DHS to obtain determinations regarding the availability or non-availability of qualified United States flag capacity to meet national defense requirements from the Department of Transportation, Maritime Administration, Maritime Administrator before issuing waivers. Both of the waivers that were issued relied on the Maritime Administrator's determinations that there were no qualified U.S. vessels available to meet national defense requirements.

When CBP receives waiver requests involving proposed transportation of fuel for the purpose of meeting national defense needs pertaining to energy resources, it is routine for CBP to consult with the Department of Energy. In such cases, as in this case involving the Colonial Pipeline, the Department of Energy reviews the situation to assess the energy needs relating to national defense and the specific transportation of commodities identified in the waiver requests. DHS uses the Department of Energy's input to assess and determine whether granting the waiver requests will be in the interest of national defense. Both waivers issued during the Colonial Pipeline attack took into consideration the Department of Energy's determination that certain fuel was needed in the areas where the fuel was transported under the waivers. Both waivers were used by the companies that received them.

## TSA

***Background:*** As we approach the summer months, we are already seeing a surge in travel as Americans are eager to see loved ones or schedule the vacations they have been waiting 17 months to take. In the first 16 days in May, TSA airport screenings are up 715% compared to 2020. While numbers are still below 2019, there is no question Americans are eager to travel again. New technology at passenger checkpoints have allowed for a more efficient and secure process. The addition of the Credential Authentication Technology machines deployed at commercial airports has been a great example of the new technology we would like to see at DHS/TSA.

Tourism is a major economic engine in my district. Consumers' experience at our airports leave a lasting impression when thinking about future travel. We know that TSA's Trusted Traveler Programs, most notably TSA PreCheck help speed the process of passengers through the checkpoint while also allowing TSA to focus on higher threats.

***Question:***

1. How is TSA continuing to adopt new technology to allow more people to enroll in TSA PreCheck?
2. What is TSA doing to help target individuals who wish to enroll in TSA PreCheck but don't live close to an enrollment center or unable to take off work to make an in-person enrollment appointment?

***Answer:***
TSA is working with the Federal Bureau of Investigation (FBI) and the National Institute of Standards and Technology (NIST) on a remote, mobile enrollment capability to help increase

TSA PreCheck® enrollment numbers. TSA, FBI, and NIST have been meeting regularly since October 2020 to determine how to best advance remote, mobile phone-based contactless fingerprint capture technology. While the FBI and NIST are supportive of TSA's efforts to evaluate this technology, they estimate that it will be years until mobile phone-based contactless technology can meet the required level of accuracy, which is determined by the ability to accurately match mobile phone-based contactless fingerprint to existing contact fingerprints that make up the FBI's criminal history database. Beyond the technology requirements and FBI approval of that technology, TSA must also receive approval from the Compact Council to capture mobile phone-based contactless fingerprints outside of an in-person proctored enrollment.

TSA remains focused on making enrollment in TSA PreCheck® as easy as possible. Since the inception of the program, TSA has offered the ability to start a TSA PreCheck® enrollment online, which shortens the in-person time.

Thirty-eight (38) enrollment centers are located at airports, making it easy for travelers to complete the in-person enrollment process while traveling through the airport. For renewing members, TSA offers the ability to renew a TSA PreCheck® membership fully online, with no in-person visit required.

Additionally, and as mentioned, TSA is working with the FBI and NIST on a future effort involving a remote, mobile enrollment capability to help increase TSA PreCheck® enrollment numbers.