

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS FOR FISCAL YEAR 2022

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

NONDEPARTMENTAL WITNESSES

[The following testimony was received by the Subcommittee on Homeland Security for inclusion in the record. The submitted material relates to the fiscal year 2022 budget request for programs within the subcommittee's jurisdiction.]

PREPARED STATEMENT OF AMERICA'S PUBLIC TELEVISION STATIONS (APTS) AND THE PUBLIC BROADCASTING SERVICE (PBS)

Regarding funding to create a new program at FEMA to support public broadcasting's public safety infrastructure:

THE NEXT GENERATION WARNING SYSTEM

As this subcommittee considers the FY 2022 Homeland Security Appropriations Bill, America's Public Television Stations (APTS), representing the nation's 354 locally operated, locally controlled public television stations, and PBS urge the subcommittee to provide \$20 million for the Next Generation Warning System (NGWS) within FEMA's Federal Assistance grants.

This new competitive grant program would maintain and enhance public broadcasting stations' current work to provide alert, warning and interoperable communications, in partnership with federal, state and local law enforcement and first responder agencies, and would enable the incorporation of emerging technology in those life-saving activities.

PUBLIC TELEVISION'S ROLE IN PUBLIC SAFETY COMMUNICATIONS

Public broadcasting has long played a critical role in supporting local, regional and national first responders and the public safety and homeland security community. While you may be familiar with the tones and notices that accompany testing of the Emergency Alert System (EAS) during radio and television broadcasts, you may not realize the other important services that local public television and radio stations, which together reach nearly 99 percent of the American population, provide:

—Public television, through the PBS Warning Alert Response Network (WARN), provides critical distribution infrastructure for the nation's Wireless Emergency Alert (WEA) system, a unique public-private partnership between FEMA, the FCC, and industry established by Congress in 2006 for sending locally-targeted and nationwide emergency messages.

In 2020, during the first 10 months of the pandemic, over 500 COVID-19 alerts were sent to millions of mobile devices using the WEA system. In addition to public television stations providing a diverse redundant path for these and all WEA messages, PBS has developed an application called Eyes on IPAWS that provides data analytics and a live feed of WEAs directly from local public television stations, without relying on internet access. This tool was piloted by California's Office of Emergency Services and is now available to any agency.

—Many public television and radio stations, equipped with back-up communications equipment and power generators, cooperate with FEMA to serve as their

state's Primary Entry Point (PEP) to provide emergency information to the public before, during and after incidents and disasters.

- Since 2016, public television has partnered with the Department of Homeland Security to conduct pilot projects demonstrating how stations' dedicated spectrum and infrastructure can be used to send encrypted data such as video, files, images and text from local authorities to first responders on the ground or on the water.

This datacasting technology does not depend on broadband, is available in rural and remote areas due to public television's extensive reach, is a one-to-many communications system that never overloads, and has proven to be a valuable tool in a myriad of use cases including:

- Improved emergency response:

- In North Carolina, PBS North Carolina has been working with the North Carolina Department of Informational Technology (NCDIT)'s First Responder Emerging Technologies (FirstTech) program and the Department of Homeland Security to use public television datacasting and NextGen television technology to deliver an improved and affordable paging structure that improves situational awareness and response time for first responders across the state of North Carolina.

- In Tennessee, public television stations worked with the state to create a statewide datacasting system that delivers private, secure communication between first responders and their management teams in case of an emergency or natural disaster. The Tennessee National Guard is an important partner in this project and has affirmed the usefulness of datacasting in their disaster response efforts.

- Improved interoperability:

- In multiple pilots conducted in partnership with local stations and DHS, one of the main benefits identified has been the increased interoperability between responding agencies. Datacasting allows all agencies to see the same data, at the same time, regardless of where they are located and how they might otherwise connect—or not connect—with each other. This interoperability has significantly improved response time and success.

- Over-Water Communications:

- A few DHS pilots, including one in Chicago, IL, have proven the effectiveness of datacasting to reach far offshore, in areas where traditional communications capabilities are lacking. Because broadcast towers typically reach much further than cell or broadband connections—distances of 60 miles or more—datacasting can greatly enhance communication of urgent information to vessels, including moving vessels, at sea and inland waters.

- Rural Search and Rescue

- A DHS pilot in a rural location in the state of Washington showed how datacasting could help with rural search and rescue in remote mountainous areas that lack more traditional LTE or broadband infrastructure. Images captured from helicopters were shared via datacasting with responders on the ground who otherwise would not have the visual information to accelerate their response.

- Enhanced School Safety

- In 2018, a DHS pilot conducted in Adams County, Indiana demonstrated how datacasting could help multiple first responding agencies in the event of a school shooting. A drill was conducted in a very rural part of the county that lacked LTE or broadband connectivity inside of the school, and datacasting was used to share video feeds from inside of the school, blueprints of the building, campus maps and other important data with multiple local and state first responders.

- Earlier Earthquake Alert and Warning

- For the past few years, the California public television stations have been working with the California Governor's Office of Emergency Services (Cal OES) to utilize datacasting to dramatically reduce the amount of time it takes to alert first responders that an earthquake is on the way. Public television stations throughout the state have worked to add equipment to their broadcasting infrastructure that sends earthquake warnings to local first respond-

ers in seconds. This work has resulted in the reduction of alert time from 30 seconds to less than 3 seconds.

—Large Event Crowd Control

—Houston Public Media participated in one of the early DHS pilots which demonstrated the benefits of datacasting for interoperability of multiple responding agencies. Since that pilot in 2014, with the equipment remaining in place at the station level and first responder level, datacasting has been used by public safety and first responders at several large events held in the city including: the Houston Marathon, NCAA Final Four, the Super Bowl, a Presidential Primary Debate, and more. Using datacasting to share images and critical information across multiple responding agencies has greatly enhanced situational awareness and public safety at these events.

America’s public television stations are working to develop more public safety partnerships that could utilize datacasting to solve some the nation’s most pressing public safety needs.

SUPPORT FOR PUBLIC BROADCASTING’S ROLE IN EMERGENCY COMMUNICATIONS

While public broadcasting’s public safety capabilities may not be well known to the public, they have been recognized and encouraged by the public safety community.

On February 15, 2019 the FEMA National Advisory Council issued a report on Modernizing the Nation’s Public Alert and Warning System, which clearly recognizes the importance of public broadcasting’s role in public safety and identifies a need for continued partnerships, recommending that FEMA encourage “use of public broadcast capabilities to expand alert, warning, and interoperable communications capabilities to fill gaps in rural and underserved areas.”

After the 2018 school safety exercise, Shane L. Rekeweg, Sheriff, Adams County, Indiana said, “Datacasting has the potential of providing key visual information to first responders for incidents where this technology is used,” he continued “Today’s demonstration showed that datacasting does in fact provide the quality and quantity that first responders need for faster response resulting in saving more lives in critical incidents.”

In an assessment of the use of datacasting, Jack Hanagriff, the Law Enforcement Liaison in Houston’s Office of Public Safety and Homeland Security said “datacasting provides the ability to deliver secure, high-quality data and video to emergency services personnel. Getting that “eyes-on” look at a situation or specific location is a huge help to the first responders. Having that real-time, crucial video delivered reliably, lets the different teams know what they’re heading for, and how to prepare for it.”

PUBLIC SAFETY COMMUNICATIONS INFRASTRUCTURE FUNDING NEEDED

These critical services, in addition to other public safety partnerships between public broadcasters and the public safety community, depend on reliable and resilient public broadcasting infrastructure. However, in many cases, station infrastructure is being used well past its expected useful life and is at serious risk of failure. Such a failure would interrupt the public safety services public media provides.

A 2017 study commissioned by the Corporation for Public Broadcasting found that a backlog of \$300 million in unmet infrastructure needs at public media stations through 2020.

This aging infrastructure—transmitters, antennas, encoders, receivers, power generators and related hardware, software, and electrical equipment—endangers the ability of public broadcasting to continue to provide life-saving public safety services.

In order for public broadcasting to remain a reliable public safety partner, additional infrastructure investments are needed.

We call on Congress to support the investment in this critical infrastructure through FEMA’s Federal Assistance grants.

The new account, the Next Generation Warning System (NGWS) would help stations replace aging infrastructure that is essential to their public safety missions. In addition, it will support infrastructure needed for enhancements to alert and warning and other public safety communications systems to ensure resilience and the ability to meet the evolving nature of public safety challenges.

A funding level of \$20 million in FY 2022 will begin this much needed investment in the capability and reliability of public broadcasting’s public safety infrastructure.

PREPARED STATEMENT OF THE CORPORATION FOR PUBLIC BROADCASTING (CPB)

Chairman Murphy, Ranking Member Capito and distinguished members of the subcommittee, thank you for allowing me to submit this testimony on behalf of America's public media service—1,500 public television and radio stations reaching 99 percent of the American people. The Corporation for Public Broadcasting (CPB) requests \$20 million in FY 2022 for a newly created Next Generation Warning System (NGWS) within the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA). This funding will reinforce and extend public media's contributions to public safety and result in enhanced alerting and warning capabilities that benefit all Americans.

Through local public television and radio stations, public media offers educational programming designed to support at-home learning, local journalism that gives Americans the information they need to respond to the world around them, and content that helps us better understand our history and each other. Public media's services proved to be critical over the past year as people sought up-to-date, fact-based information about COVID-19. Stations responded with broadcasts featuring local officials, online dashboards and visualizations tracking the pandemic, podcasts with local health experts explaining the virus, and public safety announcements spoken in different languages and local dialects to help encourage vaccine participation.

Local stations' broadcast infrastructure not only provides the educational and informational content Americans expect from public media, but it also provides emergency alerting and communications services at the national, state, and local levels. Often unnoticed until times of emergency, these services direct people to safety and transport messages from federal, state, and local emergency management and public safety officials. Further, national public media organizations and local stations have resilience requirements comparable to those of our nation's public safety systems.

Nationally, the public television interconnection system serves as a distribution point for PBS WARN, an essential part of FEMA's nationwide Wireless Emergency Alert (WEA) system. The WEA system relies upon public broadcasters to ensure the delivery of messages that include imminent threats to life and safety, AMBER alerts, and Presidential alerts during a national emergency. Between March 12, 2020, and January 25, 2021, more than 6,470 WEAs were issued by state and local authorities and transmitted over the PBS WARN system in different parts of the country. Approximately 525 of those alerts were for COVID-19, harnessing the reach and ubiquity of mobile device communications to address a pandemic for the first time.

The public radio interconnection system, Public Radio Satellite System(r) (PRSS), managed by NPR, receives a national EAS feed directly from FEMA and distributes Presidential emergency alerts to 1,247 public radio stations nationwide, including NPR member and non-member stations. PRSS is also named as a resource in at least 20 states' emergency plans and many of the public radio stations in these twenty states serve as Primary Entry Point (PEP) stations. The PRSS national network of nearly 400 interconnected public radio stations supports secure, reliable communications during emergencies without relying on the Internet, which may be off-line during emergencies.

Stations' infrastructure also provides for public safety and communications services tailored to the needs of their communities. In times of emergency and disaster, enabled public radio stations use MetaPub technology to deliver graphic alerts and messages such as weather forecasts and shelter information. For example, California stations successfully tested the use of MetaPub alerting during the Great California Shakeout earthquake drill in 2016 and demonstrated how stations can bring emergency communications to affected audiences. During any evacuation in Mississippi, the Mississippi Emergency Management Agency works with Mississippi Public Broadcasting (MPB) to broadcast evacuation and traffic information on all MPB radio stations. MetaPub was also used during the pandemic to direct viewers and listeners to local resources and the latest public health guidelines.

Public media's public safety capabilities are valued and utilized by local, state, and federal public safety officials. In 2020, California's public media stations partnered with Listos California and the California Governor's Office of Emergency Services on a statewide media campaign called "Building Resiliency with Emergency Preparedness." The cultural and linguistic appropriate campaign is designed to reach diverse and underserved populations and encourage them to plan for wildfires and other natural disasters. Also in 2020, the Florida Public Radio Emergency Network (FPREN) partnered with the Florida Division of Emergency Management to launch a statewide communications initiative, "Know Your Zone, Know Your Home." The PSA campaign emphasized the importance of knowing where you live and how

that impacts your hurricane evacuation plans. With a mission to serve the community combined with trusted partnerships with public safety officials, public media stations help keep Americans prepared and safe.

Public media's capabilities and involvement in public safety are evolving with the modern needs of local first responders and the communities they serve. Increasingly, stations are partnering with local first responders and emergency management officials to offer datacasting technology. Through datacasting, the television broadcast spectrum is used to securely transmit essential encrypted information to first responders in the field in real-time and without the capacity constraints of traditional mobile or broadband delivery. Datacasting applications can include equipping police cars with the ability to receive school blueprints when a crisis arises; providing access to 24/7 camera feeds for public safety challenges; and connecting public safety agencies in real-time.

Initially tested in partnership with the U.S. Department of Homeland Security, datacasting technology has been utilized during numerous events in the last several years, including the NCAA Final Four, the Super Bowl, and Hurricane Harvey and the flooding of 2016. In 2018, KVIE public television in Sacramento, CA, worked with the California Office of Emergency Services (Cal OES) to test public television's datacasting capability to more rapidly deliver early earthquake warnings. The station's datacasting delivered an early earthquake warning in under three seconds. The previous warning standard was 30 seconds. Recently, in Tennessee, public television stations (WKNO, Memphis; WLJT, Lexington; WNPT, Nashville; WCTE, Cookeville; East Tennessee PBS, Knoxville; and WTCI, Chattanooga) partner with the Tennessee Department of Safety and Homeland Security to form the first statewide datacasting network.

In June 2018, the FCC's CSRIC Working Group 2 issued a final report on "Comprehensive Re-imaging of Emergency Alerting," which recognizes public television's important service in our nation's public safety system. Section 6.4 states, "PBS and local public television stations play a crucial role in protecting communities by using datacasting to deliver essential information to individuals and first responders. These benefits are all made possible by public broadcasting stations' unique reach, reliability, and role across America, and are especially vital in rural and underserved areas."

While public media stations are dedicated to serving the needs of their communities, their ability to provide these life-saving public safety services relies on technical infrastructure that is often aging past its expected end-of-life. In 2017, CPB commissioned a comprehensive System Technology Assessment to understand better public media stations' technology needs. The station response rate was unprecedented (73 percent of radio and 92 percent of television licensees), cataloging more than 60,000 pieces of equipment throughout the system. The Assessment projected that the system's financial capacity to address equipment repair and replacement would see a cumulative shortfall of more than \$300 million by 2020. In early 2021, a CPB survey of only 10 percent of the public media licensees indicated that there is at least \$175 million in equipment needs. Without resources to maintain and replace broadcast transmission infrastructure on schedule, as well as recover from the gap in maintenance during COVID-19, TV and radio licensees of all sizes and types could face operating challenges nationwide, disrupting the essential public safety service these stations provide.

Addressing the growing need for resilient public safety infrastructure, the Next Generation Warning System (NGWS) will enable the expansion and enhance the reliability of the alert, warning and interoperable communications activities that public broadcasting stations are committed to, while providing first responders and public safety officials with new communication resources. NGWS would allow for public broadcasting entities to procure, construct, and improve transmission and other public safety-related equipment and services that secure and strengthen public media's role in helping protect and preserve American communities.

Mr. Chairman and members of the subcommittee, thank you for allowing me, on behalf of America's public media system, to submit this testimony. I appreciate your consideration of this funding request.

[This statement was submitted by Patricia de Stacy Harrison, President and CEO, Corporation for Public Broadcasting.]

PREPARED STATEMENT OF CUSTOMS AND BORDER PROTECTION AGENCY

Dear Chairperson Murphy, Ranking Member Capito and Honored Members of the Homeland Security Subcommittee, my name is John Kelton, and I respectfully re-

quest your consideration to approve appropriations for a device to protect frontline personnel from unintentional synthetic opioid exposure.

FENTANYL AND SYNTHETIC OPIOIDS

Fentanyl is a synthetic opioid 50 to 100 times the potency of morphine. Carfentanil, another synthetic opioid has a potency approximately 10,000 times that of morphine and 100 times that of fentanyl. The same amount of fentanyl necessary to kill a 250-pound human, roughly two grains of salt, can kill one hundred 250-pound humans.

ILLCIT SYNTHETIC OPIOIDS

Synthetic opioids are laced into other drugs such as cocaine, heroin, methamphetamine, and counterfeit tablets resulting in tens of thousands of deaths reaching a new record in 2021 thus far. The residue on fake tablets and fine powders containing synthetic opioids are easily inhaled during seizures or border checks causing injury or death to frontline personnel or unsuspecting citizens. There are more than 2000 synthetic opioids, which are not routinely detected because specialized toxicology testing is required: Some are more potent than Carfentanil and becoming resistant to opioid reversing drugs.

NALOXONE AND PERSONAL PROTECTIVE EQUIPMENT FALL SHORT OF EXPOSURE PROTECTION

Naloxone commonly called Narcan is an opioid reversing drug which is provided to personnel in the event of an exposure. The Centers for Disease Control states, "more than one dose of naloxone may be needed to reverse some overdoses. Naloxone alone may be inadequate if someone has taken large quantities of opioids, very potent opioids, or long-acting opioids." In addition, personnel administering naloxone are at risk of exposure! General Personal Protective equipment (PPE) i.e., masks, gloves etc. are inadequate in preventing situational exposures and cross contamination of others and equipment.

DEPARTMENT OF HOMELAND SECURITY, OFFICE OF STRATEGY AND POLICY SCIENCE, AND TECHNOLOGY DIRECTORATE

Frontline personnel are at risk of deadly exposure without specific personal protective equipment. A field proven device designated by the Department of Homeland Security Office of Strategy and Policy, Science and Technology Directorate, to prevent accidental exposure and neutralize the threat, has been identified. The handheld personal protective device deploys in seconds, prevents aerosolization of deadly analogs of fentanyl and weaponized anthrax, stops cross contamination, does not prevent analytical or field testing of suspicious powders and requires minimal training for effective deployment. This device succeeds when common PPE such as gloves, masks, and naloxone are not effective.

NATIONALLY, SYNTHETIC OPIOID EXPOSURES ARE OCCURRING DAILY

Reports of frontline exposures are common enough; they barely make the news. Texas Custom Agent, Michigan State Troopers, Ohio Sheriffs, Correction Personnel and First Responders, risk their lives to save lives and the threat of unintentional exposure to synthetic opioids is a reality because it happens. The coldest comment we have heard was, "Yeah, but have any of these people died yet?" I am asking for your consideration before that 'benchmark' is achieved.

SYNTHETIC OPIOID EXPOSURE PREVENTION DEVICE FOR FRONTLINE PERSONNEL

DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2020

"The Committee is aware of far too many incidents of first responders experiencing accidental overdoses after coming into contact with fentanyl or fentanyl analogues,"

LAKE COUNTY SHERIFF'S OFFICE LT. JOHN HERRELL

"All we can do is speak to what we've seen, not only in Lake County but across the nation, and it is a common occurrence that first responders and law enforcement fall ill and start displaying signs of opioid overdose."

SENIOR MEDICAL ADVISOR/CUSTOMS AND BORDER PATROL

Dr. David Tarantino stated, "The most significant exposure risk is through aerosolized airborne powder," when referring to illicit fentanyl.

CENTERS FOR DISEASE CONTROL POLICY

CDC Protocol, "Increase the amount of naloxone on hand, given the increased amount needed and rate of use for overdoses involving illicitly manufactured fentanyl and fentanyl analogs."

PRESIDENT OF THE AMERICAN SOCIETY OF ANESTHESIOLOGISTS

J.P. Abenstein stated, "What happens, is people stop breathing on it. The more narcotic you take, the less your body has an urge to breath."

AS NALOXONE BECOMES LESS EFFECTIVE, FRONTLINE PERSONNEL ARE AT INCREASED RISK OF INJURY OR DEATH FROM SYNTHETIC OPIOID EXPOSURE WITHOUT A RAPID CONTAINMENT DEVICE

Frontline personnel are at risk of deadly exposure without specific personal protective equipment. A field proven device designated by the Department of Homeland Security Office of Strategy and Policy, Science and Technology Directorate, to prevent accidental exposure and neutralize the threat, has been identified. The handheld personal protective device deploys in seconds, prevents aerosolization of deadly analogs of fentanyl and weaponized anthrax, stops cross contamination, does not prevent analytical or field testing of suspicious powders and requires minimal training for effective deployment. This device succeeds when common PPE such as gloves, masks, and naloxone are not effective. After presenting this device the United States Customs and Border Patrol, and Coast Guard view this device as playing an essential role in the PPE arsenal necessary to protect our frontline personnel from accidental exposures.

The real threat of unintentional synthetic opioid exposure is a serious concern which spurred bipartisan sponsorship of the Synthetic Opioid Exposure Prevention and Training Act. "The act requires provisions for personal protective equipment and opioid receptor antagonists for officers, agents, other personnel, and canines at risk of exposure to synthetic opioids."

Synthetic opioids some of which are thousands of times stronger than fentanyl pour into the United States from China because "the companies making fentanyl and other dangerous drugs are subsidized by the government (AP)." Synthetic opioids and agents of terror such as anthrax, have identical routes of exposure. Aerosolization and inhalation, resulting in rapid absorption through the lungs.

As naloxone struggles to reverse injuries of opioid toxicity, frontline personnel are at increased risk without a specific device designed to prevent the exposure and cross contamination of others.

Honored Members of the Homeland Security Subcommittee,

There is a threat from abroad which has killed hundreds of thousands of Americans and threatens the safety and lives of personnel we ask to protect our sovereignty and families. Common PPE is not enough to protect them, nor is naloxone as it becomes less effective against the strength of synthetic opioids.

I have presented this information to Congressional Leaders and Senators from Ohio, Michigan, West Virginia, and others with incredible support, and some of which submitted requests for appropriations to provide this protection to our frontline personnel. I again, humbly request that your committee approve the funding necessary to provide frontline personnel with a handheld containment device with the ability to prevent the exposure from happening.

SINCERELY,
John Kelton

PREPARED STATEMENT OF THE CUSTOMS AND BORDER PROTECTION

Thank you for the opportunity to submit written testimony for the public record in consideration of the Subcommittee's consideration of the Fiscal Year 2022 appropriations bill for Homeland Security and associated agencies.

I am originally from southern California and my husband is from southern Arizona. After a career spent in public service, we moved back to the West and chose Tucson, Arizona, in large part because of the fabulous public lands, wildlife and culture of the borderlands. In particular, we treasure Cabeza Prieta National Wildlife

Refuge and San Bernardino National Wildlife Refuge, Organ Pipe Cactus National Monument, especially the Quitobaquito area, and the Coronado National Memorial. We also cherish the San Pedro River and the Riparian National Conservation Area, surrounding what used to be (before a wall was inserted into it), the last free flowing river in Arizona.

We have watched in horror at the despoliation of the borderlands in the name of “security”. We have hiked and camped on public lands within walking distance of the border and never experienced any threat whatsoever to our public safety. Indeed, a good friend hiked for over 2,000 miles in Cabeza Prieta National Wildlife Refuge in a two year period and never saw a single undocumented person. Perhaps even more impressively, the Chairman of the Joint Chiefs of Staff actually declined to approve the use of military construction funding to build 31 miles of wall along the southern boundary of Cabeza Prieta National Wildlife Refuge, saying it was a “low priority” (General Joseph E. Dunford, Chairman, Joints Chief of Staff to Acting Secretary of Defense, Info Memo, 6 May 2019). He was overruled. So now we have a wall there and a wall in other places that makes absolutely no sense—where there was little to no border crossings. In some of these areas, like Guadalupe Canyon in southeast Arizona, incredibly rugged, virtually impassable mountains have now been blasted and roaded in a way that actually facilitates cross border traffic, rather than deterring it. And I know of no one in Arizona—whether a rancher, a land manager, a recreational user of public lands—anyone at all—who thinks this place is safer because we have hundreds of miles of road. This \$18 billion boondoggle (and counting) is sliced through, climbed over or simply opened up with keys (there are hundreds of gates) on a daily basis.

Tragically, in Arizona alone, wall construction sucked billions of gallons out of our borderlands which are already suffering from record breaking heat and drought. Wildlife habitat has been severely reduced. The culture of binational communities has been ripped apart. The flow of river and streams has been altered and when we do get rains, severe flooding, jeopardizing life and property, are anticipated. In one situation I know about personally, a landowner who stands to suffer major flooding damage was told by the wall contractors that the family could always file a tort claim against the U.S. government. In other words, we—the taxpayers—have spent around \$18 billion for a project that has destroyed much of what was wonderful about this part of the country, and stands to do considerable more damage. And it will continue to cost taxpayers. The General Accountability Office estimated that operations and maintenance cost for the much wall constructed in 2018 would run an estimated 15% total costs each year. Costs of maintenance of the 2018–2020 wall will inevitably be much, much higher.

I am now asking you to stop the bleeding and start funding the restoration of the borderlands. While some of the damage is irreversible, there are sensible mitigation and restoration measures that can be put in place in many locations. Given the approximately \$18 billion spent to date on the wall (\$2.4 billion in 2008 and roughly \$15 billion during the past four years), the Subcommittee should appropriate at least \$3 billion dollars to the Department of Homeland Security (DHS) as a pass through to the Department of the Interior for mitigation and restoration efforts on National Park Service, US Fish and Wildlife Service and Bureau of Land Management Land, to the U.S. Forest Service for work on national forest land and a small amount to the National Oceanic and Atmospheric Administration for work at the Tijuana River National Estuarine Research Reserve, a wetland of international importance. The funding should come with direction to engage in a collaborative process with landowners, border communities, affected tribal nations and the public regarding what can and should be done to mitigate at least some of the damage caused by wall construction.

Further, DHS should be instructed not to use any appropriated funds to implement 8 U.S.C. §1103 note, the ill-advised provision that gives the DHS Secretary the authority to waive all laws for construction of border wall and associated roads.

Again, thank you for the opportunity to submit testimony. I appreciate the work of the Members of the Subcommittee.

DINAH BEAR
TUCSON, ARIZONA

PREPARED STATEMENT OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY

I’ve spent my career in first response and disaster management, and I am proud to serve on the board of America’s Public Television Stations because it is clear that their goals completely align with the nation’s goals, especially when it comes to public safety.

As the former FEMA Administrator, I witnessed first-hand the many challenges facing an efficient and effective post-disaster response. Local public television and radio stations have resources and capabilities that help address those challenges and improve local, state and federal emergency response and homeland security.

One of the most impressive things about public television's role in public safety is that they reach nearly 97% of U.S. households with a dedicated broadcast signal. That same broadcast signal has been proven to be exceptionally helpful in sharing encrypted data and video with first responders on the ground through datacasting.

This is ground-breaking technology that reaches the country's most rural and remote areas and it doesn't require a broadband or LTE signal. The majority of the infrastructure needed to provide these life-saving enhanced public safety communications services, is already in place as part of the public television broadcast infrastructure.

There is no need to build out a new system to take advantage of this technology. And importantly, this technology, known as datacasting, is natively one-to-many. This means it is not constrained by the typical bandwidth challenges that broadband and LTE networks face, even dedicated public safety networks.

America's public television stations, all 354 of them, stand ready to partner with local, state and federal first responders as a complement to the communications networks they currently use and those they plan to use in the future. Partnering with public television means that first responders could off-load some of their heavy bandwidth uses like video sharing and other large data files and distribute those items through public television's encrypted spectrum, freeing up the traditional communications networks for other communications.

The Department of Homeland Security Science and Technology Directorate First Responders Group has been very impressed with this datacasting technology and has partnered with America's Public Television Stations to conduct several pilots throughout the country that prove the usefulness of datacasting including in over water communications, rural search and rescue, large-event crowd control, school safety and others.

Public television stations are developing critical relationships with their state's emergency operations including a partnership with the California Governor's Office of Emergency Services to speed the delivery of early earthquake warnings, a partnership with the Tennessee National Guard to use datacasting in its disaster response and mitigation and a partnership with the North Carolina Department of Informational Technology (NCDIT)'s First Responder Emerging Technologies (FirstTech) program to create a new paging structure that improves situational awareness and response time for first responders across the state.

These life-saving services are game changers for public safety and they build on public television's long history of alerting their communities to disasters and providing critical information to those communities post-disaster.

But all of this work rides on public television's broadcast infrastructure, and that infrastructure is increasingly aging and in need of reinvestment to secure its reliability and resilience.

A Corporation for Public Broadcasting study found that the public broadcasting system faces \$300 million in backlogged infrastructure needs in 2020.

It is critical that Congress help secure the infrastructure of these stations that are increasingly playing a vital role in the nation's public safety and emergency communications systems.

I proudly join America's Public Television Stations in calling on Congress to create a competitive fund at FEMA, within the Public Assistance Program, that would invest in public broadcasting's infrastructure to support the current emergency communications work being done and allow for the development of expanded emergency communications and public safety partnerships.

Such a fund would be a prudent investment which leverages the infrastructure and technology already in place to solve some of the nation's most pressing public safety communications challenges.

The public safety community is hungry for this capacity and capability and the nation's local public television stations are committed to continuing their public safety mission and stand ready to expand their work to offer datacasting in more communities, build more public safety partnerships and ultimately save more lives.

[This statement was submitted by W. Craig Fugate, FEMA Administrator.]

PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF STATE ENERGY OFFICIALS
(NASEO)

Chairman Murphy and Ranking Member Capito, and members of the Subcommittee, I am David Terry, the Executive Director of the National Association of State Energy Officials (NASEO). NASEO represents the Governor-designated energy directors and their offices in the 56 states, D.C., and U.S. territories. One of the key functions of the state energy offices is Emergency Support Function (“ESF-12”) related planning, mitigation, and response actions at the state level, as well as coordination with local governments and the energy industry.

We are in the midst of a severe national crisis. DHS as a whole, FEMA specifically, the U.S. Department of Energy, and the states must all work together in a coordinated manner. We will (and are) facing both expected and unexpected barriers to action. The Subcommittee also must take specific action to reverse a terrible decision by DHS and OMB at the end of the last Administration. In December 2020, DHS wrote to the Speaker with “poison-pill” changes to the cyber security title of the Energy Act of 2020. The final Energy Act of 2020 (which was included in the 5500+ page end-of-year package that was passed and signed into law) excluded the cyber security title because of these uninformed comments from DHS. As was evidenced by the cyber attack on the Colonial Pipeline, we must put in place far more robust cyber defenses into our energy systems as well as the rest of the economy. Included in that cyber title was expanded state actions for energy-sector cyber security, expanded public-private partnerships, expanded energy emergency preparedness (including “all-hazards”) and the “Pipeline and LNG Facility Cybersecurity Preparedness Act.” At the time, this DHS action made no sense, and sadly, subsequent developments such as the Colonial cyber attack, showed the impropriety of the DHS objections. The cyber security title of the energy bill would have begun to make a huge difference. This is not a partisan issue. Cyber security requires extensive agency coordination, including the ESF-12 function. The state energy offices work closely with our counterparts in the state emergency management agencies. We recommend specific bill text that provides:

“The Secretary of the Department of Homeland Security shall coordinate closely with the Secretary of the Department of Energy (DOE), and the Office of Cybersecurity, Energy Security and Emergency Response at DOE, and shall direct all staff to coordinate closely with the state emergency management offices and the state energy offices to ensure robust cyber security and energy emergency preparedness and response is occurring, including DOE leadership in implementation and preparation for ESF-12 related emergencies. The Secretary shall jointly convene regular meetings with state emergency management officials, state energy officials, and DOE to ensure that coordination and cooperation is occurring. \$20 million is specifically allocated for this purposes. The Secretary shall report to the Subcommittee, the House and Senate Homeland Security Committees, the House Energy and Commerce Committee and the Senate Energy and Natural Resources Committee on progress made, within 90 days of enactment.”

We recommend that the Subcommittee approve specific funding in the following areas in the appropriations bill:

- 1) Full funding of the FEMA BRIC program at \$3.6 billion. The Administration’s decision to increase the FY 21 amount to \$1 billion is a very positive step, but more is needed as is greater attention to critical energy actions within this program.
- 2) New state emergency planning and response grants of \$1 billion, with 10% of the funds directed to state energy offices, and the remainder targeted to state emergency management agencies including coordination between the energy offices, state emergency management agencies, FEMA and the DOE Office of Cybersecurity, Energy Security and Emergency Response.
- 3) New direct funding to states of \$5 billion for public facility resilience, energy, and water system retrofits to update mission critical facilities, especially including hospitals, schools, community shelters, non-profit nursing homes, and first responder facilities, utilizing private capital for energy efficiency improvements with federal funds directed to emergency response upgrades (this program could be operated by state energy offices, who already manage the existing \$5–\$6 billion per year in energy service performance contracting programs). In addition, special provision could be made to target underserved rural healthcare facilities.

The program recommended in #3, above, would have the double benefit of assisting states in responding to hurricanes, floods, wildfires, earthquakes, and other hazards. More energy system resilient facilities with access to longer term back-up

power, efficient HVAC, lighting, and hot water systems offer far greater reliability and durability of service for communities.

NASEO remains concerned that FEMA has not been implementing the Disaster Recovery and Reform Act in full compliance with congressional direction, intent, and the clear statutory language in the area of pre-disaster state and local building code training assistance.

We are encouraged by the FY 22 request to provide increased funding for the FEMA BRIC program. Practical, cost-effective building codes, voluntarily adopted by state and local governments, require robust training of code staff and the building trade community to be effective. The evidence that modern building energy codes result in more resilient and energy efficient construction and that such codes save lives and offer greater comfort to residents during a disaster is abundant.

FEMA had previously chosen to implement DRRR Section 1206 entirely through the Public Assistance Program. As a consequence, the draft policy would prohibit activities (1) associated with “non-disaster damaged buildings,” (2) related to “[a]dopting new or updating current building codes or floodplain management ordinances,” and (3) that extend beyond “180 days after the date of the major disaster declaration.”

Where a community has not adopted disaster resistant codes pre-disaster, post-disaster is the ideal time for that adoption or update. Post-disaster is also when permitting loads and training needs are at their greatest. Addressing these challenges through Section 1206 would allow FEMA to provide support to jurisdictions seeking to ensure that rebuilding is done to modern standards, which in turn can help impacted communities be better positioned to weather the next storm. Providing federal reimbursement for administering and enforcing older and less resilient codes risks perpetuating an unending cycle of damage and repair if those older codes are never updated.

DRRR Section 1206(a) permits FEMA to assist communities in adopting or updating building codes post disaster, in training code officials and builders on updated or existing building codes, and in boosting efforts to ensure rebuilding work community-wide is done to code. We believe FEMA should act now to implement that Section, which is consistent with the Agency’s current Strategic Plan, ongoing programmatic work, the National Mitigation Investment Strategy, mitigation research, the DRRR, and congressional intent.

To ensure DRRR section 1206(a) is implemented appropriately in the near-term, we request the addition of the following report language in your appropriations bill or converted to bill text:

“The Committee is concerned that the Agency has implemented Disaster Recovery Reform Act Section 1206 solely through the Public Assistance program. In so doing, the Agency has not implemented Section 1206(a), which permits FEMA to assist communities in adopting or updating building codes post disaster, in training code officials and builders on updated or existing building codes, and in boosting efforts to ensure rebuilding work communitywide is done to code. The Committee urges the Agency to take immediate steps to implement Section 1206(a) as required under the law, which will ensure that rebuilding is done to modern standards, helping impacted communities be better positioned to confront future natural hazards.”

If the Subcommittee has any questions regarding this testimony, please contact David Terry, NASEO Executive Director (dterry@naseo.org) or Jeff Genzer, NASEO Counsel (jcg@dwgp.com).]

[This statement was submitted by David Terry, NASEO Executive Director.]

PREPARED STATEMENT OF THE NATIONAL COAST GUARD MUSEUM
FIFTY MILLION DOLLARS FOR THE NATIONAL COAST GUARD MUSEUM

The Subcommittee is significantly misinformed and disinformed on funding for the National Coast Guard Museum.

Based on letters to the editor of the Day newspaper for many years, there is a total lack of private and industry contributions for the present plan of locating the Museum in downtown New London; the public substantially supports the preferred location at Fort Trumbull.

Another feasible and prudent alternative is a Virtual Museum over the Internet emanating from the Coast Guard Academy. The Smithsonian Museum has placed all its exhibits on the Internet, which produces zero Greenhouse Gases (“GHG”) un-

like constructing a wasteful facility where its embodied energy¹ employs lots of fossil fuels.

On the one hand, the Chairman is a strong supporter for reducing GHG contributions to climate change but on the other hand, your proposed \$50 million appropriation for Museum construction embraces and guarantees future gas emissions unlike a zero emissions Virtual Museum.

Any museum, whether for the Coast Guard or otherwise, is neither a water-dependent use nor a facility on a site suitable for such use/facility and will undoubtedly have an adverse impact on future water-dependent development opportunities and activities.

“Water dependent’ means development that cannot physically function without direct access to the body of water along which it is proposed. Uses, or portions of uses, that can function on sites not adjacent to the water are not considered water dependent regardless of the economic advantages that may be gained from a waterfront location.”

The federally approved Connecticut Coastal Management Act (“CCMA”) and Program does not contain either a generic/specific goal or policy stating or inferring that a museum” is a water-dependent use.” More likely, the proposed development is a “water-enhanced use or facility” based on the legislative debate in 22 House Proceedings Part 29, pp. 10285–10297 (Connecticut).

Lawmakers specifically rejected language that would have allowed water-enhanced uses and insisted on the term water-dependent. As the lawmakers asserted, what isn’t enhanced by being on the water, including hotels and restaurants? The aim was to confine coastal development to things that can only be done on the waterfront, like fishing docks, marinas and ferry terminals, since you can’t put those anywhere else. Even fish processing plants are not water-dependent since they can be built and used anywhere.

The Commandant of the United States Coast Guard prepared the “Funding Plan for the Coast Guard Museum,” in its Report to Congress dated September 11, 2014. The Report was compiled pursuant to a requirement in Section 213 of the Coast Guard and Maritime Transportation Act of 2004 (Pub. L. 108–293). This plan is now seven years old; Congress needs to require its update.

The funding plan, which is comprised of the 2008 Strategic Master Plan and its 2014 addendum, details the public-private partnership between the Coast Guard and the National Coast Guard Museum Association (“Association”) and addresses the projected resource requirements of the Museum based on preliminary designs and plans, which have significantly changed.

The Coast Guard plans to build the Museum on a very difficult site—a high hazard flood plain on the wrong side of a high-speed rail line.

As Subcommittee chair, your intent to fund the Museum at the downtown New London location is highly unwise and wasteful of energy and other natural resources. I suggest and request that the Subcommittee reconsider funding construction of the Museum for \$50 million dollars.

I will gladly provide any further information on the history of efforts to create the Museum, which the Coast Guard originally approved for Fort Trumbull.

[This statement was submitted by Robert Fromer.]

PREPARED STATEMENT OF NATIONAL CONGRESS OF AMERICAN INDIANS

On behalf of the National Congress of American Indians (NCAI), the oldest, largest, and most representative national American Indian and Alaska Native organization dedicated to protecting the rights of Tribal Nations to practice self-determination and achieve self-sufficiency, thank you for the opportunity to provide written testimony regarding Fiscal Year (FY) 2022 appropriations for tribal homeland security and emergency management grants and programs. Foreign and domestic threats to homeland security are on the rise. These threats require tribal communities to develop and enhance homeland security response planning, training, and exercise efforts. However, funding to Tribal Nations for critical homeland security needs has remained stagnant for over a decade.

Without adequate resources dedicated to Indian Country, federal efforts to create a cohesive and coordinated homeland security strategy will leave a significant and

¹ Embodied (accumulated) energy is the total quantity of energy required to manufacture, and supply to the point of use, a product, material or service and disposal. It includes the energy expended from cradle to grave for: extracting raw materials; transporting, manufacturing, assembling and installing a specific material to produce a service or product and finally its disassembly, deconstruction and/or decomposition.

potentially dangerous gap in security for the entire nation. Congress and the Administration have a trust obligation to assist Tribal Nations in protecting all citizens, Native and non-Native, within their jurisdictions. Until equitable funding is achieved, Tribal Nations will remain unable to fully participate in national homeland security strategies, ultimately undermining their ability to assist in protecting vital infrastructure from domestic and international threats. NCAI urges the Subcommittee to include strong funding levels for tribal homeland security and emergency management programs in its FY 2022 appropriations bill.

Increase Funding to \$40 Million for the Tribal Homeland Security Grant Program: Since 2003, Congress has allocated over \$55 billion in homeland security grant funds to state and local governments. In contrast, Tribal Nations have only been allocated just over \$90 million during the same period. The Department of Homeland Security (DHS) has acknowledged the need for the Tribal Homeland Security Grant Program (THSGP), but has yet to provide the minimum funding for Tribal Nations to develop the necessary homeland security capacity to ensure protection of the nation.

Each year, tribal needs are at least four times more than the funding amount provided for the program. Of those Tribal Nations that do apply, several could use the entire amount budgeted for THSGP on their own. Currently, THSGP is the only resource for Tribal Nations to develop core capabilities to meet national preparedness goals. The cascading effects of DHS not ensuring adherence to statutory requirements for states to pass through funding to Tribal Nations along with formal denials of, or informal discouragement for seeking, federal disaster assistance detrimentally impacts public safety and falls far short of the federal government's treaty and trust responsibilities to Tribal Nations.

NCAI strongly urges Congress to fund THSGP at \$40 million for the next five years. This would represent a necessary increase over the \$10 million that DHS has made available for THSGP in recent years. In FY 2021, Congress appropriated \$15 million for THSGP instead of leaving the additional funding up to the discretion of DHS. Congress increasing the funding for THSGP is an important step forward for Indian Country. NCAI now urges Congress to bring THSGP up to the current Tribal Nations request level of \$40 million to meet the needs of Tribal Nations as they strive to protect all citizens.

Provide \$206,640,000 to enable the 574 Federally Recognized Tribal Nations to Develop Vital Homeland Security and Emergency Management Programs: Tribal homeland security and emergency management programs play a key role in Tribal Nations' ability to respond and recover from emergencies such as COVID-19. In order for Tribal Nations to even access emergency funding from DHS they need dedicated staff that know the emergency funding process and that can work with FEMA. During the height of the COVID-19 pandemic over 80 percent of all Tribal Nations could not access the billions in life saving funds through FEMA due to years of little or no funding for tribal emergency management programs. Tribal Nations are continuously being left further and further behind in meeting the core capabilities for which the federal government has provided funding to state and local governments over the past 50 years. If Tribal Nations were to meet minimum standards that have been required by the Homeland Security Act and the Robert T. Stafford Act, along with the standards developed by FEMA, the National Fire Protection Association, and the Emergency Management Accreditation Program, a minimum of 1.5 FTEs per Tribal Nation would be required. This need could be met by providing each of the 574 federally recognized tribal nations with \$360,000 annually and would total \$206,640,000. An investment by the federal government to meet its trust responsibilities could provide a return on investment of six dollars for every dollar invested.

Provide \$2 Million for the Creation and Operation of a DHS Tribal National Advisory Council: Federal advisory committees, often composed of non-federal individuals, play an important role in developing public policy and government regulations. However, DHS, one of the largest and newest federal agencies, does not have a National Tribal Advisory Committee to advise the Secretary on all homeland security matters. DHS needs this tool to help ensure its programs adequately support the 574 federally recognized Tribal Nations. Congress created the FEMA National Advisory Council (NAC) in the Post-Katrina Emergency Management Reform Act of 2006 to ensure ongoing coordination of federal preparedness, response, and recovery efforts. The FEMA NAC advises the FEMA Administrator on all aspects of emergency management and currently includes two tribal citizens.

Tribal Nations are thankful that there are at least two tribal representatives currently on the FEMA NAC, but are greatly concerned that the FEMA NAC cannot consider all pressing tribal homeland security matters. For this reason, Congress must organize a DHS Tribal National Advisory Council (DHS Tribal NAC) to sup-

port homeland security initiatives in Indian Country. Additionally, Congress should require an annual report from the DHS Tribal NAC on projects, recommendations, accomplishments, meetings, membership, and other items. This is particularly important as threats evolve and since DHS has not made significant steps toward addressing shortfalls in its support for tribal homeland security efforts. Congress should provide \$2 million annually for the staffing, creation, and operation of a DHS Tribal NAC that would report directly to the Secretary of Homeland Security.

Provide \$10 Million to Enable Tribal Nations to Work Cooperatively with DHS in Developing Tribal Identification Cards: Tribal Nations have shown they are willing to comply with the Western Hemisphere Travel Initiative for enhanced tribal identification (ID) cards; however, compliance is often cost-prohibitive. Funding tribal ID cards has multiple benefits, such as enabling Tribal Nations to provide secure tribal cards, allowing tribal officials and citizens to continue border crossings consistent with longstanding treaty rights and agreements, and allowing entrance to federal offices to conduct business and other matters. Some Tribal Nations have the human resources and logistical capacity to produce tribal IDs if materials and technical assistance are available. NCAI asks Congress to provide \$10 million to Customs and Border Protection for direct assistance to the 574 federally recognized Tribal Nations for enhanced ID efforts.

Provide \$4 Million for Tribal Emergency Management Assistance Compact Development: Congress funded the development and continues to fund the operation of the state-to-state emergency management assistance compact (EMAC)—a mutual aid agreement between states and territories of the United States. The EMAC enables states to share resources during natural and man-made disasters, including terrorism. The 574 federally recognized Tribal Nations are not part of this agreement. This is an issue, as Tribal Nations are often the first, and in some cases only, responders to natural disasters in their jurisdictions. The majority of tribal disasters are never designated federal disaster declaration status. For this reason, providing funding to establish and operate tribal EMACs will help strengthen national homeland security by providing Tribal Nations a first resource between and among themselves. NCAI urges Congress to provide \$4 million for inter-tribal emergency management compact development.

Additional Indian Country funding priorities for FY 2022:

- Provide \$10 million for Tribal Nations to train DHS personnel in cultural sensitivity. (DHS)
- Provide \$2 million for Tribal Homeland Security Centers of Excellence. (DHS)
- Provide \$5 million for Tribal Cyber Security Resilience. (CISA)
- Provide \$2 million for COVID-19 after action evaluations and reports that focus on the federal response in Indian Country. (FEMA)
- Provide \$2 million for National Response and Coordinating Center, Tribal Desk. (FEMA)
- Provide \$1 million for updated Tribal Nations emergency management training. (FEMA)
- Provide \$3 million for the development and delivery of homeland security and emergency management curriculum at Tribal Colleges and Universities and tribal non-profits. (FEMA)

Thank you for the opportunity to provide testimony and for your consideration of tribal homeland security and emergency management funding priorities for FY 2022.

[This statement was submitted by Kelbie Kennedy (kkennedy@ncai.org), NCAI Policy Counsel.]

PREPARED STATEMENT OF THE NATURE CONSERVANCY'S (TNC'S)

Chair Murphy, Ranking Member Capito and members of the Subcommittee, thank you for the opportunity to present The Nature Conservancy's (TNC's) support for fiscal year 2022 (FY22) funding for specific programs of the Federal Emergency Management Agency (FEMA). TNC is a nonprofit conservation organization working in all 50 states and in 72 countries and territories to conserve the lands and waters on which all life depends.

Last year, we witnessed an alarming new record in the United States as an unparalleled number of catastrophic storms resulted in the greatest number of billion-dollar disasters since the National Oceanic and Atmospheric Administration began tallying disaster costs. A record-breaking 30 named tropical storms and hurricanes

played a major role in this sad milestone, as did the worst year on record for uncharacteristically severe wildfires in the West. Since just 2005, the United States has endured just shy of \$1.26 trillion in damages from natural disasters, which represents an alarming and dramatic average annual increase in previous years and decades¹. These statistics represent a trend moving in the wrong direction as we continue to witness increasingly devastating storms and wildfires wreaking havoc on our lives, our economy and our environment.

As a nation, we must improve our ability to invest in work that reduces the risk of the growing impacts of these disasters. We must also pay attention to an equitable distribution of federal funding to ensure low-income communities and communities of color are able to access these resources. Unfortunately, FEMA mitigation funding has not targeted these communities, which already have added challenges in accessing sources of mitigation funding. According to E&E reported analysis² of FEMA records on the applications for the new Building Resilient Infrastructure for Communities (BRIC) program, only 10 percent of the applications were from “small, impoverished communities” and this amounted to only 3 percent of the funding being sought.

Overall, there is more that we can do to prepare for and invest in reducing the risk that disaster events pose to communities, especially low-income and communities of color. By investing in actions that enhance resilience and deliver measurable reduction in risk and impacts, our nation will experience less loss of life and property. Communities throughout the nation will be able to bounce back quicker from these extreme weather events. Due to this need, TNC strongly supports efforts to build staff capacity and expertise as well as bolster technical assistance—including investing in data delivery and geospatial mapping—and pre-disaster mitigation planning, analysis and overall mitigation actions.

TNC believes planning for and investing in restoring and conserving nature provides significant contributions to mitigation actions. These types of natural and green infrastructure projects deliver measurable reductions in flood, fire and drought risk. These risk reduction benefits are being realized through conservation and restoration projects across the United States and in U.S. territories to maintain and restore the connectivity of rivers and provide sufficient floodplain areas. These projects can include protecting headwaters of watersheds to improve the quality of downstream waters, implementing sustainable forest management practices, restoring coastal natural infrastructure like coral reefs and dunes, and constructing green infrastructure in urban areas. In addition to reducing risks, these projects provide many other benefits that enhance resilience and support and protect humans and nature, such as filtering pollutants, reducing erosion, protecting breeding grounds for fish and shellfish and enhancing recreation. To further advance this work, working with the global infrastructure consulting firm AECOM, we recently completed a guide, “Promoting Nature-Based Mitigation Through FEMA Mitigation Grants” (www.nature.org/femaguide), to inform local communities and states as to how to successfully secure FEMA mitigation funding to invest in nature-based projects.

FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

Flood maps are critical to providing accurate information that feeds into essential community-level vulnerability assessment and risk reduction planning, yielding enhanced resilience. Up-to-date, scientifically sound and environmentally and socio-economically indicative flood maps inform risk and vulnerability. Flood maps underpin wise land use, including decisions on where not to develop and where to conserve lands that might aid in reducing flood risk. And yet, FEMA maps are woefully inadequate in capturing flood risk. A study published in *Environmental Research Letters* by TNC and other scientists demonstrated that approximately 13 percent of the U.S. population is at risk of flooding. This is more than three times what is captured by FEMA flood insurance rate maps, which are used to estimate the amount of the U.S. population at risk. The study used new mapping techniques that should be considered to bolster FEMA’s current mapping methods. TNC also has extensive experience in providing flood and land use data to inform strategies that reduce risk through the development of our Coastal Resilience Tool.

According to a panel of experts convened by the Association of State Floodplain Managers, it will cost between \$3.2 billion and \$11.8 billion to produce updated flood maps for the nation and another \$107 million to \$480 million annually to keep

¹ U.S.: economic cost of natural disasters 2020 Statista

² Environmental Justice: FEMA climate grants pose challenge for poor communities—Tuesday, June 1, 2021—www.eenews.net

those maps updated.³ The funding level of \$263 million for FY20 and FY21 for the Flood Hazard Mapping and Risk Analysis Program is simply inadequate to update and maintain FEMA flood maps. At a time when needs for accurate mapping are so great because it can help drive risk reduction decisions, we ask that this amount be greatly increased to address the need. We appreciate the requested additional funding of \$273 million in the president's budget but, unfortunately, this amount is not enough to address the need. TNC requests funding of up to \$800 million for the Flood Hazard Mapping and Risk Analysis Program in FY22. This amount should be in addition to any amounts allocated to mapping from revenues derived directly from the flood insurance policy fee.

BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES (BRIC)

Proactive actions before any specific disaster hits promotes and facilitates planning and measures that increase resilience and reduce risk, compared with the reactive, immediate actions needed following a disaster. With nearly all federal investments in mitigation occurring after a disaster, the importance of pre-disaster mitigation is essential. Through the passage of the Disaster Recovery Reform Act (DRRA) in 2018, Congress created a new program intended to replace the annually appropriated Pre-Disaster Mitigation Fund. Launched this year, BRIC is to be funded with up to 6 percent set aside from the Disaster Relief Fund (DRF). This will enhance funding for pre-disaster mitigation work and could result in a meaningful increase in funding for pre-disaster mitigation investment. While we appreciate the \$500 million that was dedicated to this program in FY21, reporting indicates that this amount did not represent a full 6 percent allocations as defined in the statute, and it continues to be uncertain exactly how the percentage of DRF funds to dedicate to BRIC will be calculated and invested in BRIC in FY22 and beyond. And as demonstrated in the first round of applications for this funding, the demand for funding totaled \$3.6 billion far exceeded the available funding. We also greatly appreciate the president's recent announcement of dedicating \$1 billion in funding to this program for FY22. We also call on Congress to include report language that ensures funding of at least the full 6 percent (as defined in the DRRA of 2018) of DRF funds for BRIC for FY22. Additionally, we strongly encourage the Committee to request that 15 percent of future rounds of BRIC funding be reserved to fund nature-based mitigation projects, which have been proven to provide significant hazard risk reduction benefits during natural disaster events while also providing additional social, recreational and environmental co-benefits year-round.

NATIONAL FLOOD INSURANCE PROGRAM MITIGATION GRANTS

Much of the National Flood Insurance Program Mitigation Grant funds are targeted at mitigating losses to structures that repeatedly flood. Addressing the select structures that incur the greatest cost from repeated damage is the fiscally responsible option. There are known strategies, both structural and nonstructural, that are proven to reduce or eliminate flood damage, and thus this funding ultimately saves costs by reducing or eliminating that future risk. The funds pay for flood proofing measures, such as elevating structures, and are used to permanently remove structures from areas of repeat flooding. TNC supports a minimum funding level of \$175 million in FY22 for the National Flood Insurance Program Mitigation Grants.

Thank you for the opportunity to submit TNC's recommendations for the FY22 Homeland Security appropriations bill.

[This statement was submitted by Sarah Murdock, Director, U.S. Climate Resilience and Water Policy, The Nature Conservancy.]

PREPARED STATEMENT OF THE NATION'S FIRE AND EMERGENCY SERVICES

DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) PROGRAMS—FIREFIGHTER ASSISTANCE GRANTS, U.S. FIRE ADMINISTRATION, URBAN SEARCH AND RESCUE SYSTEM

On behalf of the nation's fire and emergency services, we write to urge your continued support for programs that enhance our nation's readiness and emergency response capabilities: the Assistance to Firefighters (AFG) and the Staffing for Adequate Fire and Emergency Response (SAFER) grant programs, the U.S. Fire Administration (USFA), and the Urban Search and Rescue Response System (US&R).

³ ASFP's Flood Mapping for the Nation. 2020. <https://www.floodsciencecenter.org/products/flood-mapping-for-the-nation/>

AFG AND SAFER GRANT PROGRAMS

Funding

The AFG and SAFER grant programs are imperative to addressing the needs of more than one million fire and emergency services personnel while providing an economic stimulus to American businesses. AFG and SAFER have been eminently successful in providing fire departments and EMS agencies with the tools, training, and staffing needed to safely and effectively protect their communities. As you begin work on the Fiscal Year (FY) 2022 appropriations process, we encourage you to fund these programs at the authorized level of \$750 million each.

Demand for these programs has consistently been significantly higher than the supply of available funding, and equipment costs have continued to rise while funding has remained relatively low. The most recent analysis from industry experts estimates that since 2018, the average cost for turnout gear has increased around 14%, while the cost of fire apparatus has increased around 16%. Even today, costs are still continuing to increase.

In addition to costs, demand for fire and emergency services response has also continued to grow. According to NFPA data, in 2011, fire departments responded to just over 30 million calls in that year. By 2018, the annual number of calls had risen to approximately 36.7 million, a 22% increase. Furthermore, not only did the overall number of calls increase, but the number of calls across most response categories increased. In 2018, fire departments responded to more calls for medical aid, mutual aid, hazardous materials response, and other conditions than before. During the COVID-19 pandemic, fire departments and EMS agencies have shown that they are ready, willing, and able to respond to new and evolving emergencies-while continuing to respond to existing threats-but they require federal support to do so.

The AFG and SAFER grant programs improve response capabilities across all emergency response areas. They also provide funding for crucial fire prevention and safety programs targeted toward high-risk populations. As demand for fire and emergency response continues to rise, we must ensure that our fire and EMS personnel have what they need to keep themselves and their communities safe while also strengthening prevention efforts to improve the safety of civilians and personnel alike. This requirement is squarely in the federal interest and necessitates federal investments at the authorized level.

Waiver Language

The COVID-19 pandemic has brought new challenges to fire departments and EMS agencies. To ensure that the AFG and SAFER programs can continue to function effectively in these conditions, we ask that you include the following waiver language in the FY2022 DHS appropriations bill:

SAFER

In making grants to carry out Section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a), the Administrator shall grant waivers from the requirements in subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4) of such Act.

AFG

In making grants to carry out Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229), the Administrator shall grant waivers from the requirements in subsections (k)(1) and (k)(3) of such Act.

These waivers will help ensure that vital grant funding gets where it is most needed: into the hands of local fire departments and EMS agencies. The SAFER waivers will also allow departments to retain and rehire personnel-critical to attaining and maintaining the appropriate staffing levels to keep communities safe.

U.S. FIRE ADMINISTRATION

Another issue we bring to your attention is funding for USFA. USFA plays an important role at the national level, ensuring that the fire service is prepared to respond to all hazards. Each year, USFA provides training to approximately 100,000 fire and emergency service personnel through the National Fire Academy (NFA). Through the vital funding of the State Fire Training Grants, USFA is also able to support much-needed training in the states, and thus reach a larger audience. Additionally, USFA collects important data and conducts research to reduce the threat of fire and other dangers in local communities. Unfortunately, over the past decade,

USFA's budget has remained relatively stagnant and well below the authorized level of \$76.5 million.

At a time when fire and EMS personnel are facing climate change threats, including increasing numbers of natural disasters like hurricanes, tornadoes, and wildfires; more medical calls than ever before; the evolving challenge of responding on the front lines of a global pandemic; the continued scourge of structural fires, including home fires; increasing numbers of calls for hazardous materials response; and much more, it is essential that the agency tasked with supporting America's fire and emergency services is properly resourced.

Therefore, our organizations request full funding of \$76.5 million for USFA in FY2022 to ensure that it can continue its mission to support our nation's fire and EMS personnel and work for a fire-safe America.

URBAN SEARCH AND RESCUE RESPONSE SYSTEM

Lastly, we request your support for US&R funding. As the nation's only self-sufficient, all-hazards, ready-response force, US&R is essential to our nation's homeland security. Given its crucial importance, we are extremely concerned with the program's consistent underfunding. The average cost to maintain a US&R team exceeds \$2 million. Unfortunately, recent appropriations have only covered a portion of the necessary costs, leaving local governments responsible for filling the gap and, thus, impairing local public safety. We urge Congress to increase funding for the program to at least \$50 million in FY2022.

We remain grateful for your continued leadership in ensuring that America's fire and emergency services are prepared to protect the public from all hazards—both natural and manmade. As you continue developing legislation to fund these programs for FY2022, we urge you to consider our recommendations to ensure that our nation's first responders can continue to protect and serve their communities safely and effectively.

Sincerely,

Congressional Fire Services Institute
 Fire Apparatus Manufacturers' Association
 Fire and Emergency Manufacturers and Services Association
 International Association of Arson Investigators
 International Association of Fire Chiefs
 International Association of Fire Fighters
 International Fire Service Training Association
 International Society of Fire Service Instructors
 National Association of State Fire Marshals
 National Fire Protection Association
 National Volunteer Fire Council
 North American Fire Training Directors
 Congressional Fire Services Institute/Fire Apparatus Manufacturers' Association
 Fire and Emergency Manufacturers and Services Association/
 International Association of Arson Investigators/International Association of Fire
 Chiefs/
 International Association of Fire Fighters/International Fire Service Training
 Association/
 International Society of Fire Service Instructors/National Association of State Fire
 Marshals/
 National Fire Protection Association/National Volunteer Fire Council/
 North American Fire Training Directors

[This statement was submitted by Michaela Campbell, Director of Government Affairs for the Congressional Fire Services Institute, on behalf of the undersigned organizations.]

PREPARED STATEMENT OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA)

The National Fire Protection Association (NFPA) is a self-funded, global non-profit organization founded in 1896 dedicated to ending losses from fire, electrical, and related life safety hazards. With the unabating wildfire crisis in the U.S., NFPA recently launched Outthink Wildfire(tm), an initiative to advocate for policy change in five key areas that will stop the destruction of communities by this hazard. We write to ask for your support for key federal programs.

The five tenets are: 1) all homes and business in areas of wildfire risk must be retrofitted to resist ignition; 2) current codes, standards, and sound land use plan-

ning practices must be used and enforced; 3) local fire departments must have adequate resources to protect their communities; 4) fuel management on federal and non-federal lands must be a priority; and 5) the public must be well-informed and motivated to embrace their role in reducing wildfire risk. While action on these fronts is urgently needed at all levels of government, Federal programs need to play a key role in ending the devastating wildfire losses communities are now experiencing as discussed in this letter.

MITIGATING WILDFIRE SEVERITY

NFPA supports the Administration's FY2022 proposal to provide \$1.7 billion in funding for high-priority hazardous fuels and forest-resilience projects to the U.S. Forest Service (USFS), in addition to the proposed \$340 million to the Department of the Interior (DOI) for hazardous fuel treatments on its lands. As identified in the National Cohesive Wildfire Management Strategy, denser, more continuous fuel on landscapes now outside of their natural ecological fire regimes is a major contributor to the severe wildfires that threaten communities and drain Federal fire suppression resources. The U.S. must increase the rate of fuel treatments, including prescribed burning, to address the millions of acres now at high or very high risk of wildfire.

In addition to increased resources for hazardous fuel treatment projects, NFPA supports programs that enable collaboration between the USFS and its partners, assist state and private land managers in restoring forest health, and encourage landscape-scale restoration projects. For example, the Collaborative Forest Landscape Restoration program has been successful in reducing fire risk and achieving other management objectives through a stakeholder-driven process aimed at minimizing conflict.¹ Given the National Cohesive Strategy's call for increased landscape-scale fuel treatment and forest health projects, funding this program at its authorized level of \$80 million can help continue and expand on its success. Similarly, the Landscape Scale Restoration Program should receive \$20 million.

Finally, NFPA supports a robust budget for forestry research, including programs to better understand wildfire behavior and landscape treatment strategies, as well as programs to develop new wood products and markets to create more financial incentives for hazardous fuel treatment. As part of that funding, the Joint Fire Sciences Research program should receive \$8 million each for the USFS and DOI. NFPA also believes research funding for the built environment aspect of wildfire resilience should be increased and thus supports the Administration's proposal to increase funding for the National Institute of Standards and Technology (NIST), particularly for efforts to improve resiliency through building codes.

ASSISTING STATE & LOCAL FIRE DEPARTMENTS

State and local fire response resources play a major role in preparing for and responding to wildfires on both public and private lands, making the USFS funds provided by the State Fire Assistance (SFA) and Volunteer Fire Assistance (VFA) programs critical to public safety. According to the National Association of State Foresters, members of state and local fire departments are the first to respond to 80 percent of wildfires. Findings from NFPA's 2016 Fourth Needs Assessment of the U.S. Fire Service² that the majority of fire departments with wildfire response responsibilities lack sufficient training and personal protective equipment reveal a significant gap in safety, for both the responders and the lives and properties of the communities they protect.

SFA and VFA are critical safety programs for supporting wildland urban interface (WUI) communities, funding hazardous fuels treatment in the WUI, supporting fire planning projects, and helping to train and equip state and local responders. SFA also supports public education and community capacity development programs like Firewise USA(r) and the Fire Adapted Communities Learning Network. These programs teach WUI residents how to lower wildfire risk to their homes and support community mitigation activities. Therefore, NFPA supports funding the State Fire

¹ See e.g., Schultz, Courtney, et al. (2017) Strategies for Success Under Forest Service Restoration Initiatives, Ecosystem Workforce Working Paper, Number 81 (<https://tinyurl.com/38b3cpz4>)

² National Fire Protection Association (2016) Fourth National Needs Assessment, <https://www.nfpa.org/News-and-Research/Data-research-and-tools/Emergency-Responders/Needs-assessment>, (Eighty-eight percent of U.S. fire departments-some 23,000 departments-provide wildland and/or WUI firefighting services, but 63 percent of those have not formally trained all of their personnel involved in wildland firefighting on these skills. Only 32 percent have all of their responders equipped with appropriate personal protection equipment (PPE), and 26 percent do not have any of the necessary PPE at all. Only 27 percent of departments have a health and fitness program).

Assistance program at \$88.5 million and the Volunteer Fire Assistance program at \$20 million.

MITIGATION FOR COMMUNITIES

The National Cohesive Strategy also identifies the need for fire adapted communities where homes and businesses are retrofitted to resist ignition and wildfire safety codes, standards, and land use planning practices are applied. According to the U.S. Fire Administration, the Nation has over 70,000 thousand communities in areas at risk from wildfires, home to 46 million housing units. Preparing for wildfire through creating defensible space and home retrofits can greatly reduce the risk of loss. NFPA supports the Federal Emergency Management Agency's (FEMA) Building Resilient Infrastructure and Communities (BRIC) program and the Administration's proposal to add \$540 million in new resources to programs tasked with helping communities undertake pre-disaster planning and make investments in resiliency. The USFS' Wildfire Hazard Severity Mapping for Communities program also supports community risk assessment and hazard mitigation planning and should continue. In addition, NFPA is also highly supportive of proposed efforts to improve resiliency and safety in HUD-assisted housing with an additional \$800 million in new investments.

Thank you for the opportunity to share our views on Federal support for reducing wildfire risk to communities. NFPA strongly urges the Committee to support a robust budget for wildfire mitigation and we stand ready to provide any addition information that would be useful.

SINCERELY,

L. Seth Statler
Director of Government Affairs,
National Fire Protection Association

PREPARED STATEMENT OF NATIONAL TREASURY EMPLOYEES UNION (NTEU)

Chairman Murphy, Ranking Member Capito and distinguished members of the Subcommittee, thank you for the opportunity to provide this testimony. As President of the National Treasury Employees Union (NTEU), I have the honor of leading a union that represents over 29,000 Customs and Border Protection (CBP) Officers and trade enforcement specialists stationed at 328 air, sea, and land ports of entry across the United States and 16 Preclearance stations.

CBP is the largest component of the Department of Homeland Security (DHS) responsible for border security at the ports of entry, including anti-terrorism, immigration, anti-smuggling, trade compliance, and agriculture protection. CBP also simultaneously facilitates lawful trade and travel at U.S. ports of entry that is critical to our Nation's economy.

CBP Staffing at the Ports of Entry: For years, NTEU has advocated for the hiring of thousands of new CBP Officers, hundreds of new Agriculture Specialists and non-uniformed trade operations personnel that are needed based on the agency's own Workload Staffing Model (WSM), Agriculture Resource Allocation Model (AgRAM) and Resource Optimization Model for Trade Revenue (Trade ROM).

Pursuant to these models, in FY 2021 House Appropriators sought \$171 million for 1,150 new CBP OFO positions including \$91 million for 850 CBP Officers, \$10 million for 100 support personnel and \$30 million for 200 agriculture specialists. Senate Appropriators did not clear any funding bills but recommended \$8 million in FY 2021 funding to hire 50 new non-uniformed trade positions to carry out CBP's trade mission to strengthen trade enforcement actions. However, in the end, the final FY 2021 funding bill did not include any funding to increase staffing for CBP OFO.

CBP's staffing models are dynamic and reflect the impact of the pandemic on CBP OFO staffing needs. Based on CBP's most recent staffing models, CBP needs to hire approximately 1,700 CBP Officers, 400 Agriculture Specialists and 200 non-uniformed Trade Specialists.

NTEU requests that the Committee include in its FY 2022 DHS appropriations bill funding for CBP OFO new hires up to levels required by the CBP's dynamic workplace staffing models for CBP Officers, Agriculture Specialists and Trade Specialists. Therefore, NTEU is asking the Committee to provide at minimum \$160 million in direct appropriated funding for CBP "Operations and Support" in FY 2022 to fund the hiring of at least 800 CBP Officers, 240 CBP Agriculture Specialists, 200 CBP Agriculture Technicians, 20 Agriculture Canine Teams and 50 non-uniformed trade enforcement specialists and associated operational support personnel.

To further support this staffing request, NTEU joined a coalition of 28 port stakeholders, including Airports Council International-North America, U.S. Chamber of Commerce, and the U.S. Travel Association on a letter dated May 4, 2021, to this subcommittee urging funding for new officers so the agency will be prepared for an influx of passengers and cargo at the ports-of-entry once the current international travel restrictions are relaxed and eventually lifted.

As the letter states, ensuring CBP staffing is an economic driver for the U.S. economy and an additional 800 CBP Officers would not only reduce wait times at ports of entry, but also provide new economic opportunities across the United States. “While the volume of commerce crossing our borders has more than tripled in the past 25 years, CBP staffing has not kept pace with demand” the coalition wrote. “Long wait times at our ports-of-entry lead to travel delays and uncertainty, which can increase supply-chain costs and cause passengers to miss their connections. According to the U.S. Department of Commerce, border delays result in losses to output, wages, jobs, and tax revenue due to decreases in spending by companies, suppliers, and consumers.”

Furthermore, acknowledging the ongoing CBP Officer staffing shortage at the ports, CBP again finds it necessary to solicit CBP Officers for temporary duty assignment (TDY) to San Ysidro, Otay Mesa, and Calexico land ports of entry, which began on May 16, 2021. According to CBP, the TDY is necessary to support the workload and operational challenges facing the San Diego Field Office, such as wait times in excess of four hours. OFO anticipates the TDY to run in three, 62-day phases and tentatively ending on July 18, 2021, with the possibility of additional phases. These TDYs will be filled by CBP Officers currently assigned to air and seaport locations and will generally exclude northern and southern land border POEs.

Lastly, in order to mitigate the spread of COVID-19, since March 2020, travel through the northern and southwest border land ports has been restricted to essential trade and travel. These restrictions are reevaluated monthly and there is an expectation that these essential travel restrictions may be lifted as early as June 21. If these essential travel restrictions are indeed lifted, I have heard from NTEU leaders that the current staffing at land ports will be unable to maintain inspection and processing functions to address the expected increase in traffic flow in a timely manner. At the San Ysidro port of entry, the current TDYs will need to be extended or wait times at that port will become untenable. With the end of essential travel restrictions, the surge of travelers, as well as asylum seekers, through the land ports threaten to overwhelm port functions. To end the need for TDYs, it is up to Congress to address the ongoing port staffing deficit by authorizing and funding CBP OFO new hires in FY 2022 and subsequent years until the staffing gap identified in the workload staffing models are met. Without addressing the ongoing CBP Officer staffing shortages, allocating adequate staffing at all ports will remain a challenge.

Unfortunately, the FY 2022 President’s DHS budget request is essentially flat and includes no increase in funding for CBP OFO new hires. NTEU greatly appreciates the President for including a pay raise for federal employees in his budget proposal and new CBP funding to address the annualization of the FY 2021 pay raise, the FY 2022 pay raise, the associated FERS contribution and funding for certain port modernization projects.

CBP Agriculture Specialist Staffing: Currently, there is a shortage of approximately 430 Agriculture Specialists nationwide according to CBP’s own data-driven and vetted Workload Staffing Model. Last year, Congress approved P.L. 116-122, the Protecting America’s Food and Agriculture Act of 2019. The new law authorizes CBP to hire 240 CBP Agriculture Specialists, 200 CBP Agriculture Technicians and 20 Agriculture Canine Teams per year until the staffing shortage that threatens the U.S. agriculture sector is met. NTEU’s appropriations request includes funding to hire the first wave of CBP agriculture inspection personnel authorized by the newly enacted statute.

CBP Trade Operations Staffing: In addition to safeguarding our nation’s borders and ports, CBP is tasked with regulating and facilitating international trade. CBP employees at the ports of entry are critical for protecting our nation’s economic growth and security and are the second largest source of revenue collection for the U.S. government—\$74 billion in 2020. For every dollar invested in CBP trade personnel, \$87 is returned to the U.S. economy, either through lowering the costs of trade, ensuring a level playing field for domestic industry or protecting innovative intellectual property. Since CBP was established in March 2003, however, there has been no increase in non-uniformed CBP trade enforcement and compliance personnel. Additionally, CBP trade operations staffing has fallen below the statutory floor set forth in the Homeland Security Act of 2002 and stipulated in the FY 2019 CBP Trade ROM. To maintain CBP’s trade enforcement mission, NTEU requests

that Congress provide funding in FY 2022 for 50 additional CBP non-uniformed trade personnel.

User Fee Shortfalls: Due to the pandemic's continued disruption of fee generating international travel and commerce, user fee collections have fallen precipitously which has necessitated the need for emergency funding to prevent furloughing CBP OFO personnel at a time when international trade and travel volume is beginning to return to pre-pandemic levels. Consolidated Omnibus Budget Reconciliation Act (COBRA) and Immigration and Agriculture Quality Inspection (AQI) user fees currently fund up to 8,000 CBP Officers and 2,400 Agriculture Specialists. To address the user fee shortfall, we were pleased that Congress provided \$840 million in FY 2021 emergency appropriations to maintain current staffing of CBP Officers. Projected CBP trade and travel volume data shows an estimated user fee shortfall of up to \$1.4 billion through the first quarter of FY 2022. Congress also provided up to \$635 million through the end of FY 2022 in supplemental funding to USDA to cover the user funding shortfall that funds CBP Agriculture Specialists staffing.

U.S. businesses rely on the safe and efficient movement of goods and people across our borders and are all working to safely resume international travel and travel. Keeping current CBP Officer staffing levels will be necessary to successfully transition into a more robust, safe, and delay-free travel environment and improve cargo movement. Losing the hiring and staffing advances that they finally started to gain after years of effort and much appreciated funding support by Congress will negatively impact cross-border travel, passenger processing and trade facilitation in future years as the economy returns to normal.

The critical issues that American businesses are facing to recover from this pandemic require quick, decisive action so that our government can best facilitate the flow of travel and trade as the economy recovers. Without Congress again providing supplemental funding or reprogramming existing funds to support these CBP Officers between now and the end of FY 2022, we are gravely concerned that this loss of user fee funding will result in furloughs at a time when this workforce is most needed to facilitate the flow of legitimate travel and trade as the economy recovers.

NTEU requests that the Committee, either through reprogramming, a supplemental funding bill, or in its FY 2022 DHS appropriations bill, funding to replace user fee shortfalls for CBP OFO salaries and expenses and to mitigate dependence on user fees to fund salaries and expenses of CBP OFO personnel. This CBP OFO funding request will help to ensure that current CBP Officer staffing levels are maintained as trade and traffic volumes increase. NTEU implores you to provide this funding now so that CBP Officers can stay on the job during the economic recovery. CBP employees at the ports of entry already face many challenges in the course of their work and concerns about their health and safety or of being furloughed as the country reopens for business should not be among them.

NTEU also strongly opposes any diversion of COBRA user fees. Any increases to the user fee account should be properly used for much-needed CBP staffing and not diverted to unrelated projects. In 2015, the Fixing America's Surface Transportation (FAST) Act indexed COBRA user fees to inflation. However, the Act diverted this increase in the user fee from CBP to pay for unrelated infrastructure projects. Indexing the COBRA user fee to inflation is projected to raise \$1.4 billion over ten years—a potential \$140 million per year funding stream to help pay for the hiring of additional CBP Officers to perform CBP's border security, law enforcement and trade and travel facilitation missions. Diverting these funds has cost CBP funding to hire over 900 new CBP Officers per year since the FAST Act went into effect. These new hires would have significantly alleviated the current CBP Officer staffing shortage.

Thank you for the opportunity to submit this FY 2022 appropriations request for CBP Officer, Agriculture Specialist, Technicians, Canine teams, Trade Operations, and mission support new hires at the ports of entry to build on the CBP OFO staffing advances enacted in prior appropriations bills. NTEU greatly appreciates your efforts to continue building on CBP OFO staffing advances made in recent years, and we urge you to provide FY 2022 funding to replace any user fee shortfall to maintain the current number of CBP employees and to hire needed additional CBP OFO employees to adequately staff the nation's ports of entry as our economy rebounds from the pandemic.

[This statement was submitted by Anthony M. Reardon, National President, National Treasury Employees Union.]

PREPARED STATEMENT OF SCIENCE AND TECHNOLOGY DIRECTORATE

To: Senate Staff for Senator Peters, Congressional Staff for Congressmen Johnson, Ryan, Joyce, Axne, and DesJarlis.

My office, the Office of Engagement and Partnerships in the Department of Homeland Security Science and Technology Directorate, works to identify existing technologies that can be quickly utilized by members of the Department to fulfill their missions to protect our country. In the course of evaluating these technologies, we were briefed by a company that can protect our law enforcement officers and first responders against the danger posed by the aerosolization of dangerous substances such as opioids.

This device is called BLOC(tm); a handheld device enabling an individual to immediately encapsulate potentially lethal powders such as fentanyl and anthrax. It is the only patented technology of its kind, currently deployed in the field, and is coincidentally manufactured in Ohio and Michigan.

The COVID-19 Pandemic has resulted in increased synthetic opioid use, overdoses, and exposures. Because this technology was specifically designed to neutralize the threat of aerosolization of lethal powders, it offers a viable solution which can also be applied to other drugs and residues of homeless populations.

As opioid abuse and homelessness increase, law enforcement agencies are transitioning to de-escalation techniques utilizing social service personnel. These personnel enter locations with substantial threats of exposure to synthetic opioids, fecal matter containing COVID-19 and unknown powders. This device protects them from exposure, as well as innocent people and those suffering from Opioid Use Disorders.

Based on the information provided, BLOC(tm) has been field-proven effective by first responders, law enforcement, corrections, and US Military Citizen Support Teams (94th CST). The efficacy of BLOC(tm) was confirmed by EAG Laboratories, the Ohio Bureau of Criminal Investigations and recently by the United States Department of Agriculture, who stated, "It has far reaching capabilities to include neutralizing weaponized powders such as Anthrax".

This office facilitated presentations of this device to the U.S. Coast Guard, US Customs and Border Patrol, and the Office of Countering Weapons of Mass Destruction who recognized the benefits of BLOC(tm) to personnel engaged in drug interdiction and national security.

The ability of this new technology to immediately contain lethal compounds provides a viable solution to the threat of exposures identified in the Synthetic Opioid Exposure Prevention and Training Act. As your office continues to safeguard the personnel at risk from synthetic opioid exposure, I wanted to inform you of this new technology for your consideration.

Respectfully,

[This statement was submitted by Robert B. Newman, Jr., Director, Office of Engagements and Partnerships, Department of Homeland Security, Science and Technology Directorate.]