

**DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS FOR FISCAL YEAR 2022**

HEARINGS

BEFORE A

**SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
UNITED STATES SENATE**

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

ON

H.R. 4431

**AN ACT MAKING APPROPRIATIONS FOR THE DEPARTMENT OF HOME-
LAND SECURITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2022,
AND FOR OTHER PURPOSES**

**Federal Emergency Management Agency
Department of Homeland Security
Nondepartmental Witnesses**

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DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS FOR FISCAL YEAR 2022

WEDNESDAY, APRIL 14, 2021

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

The subcommittee met at 2:03, in room SD-138, Dirksen Senate Office Building, Hon. Christopher Murphy (chairman) presiding.
Present: Senators Murphy, Shaheen, Capito, and Hoeven.

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

STATEMENT OF MR. ROBERT J. FENTON, JR., SENIOR OFFICIAL PERFORMING THE DUTIES OF ADMINISTRATOR

OPENING STATEMENT OF SENATOR CHRISTOPHER MURPHY

Senator MURPHY. Good afternoon, everyone. We call this hearing Subcommittee on Homeland Security to order. A general reminder from the onset, this is a virtual, a hybrid hearing where some of my colleagues couldn't be here in person, they will be appearing virtually. And so, we'll do our best to ensure that everybody is aware when it is their turn to speak.

This is the subcommittee's first hearing of the 117th Congress, and my first meeting as chairman. I'm also a new member of the Committee, and so, I will cop at the outset to a learning curve and I'm very grateful to be able to have the advice, and counsel, and partnership of a ranking member and prior Chairwoman Capito. I'm looking forward to doing some good work together on this subcommittee.

Let me welcome the Acting Administrator of the Federal Emergency Management Agency, Bob Fenton. This is his second tour of duty in this acting capacity, and we are grateful to him for his willingness to shuttle back and forth from his responsibilities on the west coast to help us during these interregnum periods.

We're going to examine today the Agency's response to COVID-19, and other challenges, in emergency management. We're thankful that you're here to testify before us in person.

FEMA exists to coordinate the Federal Government's role in disaster preparation, prevention, and relief and we typically see FEMA serve as an emergency manager when there is a certain area of the country that's hit with a natural disaster. But COVID-19, it impacted the whole country and the size, and the scale of the

Federal responses really have been like nothing we've ever seen before. FEMA estimates that obligations for COVID relief through fiscal year 2021 are going to be somewhere north of \$115 billion. That's more than double the Department of Homeland Security's annual discretionary budget.

And I want to acknowledge at the outset all of the great work that's been done by Emergency Management personnel at the Federal, State, and local levels who have just worked tirelessly over the past year to respond to and confront this pandemic. We all thank them. Your staff in particular for their ongoing work.

When COVID-19 was declared an emergency back in March of last year, FEMA was directed to lead a whole of Government Federal response to the pandemic. But a coordinated Federal response for all intents and purposes did not materialize. Instead, the Trump Administration decided to outsource most of the disaster responsibility to states, to local governments, and to private health systems.

On many days, my state's leaders will tell you, the Federal Government was sometimes more of a hindrance than help. There was a lot of confusion amongst non-Federal Governments and healthcare providers regarding overlapping roles and responsibilities of our Federal response agencies. Some days, it seemed like FEMA was in charge, other days it looked like the White House Task Force was in the driver's seat, other times HHS appeared to be calling the shots. GAO cited one Federal—excuse me, one local public health official who said the response was, “Incoherent, confusing, and uncoordinated.”

This was especially true with regard to the medical supply chain. Early on, there was a serious and damaging perception that medical supplies and personal protective equipment were not being distributed to the places in the country that had the greatest need, but rather based on other motives, whether they be political or personal. Governors and local officials who competed for months for lifesaving supplies often saw the Federal Government redirect those supplies without explanation.

Now, some might say that with the COVID threat still real and present, that isn't the time to look backward, but we need to be learning these lessons in real time. We can't afford to just keep repeating the mistakes of the past. And while the Biden Administration has straightened out much of this confusion, this Committee obviously has the responsibility to fund FEMA in a way that doesn't doom us to the same failures the next time a pandemic hits.

Of course, we also want to hear today about the Agency's present state of operations. We need to know how the Defense Production Act authorities are being used, what FEMA is doing to ensure an equitable distribution of vaccine support, and we need to know about the financial health of the Disaster Relief Fund.

And while COVID-19 will obviously be the primary subject of this hearing, FEMA does face other challenges. Currently, the Agency is supporting 960 declared disasters across the country; at least 1 in every single state and territory. We spent a lot of time focusing on the emergency response, but we should also be talking about focusing on investments that make us more resilient.

With that in mind, I'll have questions about FEMA's implementation of what's known as the Brick Program. That's the money we use to build resiliency in our communities.

And we'll also want to look at how FEMA is assisting efforts at the southwest border. Senator Capito and I were there recently, and obviously, FEMA is deeply engaged in helping the Department of Health and Human Services find suitable facilities for unaccompanied children, and funding assistance to support local Social Service Agencies to provide humanitarian relief.

There's a lot to cover today, and I look forward to your testimony, Mr. Fenton. And I'll now turn to the ranking member of the subcommittee, Senator Capito, for any opening remarks.

STATEMENT OF SENATOR SHELLEY MOORE CAPITO

Senator CAPITO. Yes. Thank you, Chairman Murphy, and congratulations on your first hearing. You're doing a great job so far, and I look forward to working with you and really getting to know you. We've already had, on our trip to the border, had an opportunity, even though we've served together for several years, to really forge a relationship that I think is going to be important as we move through fiscal year 2021 and begin to formulate the Bill for fiscal year 2022.

So, I thank you for scheduling this hearing. FEMA is exceedingly important, and their role in supporting our State and local partners in responding and recovering from a historic number of disasters facing our nation. I think all of us in our individual states get to know our FEMA regional and local reps very, very well.

So, I want to thank the Acting Administrator, Robert Fenton, who I have learned obviously has very good sense because he's married to a West Virginian. So, thank you for that. Thanks for joining us here today.

FEMA's mission is helping people before, during, and after disasters. These words are more important than ever, and the Acting Administrator Fenton knows, and we all know, he has a big job to ensure FEMA continues to live up to those—to that promise. We are keeping a close eye on the progress we're making concerning COVID-19, including many of the areas the Chairman talked about, the various Federal support mechanisms in place to distribute much-needed PPE, vaccines, and other necessary supplies and personnel to combat the pandemic.

FEMA is playing an integral role in that effort, helping to support vaccine distribution centers, resupply our states with necessary PPE, and providing additional resources to ensure success. We have also been following the recent non-COVID-related disasters, including severe winter storms, damaging tornadoes. We even talked about the situation in Texas a bit, flooding and fire events across the nation.

FEMA is also playing an integral role in the current border crisis, working with HHS and other DHS components to identify, procure, and manage an array of temporary shelters and processing centers for the thousands of unaccompanied children crossing our southern border. Mr. Fenton, the men and women of FEMA are a vast network of responders coordinating the full spectrum; and we want to say thank you for what you do.

Speaking of the border crisis, I would be remissive if I did not say some additional words on this topic. Last month, Secretary Mayorkas acknowledged that we are headed towards more southwest border encounters than we've seen in 20 years and the numbers are proving him correct. In March, CBP faced 172,331 encounters at the southwest border, which is 66 percent higher than the march of the last border surge, which was in March of 2019, where there were 103,731 encounters.

We can't dismiss these numbers as a seasonal migration pattern. DHS has been forced to set up multiple influx facilities to deal with the surge at the border. HHS has already set up 10 emergency facilities to house nearly 20,000 migrant children, spending \$60 million a week, in conditions even HHS would admit amount to little more than crisis care.

CBP was so overwhelmed that the Washington Post has reported that they are seeing 1,000 getaways per day. That's the folks we don't get, and we don't encounter on the border. That's tens of thousands of individuals who are now in this country who all we really know about them is a fleeting footprint or maybe an article of clothing they left behind. In addition, CBP has had to resort to releasing illegal immigrants from custody into the United States without a Notice to Appear in Immigration Court, which is what I can describe as nothing less than a failure of our nation's immigration system.

FEMA, which we are here to discuss has been at the southwest border, and we appreciate that help because obviously describing what I am describing, it's very much needed.

So, Mr. Chairman, I would ask, and I appreciate this hearing, I hope that we can, in the near future, have a discussion on this border crisis, as it is something that's staring us in the face that's going to have a lot of input into our jurisdiction in terms of funding. And I think that hopefully that we cannot continue to encourage by policies or others migrants to come in and enter our country, making that very dangerous journey.

And so, I also think that we will need to make sure that CBP and ICE are fulfilling and executing their Mandate under the Law. Mr. Chairman, I hope you and I can work together on these goals in the future.

Returning to the topic at hand, and I'll try to be briefer here. FEMA continues to see a high level of incident management workforce deployments with only 21 percent of the personnel remaining for deployment to future events. I thought this was an interesting fact: out of the 52 Federal Coordinating Officers that FEMA currently deploys for disaster management, there is only one remaining who is not assigned to an existing declared disaster. So, our manpower is getting low. The men and women of FEMA perform very diverse array of duties and I think that's something, as we're looking at funding, we should look at.

So financially, FEMA executed an extraordinary level of funding because of the CAREs packages, and the COVID reliefs, and the great strain on the Disaster Relief Fund. Sixty-eight billion dollars for state, local, and travel assistance including National Guard deployments. Close to \$60 billion remaining in the Disaster Fund. It would seem that our resources would be sufficient, but they're

going out the door very, very quickly. And our data is giving us a different story in terms of how we're going to be able to maintain a sufficient level of funding for FEMA.

On a personal note, as I'm sure you all—the three of us in the room here, have seen the impact FEMA has and can have during and after a disaster. The COVID response, reopening, and operating support FEMA continues to provide to West Virginia after our flood are much appreciated. In 2016, we lost 23 lives that day, hundreds of homes, millions of dollars in damages. And almost 5 years later, we still remember the things that we lost, and recognize the ongoing efforts.

I would like to thank you and your now Deputy Acting Administrator MaryAnn Tierney, who I mentioned to you is our—was our Regional Director for her and your continued attention to this recovery. So that's one of the—did you say 900 disasters that are still ongoing. It's just—it takes so long sometimes to rebuild.

So, thank you for appearing with us today, and I look forward to hearing your testimony.

Thank you.

Senator MURPHY. Thank you, Senator Capito. By way of introduction, our witness is the acting FEMA administrator, well now serving as the Acting Administrator. Mr. Fenton is the FEMA Region 9 Administrator. It's a career position. He's been with FEMA since 1996, and he's been involved in a number of significant large-scale response and recovery operations, including Katrina, the Southern-California wildfires of 2003, and the 9/11 World Trade Center terrorist attacks.

We appreciate you being before us today. Following your opening statement, each member is going to be recognized by seniority for up to five minutes for statement and question.

SUMMARY STATEMENT OF MR. ROBERT J. FENTON

Mr. FENTON. Good morning, Chairman Murphy, and Ranking Member Capito, and members of the subcommittee. Thank you for the opportunity to discuss FEMA's role in response to the COVID-19 pandemic. This is an unprecedented challenge that has claimed the lives of over 558,000 of our neighbors, friends, and family members across the country. It caused grave damage to the global economy and put a spotlight on inequities throughout our nation.

At FEMA, we are committed to ensuring that everyone has access to vaccination. This is our highest priority, and its success is dependent upon the whole community being unified to achieve this goal. Our current work can be grouped into three broad categories.

First, at the President's direction, FEMA is reimbursing 100 percent of the costs of the Title 32 National Guard activations, as well as 100 percent of eligible emergency protective measures expenses incurred by states, local, tribal, and territorial partners in response to COVID-19 through September 30th. This includes reimbursement for vaccination efforts, screening and testing, and personal protective equipment.

The President also directed FEMA to expand the eligibility of emergency protective measures from January through September of this year to support the safe opening and operating of public facilities. This includes, among other things, eligible schools,

childcare facilities, transit systems of those that have been impacted by COVID-19.

Second, FEMA is working to support state, territorial, tribal, and local government's lead community vaccination efforts, also known as CVCs. FEMA is doing this through the deployment of Federal personnel, the provision of equipment, supplies, and technical assistance, and the awarding of expedited financial assistance.

Third, and finally, FEMA is teamed up with the Department of Defense and other agencies in establishing pilot CVCs across the country. These sites are stood up in partnership with state and local authorities to better reach under-served and historically marginalized communities. These CVC sites come with additional temporary, eight-week vaccine allocation, and is above and beyond the normal state allocation and some can administer up to 6,000 vaccinations a day.

As of April 12, FEMA has obligated more than \$4.53 billion for COVID-19 vaccination efforts. There are 1,567 federally supported vaccination sites and 357 mobile units including these 30 pilot community vaccination sites that have been stood up since January 20th.

To date, 189.6 million vaccine doses have been administered across the United States with 172 million of those taking place since President Biden was inaugurated. Furthermore, the Administration has been able to provide states and territories with a three-week vaccination supply allocation. As of early April, this allocation stood at approximately 26.8 million doses. Over the last three weeks, close to 90 million total doses have been sent to states, tribes, territories, and through Federal channels.

President Biden has made equity a cornerstone of the Administration's COVID-19 efforts. At FEMA, we've established a Civil Rights Advisory Group with our Federal partners to ensure equity is incorporated into all of our activities. Since its inception in January, the Civil Rights Advisory Group has supported the development of the methodology used to determine federally led community vaccine pilot site selections, worked with all 10 FEMA regions to collect and analyze demographic data, identified under-served communities, and collaborated with community-based organizations. As of early April, 58 percent of all doses administered at the federally led pilot CVCs went to communities of color.

We have reason to be hopeful in the months ahead. We expect that vaccine supplies will continue to increase substantially in the months to come so that everyone who wants a vaccine will have access to one.

In closing, we greatly appreciate this subcommittee's steadfast support for FEMA's efforts throughout the COVID-19 pandemic and for appropriating the resources our agency has needed to meet the historic mission requirements.

I'd just like to end with saying how much of an honor it is to be the Acting Administrator and lead. In my eyes, the finest group of civil servants that I've had the opportunity to work with. Their ability to work tirelessly through disaster after disaster to help Americans when at the greatest need, just shows you how dedicated this work force is in the challenging times that you've all highlighted.

So, thank you for taking the opportunity to testify. I look forward to answering your questions today.

The statement follows:

PREPARED STATEMENT OF MR. ROBERT FENTON

Chairman Murphy, Ranking Member Capito, and Members of the Subcommittee, my name is Robert Fenton. I am the Senior Official Performing the Duties of the Federal Emergency Management Agency (FEMA) Administrator. Thank you for the opportunity to discuss FEMA's role in the response to the COVID-19 pandemic. This is an unprecedented challenge that has claimed the lives of over 558,000 of our friends, relatives, and neighbors across America, caused grave damage to the global economy, and put a spotlight on inequities throughout our nation.

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

As of April 12, 2021, 189.6 million vaccine doses have been administered across the United States with over 172 million of those taking place since President Biden was inaugurated. Furthermore, under the President's leadership, the Administration began providing states and territories with a new dashboard depicting allocation projections with a three-week forecast. As of early April, this weekly allocation stood at approximately 26.8 million doses, and over the last three weeks, close to 90 million total doses have been sent to states, tribes, and territories through Federal channels.

For today's hearing, I would like to discuss what we are doing to respond to the COVID-19 pandemic, what we plan to do in the coming months, and what challenges lie ahead. Our current work can be grouped into three broad categories.

First, at the President's direction, FEMA is reimbursing 100 percent of the cost for Title 32 National Guard activations, as well as 100 percent of eligible emergency protective measure expenses incurred by states, local, tribal, and territorial (SLTT) partners, and certain private non-profits, through September 30, 2021. This includes reimbursement for vaccination efforts, screening and testing, personal protective equipment, and emergency medical care. The President also directed FEMA to expand emergency protective measure eligibility from January 21, 2021 through September 30, 2021, to include the safe opening and operation of public facilities, including schools, child-care facilities, healthcare facilities, non-congregate shelters, domestic violence shelters, and transit systems impacted by COVID-19. FEMA is coordinating with Federal partners to finalize the specific eligibility criteria for this expanded assistance.

Second, FEMA is working to support SLTT-led Community Vaccination Centers (CVCs) through the deployment of Federal clinical and non-clinical personnel; the provision of equipment, supplies, and technical assistance; and the awarding of expedited financial assistance to states, tribes, and territories. We are also providing Mobile Vaccination Units (MVUs), which, when paired with staff and supplies, can each support administration of 250 or more vaccines per day. For example, our team worked closely with Connecticut to utilize an MVU to support jurisdictions in providing COVID-19 vaccinations to all those who want one. As a testament to the importance of public-private partnerships in delivering vaccinations, staffing for the MVU will be provided by UConn Health, Griffin Health, Hartford Healthcare, and Trinity Health of New England. The sites will also be supported by the Connecticut National Guard and municipal partners for non-clinical staffing. Federally supported MVUs are currently operating in 17 states. FEMA MVUs are currently operating in Connecticut, Maryland, Oregon, and Nevada to bring vaccinations to hard-to-reach and high-risk populations.

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

New York, Texas, Florida, Pennsylvania, Georgia, North Carolina, Michigan, Ohio, Illinois, Indiana, New Jersey, Maryland, Massachusetts, Missouri, Tennessee, Virginia, and Washington with several more expected to be operational in the near future.

As of April 12, FEMA has obligated more than \$4.53 billion for COVID-19 vaccination efforts. Since January 20, 2021, FEMA has supported 1,567 federally supported vaccination sites, including 357 mobile units. FEMA currently has 2,602 staff deployed across the nation to support vaccination missions. To further support this whole-of-government effort, Secretary Mayorkas activated the Department of Homeland Security's (DHS) Surge Capacity Force for vaccination support operations, drawing on Federal employees from DHS Components and other Federal agencies to augment FEMA's workforce.

President Biden has made equity a cornerstone of his Administration's COVID-19 efforts, and at FEMA we established a Civil Rights Advisory Group (CRAG) within the National Response Coordination Center to ensure that equity is incorporated into all activities. The CRAG is led by FEMA's Office of Equal Rights and includes personnel from the Department of Health and Human Services, the CDC, the Department of Justice's Civil Rights Division, and the Department of Homeland Security's Office for Civil Rights and Civil Liberties, among others.

Since January 29, 2021, FEMA's Office of Equal Rights and its Federal partners have supported the development of the methodology used to determine federally-led CVC pilot site selections, and has worked on the ground in all ten FEMA regions to collect and analyze demographic data, identify underserved communities, and collaborate with community-based organizations. We have also incorporated Regional Disability Integration Specialists into the CRAG to ensure that the needs of people with disabilities are integrated in all facets of vaccine center operations. As of early April, approximately 58 percent of all vaccine doses administered at the Federal pilot CVCs went to communities of color.

While FEMA remains focused on supporting vaccination distribution efforts and the COVID-19 response, the agency also maintains its mission readiness and ongoing support for multiple emergency and disaster declarations. Recent examples include the severe winter storms that caused widespread damage in Oklahoma, Louisiana, and particularly Texas. FEMA actively coordinated with impacted state, local, and tribal governments to address unmet needs and support the distribution of critical resources such as generators, fuel, blankets, water, and meals. Following Texas's major disaster declaration and approval for Individual Assistance, FEMA continues to assist eligible individuals and households in Texas who have uninsured or underinsured expenses for serious disaster-related damages.

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

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

We greatly appreciate this Subcommittee's steadfast support for FEMA's efforts throughout the COVID-19 pandemic and for providing the resources our agency has needed to meet these historic mission requirements. I would like to thank Congress for recently appropriating \$50 billion to FEMA's Disaster Relief Fund within the American Rescue Plan Act of 2021 to cover

the costs associated with major disaster declarations, including the ongoing battle against COVID-19.

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

Senator MURPHY. Thank you again. Thank you very much for your service and your willingness to talk to us today. You obviously have had a unique seat managing a regional response to the pan-

demic. And as I mentioned at the outset, I do want to focus on present efforts, in particular the vaccination campaign. But I do think it makes sense to do some retrospective here to make sure that we are learning lessons in real time.

So, I wanted to turn to this question about overlapping responsibilities. FEMA was given this lead role in the whole of government Federal response back in March of last year. But as you know, there was wide-spread confusion amongst policy makers and state-level implementers about who was in charge; whether FEMA was in charge, HHS was in charge, or the White House was in charge. We can't wait to do a year-long retrospective and inquiry before trying to make a mends for that confusion.

So, I'd love your perspective, having sat in Region 9, to tell us what you think FEMA's role should be, let's say *visa vie* HHS during a nation-wide public health incident like a pandemic.

How can we learn from our mistakes over the last year to make sure there are clear lines of authority for state and local public health officials, governors, members of Congress?

Mr. FENTON. Thank you, Senator, for the question. Apologies. Let me start off by saying that the last year was the most complex event that I've ever had the opportunity of responding to in my 25 years of being in this field in Emergency Management. And it was really a maximum maxima event. Never did we anticipate that we would have such a large event not only impact the nation's capability but let alone the world's capability.

And so, when you look at events like this, I think emergency management at all levels of government has a responsibility to be a coordinating function. Something that FEMA does really well is coordinate and communicate in all levels of government, both vertically and horizontally. And connect with not only government, but private-sector or private non-profits, and others to ensure that everyone is working toward a common set of goals and a unity of effort.

It was difficult to do last year at the beginning of the event because of different authorities. The uniqueness of the medical event and starting off with the event being managed by HHS, and then eventually transitioning in March, to FEMA taking the lead of it. It took us a little bit of time to get the coordination mechanisms that traditionally haven't been involved in a medical-only event to come together and unify those efforts at all levels of government across private sector, private non-profit. And it's something that we continue to work on and improve throughout the summer in response to COVID.

Senator MURPHY. So, I spent about a month last summer trying to understand the emergency medical supply chain in trying to understand who from the Federal Government was doing what. I spent about a month talking to anybody that I could, and I think I left that month more confused at the end than I was going in.

In fact, in the report that FEMA released in January, FEMA noted neither HHS nor FEMA understood the domestic supply chain at the beginning of this response.

So, to what extent were agencies aware of this knowledge gap, and what's being done right now to identify and manage those gaps in advance of future incidents? And then, who really should be the

lead with respect to this question of supply chain management? Should this be FEMA? Should this be HHS? And how do we make sure that we're not sort of caught unaware in the way that we were last spring and summer?

Mr. FENTON. From an organizational standpoint, the National Response Coordination Center, when stood up nationally, is the overall coordinating mechanism. What they did was establish a supply chain task force to focus in on the medical supplies of this event and it took them some time to get a hold of and an understanding of that supply chain. It's very complex as far as, asking "Who are the big manufacturers? Where is the manufacturing happening at? Where are the resources needed to do the manufacturing? What is the capacity of that within the United States, with outside the United States?" And so, those were all things that took them time to wrap their hands around.

At the same time, funding is going out to state and local Governments, so they're taking the necessary action to go procure the needed resources to be able to combat COVID. There is a little bit of complexity at the beginning to get unity of effort going and it's something that we continue to work through during the summer months.

Going forward, there are a number of things that are happening right now. Not only does FEMA have a role to provide coordination and through Executive Order last year, had some responsibility to look specifically at some of the medical supplies. But, more importantly, we have now a much better understanding of our supply chains, and an understanding that a just in time supply chain isn't sufficient to meet the challenges of a worldwide pandemic. And so, what we've done over the last year is be able to understand that supply chain, understand where those manufacturers are, what their capability is within the US, outside the US, and where the resource dependencies are. What we're now doing is working to build capability and relationships to better be able to share information to include stockpiling resources, both within the Federal level, and at the state level; but more importantly, ensuring that private sector is part of that, and they are also building capability, and that medical institutions are doing the same thing.

So, it's really a whole of community effort. Recognizing that everyone has parts and responsibility of that. Working through each organization's authorities with FEMA assisting and coordinating many parts of this.

Senator MURPHY. I'm going to turn this over to Senator Capito, but I do maybe on a second round, want to follow up with you with this question of how we learned from our experience in overlapping distribution systems and procurement systems, whether it's appropriate to have state systems overlayed with Federal systems, overlayed with private sector systems and how we can sort of learn from that duplication of effort. But at this point, I'll turn it over to Senator Capito to be followed by Senator Shaheen.

Senator CAPITO. Thank you, Mr. Chairman. And again, thank you for coming out. The first think I wanted to ask about is the Disaster Relief Fund, recognizing that you're acting, but we're getting ready to go into an appropriation season here. The Administration is going to be asking \$18 billion to address major disasters

through the Disaster Relief Fund. As you've probably done, as all of I have done, we've watched the Fund go down and go down, and back up, and then down.

And I don't know—do you have any level—or what is your level of confidence that this balance that we have in the DRF is going to be sufficient to address these needs? I know it's hard to speculate, but I didn't know if you had an impression.

Mr. FENTON. Well, I think that's what it is. It's speculation based on experience and history. We have a good team at FEMA that has gone back and looked at history. We've looked what the risks are and the current requirements that we still have left outstanding from either the COVID event or past disaster event where we have to provide funding for those? Right now, we project that we would be on a trajectory to have sufficient funding in the DRF by the end of the fiscal year.

Senator CAPITO. All right. Another question, and I don't know if we can answer this shortly, but it's certainly a question that's going to come to all of us from our constituents on the COVID relief, which is the funeral assistance that was just rolled out. And I heard on the radio, actually, that you were inundated—FEMA was inundated with phone calls on the helpline or whatever line you set up for this.

It's probably causing some confusion. I don't know if—they said that you'd gotten a million calls, and I don't know how that's rolling out. Just shortly, briefly, what your hope is, what the confusion might be. What can we tell our constituents here?

Mr. FENTON. Yes. What I would say is to get all of the necessary documents together before phoning that line. The first day we opened up there was definitely congestion on the line, and we had a couple of technical issues with the service. We cleaned that up by the second day. 60,000 calls, 58,000 registrations, 1,700 have already come back with documentation. Hopefully, we'll start funding that next week. That represents about 10 percent of the deaths so far.

The second day was much better than the first day and I'm sure today will be much better than yesterday. And we want to make sure that we empathically and compassionately help everyone that had a loss. And so, we look forward to working with you to phone that 1-800 number and take time to pull together the necessary information before starting your application.

Senator CAPITO. Well, I know this is the first time you've administered something of this nature and so, I know—I wish you well on that. I do think it is good to reinforce that this is reimbursements for expenses that have already been incurred by families and others toward the burial assistance of a COVID patient. So, getting all of that documentation is really important.

I would like to ask you about the southwest border crisis where FEMA is now in helping to identify and assist in sheltering and processing centers.

You know, are you concerned about this? Do you think FEMA's role is going to get larger? What impact is this going to have on your FEMA resources? And, you know, talking about who's in charge here. I mean, that's a little bit of this kind of situation as well with so many hands on deck at the border.

Do you have any impressions on that? What are you hearing from the field?

Mr. FENTON. Yes. So far, the impact on our staffing has not been significant. In all events, we help out other Federal agencies as they help us out through the Economy Act. I have now been in FEMA, as you said earlier, 25 years and through three Administrations. I've been involved in unaccompanied children in the Obama Administration, the Trump Administration, and now this Administration.

One of our core values is compassion. We want to be able to help out HHS with setting up shelter capacity for the children and we're going ahead and doing that, which is something that we do very well.

Senator CAPITO. Is that in any specific place, or is that all along the borders of Texas mainly?

Mr. FENTON. Texas, California. We're looking at some other sites throughout the United States. But HHS is doing the contracting. It's their funding. What we're providing is technical assistance and personnel support to help them.

Senator CAPITO. All right. Thank you. You mentioned the 100 percent cost share for COVID for our National Guard and I'm sure all of us have been contacted as that 100 percent cost share looks like it's getting ready to be timed out. We're all getting calls from our National Guards to ask that—or from our Governors, really, to have that extended.

I do think that, you know, there is a risk of this becoming the norm and I think that there has to be state, local, and, you know, disaster relief assistance at the same time, certainly through these Guard assistance and they've been fantastic with us.

So, do you have an impression on that? On the 100 percent cost share? It goes to what, September 30th?

Mr. FENTON. Yes. It goes to September 30th. There should be sufficient vaccination to vaccinate anyone that needs vaccination, as the President laid out, by May. But through July, hopefully, we have everyone vaccinated. So as long as we stay, on that trajectory, that should lessen hopefully the need for additional support past September 30th. I think September 30th is a good estimate right now and we can see what happens as COVID continues to progress and we continue to vaccinate America.

Senator CAPITO. Well, thank you. And I'll turn it back over. I might want to have a question after we go through.

The other thing I would say, as a grateful person as well, FEMA has probably the best network of volunteers that I've ever seen. Just really selfless people that have that compassionate and caring attitude and having interacted with them one-on-one during very difficult times, I just want to express my appreciation to them as well.

Mr. FENTON. Thank you, ma'am.

Senator SHAHEEN. Thank you, Mr. Chairman. And Mr. Fenton, thank you for once again stepping up and taking over the duties as Acting Administrator and please share our appreciation to everyone at FEMA for the work they're doing in these very challenging times.

I want to follow up on Senator Capito's question about the Funeral Assistance Program, which I know is new to FEMA. But we are hearing from people who are concerned not just about how it's working, and it just rolled out, so that's understandable, but also constituents who have found out that they're ineligible to receive assistance because they prepaid for funeral expenses prior to the eligible date. And even though they didn't lose loved ones until after January 20th, 2020, they had prepaid those expenses.

So, can you explain why the Policy would exclude those who may have prepaid funeral expenses before the date even though those in question who lost their lives, that didn't happen until after the 2020 deadline?

Mr. FENTON. I'm not sure I completely understand your question. As I understand it right now, if someone already paid funeral expenses we will reimburse them for that cost if they submit the receipts for them.

Senator SHAHEEN. What we are hearing from some constituents is that they had paid the funeral expenses. So, I could go today to my funeral home.

Mr. FENTON. Right.

Senator SHAHEEN. I can pay for my funeral, which may not happen hopefully for a very long time in the future.

Mr. FENTON. I understand what you're saying now.

Senator SHAHEEN. But if I lost somebody after that January 20th deadline I'm not able to get reimbursed under FEMA's current rulings.

Mr. FENTON. Yes. Right.

Senator SHAHEEN. So, can you explain why, and is FEMA open to changing that? Is that a legislative change that would be required?

Mr. FENTON. Yes.

Senator SHAHEEN. It seems to me that is not the intent of what we meant when we passed the Cares Act.

Mr. FENTON. I'd be glad to look into that specific question and get back to you. Our intent is not to duplicate other forms of assistance, like insurance and other avenues of funding.

Senator SHAHEEN. Sure.

Mr. FENTON. But let me look into that specific issue, and I'd be glad to work with your office, and get back to you.

[The information follows:]

Any source of payment designated specifically to pay for a funeral in anticipation of a future death cannot be reimbursed under this assistance as FEMA cannot duplicate benefits provided by another source, per Section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5155. This includes burial or funeral insurance, a pre-paid funeral, a pre-paid trust for funeral expenses, or an irrevocable trust for Medicare. However, when funeral expenses exceed the funds intended to pay these costs, FEMA may evaluate the receipts and other documentation to provide the funeral expenses not covered up to the maximum amount per funeral.

Senator SHAHEEN. Okay. Thank you. I appreciate that.

Mr. FENTON. Now that I understand exactly what you're saying now.

Senator SHAHEEN. I also want to follow up a little bit on Senator Murphy's questions about the supply chain. Because one of the things that we've heard from companies in New Hampshire is that

they—many of them have altered their manufacturing capabilities to try and respond to the pandemic. And what they are concerned about is that the Federal Government gets these materials from foreign sources, and even though they've been asked to step up, they will then be in the position of having to shut down those manufacturing lines or do something different.

So, can you talk about how FEMA is coordinating with HHS and other Federal Agencies so that you utilize the Defense Production Act to ensure that we have an adequate supply, but that we don't put companies in the position of changing their manufacturing facilities and then deciding to procure supplies from other places?

Mr. FENTON. Yes. There are many parts of the Defense Production Act. And FEMA shares Title I, which is setting priority orders. But there's other parts with regard to Title VII that looks at setting voluntary agreements, and Title III that looks at expansions of stimulating the economy and stimulus.

I think to your point, what needs to happen is we need to—and have been doing this for the last about 6 months—is work with different sectors, especially related to the pandemic to start understanding of what the capability is within the US manufacturing, where do the resources coming from, and start to have those discussions now and be able to share information from the private sector to the government sector, working with DOJ and Federal Trade Communication—Commission to share that information to make better-informed decisions in the future.

I think that's where we're headed right now. That's what we've learned from this event. You know, I think if you go back to last summer, it was everyone trying to get whatever they could from wherever they could.

Senator SHAHEEN. Right.

Mr. FENTON. And it wasn't a coordinated, collective effort and continued to work on it through the end of the summer, and probably not until the end of summer did it really come together in some way.

Going forward, I think we need to continue to do that, not only for a pandemic, but for other high-risk events that may impact the nation's supply chain in any one field. It could be an earthquake and that damages multiple homes. How do we bring back on 10,000 homes in a quick period of time?

And so, we need to start having these discussions with private sector, and there is a way to do that through the Defense Production Act underneath Title VII and start to share information so that we're able to leverage everything the United States has.

Senator SHAHEEN. And would you expect that FEMA would continue to be the lead agency on this? Or do you see that shifting?

Mr. FENTON. Well, I think—Yes. I think we're one of them. You know, we're one of the key entities to this. We do deliberate planning for high-risk, high-threat events across the country. But there's other Federal Agencies that have key responsibilities within the Defense Production Act: Department of Commerce, Department of Transportation, Energy, HHS, USDA. They all need to have responsibility for their specific functional area, their portfolio.

Senator SHAHEEN. Right.

Mr. FENTON. But we definitely have a responsibility when doing the planning for whole of government to make sure there is a coordinated effort.

Senator SHAHEEN. Yeah. And that was sort of the concern that I think Senator Murphy was getting to, is that if we've got a bunch of agencies who are working on this, who is actually in charge of prioritizing what needs to be done?

Mr. FENTON. Yes. So, we have responsibility to share the Title I side of things and the prioritization. We don't have authority to share Title III and specific expansion of economy or stimulus to each one of those department agencies. So, the Department of Energy does it within their organization, HHS within theirs. Now, we've gained a little bit through an executive order last year with HHS, but for the rest of them, we traditionally don't.

And so, one of the things we do is catastrophic planning so we can identify those gaps so then those agencies can be responsible for building that capacity. So, I think through the planning efforts we do with state and local governments, we should work on identifying where those big gaps are, and those significant events that we face based on risks in our country to allow those Federal agencies, then, to take their authority and build capacity—or at least start the discussion with the private sector to make sure that we have a well-thought-out plan, and we're not doing it just in time when the event happens.

Senator SHAHEEN. So, I'm out of time, but do you think the Defense Production Act needs to be changed in any way to address that concern?

Mr. FENTON. I think it's a good question and it's one tool of many tools to get it to solution. Other tools are, let's deal with the risk in front and mitigate the risk. We talked a little bit earlier about BRIC and negation, and other things.

Senator SHAHEEN. Right.

Mr. FENTON. And there's many other things we could do, but I think it is one tool.

You know, I think we can continue to look at it, but I don't see FEMA having oversight over, like, Department of Energy on energy. It's not our expertise.

Senator SHAHEEN. Yeah.

Mr. FENTON. So, I think Energy needs to do that and then be responsible for it. Or HHS and be responsible for it.

As far as us coordinating the Committee for prioritization, I think that's something we could do and relates to disasters in doing that and being able to respond to events and do priority ratings.

Senator SHAHEEN. Thank you. Thank you, Mr. Chairman.

Senator MURPHY. Thank you, Senator Shaheen. We should have Senator Hoeven virtually.

Senator HOEVEN. Yes. Thank you, Mr. Chairman. Mr. Fenton, I guess my first question relates to the City of Washburn, North Dakota. On February 2nd, our Congressional Delegation sent a letter in support of the city's request for an extension on their Pre-Disaster Mitigation Grant. Can you give me an update on that request?

Mr. FENTON. Yes. The applications for PDM are in the system and being evaluated. And I will go ahead and get back to you, spe-

cifically on that request. But I'm not aware of any decisions being made on the Brick program yet.

Senator HOEVEN. Yeah. If you could get me a timeline.

Mr. FENTON. Yes.

Senator HOEVEN. I mean, if you could give me an answer that would be great. But if not, if you could give me kind of an estimated timeline for a response that would be okay. Thank you.

Mr. FENTON. Yes, sir.

Senator HOEVEN. Can you further describe FEMA's role as it relates to migrants coming across the border illegally?

Mr. FENTON. Yes. FEMA's role is in support of HHS, and their authorities and role in CBP. We don't have any specific authority with regard to the border. We are supporting them underneath the Economy Act in providing them technical assistance right now.

Senator HOEVEN. Are you assisting with testing and making sure that illegal migrants that are coming across are being tested for COVID?

Mr. FENTON. Anyone that is in the United States that is at risk for COVID would fall underneath our authorities right now as it relates to the pandemic and being able to reimburse state and local governments for testing and for anyone who tests positive to quarantine up to 10 days. Anyone within the United States that is symptomatic that local government or state government feels that they need to test, have that ability to test them and for us to reimburse them.

Senator HOEVEN. Is that being done at the border?

Mr. FENTON. That's being done throughout the whole United States, including the border. And it's not specific to the border. It's specific to the communities in proximity. And they have the authority and the ability to do that if they elect to do that.

Senator HOEVEN. If they elect to do it.

Mr. FENTON. Yes. Right.

Senator HOEVEN. So, it may or may not be being done?

Mr. FENTON. Yes it depends on each specific state health and local health laws, or any authority of the county or state, and it's up to each state or county. For example, I know, because I'm in Region 9, that California has a very robust testing program and testing. I do know that there are a number of non-government organizations down there that are doing testing of individuals at the border.

But it's specifically up to a state. It's something that's 100 reimbursable if a state or local government decides to do it. In addition to that, we've sent tens of thousands of test kits to Texas and other states that they can use, you know, within their state, whether it be in the southern part of the state or other areas.

Senator HOEVEN. So, your role is assisting if they elect to do it?

Mr. FENTON. Yes. Our role is to reimburse the costs of testing for the whole United States. Mandating someone to test within the United States is a decision up to the local health official or state health official. We can't mandate testing. That's their decision.

Senator HOEVEN. And in terms of manpower, do you have adequate manpower? Are you being strained because of the border?

Mr. FENTON. No. The border is probably less than 200 staff deployed to the border, or to our headquarters into the shelters in the

southern United States. And it's not impacting our deployments. We have about 10,000 people out of less than maybe 13,000 are available for deployment that are deployed right now. The majority of those are to COVID—to the vaccination effort or to other disaster activity.

Senator HOEVEN. My last question relates to how much COVID funding that FEMA has received, and then how is that going in terms of, you know, how much have you dispersed, and are you sure you are able to get them out expeditiously as needed?

Mr. FENTON. We just received the additional \$50 billion of funding. We are starting to implement the Funeral Assistance Program that we project \$2 billion from last year, I think \$2 to \$3 billion from this year.

The part of the reopening of schools, public facilities, transportation, will be a significant additional portion of funding. Going back and changing the cost share to 100 percent will be additional funding. As I said earlier \$4.5 billion already in the vaccination effort for the first 90 days.

So, we have sufficient funding right now. I project, based on the new authorities we received and the appropriation, and the President's Executive Order that we should have sufficient funding to get us through to the end of the fiscal year, to include what would be normally projected disaster activity in that time of year, which includes hurricanes and fires.

Senator HOEVEN. Okay. Thank you very much.

Mr. FENTON. Yes.

Senator HOEVEN. Thank you, Mr. Chairman.

Mr. FENTON. Thank you, sir.

Senator MURPHY. Thank you, Senator Hoeven. We'll go to a second round of questions. We appreciate you sticking with us. I've just got two.

The first, I wanted to return to this question of responsibility for supply chain management. As you know, virtually every state in the nation scrambled to set up their own supply chain for PPE in particular in the early stages of the pandemic.

And, I think a simple question that states are asking right now, is should they be preparing to have to stand up their own supply chain for the next pandemic? Because if that is the case, there are decisions, some of them very expensive, that states will make, for instance, to, you know, keep a manufacturer in state with the capability to be able to make certain types of masks or face shields. Or, do we expect that we are going to sort of solve for this problem, and when and if the next pandemic hits, states will not have to build their own supply chain, and there will be an adequate, complete Federal response, either through stockpiles or through the management of Federal and international supply chains to meet the need?

What's sort of your advice right now for states as they're starting to decide how they want to spend money in advance of the next potential outbreak?

Mr. FENTON. So, I think it's a collective effort. What we've asked and provided funding to state and local governments and you is to go ahead and build the capacity. Most states have built a 60 to

some, up to 120-day capacity of personal protective equipment and other medical supplies that would be needed for a pandemic.

In addition to that, the Strategic National Stockpile has built capacity within that. The medical providers—private sector providers are building additional capacity, and I’ve seen hospitals now start to increase their capacity.

I think the reliance on a just-in-time logistics system, which we’ve gotten used to, in the United States because it’s been so efficient on being able to deliver resources, works except when you have a catastrophic event that impacts that supply chain.

So, you need to build capacity at all levels of government to withstand when there is a run on a specific resource. And go ahead and not only build the capacity to allow manufacturing to catch up, but also to ensure there’s sufficient supply to do that. That’s just part of the issue, is building that capacity.

The second part is we need to be able to increase manufacturing, and how long does that take to do that? Where is the capacity to do that? Private sectors maybe can retool and do that quickly. And then, where do the supplies and material come from to do that?

So, it’s a complex decision. I think we all have a part in that. Private sector has responsibilities to that and we have to understand maybe where the gaps are within that system to make sure that we have contingency plans to respond adequately to that. So, it’s a collective effort.

Senator MURPHY. So, I mean, I certainly understand that it’s state’s responsibility to build up reserves. I do think it’s an important question for us to answer as to whether it is state’s responsibility to build up that, sort of, slack manufacturing capacity. Essentially pay money to hold it in reserve.

That is a very specific set of expertise that states prior to the pandemic did not have and would require every state to have a level of visibility into their own sort of state-based supply chain that we normally don’t ask—you know, we don’t ask states to get involved in that question in large part because it’s kind of arbitrary what amount of manufacturing you have in your state when it comes to masks or face shields.

It strikes me that that question should really be one dealt with at the Federal level. But are you saying—maybe you don’t have an answer now? It’s okay. But are you suggesting that the states are going to sort of—we’re going to have 50 different strategies to create slack capacity for the manufacturing of medical supplies? Or will that question be more a function of Federal oversight and policy?

Mr. FENTON. Yes. I think to that specific piece, and in fact appropriation to HHS to provide that underneath Title III of DPA, that’s where they should then work with private sector to be able to build that capacity.

And I know that right now, we’re working in a number of efforts, along with HHS, to work with private sector to how to build a capacity. So, DOD received a billion dollars in the last appropriation and HHS received, I think, it was \$10 billion underneath the Defense Production Act, Title III, to work with the private sector to build that additional capacity.

And that's, I think, the best place for that to be done at unless there's something unique, maybe, to a local government or a role of government with regard to relationships to some private sector within that area.

Senator MURPHY. I just think we have to be as clear as possible with states as to what their obligations are and what their obligations aren't. Because they obviously got into the business of doing all sorts of things over the last year that they weren't expecting to do, and I think they want to know now whether those are, sort of, permanent new functions that are outsourced to them, or whether this was a one-time only request. So, I look forward to working with you, and HHS, and the Administration on delivering that clarity.

With Senator Capito's—if she'll allow me, I have one additional question, which is on outreach with respect to vaccination efforts. So, we're getting to the point where we hope there will be an adequate supply of vaccination, and we will be in the position of a deficit of demand, and that we will have to be going out and doing outreach to harder to reach communities, or individuals who are skeptical about vaccines to convince them of the merits of that vaccination. That, of course, requires not just having the vaccination site set up, but having education and outreach efforts funded.

And I want to just sort of ask about the ways in which states can apply to get that reimbursed. There's 100 percent reimbursement, but there may be circumstances in which you have an outreach worker who, for instance, is going out and trying to contact chronically truant students at school, but who will also do education on vaccination during that outreach visit.

Do you foresee any difficulty in making sure that states get adequate reimbursement when some of the outreach efforts that are going to be necessary throughout the end of the year may be intermingled with other functions that public health workers are doing, for instance, that might not be eligible for reimbursement?

Mr. FENTON. There's a number of efforts going on right now to ensure everyone has the opportunity to get vaccinated. And you bring up a number of issues, whether is vaccine hesitancy, whether it's availability to get individuals vaccinated. I do think there's specific resources available both in HHS' appropriation and our own appropriation. And I think those activities are covered between those appropriations. Specifically, depending on what the individual is doing, it may be our appropriation, or it may be HHS'.

Based on your description, most of what we're providing reimbursement for is the protective measures; the N95 masks, any protective barriers, you know, testing, anything that is an immediate protective measure to reopen. And then the other Federal agencies are funding efforts to maybe do outreach and investigation. Plus, we are also assisting with a community outreach campaign right now with HHS, CDC, and state and local agencies. And we're bringing the vaccine through many different efforts, to include mobile units, which are anything to do with actually vaccinating would be eligible. So, all of the mobile units that we're providing support for, the National Guard, the vaccinators, all of those kind of things would be eligible.

But I'd be glad to work with your community and specifically understand the specific issues to make sure we provide them guidance on the most appropriate funding mechanism.

[The information follows:]

The Public Assistance Program and Policy Guide (PAPPG) lists "dissemination of information to the public to provide warnings and guidance about health and safety hazards using various strategies, such as flyers, public service announcements, or newspaper campaigns" as eligible as an emergency protective measure (see Chapter 2:VI.B, Emergency Protective Measures (Category B), of the PAPPG Version 3.1, the version applicable to COVID-19 declarations). Truancy visits fall outside the scope of this authority, and as such the cost of conducting a truancy visit would not be eligible for reimbursement. The cost of producing communication materials for vaccination administration (e.g. flyers, pamphlets) that may be provided in conjunction with such a visit may be eligible for reimbursement. The U.S. Department of Education is administering additional funding appropriated in recent legislation for other costs incurred by schools associated with COVID-19 and may have assistance available for such costs.

Senator MURPHY. I appreciate it. Thank you very much. Senator Capito.

Senator CAPITO. Thank you. I just have two quick questions. Looking to the future, obviously, hurricane and wildfire seasons are sort of around the corner. You and I talked, I actually asked you, being a native Californian if anything was on fire, and unfortunately—fortunately, no. And that's good.

But I know that you—can you continue—are you concerned with the way you're spread out through COVID and everything else, anticipating fire and hurricane seasons? Or you've mentioned that you have adequate staffing availabilities for any disasters, but I was just curious and wondering to know if you're concerned about what could happen during these two seasons?

Mr. FENTON. Yeah. Well, I'm in the business of risk management and prioritization. And so, if there's events that happen that require a life-saving response, I feel comfortable that we will always be able to respond to that event with the Federal Government's capability.

In addition to what FEMA has right now, and still about 2,500 personnel left that are responders that can go out to events, I'm leveraging right now 500 people from the whole Federal government to help me with the vaccination effort. So, I would leverage more on the rest of the Federal Government.

Right now, we have about 9,000 people deployed to do vaccination and that includes about 4,500 or 5,000 DOD personnel.

Senator CAPITO. Wow.

Mr. FENTON. So, it's always a concern. It's something I watch, and I look at future threat, and I manage that risk to make sure that we have enough resources. But the response is bigger than FEMA. It's state and local government, and all of the capability they bring in. It's all the non-disaster grants. It's the \$2 billion we put out a year to build that capacity.

We continue to do that, to build that capability, so that collectively we can respond to those events.

Senator CAPITO. Over the last several years, with your 25 years of experience, I'm interested to know what situation has been your biggest challenge.

Has it been the COVID response? Or were you—was it a particular other disaster event that you would say was probably the most difficult one that you've had—difficult challenge I would say?

Mr. FENTON. Yes. Well, obviously, the biggest impact I've ever seen is COVID. It just what it's done to our country, shut down our economy, the impact it's had, far beyond physical damage that we traditionally see in other disasters. It's just been far greater than any other disaster I've been to. So, in having the whole government, the whole country, and the whole world affected at once, it's just been significant.

I would put that up there with, you know, 9/11 and Katrina, on my list of the biggest events that I've been involved with all for different reasons. And some, geographically unique, but all emotionally impacted. Or at least the whole country felt the impacts of those three events. And as far as challenge, I think we all collectively have the same goal, save people, help people. It's how we get there, and how we do that underneath unity of effort. And when we're not unified, it makes it that much more challenging.

So, it's important that we use the systems, the National Response Framework, and all of the systems that exist, and the training that we provide to the whole government—to state and local government to private sector. How do we involve individuals, private citizens, involved in that? And how do we collectively get a unified effort is what needs to happen in those big events.

Senator CAPITO. That's interesting. I wanted to ask a quick question on the Supplemental Firefighter Grants. We put a lot of money into, let's see—a total of 400 million was provided for assistance to Firefighter and Safer Grant Programs. Of this amount, 76 has been obligated in the AFG, the Assistance to Firefighter Grants.

And I'm concerned about the volunteer firefighters. Apparently—well, I've gotten numerous anecdotal evidence that because of the lockdown and with COVID that our volunteer firefighters have not been able to raise the money that they would normally—like a boot drive, or a bake sale, or something else that they really rely on every year to raise a lot of their discretionary dollars. And apparently, it seems that the volunteer firefighters—we kept trying to direct them to this program that sometimes their applications are not either sufficient, or in a timely fashion, or something like that.

Is there any way that FEMA could be more helpful, or we could be more helpful to FEMA to get information to our volunteer firefighters to know how, and when, the best way to fill out these applications? Because I believe some of the money has left, that was set aside for our volunteer firefighters was not actually able to be used in that manner.

Mr. FENTON. Yes. I'm not aware of funding that has not been used. I know that there is a focused effort of helping the volunteer firefighting organizations apply for assistance. We've just implemented our new FEMA Grants system that makes it a little bit easier to apply and track some of the funding requests. But I'd be glad to come back and brief you on some of the efforts that we're doing across the country to help, and reach out to those organizations to see what the issue is and if there's any gaps in assistance based on what we've seen in the last year.

Senator CAPITO. Thank you. Yeah. We'll follow up on that.

Mr. FENTON. Yes.

Senator CAPITO. One last question is the Chairman mentioned in his comments that there is 900 ongoing disasters. And maybe four or 5 years ago, with the previous FEMA Director, one of the ideas that was put forward to me was some way to unwind these disasters to maybe state responsibilities or local responsibilities to get them off of the—I mean, that’s an awful lot on a plate for FEMA.

Do you have any ideas on that? Or what do you see that’s worked to be able to close the book on some of these disasters that I know some of them have been on for probably decades?

Mr. FENTON. Yes. I think that sometimes when you take into account, all of the requirements that are needed to close out these disasters whether it be requirements for documentation, building and permits, environmental, and then all the auditing that sometimes it takes a while to close these disasters out. I think that looking at some opportunities, whether it be state management, which we’ve done in the past, or look at things that allow for greater estimates across and simplify the process. So, for example, our simplified procedures that look at large and small projects. Right now, that bar is a very low bar. And so, what happens is for large or small projects, underneath 100, and I think, \$50,000. When there’s a net small project underrun, they don’t need to request that unless there’s an overrun, right? Which makes the closeout much easier.

So simply raising that bar would be less complexity in the closeout part of that, and give a little bit more flexibility to local governments on how they use any underruns, as long as it’s used toward disaster. They would be able to use that.

Senator CAPITO. So, an underrun would be like unspent money towards a specific purpose.

Mr. FENTON. Yes. Let’s say you had 10 projects, and you estimated \$100,000 per project, and at the end of the day, you did it for \$870,000 because of efficiencies. So, there would be some incentive there to local government to, you know, as long as they reuse that for maybe mitigation or something like that they’d be able to just end it.

Senator CAPITO. Yeah. Right. And then close it out.

Mr. FENTON. Right. And they close out much quicker—And that’s the problem now, is that every project is to the exact penny.

Senator CAPITO. Yeah. Okay.

Mr. FENTON. And any time you have a program like that, we’re incrementally adding dimes or dollars to close things out.

Senator CAPITO. Yeah. Thank you. Thank you, Mr. Chair.

Senator MURPHY. Thank you, Senator Capito. Let me finish up with one last question and that’s on the Brick Program. Obviously, this has been a very popular account. In 2020, FEMA was only able to fund about 14 percent of requested demand for pre-disaster mitigation projects.

I had an interesting meeting with some of my emergency management personnel in Stratford, Connecticut, during the break. And one of the concerns they raised was concerns regarding the competitiveness of smaller jurisdictions’ applications for funds when you have this much interest and particularly a lot of interest from larger jurisdictions. In Connecticut, we don’t have counties, so

it's either the State of Connecticut applying or a municipality that may only have, you know, 10 or 20,000 individuals. And in fact, on the shoreline, where you've got some really important national assets like the Northeast Corridor Rail Line, the Interstate 95. Some of those communities, again, only may have 15,000 people in them and they worry about their ability to compete for Brick allocations, especially with these bigger jurisdictions putting together much larger applications.

You shared, coming from Region 9, you've got big jurisdictions, small jurisdictions. Do you share that concern? Is there a way to make sure that small municipalities get to compete fairly alongside big counties for Brick dollars?

Mr. FENTON. Yes. So, within the BRIC Program, there are some set-asides within there to ensure there's opportunity. A couple of them are they put aside \$20 million just for tribes so that they're able to compete. As I understand, a little bit over 60 tribes have already submitted applications for this Brick Program. Also, for small communities underneath 3,000, there's an incentive for a modification of the cost share to 90 percent to help them, especially small, impoverished jurisdictions in that. We are also providing direct assistance to subgrantees to help them with their application process and provide technical assistance in doing that.

And so, there's a number of things we're doing right now to ensure there's equitable opportunity, knowing that if you get those small communities, they may not be aware of the program. They may not be knowledgeable on how to apply to it, so we're helping with the project scoping and setting aside funding to make sure there's some type of equitable opportunity for them to participate.

Senator MURPHY. Yeah. And you know the problem here when you're only funding 14 percent, that's a disincentive to apply in particular for jurisdictions that don't have an established grant-writing operation. Maybe not as big as disincentive for a city or a county that's pumping out grant applications on a regular basis. They just sort of build in a risk tolerance for grant applications in a way that small communities cannot.

So that's not necessarily your problem. That's a problem that will fall to the subcommittee when it comes to looking at allocations for these accounts, but we frankly have exacerbated this difficulty by not allocating a share of COVID dollars into the Brick account, and it probably should be funded at a level closer to \$4 billion than \$500 billion, but a subject for our work.

Mr. FENTON. One of the things I did in my region is I for fire, for example, which was very significant in my region, and I developed one-sheeters on different types of projects that we see done repetitively. So maybe special paint that helps with fire protection, and maybe clearing of brush, and maybe changing of roof material. And what we've done is created these to help them understand what these projects are and then provide the complexity with regard to environmental program legal issues that they would experience in California submitting those applications.

So, we've helped them kind of scope these projects out, so they are repeatable. And then the State of California, through phased projects, can actually start building these projects. And my hope is over time that we have them on a shelf, and build a conveyor of

projects and then we just keep on repeating those types of projects to build resiliency and a harder to infrastructure or make it more resilient to those threats that we face.

Senator MURPHY. Great. All right. All set. Great. Well, thank you, Acting Administrator Fenton, for your testimony today. Thank you for your service to the country.

ADDITIONAL COMMITTEE QUESTIONS

The hearing record is going to remain open for one week. Questions for the record should be submitted to the subcommittee staff by the close of business on Wednesday, April 21st.

QUESTIONS SUBMITTED BY SENATOR CHRISTOPHER MURPHY

VACCINATION SUPPORT

Question. COVID-19 vaccination programs are primarily managed by state, local, tribal, and territorial governments (SLTTs) and supported by the Federal government. HHS purchases vaccines and makes them available to states and jurisdictions. FEMA supplements vaccination programs by reimbursing eligible costs and providing additional direct assistance such as supplies, personnel, and technical assistance at vaccination sites. President Biden expanded support for vaccination-related costs by increasing the Federal cost share to 100 percent, initiated the opening of several federally run vaccination sites, and other sites operated at the state and local level. As of April 1, FEMA has obligated \$4.5 billion for vaccination-related costs. Further, FEMA formed a Civil Rights Advisory Group to bolster equity considerations in SLTT vaccination programs, and FEMA reports that it uses the Centers for Disease Control and Prevention Social Vulnerability Index to inform site-selection of federally run mass vaccination sites.

Please share metrics that show the benefit of these equity considerations? What adjustments have been made along the way to ensure vaccines are getting to all communities, including vulnerable and underserved communities?

To what extent have FEMA programs been suitable to support a nationwide vaccination campaign? What obstacles has FEMA run into?

Answer. FEMA remains committed to ensuring the impartial and equitable delivery of programs and services across state, local, tribal, and territorial (SLTT) vaccination efforts, as required by the Stafford Act and outlined in recent Executive Orders for Advancing Racial Equity (EO 13985), Ensuring an Equitable Pandemic Response and Recovery (EO 13995), and Ensuring a Data-Driven Response to the Coronavirus (COVID-19) pandemic (EO 13994). FEMA uses the Centers for Disease Control and Prevention's social vulnerability index and population data reported in the 2019 American Community Survey to identify communities with greatest need to ensure everyone in America who wants a vaccine can receive one. FEMA supports outreach to underserved communities by disseminating the DHS statement on equal access to vaccine regardless of an individual's immigration status, which commits not to conduct enforcement efforts at operations at or near vaccine distribution sites or clinics. FEMA also offers language assistance services to individuals with limited English proficiency. FEMA continuously analyzes data to make incremental adjustments for successful and equitable vaccine deliveries. FEMA also measured progress to achieve various performance metrics across the Community Vaccination Center (CVC) pilot sites, ensuring the sites are successfully delivering vaccines to local communities. Each CVC pilot site is closely monitored for the following information:

- Daily and cumulative vaccine throughput (targets range from 250 to 6,000 people per day based on the size/type of the site).
- Vaccine dose wastage to maximize deliveries.
- Equitable distribution of vaccines across race/ethnicity.
- Ratio of appointments completed compared to appointments booked.

During implementation of the CVC Pilot Program, FEMA increased race/ethnicity data reporting from 41.79 percent to 81.11 percent, which is higher than the national average of 56.00 percent. Further, 57.45 percent of the vaccine doses are being administered to underserved communities.

FEMA's programs are suitable to support a nationwide vaccination campaign. FEMA Public Assistance has worked with all of our state partners to ensure that expedited assistance is available specifically for vaccinations. FEMA has ensured

that funding is not a barrier to vaccine administration by obligating nearly \$4.9 billion in vaccine-related funding to our state and local partners.

FEMA has coordinated with Federal partners since the start of the public health emergency to identify overlapping authorities and potential sources of funding in order to avoid a duplication of benefits to the greatest extent possible and develop a guide to the sequence of delivery for state, local, tribal, and territorial governments.

To address gaps in the original eligibility guidance for COVID-19, FEMA released updated policy documents which further outlined specific eligibility requirements that were to be met by the applicant. FEMA's Public Assistance Division has posted these guidance documents on [fema.gov](https://www.fema.gov) at <https://www.fema.gov/media-collection/public-assistance-disaster-specific-guidance-covid-19-declarations>.

FEMA FINANCIAL ASSISTANCE FOR PANDEMIC RELIEF

Question. Background: FEMA's Disaster Relief Fund is the primary instrument to provide assistance to communities for pandemic relief in the form of emergency protective measures. FEMA's funding assistance programs generally operate following disasters like floods, hurricanes or tornadoes. These events typically take place over a certain period of time and in a specific area. However, for COVID-19, the assistance programs are being used nationwide for ongoing, long-term pandemic response and recovery activities. Under the Trump Administration, FEMA issued nearly a dozen policies, fact sheets, and guidance documents describing and modifying eligibility for assistance.

This is an unprecedented event and some evolution in program administration is necessary. The National Governor's Association, GAO, and FEMA itself noted persistent confusion regarding policies states had to navigate for assistance. How can FEMA reduce the complexity of program administration?

President Biden issued an Executive Order the day after he was sworn in directing FEMA to reimburse eligible applicants for the costs of "safe opening and operation of eligible public and nonprofit facilities", such as schools, healthcare facilities, and transit organizations. On April 5th, an advisory was issued updating the implementation policy of the Executive Order clarifying courthouse and city halls and other entities that provide a public service are also eligible. Is FEMA comfortable with the current Disaster Relief Fund balance to accommodate these additional costs? If not, will the fiscal year 2022 Budget Request address any deficiencies?

Answer. In response to the nation-wide emergency declaration for the Coronavirus (COVID-19) pandemic, FEMA has worked to streamline and simplify the Public Assistance Program for COVID-19 reimbursements. Actions taken to date include making direct applications available through the Public Assistance Grants Portal (grantee.fema.gov), simplifying minimum documentation requirements and eliminating most site inspections, expediting funding, and developing "how to" videos and quick guides to provide direct technical assistance to applicants.

FEMA has also worked to develop streamlined trainings and guidance documents to help applicants navigate the process. All of FEMA's policies, Standard Operating Procedures, and Fact Sheets are available to the general public on [FEMA.gov](https://www.fema.gov). In addition, guidance, job aids, and tools are available to all Public Assistance applicants via the Grants Portal at grantee.fema.gov.

FEMA has also created several Resource Roadmaps to assist state, tribal, territorial, and local government in navigating some of the challenges and resources available to address the COVID-19 pandemic. These roadmaps are based on anticipated COVID-19 recovery challenges in key topic areas. The roadmaps:

- Outline potential solutions and applicable resources, including Federal funding support and technical assistance.
- Describe how to use CARES Act and other Federal programs to help solve recovery challenges, avoid potential duplication of benefits, and reimburse associated costs.
- Inform decisions on how to apply funding to maximize local recovery outcomes.

The roadmaps are for informational purposes only and are compiled with publicly available information or with information provided by sources that are publicly obtained. The roadmaps are available on FEMA's website at <https://www.fema.gov/media-collection/resource-roadmaps>.

The Disaster Relief Fund (DRF) has sufficient funding to support response and recovery needs for COVID-19 as well as other disasters through September 30, 2021. As of April 14, the DRF has a balance of approximately \$60 billion. Absent any significant unexpected COVID requirements or multiple new catastrophic disasters, FEMA believes the current funding available in the DRF will be sufficient to

meet fiscal year (FY) 2021 requirements. As always, FEMA will continue to monitor DRF resource needs and will update the Congress as needed/requested on the status of both DRF resources and potential funding needs for new disasters, as well as the continued recovery from previously declared disasters.

FEMA AND COVID FUNDING OVERSIGHT CHALLENGES IDENTIFIED BY THE PANDEMIC
RESPONSE ACCOUNTABILITY COMMITTEE (PRAC)

Question. Background: The CARES Act established the Pandemic Response Accountability Committee (PRAC) within the Council of the Inspectors General on Integrity and Efficiency. The PRAC, comprised of 21 Office of Inspector Generals (OIG), was established to conduct oversight of pandemic funding. In a June 2020 report, the PRAC identified key challenges facing Federal agencies. These challenges include a need for FEMA to improve grant management, disaster assistance processes, and fraud prevention measures following findings of inadequate grant oversight for incidents that preceded the COVID-19 pandemic:

[T]he OIG identified a pattern of FEMA management failures in overseeing procurements and reimbursing procurement costs [prior to the COVID-19 pandemic], and continues to observe systemic problems and operational difficulties that contribute to FEMA not managing disaster relief grants and funds adequately. The OIG also found FEMA's disaster assistance programs are highly susceptible to fraud, waste, and abuse, which poses significant risk to taxpayer investment. In a climate where FEMA is already hard-pressed to take additional, proactive steps to create and sustain a culture of fraud prevention and awareness, the infusion of CARES Act funding will likely exacerbate these difficulties. Additionally, in the past 12 years, the OIG issued eight reports on FEMA's information technology systems capabilities for processing payments, coordinating with state and local governments, data reliability, and vast information sharing and reporting limitations.

How will FEMA change or expand fraud risk management activities that were underway prior to the pandemic to account for pandemic-related waste, fraud, and abuse?

The DHS Office of Inspector General found that FEMA's longstanding information technology deficiencies have hindered response and recovery operations. Is this getting the right attention at the Department because FEMA's budget requests have failed to make the necessary investments in this area?

Answer. FEMA's Public Assistance Division has begun to assess and improve the procurement review processes at their Consolidated Resource Centers by defining roles and responsibilities, as well as identifying criteria for procurement review escalation based on contract risk for current projects. While preliminary tools have been developed to facilitate, track, and document training for procurement reviewers, FEMA continues to adjust and strengthen processes for procurement reviews.

For FEMA's Individual Assistance Division, minimizing fraud is also a critical element of FEMA's Coronavirus (COVID-19) Funeral Assistance Program. FEMA has adjusted processes to include additional controls to mitigate the potential of fraud and identity theft for COVID-19 Funeral Assistance applications. To date, FEMA has seen a decrease in the typical fraud and identity theft that we have seen in previous disasters. FEMA will continue to monitor and adjust processes, when needed, to ensure the ongoing effectiveness of fraud controls while providing financial assistance to those who need it and being good stewards of taxpayer money.

The Department has continued support for FEMA in addressing its long-standing information technology (IT) deficiencies and has supported FEMA's prioritized investments in these areas. Through this support FEMA has been able to officially close out all findings of the Department of Homeland Security (DHS) Office of Inspector General (OIG) Audit 16-10 "FEMA Faces Challenges in Managing Information Technology".

Since fiscal year (FY) 2020, FEMA has developed its fiscal year 2020-2024 IT Strategic Plan, as well as an associated implementation plan and an IT roadmap for modernizing FEMA IT. Additionally, the COVID-19 pandemic has highlighted the need to have operable IT to support response and recovery operations. Using funding provided from the 2020 CARES Act, FEMA was able to quickly transition to a mostly remote workforce and has relied heavily and successfully on a suite of collaboration tools that were quickly implemented to support internal and external communication.

As a part of FEMA's ongoing efforts to address these issues, the Office of the Chief Information Officer (OCIO) recently stood up the FEMA Enterprise Cloud environment in January 2021 and continues to migrate enterprise services to the cloud ahead of plans to move other legacy and emergency management service programs

in fiscal year 2021 and fiscal year 2022. FEMA will use a cloud computing business model to deliver IT services (software, platform, and infrastructure). The cloud business model presents a compelling opportunity for FEMA to address critical IT issues, including increased cost efficiency, provisioning speed, flexibility, and scalability. Additional potential benefits from cloud computing, which support and accelerate existing DHS and FEMA IT initiatives, include increased data center consolidation, information sharing, shared services, innovation, and sustainability.

FEMA's 2020 Capability Analysis Report (CAR) on IT Infrastructure, now validated by the DHS Joint Requirements Council (JRC), identified necessary capability categories such as optimizing IT service delivery, cybersecurity capabilities, rapid scalability, and continuity of operations that represent gaps, threats, and hazards impacting essential mission operations. The OCIO has identified and is implementing material and non-material solutions to address these shortfalls.

FEMA has also been in the process of addressing legacy network infrastructure, as noted in the fiscal year 2019 and fiscal year 2020 budget requests. The efforts started in fiscal year 2019 with replacing legacy network switching, continued into fiscal year 2020 by replacing voice and video infrastructure, and will continue in fiscal year 2021 and potentially in the outyears as FEMA looks to replace legacy hardware by moving to the cloud. Finally, as the fiscal year 2022 budget is released, OCIO believes you will continue to see the Department's priorities for addressing technology deficiencies, including FEMA's ongoing prioritization of addressing cybersecurity risk to protect national security information as well as survivor data.

Both new and existing technological issues are taken very seriously by both the Agency and the Department, and we will continue to prioritize investments in areas that enable response and recovery operations.

BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES (BRIC)

Question. Background: The BRIC program was authorized by the Disaster Recovery Reform Act (DRRA) of 2018. It supports states, local communities, tribes, and territories as they undertake hazard mitigation projects, reducing the risks they face from disasters and natural hazards.

Under BRIC, the President is authorized to set aside from the Disaster Relief Fund up to 6 percent of the estimated aggregate amount of funding awarded following a major disaster declaration. For fiscal year (FY) 2021, FEMA projects using \$500 million for BRIC, the same amount as fiscal year 2020. However, if FEMA calculated the 6 percent from COVID obligations, a total of \$3.7 billion would be available for BRIC projects.

Is there anything FEMA can share with us about the Administration's plan to use the \$3.7 billion it has the legal authority to set aside for mitigation projects?

In fiscal year 2020, FEMA was only able to fund about 14 percent of the requested demand for pre-disaster mitigation projects. What is FEMA's long-term strategy to address this demand for mitigation funding?

President Biden highlighted the BRIC program in the Infrastructure Plan announced last week and emphasized it as a program to "invest in vulnerable communities." In addition, the President's fiscal year 2022 Budget Blueprint includes an additional \$540 million to incorporate climate impacts into pre-disaster planning and resilience efforts and will prioritize projects for vulnerable and historically underserved communities. No other details have been provided at this time. Please elaborate on the Administration's plans. What is FEMA doing to ensure mitigation investments are being made in vulnerable communities?

Are state, local, tribal, and territorial governments ready to invest large sums in shovel-ready projects? What can be done to increase their capacity ensuring the most effective projects possible?

Answer. Disaster activity and funding levels vary significantly every year. FEMA aims to avoid extreme funding variation in the Building Resilient Infrastructure and Communities (BRIC) program by capturing estimates from large disasters and subsequently allocating those funds over multiple years. FEMA's methodology to develop the program's annual funding amounts is based on an analysis of the last 10 years of Disaster Relief Funds (DRF) to approximate a program baseline. Based on this analysis, FEMA plans to offer BRIC grants with the funding floor of \$500 million per year. This approach is being referred to as stabilization; the intent of stabilization is to establish a stable and consistent level of base funding each year to provide consistency and surety of funding amounts for our stakeholders, making the program more predictable, and providing them a baseline of funding to plan against. Even if the National Competition amounts vary, consistent allocations will help applicants build capability and capacity—a critical program goal.

FEMA intends to use the Coronavirus (COVID-19) funds as an early stabilization resource and not jeopardize future funding levels by expending it all immediately. \$1 billion will be made available in fiscal year 2021 for BRIC. FEMA is now working to finalize the fiscal year 2021 Notice of Funding Opportunity (NOFO). Going forward, FEMA will continue to review future estimates to ensure that the annual NOFO amount is appropriate, and make adjustments to future year funding amounts to ensure that large unobligated balances do not accrue.

Regarding the demand for mitigation funding, recent studies (within the last 10 years) have shown that there is a significant unfunded mitigation need across the nation. Many of FEMA's partner organizations and stakeholders, including the National Emergency Management Association (NEMA), American Society of Civil Engineers (ASCE), and National Institute of Building Sciences (NIBS), have conducted research into specific areas of need for mitigation investments, whether it be single hazard based or across multiple hazard spectrums. Stakeholders have frequently indicated that there is also a need to understand what the real capacity/capability of states, tribes, and territories are in order to manage the billions of dollars in funding necessary to address the gap.

The Mitigation Framework Leadership Group (MitFLG) was established to organize mitigation efforts across the Federal government as a result of the Post-Katrina Emergency Management Reform Act of 2006. The MitFLG developed the National Mitigation Investment Strategy as a single national strategy for advancing mitigation investment to reduce risks posed by natural hazards and increasing the nation's resilience to natural hazards. The Investment Strategy's objective is to identify and measure the effectiveness of mitigation investments and inform decisions on when and where to make investments. The Federal Insurance and Mitigation Administration's (FIMA's) own strategic plan also sets the stage for FEMA to determine how best to align with state, local, tribal, and territorial (SLTT) partners on how best to meet their mitigation needs. Strategic Outcome A (Catalyze community partnerships to promote sustained and equitable investments in risk reduction), combined with FIMA's Strategic Objectives A.4 (Align with states on priority investment for focused risk reduction outcomes) and A.5 (Build capacity to deliver mitigation grant programs) directly support FEMA's efforts to both leverage investments in mitigation and improve stakeholder capacity.

To help build capacity at the community level, our stakeholders have routinely expressed the need for consistency in FEMA programs. They want consistency of funding, timeframes, application processes, and program requirements to the largest extent possible. FEMA understands that there is significant need for mitigation as demonstrated by numerous studies as well as the overwhelming number of applications submitted for the first year. This is not a new phenomenon: the Flood Mitigation Assistance (FMA) and Pre-Disaster Mitigation (PDM) programs have traditionally been over-subscribed.

To aggressively attempt to get additional funds into communities to meet their resiliency needs, FEMA is finalizing the fiscal year 2021 NOFO in order to better get additional funds into communities that need the support.

Additionally, there are more mitigation funds available across the Federal spectrum than those offered by FEMA. The most prominent source of funding might be from the Department of Housing and Urban Development (HUD), which has both the Community Development Block Grant—Disaster Recovery (CDBG-DR) program as well as the pilot CDBG-Mitigation program. Our Agencies continue to work together to ensure that our program goals, and our funding priorities, support each other and provide a cohesive set of mitigation funding for our stakeholders. Within FEMA, the Agency is making it a priority to ensure that stakeholders are informed of how the Hazard Mitigation Grant Program (HMGP), the FMA program, and the Public Assistance (PA) program can be utilized in concert with (or even in place of) the BRIC program. In fact, FEMA reports on the Agency's Federal mitigation spending under the Government Performance and Results Act and reported the largest Agency investment in 2019 at \$2,045,325,231. These long-standing programs can do much of what BRIC can, and the stakeholders need to be informed as to the appropriate ways to utilize these funds. For example, hazard mitigation planning can be accomplished under the HMGP, freeing up BRIC allocation funding for smaller-scale projects or project scoping activities. Also, many small and larger-scale, lifeline-focused mitigation projects, while sought after by the BRIC program, may be funded after disasters through the PA program's mitigation funding. FEMA is dedicated to improving the training and education of our stakeholders to support them as they develop mitigation projects and navigate the various mitigation funding streams that exist. FEMA is currently developing an on-demand 30-minute recording about PA mitigation for our SLTT stakeholders. This includes offering technical assistance (either through Direct Technical Assistance under BRIC or in project scoping activi-

ties) to validate that applicants and subapplicants are maximizing the portfolio of funding available to them.

Our Regions and our state applicants are critical to the success of this educational effort, and FEMA will rely on their participation to make this successful. A final piece of this puzzle is to develop a firm assessment of mitigation needs across the country, not just for funding, but also for investment in education and training. FEMA will be conducting a comprehensive study of mitigation needs to identify the needs across the nation. This study is anticipated to be completed by fiscal year 2023.

Natural hazard disasters disproportionately impact vulnerable communities, exacerbating existing inequities. Consistent with the overarching principles of the National Mitigation Investment Strategy, FEMA and our Federal partners will prioritize the needs of vulnerable communities and align our efforts to reduce their future risk. This principle is captured in FIMA's Strategic Plan through the intent to "deliver our programs with equity" and "incorporate future conditions." In fiscal year 2022, FEMA will explore opportunities to invest in actionable climate change research that can be used by communities and states to design and build innovative mitigation projects that address the impacts of climate change. FEMA will also support and implement Federal flood resilience measures through Executive Order 11988, and any amendments to this order. These measures reduce flood risk for Federal investments, including infrastructure, structures, and facilities; help improve the nation's resilience to flooding; and better prepare the nation for the impacts of climate change.

Furthermore, through implementation of Executive Order 13985, FEMA is undertaking equity assessments for a number of its programs, including Hazard Mitigation Assistance, and has established an Executive Steering Group on equity to coordinate efforts across the Agency. Meanwhile, we are actively addressing equity in our programs. For example, through our program principles and priorities (in concert with FIMA's Strategic Plan), the BRIC program encourages a culture of resilience, aims to increase state, local, tribal, and territorial governments' capacity, and promotes partnerships for funding larger infrastructure projects. BRIC provides a critical opportunity to invest in a more resilient nation, reduce disaster suffering, and avoid future costs to the DRF. Within the evaluation of subapplications, FEMA already provides support to vulnerable communities:

- FEMA allows for reduced non-Federal share requirements, from 25 percent to 10 percent, for small impoverished communities applying as subapplicants to the BRIC program;
- In the BRIC subapplication scoring criteria, extra points are provided to subapplicants that are small impoverished communities, as well as points for populations impacted, outreach and partnerships that all have equity components;
- Within the BRIC program-eligible activities, the Project Scoping activity exists to assist in project development for small underserved communities; and
- Direct Technical Assistance provides vulnerable communities with support for understanding their mitigation needs and developing strategies to address these needs. FEMA is supporting up to 10 communities in year one and intends to offer assistance to up to 20 more in year two.

FEMA is also developing a peer mentoring network to provide peer mentors to vulnerable communities. This network will be an opportunity for users of our programs to support each other, and participants will include previous recipients of Direct Technical Assistance.

In order to be ready to invest large sums in shovel-ready projects, stakeholders have expressed need for increased funding for technical assistance and capability and capacity building activities as well as funding for the evaluation and performance monitoring of existing projects. They have also asked for the expansion of pre-calculated benefits to make the benefit-cost analysis easier and more predictable, consistency of programmatic requirements across mitigation programs, and support for the sharing of lessons learned/best practices from projects at all scales.

Perhaps the most direct avenue that FEMA can utilize to support the needs of stakeholders is in the areas of hazard mitigation planning and project development, recognized by FEMA in the Strategic Plan, Objective A.1: "Integrate disaster risk and mitigation into community planning processes". Having a FEMA-approved hazard mitigation plan is a fundamental requirement for our mitigation programs, and our applicants and subapplicants understand this. Over 24,100 local governments have FEMA-approved or approvable-pending-adoption local hazard mitigation plans. An additional 228 tribal governments have current tribal mitigation plans. Together, these hazard mitigation plans cover over 83 percent of the population and

represent a good start to understanding local conditions and mitigation needs. These plans have identified mitigation/resilience goals, objectives, and strategies. The next step is to provide lower-capacity communities with support in the development of action plans that connect their mitigation plan to the funding sources that exist.

Specifically, through the BRIC program, FEMA currently funds activities that are designed to improve a subapplicant's capability and capacity. These capacity and capability-building (C&CB) activities are enhancing the knowledge, skills, expertise, etc., of the subapplicant's current workforce to expand or improve the administration of mitigation assistance. This includes activities in the following sub-categories: building codes activities, partnerships, project scoping, mitigation planning, and planning-related activities. FEMA intends to increase the funds available for these types of activities in the fiscal year 2021 NOFO. FEMA intends to increase the state/territory allocation from \$600,000 to \$1 million (a 40 percent increase in funding) and the tribal set-aside to \$25 million (20 percent more funding). This will provide applicants with significant sources of C&CB funding for their communities.

One of the most useful activities that a community can undertake are project scoping activities. Formerly referred to as Advance Assistance, project scoping has been available under all of the Hazard Mitigation Assistance (HMA) programs for the past several funding cycles. Within BRIC, activities that communities can undertake with project scoping funds include scoping and developing hazard mitigation projects, including engineering design and feasibility studies; conducting meetings, outreach, and coordination with potential subapplicants and community residents to identify potential future mitigation projects; evaluating facilities or areas to determine appropriate mitigation actions; incorporating environmental planning and historic preservation considerations into project planning activities; collecting data for benefit-cost analyses, environmental compliance and other program requirements; and conducting hydrologic and hydraulic studies for unmapped flood zones or other areas where communities propose to submit hazard mitigation projects. Many more activities are eligible as well that run the range of contracting with external third-party services for data collection and validation, the development of multi-community hazard mitigation projects, and the use of third-party cost-estimation services to appropriately develop project budgets.

Finally, through Direct Technical Assistance, FEMA provides additional project planning and development support to communities most in need of this assistance. The provision of this technical assistance is done with a focus on developing and expanding our stakeholders' capability and capacity. Recipients of Direct Technical Assistance are expected to serve as mentors for future Direct Technical Assistance communities in an effort to expand and share their experience and lessons learned, greatly broadening FEMA's training and Direct Technical Assistance reach.

FEMA is committed to increasing the knowledge and training of our communities and intends to offer coordination of programs trainings at future training opportunities.

PREPAREDNESS GRANTS AND POTENTIAL REFORMS

Question. Background: After the terrorist attacks on 9/11, state, local, tribal and territorial governments were encouraged to ensure their communities have capabilities to respond to high probability or high consequence terrorist threats. To support these activities, FEMA administers a suite of preparedness grants which are awarded to states, urban areas, non-profit organizations, transit systems, and ports. FEMA also administers some grants that are not specifically focused on terrorism. These preparedness grants focus on specific hazards—such as floods—or first responders—such as firefighters.

Administrations of both parties have proposed to consolidate, change the distribution formula, and/or reduce funding for these programs. Congress has not enacted these proposals in part because stakeholders have resisted change without a clear understanding of how their needs will be addressed.

In lieu of larger grant reform, the Trump Administration required grantees to commit at least 5 percent of their terrorism grant funding to each of four specific priorities: cybersecurity, soft targets and crowded places, intelligence and information sharing, and emerging threats. The Biden Administration added domestic terrorism as a priority and increased the amount that must be committed to domestic terrorism and cybersecurity to 7.5 percent each.

The FEMA grant programs have not changed much since they were created in the wake of the terrorist attacks on September 11th. However, the threat environment has changed significantly during that time. Is there room for reform to better align grant programs to current threats?

Although many preparedness grants focus of counter-terrorism capabilities, FEMA's message in recent years has emphasized 'all-hazards' preparedness. Should DHS and FEMA reevaluate the purpose of these grants?

Answer. At the direction of Department of Homeland Security's (DHS's) Secretary Mayorkas, the Federal Emergency Management Agency (FEMA) is undertaking a comprehensive review of grant program policies, processes, framework, and risk methodology, focusing on the State Homeland Security Program (SHSP) and Urban Area Security Initiative (UASI). The Department and FEMA are committed to engaging in a meaningful dialogue with SHSP and UASI stakeholders to ensure these programs remain relevant and effective in addressing the current threat environment, which has evolved greatly since the wake of September 11 when the programs were first created. For example, DHS recognizes that domestic violent extremism, or DVE, poses the most lethal and persistent terrorism-related threat to our country today, particularly by white-supremacist, anti-government, and anti-authority extremists. We must combat domestic violent extremism in all forms. FEMA held a series of listening sessions with SHSP and UASI stakeholders in April 2021 to solicit feedback on an individual basis specifically on the policies, priorities, and risk methodology to inform potential future changes to these grant programs. FEMA is compiling and analyzing all the individual feedback and might consider this feedback in preparing recommendations for Secretary Mayorkas. We will work to implement any recommendations and any potential incremental updates to the risk methodology in the future as needed. FEMA is also undertaking a separate, more comprehensive longer-term review of the risk methodology to ensure it continues to reflect the changing threat environment facing the Nation in future years.

SOUTHWEST BORDER SURGE RESPONSE AND READINESS

Question. Background: FEMA is assisting with the latest increase in asylum seekers and migrants on the Southwest Border in two ways, mostly by assisting with unaccompanied children. First, FEMA has been asked to assist HHS in identifying and acquiring more space in order to move the children out of Border Patrol's custody into more appropriate facilities which are more suited to house children. Second, Congress has provided \$110 million in the America Rescue Plan Act through the FEMA Emergency Food and Shelter Program (EFSP) to ensure asylum seekers and migrants released from Customs and Border Protection custody have food, water, shelter and transportation to their ultimate destination. EFSP is awarded to local non-profit boards to determine and serve the needs of asylum seekers and migrants.

Increases in unaccompanied children have occurred before—most recently in fiscal year 2019 during the Trump Administration—when the capacity for HHS to take unaccompanied children was also overwhelmed because the Trump Administration's policies created more unaccompanied children by separating them from their parents and families. But this time the increase is happening in the midst of a global pandemic, when space at HHS facilities is nearly 40 percent less in order to follow CDC's COVID guidance. Recognizing the root causes of migration are complex and are partly motivated by the conditions in the Northern Triangle, it is likely that this will not be the last time we see increases on our southern border. While the Administration continues to move out on their plan to address root causes, which will take some time, improvements are needed in the Federal government's ability to respond to future challenges at the border.

FEMA has been asked to assist the Department of Health and Human Services with identification and establishment of child appropriate facilities for unaccompanied children arriving on the South West Border. What is working in FEMA's partnership with HHS? What challenges remain?

What steps can be taken to improve readiness and response for increasing numbers of unaccompanied children arriving at the border?

Answer. FEMA was directed to support a government-wide effort, focused on safely receiving, sheltering, and transferring unaccompanied children who make the dangerous journey to the southwest border. FEMA has the experience and capability to bring together key resources and agencies.

FEMA integrated and co-located with the Department of Health and Human Services (HHS) and with funding provided by HHS examined every available option to quickly expand physical capacity for appropriate lodging for unaccompanied children. The Department's workforce, including U.S. Customs and Border Protection (CBP), the Federal Protective Service, U.S. Immigration and Customs Enforcement (ICE), and members of the Department of Homeland Security (DHS) Volunteer Force, are helping provide shelter capacity, security, and other support as needed.

FEMA will continue to focus on its integration and partnership with HHS and DHS in order to support their mission of providing safe and timely reunification of unaccompanied children.

QUESTIONS SUBMITTED BY SENATOR JON TESTER

DISASTER RELIEF FUND

Question. Background: The Disaster Relief Fund has received over \$100 billion in supplemental COVID-19 relief funding, including \$45 billion from the CARES Act, \$17 billion in the fiscal year 2021 Omnibus funding bill, and \$50 billion in the American Rescue Plan. FEMA is responsible for allocating this funding and reimbursing states, localities, and tribes for costs associated with the COVID-19 pandemic.

What additional oversight policies has FEMA put into place to ensure that all COVID-19 relief funding, including Disaster Relief Funds reimbursements, are allocated for appropriate purposes and in accordance with the law?

Answer. FEMA manages and executes Disaster Relief Fund (DRF) funds received for Coronavirus (COVID-19) requirements in accordance with statutory, regulatory, and programmatic requirements. FEMA has established policies, procedures and eligibility requirements for the reimbursement to states, localities, and tribes to ensure funding provided complies with those requirements.

INSPECTOR GENERAL

Question. Background: In March, the FEMA Office of Inspector General released a report entitled “FEMA Needs Revised Policies and Procedures to Better Manage Recovery of Disallowed Grant Funds”. Specifically, it found that FEMA justified not recovering funds solely based on the cost, that FEMA regional offices did not track the collection debts, and that FEMA’s internal guidance on the time limits for collecting debts does not comply with the Robert T. Stafford Disaster Relief Emergency Assistance Act. The Stafford Act created the Disaster Relief Fund and outlines the requirements for the allocation and reimbursement of funds, including those provide in response to the COVID-19 pandemic. The report made five recommendations, including requiring FEMA to update its policy for collecting disallowed grant funds, requiring regional office to track and maintain records relating to debt collection, requiring the Office of the Chief Financial Officer to provide updates on debt collection efforts, requiring FEMA to update its policies relating to the time limits on the collection of disallowed funds under the Stafford Act, and requiring FEMA to regularly update its internal policies.

According to the report, FEMA has concurred with all five recommendations. What specific steps have you taken to implement these corrective actions?

Is FEMA planning to take any additional actions to increase oversight of grant allocation processes, prevent the allocation of disallowed grant fund, or to improve the collection of disallowed grant funds?

Answer. The Federal Emergency Management Agency (FEMA) is using an integrated approach involving our Office of Chief Counsel, Office of Chief Financial Officer, Office of Policy and Program Analysis, Regional and Program Offices, and Grant Programs Directorate to develop and implement sustainable improvements in our recovery of disallowed grant funds. Most importantly, we are revising FEMA Instruction 116-1-1, “Identification and Collection of Monies Owed from Non-Federal Entities” to require program offices to maintain records and track the status of referred debt. As part of this guidance revision, corrective action plans for procurement related deficiencies will address—to the extent possible—the systemic underlying root causes of the deficiencies. In addition, the FEMA Finance Center has been tasked to provide regular updates to Regional and Program Offices regarding debt recoveries.

To ensure policy uniformity, FEMA’s Recovery Directorate and the Office of Policy and Program Analysis reviewed and updated the applicable policy to clarify FEMA’s interpretation of the statute of limitations for debt recovery in order to conform with the Disaster Recovery Reform Act of 2018 (DRRA) (Public Law 115-254, Div. D).

FEMA has taken several steps to improve grant management oversight over the past few years. Specifically, in May 2019, then FEMA Administrator Pete Gaynor directed non-disaster and disaster grants policy and procedures, as well as the Grants Management Modernization (GMM) program, be aligned under the Grant Programs Directorate (GPD).

The realignment of these functions under one program office reduces complexity by simplifying and making more transparent both the non-disaster and disaster grants management processes. By creating easier ways to coordinate all grants functions within FEMA, we are streamlining our grant processes, which will ultimately improve the grants experience for our disaster survivors, grant recipients, and the internal partners GPD serves. This new structure enables FEMA to operate efficiently and to effectively adapt to changing policies, business practices, and the rapidly evolving cybersecurity landscape in a cost-effective way.

To implement this reorganization of grant management functions, GPD has developed a comprehensive set of policies and guidance for managing grants and assumed responsibility over FEMA's Grants Management Manual, which was originally created in 2018. Currently, FEMA is also implementing a systematic tracking system for questionable and disallowed costs to provide "cradle to grave" awareness and action on all debts owed to FEMA.

With improved internal controls and management processes on the front-end of the grant lifecycle, streamlined processes during the grant lifecycle, and systematic method of tracking costs at the back end of the grant lifecycle, we are confident that the issues identified by the Office of the Inspector General will be resolved going forward.

QUESTIONS SUBMITTED BY SENATOR LISA MURKOWSKI

RESOURCES AVAILABLE TO FEMA

Question. Background: FEMA is a unique agency that is tasked with responding to complex, often overlapping missions during times of crisis. This past year was certainly no different. As a part of a whole-of-government approach to combatting COVID-19, FEMA has helped communities across the nation to address the pandemic, and has done so while continuing to respond to major weather events. That includes my home state of Alaska, where the community of Haines experienced devastating mudslides, which displaced several families, and where some areas are still rebuilding after the Anchorage earthquake a few years ago.

As we move into the summer months, we know that concerning weather events such as wildfires will become more prevalent.

Are you all planning for a big wildfire season this summer? How are you preparing to assist people who may be displaced as a result of fire, hurricanes, or more? Are there any additional resources that you may need?

What did you learn last summer while balancing social distancing and providing housing that you will do differently moving forward?

Answer. Regarding the wildfire season, FEMA is following the extreme and extensive drought conditions in some of our Western and Southwestern states and the abnormally dry conditions in Northern Alaska. FEMA is aware of the risk of serious wildland fires in these areas and is committed to providing funding in support of evacuations and sheltering for displaced persons within impacted state, local, and tribal jurisdictions. Additionally, the FEMA Regions are prepared to process any Fire Management Assistance Grant requests to ensure states have access to Federal funding for fire suppression services for any eligible fires.

FEMA continues to review policy, doctrine, and staff readiness to ensure readiness to deliver mass care and emergency assistance services this disaster season in a COVID-19 environment. This includes additional offerings of the L0411 Mass Care/Emergency Assistance Support for Field Operations Course and the added capacity to offer the 417 Shelter Field Guide Course virtually to community partners that include, but are not limited to, Civil Air Patrol and Community Emergency Response Teams.

Lastly, for this disaster season, FEMA will continue to utilize existing doctrine developed in 2020, including the Mass Care/Emergency Assistance Pandemic Planning Considerations, along with supporting documents such as the Delivering Personal Assistance Services in Congregate and Non-Congregate Sheltering, which remain applicable to operations even with progress in the Coronavirus (COVID-19) vaccination effort.

The Disaster Relief Fund (DRF) has sufficient funding to support response and recovery needs for COVID-19 as well as other disasters through September 30, 2021. As of April 14, the DRF has a balance of approximately \$60 billion. Absent any significant unexpected COVID-19 requirements or multiple new catastrophic disasters, FEMA believes the current funding available in the DRF will be sufficient to meet fiscal year 2021 requirements. As always, FEMA will continue to monitor

DRF resource needs and will update the Congress as needed/requested on the status of both DRF resources and potential funding needs for new disasters, as well as the continued recovery from previously declared disaster.

Regarding lessons learned from last summer, FEMA Public Assistance provided policy flexibilities related to non-COVID-19 incidents that were affected by the ongoing COVID-19 pandemic. As COVID-19 still poses a public health threat, FEMA is in the process of extending the flexibilities related to non-congregate sheltering through at least the end of the 2021 hurricane season. Pending the continuation of the U.S. Department of Health and Human Services national Public Health Emergency declaration and other factors, an extension beyond the above date may be considered.

One major planning initiative FEMA took during the pandemic is to acquire a number of “pandemic shelter kits” to provide enhanced personal protective equipment and other safety measures in congregate shelters, as needed.

FEMA ASSISTANCE FOR MEN, WOMEN, AND CHILDREN EXPERIENCING HOMELESSNESS

Question. Background: I recently had the opportunity to visit the Sullivan Arena and the Ben Boeke Ice Arena, two facilities converted into congregate homeless shelters at the beginning of the pandemic. This is one of the largest homeless shelters in America, providing beds to more than 400 people every day. There are a variety of services that are located inside, including food services and an on-site medical clinic operated by key Alaskan organizations. These services go beyond ensuring that these individuals have a safe place to sleep in light of the pandemic, they assist individuals in creating a plan to transition from homelessness to being housed.

Service providers agree that the old, pre-pandemic paradigm—a few packed day and night shelters concentrated along a single block of Third Avenue in Anchorage—is not the path forward. My understanding is that FEMA is committed to working with the state of Alaska on providing continued assistance past September 1 to fund this facility. While I appreciate FEMA’s continued resources in this effort, I am concerned with some administrative barriers in accessing these emergency funds, which are causing additional challenges for providers of these essential services. I have concerns that FEMA policy places unnecessary legal and reporting burdens for non-congregate sheltering (NCS) for the COVID-19 reimbursement process. NCS is typically not reimbursed by FEMA, but instead is offered and executed by FEMA when required as a result of a disaster. FEMA will provide reimbursement only if NCS is conducted “at the direction of and documented through an official order signed by a state, local, tribal, or territorial public health official. A health order requiring residents to shelter or isolate is not the appropriate or necessary legal mechanism by which a state or local government may conduct NCS. The effect of the FEMA-required order may be achieved through existing local or state mechanisms already in place under law or ordinance.

Additionally, FEMA requires reporting of shelters by age group, disability status, meals provided, number of pets, and other information in order to be eligible for reimbursement. This requirement does not lend itself to FEMA’s reimbursement eligibility standards with outline “work and services to save lives and protect property” (Stafford Act, Section 403) that are “necessary to eliminate or lessen an immediate threat” (44 CFR §206.225). Aid is needed in the immediate aftermath of an emergency.

What can FEMA do to streamline its approval process for reimbursement?

Answer. In response to the nation-wide emergency declaration under the Stafford Act for the Coronavirus (COVID-19) pandemic and in an effort to streamline the approval process, FEMA, in March 2020, delegated authority to approve requests for non-congregate sheltering to the Regional Administrators for the duration of the public health emergency (see Fact Sheet: Public Assistance: Non-Congregate Sheltering Delegation of Authority). Further, in December 2020, FEMA waived the Public Assistance Program and Policy Guide’s requirement that states, tribes, and territories seek time extensions for non-congregate sheltering operations every 30 days. Traditionally, FEMA requires states, tribes, and territories to request time extensions every 30 days to ensure non-congregate sheltering operations are still necessary as an emergency protective measure and to assist applicants in managing their non-congregate sheltering populations. However, due to the ongoing nature of the public health emergency, FEMA eliminated the requirement to alleviate this administrative burden (see Non-Congregate Sheltering Delegation of Authority Public Assistance Program and Policy Guide Waiver ([fema.gov](https://www.fema.gov))).

Generally, FEMA continues to work to simplify the Public Assistance application process and documentation requirements for applicants. This includes making communications materials easier to understand so that programs are more accessible

to the public, updating forms used to collect information from Public Assistance Recipients and Subrecipients as well as the processes the Agency uses to support these Applicants to include considerations for traditionally underserved or historically marginalized communities. Actions taken to date include making direct applications available through the Public Assistance Grants Portal (grantee.fema.gov), simplifying minimum documentation requirements and eliminating most site inspections, expediting funding, and developing “how to” videos and quick guides to provide direct technical assistance to applicants. Additionally, when FEMA recently noticed an increase in Requests for Information (RFIs), FEMA established an RFI Task Force to solve why this issue was occurring. The Task Force successfully consolidated the review of RFIs, and over time, has been building stronger, independent capabilities at each Consolidated Resource Center to review applications.

DISASTER CASE MANAGEMENT PROGRAM

Question. Background: Although limited “Individual Assistance” programs have been made available in Alaska, FEMA has made the Disaster Case Management program available. This program is authorized under Section 426 of the Stafford Act. We believe that making this program more widely available will provide localities with additional resources to wide varieties of our population, including low income, homeless, and other individuals and segments of our community disproportionately affected by the COVID pandemic.

What can FEMA do to increase access to the Disaster Case Management program?

Answer. The FEMA Disaster Case Management (DCM) program is designed to augment existing capabilities to support states, tribes, and territories in assisting survivors of a Presidentially declared disaster. Each disaster response requires a unique combination of assistance, and as part of disaster responses where DCM is authorized, FEMA staff works with state, tribal, and territorial partners to develop and formulate an approach to case management that addresses the unique challenges of the communities impacted.

Available DCM-related resources for emergency managers and planners include the Individual Assistance Program and Policy Guide, which details application requirements, and the DCM Toolbox. This includes a model request for proposal template and guidance on conducting a needs assessment for case management services. FEMA’s Regional Offices can also offer technical assistance and planning advice for developing an approach to DCM.

VACCINATIONS AND RESOURCES FOR ADDRESSING COVID–19

Question. Background: The President has made it a priority to expedite vaccinations in the United States. In Alaska, despite facing unique geographic and logistical challenges, I am proud to say that we have been doing very well on the vaccination front. This is due in large part to the great leadership that we have at state, local, and tribal levels, and due to collaboration with FEMA and DoD, and the experience of the Alaska tribal health system. In Alaska, we are very familiar with the risks that a COVID–19 outbreak poses to small, remote communities who have limited healthcare capacity. We know that there are other states who also have rural communities, who face similar risks.

I want to ensure we are making emergency aid available, with the least amount of burdensome administrative requirements possible. FEMA Policy #104–21–0004, published on March 15, 2021, places administratively burdensome reporting upon recipients and sub recipients as a condition of grant assistance, for vaccine administration. This policy contradicts the memorandum requiring FEMA to make “advanced reimbursement . . . more quickly”. This policy places assistance “focusing” (rather than equity) requirements that may not be supported by FEMA’s authorities in the Stafford Act, Code of Federal Regulations, or Executive Order. What can FEMA do to relieve the administrative burdens on recipients of FEMA funds for COVID–19 vaccine administration?

Answer. FEMA Public Assistance (PA) has provided \$4.7 billion in Federal funds to applicants for Coronavirus (COVID–19) vaccination support. FEMA remains committed to providing aid to meet emergency needs and ensuring equitable provision of assistance during the COVID–19 pandemic, specifically those critical actions that are necessary to save lives and protect public health and safety. In April of 2020, FEMA redesigned the PA application process for all COVID–19 events by developing a streamlined project application and direct application process, which consolidates and simplifies information and documentation requirements for applicants. This process is still in place to help relieve the administrative burden on Applicants.

In accordance with the President's Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, FEMA issued FEMA Policy 104-21-0004, Coronavirus (COVID-19) Pandemic: Medical Care Eligible for Public Assistance (Interim) (Version 2), requiring Recipients and Subrecipients of FEMA Public Assistance for COVID-19 vaccination efforts and associated activities to submit social vulnerability scores and summary information to substantiate an equitable vaccine administration strategy to FEMA. This policy emphasizes the need for Recipients and Subrecipients to confirm compliance with existing civil rights laws. Recipients and Subrecipients are asked to collect data and use it to identify target populations and determine whether they are being reached. FEMA is not receiving this data, and Recipients and Subrecipients should not submit to FEMA, personally identifiable information (PII) to demonstrate compliance with equitable pandemic response requirements. FEMA will consider the totality of the circumstances around equity prior to making any determinations and work with Recipients and Subrecipients as needed to ensure compliance and provide support.

FEMA ASSISTANCE TO TRIBES DURING COVID-19

Question. Background: Tribes are disproportionately affected by COVID-19. FEMA has acknowledged this in their Initial Assessment Report regarding response to COVID-19, which was released in January of 2021. FEMA has reported that since the pandemic started only 15 percent of all tribes (91 tribes out of the 574 tribes) have been able access the billions in COVID-19 disaster funds through FEMA under the 2020 nationwide Emergency Declaration or a Major Disaster Declarations under the Stafford Act. My understanding is that there are some tribes who had experience engaging with FEMA prior to COVID, who had experience with the processes of FEMA, while others had never made a disaster declaration prior to the pandemic and as a result has limited familiarity with what resources were available and how to receive them. Native communities have been devastated in the recent past due to preventable illnesses, such as the flu. Native communities are again experiencing hardship with COVID-19 and they should have the resources that they need to make it through.

In FEMA's Initial Assessment Report, FEMA issued a recommendation (Recommendation 3.3.A), which states that FEMA should "develop a tribal nation engagement strategy, supported by consistent staffing and training, that includes the desired outcomes and resources required to appropriately support the tribal nations, with flexibility for regional application. The strategy should identify an approach for the equitable distribution of personnel throughout each region dedicated to program delivery for all 574 tribal nations."

Mr. Fenton, could you please share where FEMA is at in developing this strategy and when does it plan to implement the strategy?

Has FEMA entered into consultation with tribes on the development the strategy? If not, when does FEMA intend to consult with tribes to assure that the strategy can effectively serve all 574 tribes and address their on the ground needs?

How is FEMA ensuring that all 574 tribal nations have equitable support and guidance to access the billions of dollars of COVID-19 disaster funds through FEMA?

Answer. FEMA has engaged with all 574 tribal nations to ensure that they have access to resources, including Coronavirus Aid, Relief, and Economic Security Act funds and American Rescue Plan Act funds to assist with the Coronavirus (COVID-19) response efforts.

FEMA is working on a national tribal strategy and expects a draft to be completed no later than the end of August 2021.

FEMA will engage in tribal consultation and use the draft National Tribal Strategy as a discussion point with tribal nations. FEMA will conduct this tribal outreach and consultation using both virtual engagements and in-person opportunities, when possible. FEMA has reviewed, updated, and implemented our Tribal Consultation Policy and Instructions. Over the past several months, we have engaged tribal nations in several tribal consultation sessions on a variety of FEMA policy updates. Most recently, FEMA participated in the Department of Homeland Security tribal consultation sessions pursuant to the Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships of January 26, 2021.

FEMA Headquarters and FEMA Regional Offices have provided expanded services in support of tribal governments across the country in response to the pandemic since the national emergency declaration on March 13, 2020. Each of the ten FEMA Regional Offices have dedicated tribal liaisons within their workforces to coordinate with tribes located in that respective region. Regional tribal liaisons and regional administrators serve as the primary point of contact regarding FEMA assistance,

and they serve as the conduit to connect tribes with FEMA leadership and program subject matter experts, as needed, for information sharing, technical assistance and resource coordination. FEMA's Regions have hosted and participated in weekly meetings and conference calls with tribal leaders and tribal emergency managers to answer any of their questions throughout this pandemic response.

FEMA is currently working with more than 200 tribal nations using a variety of funding mechanisms. Under the March 2020 nationwide emergency declaration, a tribal nation may choose to be a direct recipient or a subrecipient under a state. Alternatively, under a state major disaster declaration, a tribal nation may request assistance as a subrecipient or as a recipient. A tribal nation may also choose to request their own major disaster declaration. To date, three tribes—the Seminole Tribe of Florida, the Navajo Nation, and the Poarch Band of Creek Indians—have received their own major disaster declaration.

SUBCOMMITTEE RECESS

Senator MURPHY. And so, this subcommittee is now adjourned.

[Whereupon, at 3:18 p.m., Wednesday, April 14, the subcommittee was recessed, to reconvene at a time subject to call of the Chair.]

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS FOR FISCAL YEAR 2022

WEDNESDAY, MAY 26, 2021

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

The subcommittee met at 2:00 p.m. in room SD-138, Dirksen Senate Office Building, Hon. Chris Murphy (chairman) presiding.
Present: Senators Murphy, Capito, Murkowski, Hoeven, and Hyde-Smith.

DEPARTMENT OF HOMELAND SECURITY

STATEMENT OF HON. ALEJANDRO MAYORKAS, SECRETARY

OPENING STATEMENT OF SENATOR CHRIS MURPHY

Senator MURPHY. Good afternoon. I'm going to call this hearing of the Subcommittee on Homeland Security to order.

As a general reminder, this is going to be a virtual and hybrid hearing. Some of my colleagues are going to be here personally, some are going to be virtually. We're going to do our best to ensure that everybody has a chance to ask questions when it's their turn.

We also are going to have votes at some point during this hearing and so our intent is going to be to keep this hearing running and keep coverage here while we also run down to the Floor and vote, and I'm glad to be assisted in that effort by the subcommittee's Ranking Member and prior Chairman, Senator Capito.

Today, we welcome Secretary of Homeland Security Alejandro Mayorkas, and we express to you our limitless gratitude for the work of the 240,000 employees across the department. We recognize the tremendous risks that they have taken and the sacrifices that they have made, especially during the past year and a half.

You and I got to visit along with Senator Capito some of these heroes at the border earlier this year and I know how humbled you are to be able to lead this group.

The purpose of today's hearing is to review the department's fiscal year 2022 Budget Request. We eagerly await the arrival of the full request later this week, but we've got the Administration's budget blueprint in front of us and we're going to use that to guide our discussions today.

This blueprint shows us how the department's mission is changing and adapting. New investments in cybersecurity are needed in the wake of these unprecedented attacks on our networks, many of which have consumed the news.

The Coast Guard, faced with critical antiterrorism and drug interdiction missions, is in need of long overdue capitalization. Natural disasters are becoming more fierce and more frequent, and I would like to applaud both you and the President in your announcement on Monday that a billion dollars is going to be invested through the Brick Program to help communities prepare in advance for hurricanes, wildfires, and other natural disasters.

And as we heard at a hearing on domestic terrorism before the Full Committee, homegrown violence still presents the most serious threat to our nation today, and today, this afternoon, our heart breaks again as we read news of another mass shooting, this one in San Jose, eight are dead so far.

We don't know the motive but once again we are reminded that the most serious threat of physical harm to Americans does not come right now from a foreign army or from immigrants, as some would have us believe, but from the increasing tendency towards deadly violence from a small often heavily armed subset of our fellow Americans.

Now as for DHS's work at the border, which I trust is going to occupy the bulk of question and answer time here today, let me say a few things before turning it over to Senator Capito.

So I understand how important the issue of immigration is to our politics today. I understand that it's a lot easier to use the issue of migration as a political cudgel than to see it as a problem that needs to get solved, and today Republicans often want to take the increased numbers of apprehensions and presentations at the border and blame it on President Biden. That scores a lot of political points, gets you booked on talk shows, but that's not the truth and the truth is still important.

Migrants, as it turns out, don't really care who the President of the United States is. Why? Because they come here for a complex set of reasons, most of which are connected to life in their home country.

Consider this. In 1986, in the middle of Ronald Reagan's presidency, we saw over 1.5 million apprehensions at the southwest border, some of the highest numbers we've ever seen. From 1997 to 2000, we hovered around the same number during the Clinton Administration.

Then during the Obama years, despite his policies that allowed some undocumented children and families to stay, a policy excoriated by Republicans as an incentive for migration, the numbers of apprehensions at the border were far, far below these numbers of the 1980s and 1990s, averaging around 420,000 each year of his term.

Then, despite President Trump's supposedly tough immigration policies and the beginning of the construction of his border wall, we saw a surge in apprehensions, the highest in over a decade, resulting in a \$4.6 billion emergency supplemental in 2019.

The bottom line is that President Trump's rhetoric and the cruelty of family separation didn't stop people from coming to the United States because people are coming here in order to flee violence and economic desperation in their home country.

The only thing that stopped that surge happening in 2018 and 2019 was the pandemic when we shut down the border under public health authorities.

So what's happened this year? Well, apprehensions have spiked but that's because some of those blocks I talked about on children and families entering the country ended and for good reason.

President Trump was turning around little kids and throwing them back into the arms of traffickers and criminals. That was an inhumane un-American policy. We should all celebrate its end, but also in November of 2020, Mexico enacted a new law. That meant that they were unable to accept many returns from the United States of families with small children.

The Trump Administration had ample notice that this law would come into effect, 2 months, and they seemingly made no plans. So as a compassionate nation, we chose to house these families. Yes, some of them have been released from custody with a promise to appear before ICE (U.S. Immigration and Customs Enforcement), but so far in this fiscal year, those that have received a notice to appear before ICE have complied 95 percent of the time. So this claim that there's some new catch and release policy, it's just not backed up by the data.

I have news for my colleagues. The public health restrictions on single adults that remain barring them from applying for asylum cannot by law remain in effect forever. So when that authority expires and it will, there's going to be a surge of single adults at the border created by a ban on asylum cases for a year and a half. That's not anybody's fault. That's the consequence of the pandemic.

So I'm a new chairman of this committee. I took the job knowing about the politics that surround this issue, but this subcommittee does have a history of bipartisanship. Not every year can we find a way to a budget, but many years, even when the politics were really hot on this issue, thanks in large part to then Chairwoman Capito, this committee did find that path and so I hope that we get to have a meaningful discussion today about the border and the many other challenges that are facing the department, and I look forward to being able to work across the aisle to try to find bipartisan solutions, at least within our budget authority, to the challenges that you face.

Thank you for appearing before us today, Secretary Mayorkas.

I'll now turn it over to the Ranking Member, Senator Capito for opening remarks.

STATEMENT OF SENATOR SHELLEY MOORE CAPITO

Senator CAPITO. Thank you, Mr. Chairman, and thank you for calling this hearing and thank you, Mr. Secretary, for joining us.

While we don't have, as the Chairman mentioned, the full budget request, there's certainly no shortage of things to talk about today, and I know you've been on Capitol Hill since early this morning. So I appreciate that. You certainly do have a large job as head of a massive sprawling department.

As I noted this time last year, the department's critical missions include counterterrorism, trade enforcement. You know, we only talk about certain aspects of Homeland Security sometimes, but when you see the massiveness of what you're dealing with, mari-

time security, opioid and drug interdiction, presidential protection, cybersecurity, infrastructure protection, emergency management, continuity of government, law enforcement training, countering weapons of mass destruction, state and local information-sharing, and more, as well as this past year responding to the pandemic.

On top of that, Secretary Mayorkas, despite what my esteemed Chairman says, your first 100 days have been dominated by a border crisis of the Administration's own making.

We are currently in the midst of a historic surge at the southern border. There were a 178,000 encounters in April and tens of thousands more entered undetected. Drugs continue to be a big issue for me. Drugs continue to pour across our border, including record amounts of fentanyl, which are devastating states like West Virginia and killing a lot of our people.

Mr. Secretary, you and I traveled to the border a few months ago and I greatly appreciated your invitation and willingness to do so. I saw all of this firsthand and the crossings have only increased since our visit and yet the Administration continues to insist that the border is secure.

The facts on the ground that I just described apparently are not viewed as a security or law enforcement challenge but a more logistical challenge in processing migrants who arrive with no legal claim to enter the United States. Additionally, ICE apprehensions and deportations have plummeted and more criminal aliens are on the streets as a result.

In light of these challenges, the Administration's fiscal year 2022 discretionary request for the department is highly concerning. Despite every other agency receiving substantial increases in funding, the Department of Homeland Security stands alone as the only department held virtually flat from last year. This is highly conspicuous thrift from an Administration that has already enacted and proposed trillions in new spending.

And even before we get to fiscal year 2022, we need to get through this current year, this current fiscal year. In fiscal year 2019, during a lesser surge at the border, the Administration, and that was the Trump Administration, made a supplemental request for funds and Congress responded by providing an additional \$1.3 billion to DHS.

This year, we have received no supplemental request from the Administration, despite the fact that we know the border surge like the one we're facing now is placing significant strains on agency resources.

The department does have transfer and reprogramming authorities, authorities that have been under attack in recent years, but which I have defended when they are used appropriately.

So we continue to await the department's plan for financing the current surge. However, if we are facing costs comparable to fiscal year 2019, I'm concerned that attempting to cover such costs from within the department would stretch the intended purpose of its transfer and reprogramming authorities and inevitably strain the shared priorities of Congress and the department.

Finally, I must address the border wall construction pause which violates decades of budget law precedents put forward by the GAO (U.S. Government Accountability Office). Vice Chairman Shelby

and I laid out in great detail the legal case against this pause and while budget law may be arcane, the impact of this impoundment on our Border Patrol agents and our country's security I believe is very real.

Every Administration is certainly entitled to their new priorities. It is not entitled to thwart laws that were enacted in previous years on a bipartisan basis. It is not entitled to under-execute on congressionally-appropriated funds in the hopes it can eventually thwart them all together.

Despite all the noise, this committee has a history of working in a bipartisan way to further the mission of the department. When Administrations include unrealistic or unjustifiable proposals, we work across the aisle to try to move forward in a reasonable way. That's what this committee does and I'm sure that's what we'll do again this year.

Thank you again, Mr. Secretary, for not just being here but for serving.

Thank you.

Senator MURPHY. Thank you, Senator Capito.

Following the Secretary's opening statement, each member is going to be recognized for up to five minutes. We're going to do it by seniority.

I would now recognize Secretary Mayorkas for your opening statement.

SUMMARY STATEMENT OF HON. ALEJANDRO MAYORKAS

Mr. MAYORKAS. Thank you very much, Mr. Chairman, Ranking Member Capito, Distinguished Members of the Subcommittee.

Good afternoon and thank you for the opportunity to be here today.

Thank you. Is that better? Quiet is one thing I've never been accused of being, but I do want to express our thoughts and prayers for the families and loved ones of the victims of the mass shooting, Mr. Chairman, to which you referred in your opening remarks, the tragedy that occurred in the Northern part of the California earlier today.

The Department of Homeland Security (DHS) is confronting serious, complex, and dynamic threats to the security of our Nation on a daily basis.

Under the Biden-Harris Administration, we aggressively are pursuing efforts to address our most pressing security concerns, from cybersecurity to domestic violent extremism (DVE) to the Coronavirus Disease 2019 (COVID-19) pandemic and more. This is hard work but that is what the 240,000 colleagues in the Department of Homeland Security do every day. Their dedicated efforts keep our communities safe and secure, and the resources afforded by this Congress help to ensure that we can meet our mission effectively and recruit and retain our Nation's most talented professionals.

The President's proposed budget will invest in our broad mission set, including preventing terrorism, securing and managing our borders, repairing the broken immigration system, safeguarding cyber and critical infrastructure, and strengthening national pre-

paredness and resilience. It will provide DHS with the resources that we need to keep our country safe, strong, and prosperous.

While I am unable to address specific details of the President's budget until it is released officially later this week, I welcome this opportunity to discuss several key agency priorities for fiscal year 2022 laid out in the President's \$52.2 billion discretionary budget for DHS.

This request includes approximately \$1.2 billion for border infrastructure improvements to fund modernization of our land ports of entry and border security technology and to ensure the safe and humane treatment of migrants in U.S. Customs and Border Protection (CBP) custody.

It also would support our enhanced efforts to combat the smuggling and trafficking of people, illicit drugs, and weapons while providing for more efficient travel, trade, and commerce.

We are working tirelessly to rebuild our immigration system into one that upholds our nation's laws and is fair, equitable, and reflects our values. To achieve this, the fiscal year 2022 President's Budget includes \$345 million for U.S. Citizenship and Immigration Services (USCIS) to address naturalization, asylum, and other program backlogs. The budget submission also supports up to 125,000 refugee admissions in fiscal year 2022.

To meet the President's bold vision for combating climate change, the discretionary budget includes an additional investment of \$540 million above the fiscal year 2021-enacted level to increase resilience efforts and to enhance pre-disaster planning.

It will support resiliency in infrastructure, particularly for vulnerable and historically underserved communities, and it would resource the Federal Emergency Management Agency (FEMA) with the ability to hire additional staff to prepare and respond to the increasing number of emergencies and disasters that our Nation has experienced.

In recent months, DHS has made it a top priority to address violent extremism, which I believe to be the most lethal and persistent terrorism-related threat to the United States today.

The fiscal year 2022 President's Budget includes \$131 million to support innovative methods to prevent DVE while respecting privacy, civil rights, and civil liberties. It also supports critical research of the root causes of radicalization, enhanced community outreach, and funding for locally-driven efforts.

Finally, in the face of increasing cyber threats, it is critical that we promote resilience not only within the Federal Government but across the public and private sectors and our critical infrastructure systems. The recent ransomware attack on Colonial Pipeline serves as a stark example of this ever-present threat.

Our discretionary budget submission includes \$2.1 billion for the Cybersecurity and Infrastructure Security Agency (CISA), which leads DHS and interagency efforts to defend against today's threats and build a more secure and resilient future.

We will also further strengthen the cyber capabilities of the Transportation Security Administration, the U.S. Coast Guard, the U.S. Secret Service, and U.S. Immigration and Customs Enforcement's (ICE), Homeland Security Investigations.

The budget also proposes \$618 million for needed investments in research and development and innovation across DHS, laying a strong foundation not just to respond to the threats of today but to prepare for and defend against the threats of tomorrow.

Thank you again for the opportunity to be here today. I am grateful for your continued support for the dedicated public servants of the Department of Homeland Security and for the work they do each and every day. I look forward to discussing the President's fiscal year 2022 Budget in greater detail when officially released and I look forward to your questions. Thank you.

[The statement follows:]

PREPARED STATEMENT OF HON. ALEJANDRO N. MAYORKAS

Chairman Murphy, Ranking Member Capito, and distinguished Members of the Subcommittee: It is a privilege to appear before you today to discuss the Department of Homeland Security's fiscal year 2022 Budget.

On a daily basis, the more than 240,000 men and women of DHS respond to our Nation's most serious threats. DHS employees rise to every challenge, and the challenges are many. DHS is aggressively pursuing the Administration's priorities and addressing some of the most critical and evolving threats to the United States. We are focusing on defeating the COVID-19 pandemic, advancing technology for border security while promoting a humane and efficient immigration system, combatting Domestic Violent Extremism (DVE), and detecting, deterring, and recovering from malicious cyber-attacks. While I am unable to address the details of the Budget until it is officially released, I would like to highlight the work we have undertaken so far at DHS under the Biden-Harris Administration, as well as the priorities included in the fiscal year 2022 President's Budget.

RESPONDING TO THE COVID-19 PANDEMIC

COVID-19 has impacted every facet of the American way of life, and DHS has been integral to the effort to successfully and equitably distribute COVID-19 vaccinations across the country.

The Federal Emergency Management Agency helped vaccinate more than 5 million people at our community vaccination sites and remains committed to assisting government and nonprofit partners to help defeat this deadly pandemic. FEMA helped stand up over 1,000 federally-supported community vaccination centers. FEMA has provided more than \$4.6 billion in support of vaccinations across the country.

As Secretary, I have no greater obligation than that of ensuring the health and safety of our workforce, 80 percent of whom are frontline or public-facing employees. Five days into the Biden-Harris Administration, DHS launched Operation Vaccinate Our Workforce (VOW) to accelerate the administration of COVID-19 vaccines on a voluntary basis to frontline and public-facing DHS employees. On the first day of the Biden-Harris Administration, less than 2 percent of our frontline workforce who elected to receive the vaccine had been vaccinated.

Today, that share has grown to more than 77 percent. Prioritizing the health and safety needs of the DHS workforce has enabled us to fulfill our mission even in a constrained COVID-19 environment. Operation VOW partnered with the Veterans Health Administration, a world-class healthcare system, to get COVID-19 vaccines into the arms of our frontline personnel.

Our public health and medical professionals from the Chief Medical Officer's staff participated in the whole of government approach to combat the pandemic by serving on the Federal Healthcare Resilience Task Force, the Medical Countermeasures (MCM) Task Force, and deploying as part of a tactical medical assistance team. These efforts resulted in life-saving Personal Protective Equipment preservation best practices, the accelerated development, manufacture, and availability of COVID-19 MCMs, and the implementation of novel clinical and operational interventions that saved lives in diverse communities across the Nation.

ADDRESSING THE CHALLENGES AT THE BORDER

Since April 2020, the number of encounters at the border has been rising due to ongoing violence, natural disasters, food insecurity, and poverty in the Northern Triangle countries of Central America. This resulted in a substantial strain on the processing, transportation, and holding capacity of the U.S. Border Patrol. In re-

sponse to the COVID-19 pandemic, the recommended temporary holding capacity within all Border Patrol facilities had also been reduced by 75 percent to allow for increased physical distancing and to reduce the further spread of the disease. Compounding this challenge is the fact that the previous administration dismantled our Nation's immigration system, terminated the Central American Minors program, and cut hundreds of millions of dollars in foreign aid to the Northern Triangle countries of Guatemala, El Salvador, and Honduras. As a result, the recent surge in unaccompanied children presented a serious challenge for DHS and our colleagues at the Department of Health and Human Services.

On March 13, I directed FEMA to support a government-wide effort to safely receive, shelter, and transfer unaccompanied children to HHS care and custody and onward to a verified sponsor. FEMA immediately integrated and co-located with HHS to look at every available option to support a quick expansion of HHS's physical capacity for the care and custody of unaccompanied children, and to support HHS in managing overall operations. FEMA has deployed more than 100 employees to help HHS identify locations for emergency shelters, oversee construction, and manage operations.

Additionally, U.S. Citizen and Immigration Services (USCIS) has trained and deployed more than 350 of its personnel to virtually interview unaccompanied children and potential sponsors, in order to provide case management for unaccompanied children in HHS custody at Emergency Intake Sites (EIS). As of May 4, 2021, USCIS personnel have conducted nearly 4,000 interviews and recommended more than 2,200 children for release to a sponsor. CBP also constructed additional soft-sided facilities and stood up the interagency Movement Coordination Cell (MCC) to bring together colleagues from FEMA, HHS, U.S. Immigration and Customs Enforcement (ICE), and CBP to share a common operating picture. More than 400 additional DHS volunteers stepped up to help through the DHS Volunteer Force.

Between March 13 and May 1, FEMA assisted in the activation of fourteen HHS EIS facilities. EIS facilities are operating in Texas, California, and Michigan, increasing the potential temporary bed capacity when fully staffed by 19,987 beds, or 1,999 percent.

This additional bed capacity, along with improvements in the process of safely releasing unaccompanied children to sponsors, has resulted in the reduction of the total number of unaccompanied children in CBP custody from 5,767 at its peak on March 29th to 455 on May 11th. During this same period, the number of unaccompanied children who have been in custody longer than 72 hours has decreased from 4,078 at its peak on March 29th to zero on the morning of May 11th, while average time in custody for unaccompanied children has fallen from 133 hours on March 29th to 22 hours on the morning of May 11th. This progress occurred while CBP encountered 18,000 unaccompanied children in the month of April. For the seven-day period ending May 10th, CBP transferred an average of 422 unaccompanied children per day to ORR, approximately two-thirds of CBP's total unaccompanied child population on a given day and more than keeping pace with daily apprehensions.

STOPPING THE THREAT OF DOMESTIC VIOLENT EXTREMISM

As threats against the Nation evolve, it is critical that the Department adapts quickly and efficiently when necessary to meet any threat against the people of the United States. Domestic violent extremism is typically fueled by false narratives, conspiracy theories, and extremist rhetoric usually spread through social media and other online platforms. The lethality of this threat is all too real, as witnessed during the attack on the U.S. Capitol on January 6, 2021 and recent attacks across the United States, including against government buildings, personnel, and minority groups. DHS is prioritizing addressing this threat while improving the quality of our intelligence gathering and analysis, information sharing, and DVE detection, prevention, and response efforts.

Combatting this violence requires a whole-of-government and whole-of-society approach, which I have already initiated at DHS in collaboration with key partners, including the Department of Justice, to help ensure the violence and assault on democracy that occurred on January 6th does not occur again. DHS has established a new, dedicated domestic terrorism branch within the Department's Office of Intelligence and Analysis, and recently established a new Center for Prevention Programs and Partnerships, replacing the Office for Targeted Violence and Terrorism Prevention. Further, DHS is increasing training opportunities for law enforcement partners, including through threat assessment and management programs related to domestic violent extremism. DHS also announced an internal review of the potential threat of DVE within the Department.

In February, I designated, for the first time, combatting domestic violent extremism as a “National Priority Area” for the fiscal year 2021 State Homeland Security Program and Urban Area Security Initiative grant programs. As a result, state, local, tribal, and territorial governments are required to spend 7.5 percent of their DHS grant awards combating this threat. On March 24, the Department made \$20 million available through the Targeted Violence and Terrorism Prevention Grant Program to help communities across our country develop innovative capabilities to combat terrorism and targeted violence.

BOLSTERING CYBERSECURITY AND CRITICAL INFRASTRUCTURE

Our Nation faces constant cyber threats from nation states and criminal groups alike. Earlier this month, the United States suffered a significant ransomware attack against its critical infrastructure. Over the past months, we discovered several intrusion campaigns impacting the Federal government. As the Nation’s lead agency for protecting the Federal civilian government network and critical infrastructure against cybersecurity threats, the Cybersecurity and Infrastructure Security Agency (CISA) serves a central role by enabling greater visibility into cybersecurity threats, strengthening incident response capabilities, and driving improvements in security practices. Congress recently empowered and further strengthened CISA through several provisions in the National Defense Authorization Act that the Department is now focused on implementing.

On May 12, President Biden issued an Executive Order to bolster our Nation’s cybersecurity and protect Federal government networks. This Order will empower DHS and our interagency partners to modernize Federal cybersecurity, expand information sharing, and dramatically improve our ability to prevent, detect, assess, and remediate cyber incidents. We are actively working to implement the Executive Order to help agencies improve their security posture, develop a standard playbook for incident response, and establish a Cyber Safety Review Board comprised of public and private sector stakeholders.

In addition to the NDAA and the Executive Order, I announced a series of 60-day “sprints” to mobilize action across the Department focusing on specific priority areas. The first sprint is dedicated to the fight against ransomware, a particularly egregious type of malicious cyber activity that usually does not discriminate whom it targets. The second is dedicated to building a more robust and diverse workforce at the Department and beyond. We are currently in the midst of advancing these sprints before we will turn to better protecting industrial control systems, cybersecurity in the context of our transportation systems, and our election infrastructure.

FUNDING PRIORITIES FOR FISCAL YEAR 2022

As the Department supports the priorities of the new Administration, we recognize the opportunities to partner with Congress in a variety of efforts, both foreign and domestic, to take DHS into the future. Focusing on advanced technology for border security, promoting an orderly, safe, and humane immigration system, enhancing privacy and civil rights protections, and supporting Federal, State, local, and private entities’ efforts to detect, deter, and recover from malicious cyber-attacks, these priorities directly impact the security and safety of Americans. The fiscal year 2022 President’s Budget will ensure that we have the tools we need to meet our mission.

While I am unable to address the specific DHS items for the fiscal year 2022 President’s Budget, I would like to highlight the Administration’s priorities that were included in the recent discretionary request. The President’s fiscal year 2022 discretionary request provides \$52.2 billion for DHS, approximately equal to the fiscal year 2021 enacted level.

The discretionary request provides approximately \$1.2 billion for border infrastructure that includes construction and modernization of land Ports of Entry; investments in modern border security technology and assets; and, efforts to ensure the safe, orderly, and humane treatment of migrants in CBP custody. These investments would facilitate security screening to combat human smuggling and trafficking, the movement of illicit drugs and weapons, as well as provide for the more efficient processing of legal trade, travel, and commerce through the Nation’s Ports of Entry. In addition, the request includes no new funding for border wall construction and proposes the cancellation of prior-year wall construction balances that are unobligated when Congress takes action on the fiscal year 2022 request.

The fiscal year 2022 request supports the promise of a fair and equitable immigration system that enforces our immigration laws and reflects the Nation’s values. U.S. Citizenship and Immigration Services identified \$345 million in the discretionary request to address naturalization, asylum, and other program backlogs, sup-

porting up to 125,000 refugee admissions in 2022, and addressing systems and operations modernization. In addition, U.S. Immigration and Customs Enforcement will expand access to the Alternatives to Detention program and provides enhanced case management services, particularly for families seeking asylum.

Along with the ongoing response to the COVID-19 pandemic, the discretionary request expands DHS's work with State and local communities to prepare for the impacts of climate change. The discretionary request invests an additional \$540 million above the 2021 enacted level to incorporate climate impacts into pre-disaster planning and resilience efforts. This funding level also supports a resilient infrastructure community grant program, which prioritizes climate resilience projects for vulnerable and historically underserved communities. In addition, the discretionary request continues investments in the incident response workforce to ensure sufficient personnel are trained and available for deployment to help communities respond to future disasters. The discretionary request would also increase the number of FEMA staff equipped to support communities in order to prepare and respond to disasters in an equitable manner.

The discretionary request provides a total of \$131 million to support diverse, innovative, and community-driven methods to prevent domestic terrorism while respecting privacy, civil rights, and civil liberties. This funding builds on the 2021 enacted level, while supporting critical research on the root causes of radicalization and enhanced community outreach. The request includes \$20 million for grants to build local capacity to prevent targeted violence and all forms of terrorism, in addition to approximately \$75 million available under the FEMA Homeland Security Grant Program.

The discretionary request addresses, in a variety of ways, the challenges and potential threats identified by recent cybersecurity incidents. The discretionary request provides \$2.1 billion for CISA, which builds on the \$650 million provided for CISA in the American Rescue Plan Act of 2021. This funding would allow CISA to enhance its cybersecurity tools, hire highly qualified experts, and obtain support services to protect and defend Federal information technology systems. The discretionary request also proposes \$618 million for investments in research, development, and innovation across the Department, to lay a strong and relevant foundation for securing the American public from future threats. These projects focus on climate resilience, cybersecurity data analytics, and transportation security technologies while building on existing infrastructure throughout the Department.

I am honored to support and represent the dedicated DHS workforce. Their commitment to the dynamic homeland security mission is unwavering, and I vow to do everything in my authority as Secretary to ensure they are resourced, compensated, and recognized appropriately. Therefore, I ask for your continued support in providing the resources we need to meet our mission.

I look forward to discussing the fiscal year 2022 President's Budget in greater detail when it is officially released, and I welcome any questions that you have at this time.

Senator MURPHY. Thank you very much, Mr. Secretary. Thank you for appearing before us today. I know it's been a long day having testified before the House, as well. So we'll get right to it.

IMMIGRATION LAW ENFORCEMENT

I wanted to first ask you a question about enforcement of immigration laws, especially in light of a curiously timed article in the Washington Post from last evening. We handed you a mess and, frankly, we've handed every recent Secretary a mess by refusing to update our immigration laws, despite having opportunities to do so, and so you have to make choices when it comes to enforcement.

During the Trump Administration, I just couldn't believe the choices that were being made. I couldn't believe the choice to, you know, round up mothers with medically-fragile children, separate them from their kids to send them back home. That didn't seem to make America any stronger.

You and the President have announced some interim guidance around enforcement in order to make sure that we are in fact going

after the individuals who are here without documentation that pose a real danger to the country.

There was this article last night in the Washington Post that suggested something very different and I wanted to give you a chance to, you know, both characterize the way in which you are currently choosing to prioritize enforcement of immigration laws and let you respond to that article.

Mr. MAYORKAS. Thank you very much, Mr. Chairman.

Our objective, in fact our commitment, is a safe, orderly, and humane immigration system, and when it comes specifically to the enforcement realm of the immigration system, we intend to be smart and effective.

I worked for 12 years as a Federal prosecutor and what we did with limited resources was to assess the threat landscape, the criminal landscape, and decide what was the most efficient and effective way of using those resources to have the greatest public safety impact and that model is no different in the civil immigration enforcement arena.

We are provided with resources. We assess the issue in the United States, and we decide how can we use these resources to have the greatest public safety impact, recognizing that we are working on a landscape of a completely broken immigration system that everyone agrees is broken and that is in dire need of a legislative solution. On that landscape and with those resources, we will be smart and effective and we also will be humane.

Senator MURPHY. The characterization in the Post that you're only doing a handful of actions a month, is that backed up by data you've seen?

Mr. MAYORKAS. That data item in the article is something with which I am completely unfamiliar.

Senator MURPHY. Okay.

Mr. MAYORKAS. I will say that smart and effective law enforcement is not to be measured quantitatively. It is to be measured qualitatively. Who poses the greatest public safety threat and are we dedicating appropriately our limited resources to apprehend and remove those individuals, and indeed this Administration is.

BORDER APPREHENSION NUMBERS

Senator MURPHY. I'm going to try to sneak in two other topics before my time is up.

First, I want to talk about numbers of apprehensions at the border. These numbers are very high and as we discussed that's for a variety of reasons, but when you ban adult males from being—adult single individuals from being able to apply for asylum, those that have legitimate claims of asylum, meaning their life is in jeopardy if they go home, are going to do whatever is necessary to get into the United States, and so my sense is that one of the reasons that these numbers are high is that you have individuals who are making multiple presentations at the border, people who can't apply for asylum, who are desperate to get into the United States because of the risks to their body and to their physical safety back home.

Recidivism is a consequence of a Title 42 authority that doesn't allow a lion's share of individuals presenting at the border to apply for asylum, is that right?

Mr. MAYORKAS. That is correct, Mr. Chairman.

Senator MURPHY. I just think that's an important thing for our committee to consider.

FEMA MITIGATION FUNDS

Turning now to another topic, I wanted to give you a chance to talk a little bit about FEMA mitigation. I think it's so important to be able to shift our spending away from disaster response to prevention.

My state has a laundry list of projects along our shoreline that not only houses a big portion of our population but Interstate 95, the Metro North, and Amtrak line, in which, if we spent a little bit of money upfront, we could prevent the next disaster from taking out critical infrastructure, from displacing many of our citizens.

The last round of BRIC funding, there was \$500 million available but \$3.6 billion worth of projects. So you've made an announcement that \$1 billion is going to be allocated. That's in your current authority.

Do you envision adding on to that number in the budget request that you're going to make? How did you arrive at the number \$1 billion? It seems like even that is probably not a big enough investment to be able to provide the return that we know is available if we put money upfront rather than at the back end.

Mr. MAYORKAS. Mr. Chairman, the underlying premise of the Building Resilient Infrastructure and Communities (BRIC) funding is the following that if we can spend a dollar on prevention, we will save much more on the costs of recovery, and what we decided in reaching that \$1 billion amount was that it's a very significant increase. It's a doubling of the prior allocation of resources, is how much we can increase that amount while also achieving the operational efficiencies that an increase will require.

Programmatically, what can we do, how much can we do at one point in time, and that is how we reached the doubling of that figure. It's an extraordinary program and I echo your belief that dollars spent on prevention is the most effective and efficient way to spend public resources in addressing the clear consequences of significant disaster weather events.

Senator MURPHY. I'll make one final request and then turn it over to others.

One of the issues that gets raised in my state on that account is the belief that given the high level of competition, it's bigger jurisdictions with larger grant application authorities that get advantage, and so as we increase the amount of money, which I think is critical, I hope that you'll also work with those of us that represent a lot of small communities and most of our towns along the shoreline in Connecticut are small communities to make sure that they are competitive with some of the bigger cities and counties and state applications that come before the agency.

Mr. MAYORKAS. We most certainly will, Mr. Chairman.

Senator MURPHY. Thank you very much.

Senator Capito.

Senator CAPITO. Thank you, Mr. Chairman, and I agree with you on the smaller cities. Obviously a state like mine has all small cities and towns but have just as devastating effects sometimes.

I will say this on the resilience issue as we're looking to negotiate a larger infrastructure package. The President has asked for resiliency in fairly large amounts. I think it's interesting to note that under FEMA, it's another \$1 billion. So it'll cut across all different aspects of not just transportation sector but other aspects, as well. I'm just kind of making a note of that as I decide what direction to go with my next offer on that.

BORDER APPREHENSION NUMBERS

Question. You said the facts in the newspaper article were not—the data was not—it was—you don't know what that data was. So the data that I just saw from the article was that there's fewer than 3,000 arrests and that means that of the 6,000 officers, they're extrapolating that that would be one arrest every 2 months.

What part of the data is incorrect there, that doesn't look familiar to you?

Mr. MAYORKAS. Ranking Member Capito, I am not familiar with the data that suggests that the ICE officer, the relevant ICE officer conducts one arrest every 2 months.

Senator CAPITO. So you don't dispute that there are 3,000 arrests and 6,000 officers?

Mr. MAYORKAS. I don't have the data at my fingertips, but I will provide it to this committee.

[The information follows:]

ICE Enforcement and Removal Operations (ERO) is a large organization that performs a variety of missions spanning the immigration enforcement continuum—from identification and arrest, to detention and case management, to repatriation efforts. As a result, ICE's Deportation Officer (DO) workforce is responsible for much more than just executing arrests.

The ICE ERO DO workforce currently has 6,500 funded positions, approximately 2,000 of which are primarily focused on conducting arrests. ICE ERO has more than 830 DOs assigned to 139 at-large teams who work as a group to identify, locate, and arrest priority noncitizens. In addition to the at-large teams, there are also 1,150 officers assigned to interview noncitizens identified in Federal, state, or local criminal custody and to assess the case for immigration enforcement action when appropriate.

Senator CAPITO. Okay.

Mr. MAYORKAS. I will say that the preliminary data that I have received does suggest that we are apprehending more serious criminals, more serious public safety threats than previously was the case.

Senator CAPITO. Okay. Thank you.

Mr. MAYORKAS. That is what smart and effective enforcement is all about.

Senator CAPITO. Thank you.

TITLE 42 AUTHORITY

I want to go to the future of Title 42 because I think this is coming up on us quickly. I think the Chairman noticed this. You are now able to quickly expel 60 percent of all family units and single adults suing the CBP's Title 42 authority, and I support the use

of that for right now, but we know there are test cases in the courts and others, and you and I've talked about this.

When CBP loses that Title 42 authority, how are you going to manage what could be about 6,000—well, what is now 6,000 migrants a day when you can no longer expel 60 percent of them?

Mr. MAYORKAS. Ranking Member Capito, the Title 42 authority, the predicate for this exchange is that the Title 42 authority is a public health authority, not an immigration policy authority.

Senator CAPITO. Right, right.

Mr. MAYORKAS. And so, when the public health imperative no longer exists, we no longer can use that authority.

Senator CAPITO. Yes.

Mr. MAYORKAS. In fact, our use of Title 42 authority is subject to litigation challenge as we speak.

We have different resources and different authorities at our disposal. One of them, of course, is Title 8 of the United States Code, which is in fact an immigration enforcement authority, the authority to remove individuals who do not have legitimate claims for relief under United States law.

I should say one important thing and that is that not only are we building back our asylum program but we are building it back better. In that regard, when I first joined the Department of Homeland Security back in 2009, the average length of time it took to adjudicate an asylum claim from the point of apprehension to the point of final resolution was about 6 years and that reflects a broken system.

So one of the things that we are doing is looking at our regulatory authorities and what we can do to bring greater efficiency to the process and shrink that time considerably between apprehension and final adjudication so that, number 1, we have a system that works, and, number 2, quite frankly, we deliver results that both the applicants for asylum relief deserve and the American public deserves.

Senator CAPITO. Well, and, I mean, certainly you're anticipating us—I mean, the Chairman even alluded to a surge when this Title 42 disappears, and I'm wondering along with the surge for the CBP, there's also going to be a surge for ICE, and I'm wondering, you know, are you planning ahead for these kinds of things that you know are going to happen, and what kind of strategic thought is going into that?

Mr. MAYORKAS. We are most certainly planning for it and, as a matter of fact, when my testimony concludes this afternoon, I have a meeting on this very subject with CBP, with ICE, and with the USCIS.

It is our responsibility to plan ahead. That's what we do every single day and every single year that I have been privileged to serve in the Department.

Senator CAPITO. Well, I'm not sure we're quite planned ahead for the number of children that came over when we saw those lengthy stays and more maxed facilities kind of maxed out beyond what their capacity was, but I'll let that one go.

I have one last question in this round related to this. Do you have knowledge of tent cities that have been set up on the northern border of Mexico, and I'm assuming those are set up—I think those

are set up for the adults that are awaiting for this Title 42 authority to go home to do that surge. Are you aware of that kind of scenario occurring in Mexico right now?

Mr. MAYORKAS. Ranking Member Capito, I am very well aware of Camp Matamoros. It was quite notorious for regrettable reasons, for the conditions in that camp. It was a product of the Remain in Mexico policy.

We developed a platform for the safe, orderly, and humane adjudication of the claims of individuals who were in that camp and those individuals are no longer in that camp. The platform that we developed is actually a platform for the future, a really terrific innovative use of technology to provide a legal pathway for individuals who have claims for relief under United States law.

Senator CAPITO. Thank you.

Senator MURPHY. Senator Murkowski.

H2B VISA ALLOCATIONS

Senator MURKOWSKI. Thank you, Mr. Chairman.

Mr. Secretary, good to see you, and I'm going to move from the southern border and head up north here for a couple questions for you.

You and I have had an opportunity to talk about the significance of Alaska's fisheries, the fact that about 60 percent of our nation's seafood landings come out of Alaska. We got a lot of fish, but we don't have a lot of workers, and so we have been challenged year over year as it relates to gaining adequate workers. We rely on the H2B visa allocations to help us meet that. Without adequate processing, the fishermen have no place to take their fish and not only does it impact the fishermen and their families but the market that is waiting.

You kept your promise and delivered in advance of a significant date, which I appreciate, as it related to lifting the cap. I've had a conversation with you about some of the limitations of that cap and how it does not directly meet the immediacy of our issue right now, the need for some additional flexibility with regard to those visas.

It's been very significant that there is a carve-out for Northern Triangle countries but again recognizing that we've got some limitations here in ability to get returning workers, I had asked if you could look further into whether or not we might be able to do something for the balance of this summer but also more to the long term.

This is an issue that is certainly not unique to Alaska but knowing that we need to be working with one another to address the authorities under H2B or H2As to prioritize and address these visa issues as they relate to our seafood processors.

Mr. MAYORKAS. Thank you very much, Senator.

Since you and I last spoke, I have delved into the concerns that you expressed on behalf of employers in the Alaskan fisheries industry. It is my plan to engage with those employers next week to hear directly from them with respect to their concerns, particularly with respect to the obligation to use returning workers and I want to make sure that they understand the parameters of that and how broad they are and to assess whether once we discuss that, wheth-

er that really addresses their concerns and their needs. If not, we will confer internally and will take it step by step.

With respect to the long-term issues with the H2B program, I am very well aware of those and I hope that we can design and implement next year a very different H2B program that addresses the majority of the concerns with respect to whatever legislative constraints we have.

Senator MURKOWSKI. Well, we'll work with you on that. With regard to this summer, though, I will actually be up in the region next week. I know there is a great deal of anxiety because the fish don't really care what we're doing back here in Washington and what our timeline is and so being able to process these very, very quickly, we were able to work through some issues with the Serbian Consulate and that has really been a bit of a relief, but we've got some issues that are urgent and immediate.

So as soon as you can, put some folks to address this. It is appreciated.

POLAR SECURITY CUTTERS

Let me ask for my second question for a little bit of an update here when it comes to Polar Security Cutters. This subcommittee has been very helpful over recent years with regards to the PSC Program to ensure that as an Arctic nation, we actually have vessels in the water that can go through ice, Polar Security Cutters.

Last year there was some discussion about leasing icebreakers. We've had a conversation. I suppose leasing but only, only if it doesn't compromise the Coast Guard's ability to eventually build up and plus-up their fleet of Arctic-capable icebreakers.

So I know we're not talking about the not-yet-released budget, but can you tell me how the Administration plans to continue this positive momentum on the Polar Security Cutters and commit to prioritizing the PSC Program and that no funds will be reprogrammed from the PSC Program to fund a lease?

Mr. MAYORKAS. Senator, we are 100 percent committed to augmenting the Coast Guard fleet. We recognize the importance of those cutters. We do not intend to compromise the funding of those cutters, and we will lease to the extent that we can and only as a bridge during that time that we do not have built and owned vessels. It will not be at the expense of that.

Senator MURKOWSKI. Good. I appreciate that.

Thank you, Mr. Chairman, Madam Chairman.

Senator CAPITO. Yes. Senator Hoeven.

BORDER APPREHENSIONS AND RETURNS

Senator HOEVEN. Thank you.

Mr. Secretary, of the 170,622 persons that attempted to enter or did enter the United States on the southern border in April, how many are here and how many were returned to their home countries?

Mr. MAYORKAS. Senator, I will have to get that data to you. I don't have the numbers at my disposal, but I certainly will provide the data to you.

[The information follows:]

During April and May of 2021, along the Southwest Border, more than 39,000 individuals were processed with a Warrant/Notice to Appear (NTA)—Detained, and more than 33,000 individuals were processed with an NTA—Released. During the same time period, nearly 19,000 individuals were processed with a Notice to Report. Along with those NTAs, during April 2021, along the Southwest Border, more than 12,000 individuals were processed with a disposition for release that did not include an NTA. The remainder appear to have been expelled, removed, or returned, including approximately 61,000 Mexican nationals during April 2021.

ICE is able to report if individuals released by CBP at the border are abiding by the reporting requirements once those individuals report to ICE Field Offices located in the jurisdiction of their final destination.

Depending on where a case may be within the removal process (pre- or post-final order), ICE will make reasonable attempts to make contact using many different methods, including contacting known relations or contacts provided by the individual during processing, tracking the noncitizen if being monitored via technology, making contact at the last known address, running database checks to locate, or when appropriate, referring to an at-large team to apprehend.

I can assure you that individuals who are apprehended and processed and whom we are not able to expel under Title 42 authority in this current environment are placed into immigration proceedings.

Senator HOEVEN. You mentioned Camp Matamoros and that you had a platform for addressing those individuals.

Where are those individuals while they're awaiting adjudication? Where are they?

Mr. MAYORKAS. Individuals, Senator, who have made claims for humanitarian relief under the laws of the United States are awaiting the adjudication of those claims in the United States.

Senator HOEVEN. Right. But that adjudication, that court hearing date can be out as much as 3 years right now, correct?

Mr. MAYORKAS. Senator, that has been the case for years and years—

Senator HOEVEN. You understand—

Mr. MAYORKAS [continuing]. and if I may, this Administration for the first time is actually tackling that infirmity of process and working to shorten that timeframe for the delivery of justice for the American public and the individuals who make claims for humanitarian relief.

Senator HOEVEN. Good to hear that you're shortening the timeframe. What is that timeframe right now because my indication, or what I have heard down at the border, is that it is still about a three-year time.

Mr. MAYORKAS. It varies considerably, but we are doing a number of different things to shorten that timeframe as quickly as possible.

One, we are looking at our regulatory authority and how we can process asylum claims more effectively. Two, the Department of Justice is looking at the immigration courts and how we can use that resource to deliver final results more expeditiously and efficiently.

Senator HOEVEN. And where are the individuals while they're awaiting that adjudication?

Mr. MAYORKAS. They are in the United States of America.

Senator HOEVEN. Are they released into the public at large or how do you track and know where they are so that you can make sure they go through the adjudication process?

Mr. MAYORKAS. Those individuals are in immigration proceedings. They are subject to an NTA. They have a court date that identifies a location, a time, and a place, and there are individualized determinations whether those individuals should in fact be on alternatives to detention or whether by reason of what they present from a public safety perspective or risk of flight, whether they should be detained.

Senator HOEVEN. Do you have statistics on how many are appearing?

Mr. MAYORKAS. The appearance rate thus far in terms of appearing at an ICE facility to report has been very, very high, and I would be pleased to provide you with data.

[The information follows:]

Of the 45,390 CBP prosecutorial discretion releases in the third quarter of fiscal year 2021, 5,129 had been issued charging documents as of 07/09/2021. Given case processing times, the vast majority of individuals are still pending their first scheduled immigration hearing. ICE respectfully defers to the Executive Office for Immigration Review for information pertaining to immigration court appearance rates.

Of the above, 39,718 have not established contact with ICE to receive a charging document, and 5,672 have made contact with ICE to further the charging document issuance process. Of those individuals who have not contacted ICE, 24,791 are within their 60-day reporting period while 14,927 are past the 60-day reporting period.

Senator HOEVEN. I'd appreciate that. If you could provide, in addition to what I asked initially is how many have been returned to their country of origin versus how many stay of the more than 178,000 came in April, but then also if you do have expedited procedures, if you could provide me metrics on how many of those people you actually have track of and appear, that would be helpful, too.

I mean, this goes to the whole question of do we have control of our southern border, showing us those metrics is going to be very important.

As you know, we see people coming across. I've been down there, and I think for the public to believe that you have control of that border they're going to have to see those metrics. Would you agree with that?

Mr. MAYORKAS. Senator, metrics are very important. Data is very important, which is why I'm not exactly sure of the 178,000 figure that you cite.

BORDER APPREHENSION METRICS

Senator HOEVEN. Well—

Mr. MAYORKAS. Is that 178,000 apprehensions?

Senator HOEVEN [continuing]. 178,622 persons attempted to enter the United States via the southwest border in April of 2020.

Mr. MAYORKAS. I think are you speaking of apprehensions because apprehensions at the southern border also can include recidivism.

Senator HOEVEN. Should be 2021. I'm sorry.

Mr. MAYORKAS. Also could include the recidivism to which the Chairman referenced earlier. So those may not be unique individuals and that may actually—if we're speaking of apprehensions, may also include the individuals who are expelled under Title 42 of the United States Code, which is the public health authority.

Senator HOEVEN. Where I'm really going with this is showing that you have control of the southern border both in terms of your plan and your metrics so we can see if it is working. If it is not working, where are we making progress and where are we not.

Mr. MAYORKAS. We will share that data.

Senator HOEVEN. That's really what I'm looking for from you.

Mr. MAYORKAS. Most certainly, Senator, you have a right to that data and we will provide it to you.

Senator HOEVEN. Okay. Thank you, Mr. Secretary. Appreciate it.

Mr. MAYORKAS. Thank you.

Senator HOEVEN. Thank you, Mr. Chairman—Madam Chairman.

BORDER SECURITY FUNDING

Senator CAPITO. Senator Hyde-Smith.

Senator HYDE-SMITH. Thank you, Madam Chairman, and thank you for being here and your willingness to participate in this hearing.

Mr. Secretary, as you are well aware of in combination with good policy, funding is a critical pillar in providing agents at the southern border with the tools that they need to do their job, and I, too, have been there and talked to many of the Border Patrol agents.

They're required to enforce our Federal immigration and border security laws and despite the predictable surge of dangerous illegal crossings likely resulting from maybe campaign rhetoric and softened immigration policies, we have also seen reports of a lot of cost increases which is consistent with many of the Biden Administration's priorities in its brief 5 months.

Mr. Secretary, what commitments will you give us that any funding allocated to your department for border security and immigration enforcement will be used on proven and logical solutions to re-secure our borders and discourage this dangerous influx of migrants?

Mr. MAYORKAS. Senator, you have a hundred percent commitment from me that the funding we will receive and are privileged to receive will be used in the smartest and most effective way for securing our border and enforcing the immigration laws of this country.

U.S. COAST GUARD FUNDING

Senator HYDE-SMITH. And a follow-up to that. With the agencies under your purview stretched thin while combating the border security crisis, I am concerned the other areas of focus may not receive the attention or resources necessary to safely complete missions and day-to-day operations.

I'm sure we can agree on the strategic value of the United States Coast Guard and the importance of funding for vessels, aircraft, and equipment required for these men and women to carry out their domestic missions, such as drug interdiction, migrant apprehension, and with all the additional contraband that we are seeing come across the border daily, do you agree that we should not draw resources away from the Coast Guard which is a vital partner in the homeland security mission to pay for the unplanned and rising cost of the crisis at the southern border?

Mr. MAYORKAS. Senator, I respectfully disagree with the framing of the question, if I may.

I have worked with the Coast Guard for many, many years, and I have addressed the challenges at the border for even more years, from 1989 through 2001 as a Federal prosecutor.

The Coast Guard and other agencies within the Department of Homeland Security have a complex and varied and dynamic mission set, and we can accomplish different parts of that dynamic and complex mission set effectively.

We can in fact interdict drugs, interdict migrants at sea as the Coast Guard so effectively and nobly does, and address other challenges, as well.

The United States Border Patrol conducts the interdiction of contraband, the interdiction of illicit drugs, the interdiction of migrants through the use of innovation, through the use of, frankly, the men and women of the Border Patrol themselves.

We do varied and multiple things simultaneously and we will continue to do so effectively and smartly and use our resources appropriately.

Senator HYDE-SMITH. I'm just very concerned with the Coast Guard and their funds being drawn away from that and it's very concerning to me because they do play such a vital role. So you can't commit to me that you would not pull away funding from the Coast Guard to accomplish this to address the rising cost?

Mr. MAYORKAS. I commit to you that the funding that the Coast Guard receives will be used by the United States Coast Guard to most effectively conduct and accomplish its varied missions.

Senator HYDE-SMITH. That's it. I'm just concerned that that's going to be drawn upon and it's too important to be taking that away.

Mr. MAYORKAS. If I may, I don't agree with the premise that we take resources from one mission set and deprive that mission set of its attention to address another mission set.

What we have is a very dynamic and evolving landscape and we address the urgencies that we confront as our mission dictates, and I will not deprive the Coast Guard of addressing the greatest urgency and the greatest priority as the mission requires and that commitment I do make to you.

Senator HYDE-SMITH. Okay. I'm out of time. I had one more question but I'll just submit it.

Thank you.

SUPPLEMENTAL FUNDING

Senator MURPHY. Thank you, Senator Hyde-Smith.

Let me, before I turn it over to Senator Capito to ask a second round of questions so she can vote, let me just associate myself with the original remarks of the Ranking Member on this question of the increased expenses necessary to handle the numbers at the border.

I mean, obviously this is going to have to either come from other parts of the budget or there's going to have to be a supplemental made and I share the concern that if it's a transfer request, there will have to be some difficult choices to be made and I think having a dialogue now, Mr. Secretary, between you and the committee

about sort of what those transfers might look like and what impact they may have.

I understand your commitment today that you're not going to harm the mission of other agencies is a really important one. I understand there may be some hesitancy to put a supplemental request before the body because of the debate that that may stir, but I think early dialogue on this will be really, really important.

Senator Capito.

ILLEGAL IMMIGRATION SURGE FACTORS

Senator CAPITO. Yes, thank you, Mr. Chairman, for letting me jump in front of you so I can go vote and if I don't see you again, thank you, Mr. Secretary. I'll see you again, but if I don't see you again today, thank you.

I wanted to ask a question about the push factors in home countries as a cause for the current surge of illegal immigration. In your testimony, you laid the blame on ongoing violence, national disasters, food insecurity, and poverty in the Northern Triangle.

However, I'm sure you're well aware that the spike in individuals is not from Mexico or the Northern Triangle, and according to CBP's monthly report, nearly 34,000 folks were encountered that were not in either the Mexico or Northern Triangle category.

So I'm wondering what your account for that, and we already have sent \$4 billion in foreign aid to the countries in Central America, but what are we doing to address the rise in illegal immigration from other countries? We met some of these young ladies when we were together 2 months ago down there from Ecuador, Brazil, Nicaragua, and other countries.

Mr. MAYORKAS. Senator, Ranking Member Capito, it's a very important question and the strategy depends sometimes on the particular country of origin. Of course, we have seen illegal immigration or irregular immigration from countries other than the Northern Triangle, countries other than Mexico, periodically throughout the years and throughout the decades.

Let me cite one example, and you reference it in your question is an increase in the amount of migration, irregular migration from Brazil, and the data that I have read suggests that that has been occasioned by the economic conditions in Brazil caused by the pandemic, the closing of businesses, and the loss of jobs.

We have a particular strategy there that might be distinct from a strategy that we employ with respect to the Northern Triangle countries or, quite frankly, some of the European countries from which we are seeing an increase in migration.

Regrettably, the COVID-19 pandemic has afflicted countries all around the world and the migratory challenges correspondingly, not just for the United States but for other countries of destination.

CYBERSECURITY HIRING

Senator CAPITO. Thank you. Thank you.

I want to ask a question on cybersecurity. This is something that I'm very concerned about and I'm certain that you are, as well. You unveiled Cybersecurity Talent Management System was unveiled in 2019 to not only better align cyber talent with the right oper-

ational needs but to also attract cyber professionals that are badly needed.

I view these as critical to fill the gaps that are going to be required. You talked about the ransomware issue. That's just one small part of it. Believe it or not we have been talking about this critical need since 2014 when the Cybersecurity Talent Management System was first authorized.

When will the Cybersecurity Talent Management System go live, and it's really taken—I know you haven't been there as long, but it has really taken a long time for the cyber professionals to be hired into Secret Service, ICE, CBP, CISA. Where do you see this initiative going?

Mr. MAYORKAS. We are going to have probably the greatest hiring surge in the cybersecurity talent domain that ever has occurred. Working with CISA within DHS, as well as our Management Directorate, we have launched two cybersecurity sprints.

One, of course, was dedicated to ransomware well before the Colonial Pipeline ransomware attack, which galvanized public attention and correctly so. Our second sprint is precisely on this subject about which you inquire, which is cybersecurity security talent recruiting.

I launched a partnership with the Girl Scouts of America. One is never too young to start on a path to success to meet a critical national need, and we have a whole plan that I welcome the opportunity to share with you, Ranking Member Capito, about our focus on recruitment and retention of cybersecurity talent, including reforms to the pay scales, so that we can compete better with the private sector.

Senator CAPITO. Well, I know that that is a big issue because they're in great demand across all kinds of spectrum and sometimes the government has difficulty—maybe the government can train everybody so they can go out into the private sector and make a whole heck of a lot more money. I think that's an issue, as well.

So I look forward to following up with you on that, and thank you again for being here today.

Mr. MAYORKAS. Thank you.

REPROGRAMMING/TRANSFER OF FUNDS

Senator MURPHY. Thank you, Mr. Secretary. It's been a long day for you. A couple more questions.

I wanted to let Senator Capito fit in her questions before she left, but if you could just respond to the issue I raised. Again, I think it's a legitimate question as to how we're going to make sure you have the sufficient funds to pay the increased bills, as I mentioned in my opening statement, largely out of control of the Administration, regarding increased numbers of apprehensions and presentations at the border.

What factors go into your decision as to whether to transfer money and make that request to this committee versus come and ask for a supplemental appropriation?

Mr. MAYORKAS. Mr. Chairman, I think it is our responsibility to look at the resources that we have to ensure that we are using them wisely, most efficiently, and see what we can do within the

funding that we already have received before we come back to Congress and ask for more.

We are assessing that now. I would anticipate that we will indeed seek a reprogramming within the timeframe that we are permitted, that we will be before you at the end of June. That's something that we are assessing right now, and we're very focused upon that, but I think we have an obligation to look inside before we go outside.

BORDER WALL CONSTRUCTION

Senator MURPHY. Let me ask you to talk a little bit about Senator Capito's letter to you regarding the decision to suspend construction of the border wall. It's no secret, I think the border wall is a terrible idea, a waste of taxpayer money, an invitation to continue to seed these illegitimate fears of immigrants. It was the foundation of the President's political endeavors.

But the part of the letter I agree with is that when Congress does direct the Administration to spend money, the Administration has a responsibility to spend that money unless it goes through the processes necessary to apply for a rescission.

What I've seen, though, is that the GAO in particular has made some findings about the process used to build the border wall that are pretty stunning. Most recently, GAO found that 10 of 11 congressional requirements connected to the construction of the wall were not fully addressed, including, you know, basic things like the implementation schedule and analysis of alternatives or even identifying the things that might actually impact whether it would actually impact our border security goals.

And so as you're in this review process, have you identified some of the failings that were noted in that GAO report, and you also, I think, acknowledge Congress's equity here, which is to, you know, make sure that notwithstanding our personal opinions on the wisdom of the funding decision that there is a responsibility for the Administration to either spend it or come back to Congress and explain why they aren't?

Mr. MAYORKAS. Mr. Chairman, number 1, we're very well aware of our legal responsibilities and we indeed are complying with those legal responsibilities.

I'm also aware of the GAO report and its findings and we are studying the work that was done and what we have underway with respect to those findings and making sure that we do not perpetuate any infirmities of the past.

Senator MURPHY. Yeah. Again, pretty stunning list of infirmities found by GAO, in addition to the fact that the last Administration waived a whole host of Federal, state, and local laws that would have required a much more thorough vetting of construction activities. I would hope that the Administration is taking a look at the impact of those broad-based waivers, as well.

DOMESTIC VIOLENT EXTREMISM

My very last question is one regarding the future role of DHS in domestic violent extremism and we covered this in the Full Committee hearing, but I was struck by an article that I hadn't read in anticipation of that hearing but did in readying for this hearing.

It was from back in February and it included some cautions from the first DHS Secretary Tom Ridge and his essential sort of warning was that DHS's mission is so big that to sort of take on a new focus on domestic terrorism may compromise other mission sets, noting that there are lots of other parts of the Federal Government, the FBI at the top of the list, that are already doing work in the space of domestic terrorism.

This feels to me like an all hands on deck moment, given that it is the primary threat posed to the nation's security today, but in answering critics who may say DHS has so many other things to do, so much existing focus on foreign threats, does it compromise the mission or contradict or make redundant other agencies' existing missions on domestic violent extremism for DHS to get more involved in this space.

I'd love to hear your answer. I'm convinced that everybody should be a part of this conversation. You've got capabilities that are unique, but for those that worry that it'll detract from other missions, what's the answer, and how is the appropriation from Congress going to help make sure that it doesn't compromise the other things you're doing?

Mr. MAYORKAS. Mr. Chairman, a few thoughts, if I may.

First of all, I think that in the homeland security arena, the threats that we face are and have been and assuredly will be dynamic and evolving and ever-changing, and my answer is as follows.

One, we should never underestimate the commitment, dedication, talent, and capabilities of the men and women of DHS.

Two, what we need to do is to ensure that those talented personnel have the tools that they need to address the threat landscape and to address it with all its dynamism and changes and evolution.

For example, to give a real-life example with budget implications, I sat down with the Office of Intelligence and Analysis and we looked at the fact that when I started in DHS, the greatest threat, or I should say the most urgent threat, was from foreign terrorist organizations. Then it evolved to homegrown violent extremism and now it has evolved to where the most urgent threat to the homeland in the terrorism environment is DVE.

Do we have the tools that are capable to address that dynamism? Do we have the infrastructure, and are we resourcing it appropriately? One of the conclusions was that we actually have to increase the technological capabilities at the disposal of the Office of Intelligence and Analysis so that infrastructure can address whatever the most urgent threat is, and specific to DVE obtaining, collecting, and disseminating to state, local, tribal, and territorial partners real-time actionable information, while respecting privacy, civil rights, and civil liberties.

We're actually dedicating the resources and we will be requesting of this subcommittee resources to build that infrastructure to deal most effectively with the dynamism and evolving threat landscape.

Senator MURPHY. I appreciate that answer. I think it's well thought out. I look forward to working with you on that appropriations request to make sure that there aren't redundancies created with other agencies who have been in this space.

Thank you, Mr. Secretary, for appearing. We've had a busy afternoon of votes on the Floor. I think it meant that a bunch of our members haven't been able to appear.

ADDITIONAL COMMITTEE QUESTIONS

Given the fact that the committee's not going to get the actual detailed budget until later this week, I'm going to keep the record open for questions for two weeks from today's date, ask you and your staff to respond to specific questions that may be brought to you once we have the full budget in front of us.

QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY

Question. The O and P visa process for artists visiting the United States is critical to international cultural activity. What steps is U.S. Citizenship and Immigration Services taking to make the O and P artist visa process more reliable, and to comply with the 14-day standard processing time required under statute?

Answer. U.S. Citizenship and Immigration Services (USCIS) is actively working to promote efficient and fair adjudication of immigration benefits, in part through updating guidance in the USCIS Policy Manual.¹ Notably, USCIS recently issued policy guidance instructing officers to give deference to prior determinations when adjudicating extension requests involving the same parties and facts (including those for O and P petitions, among others) unless there was a material error, material change, or new material facts that adversely impact eligibility. USCIS will continue to update and clarify the O- and P-specific policy guidance in the USCIS Policy Manual, as needed.

USCIS recognizes the 14-day processing goal set forth in INA 214(c)(6)(D) and strives to quickly adjudicate all O and P petitions while ensuring that the petitioner and beneficiary are eligible for the benefit sought.²

Question. The shared border between the United States and Canada remains closed to nonessential travel. This closure has had a significant impact on families, businesses, tourism and homeowners on both sides of the border. Are there discussions underway to reopen the border between the U.S. and Canada or to modify the current travel restrictions, to meet both economic and public health needs? If so, when does the Department plan on releasing the details for reopening or modifying the travel restrictions?

Answer. The United States is maintaining current travel restrictions due to the uncertainties around the Delta variant and the rise in domestic cases, particularly among the unvaccinated. The United States continues to consult with the Government of Canada on the evolving public health situation. U.S. Customs and Border Protection (CBP) provides up-to-date information via the CBP Information Center website (<https://help.cbp.gov>) to keep the public informed of current travel restrictions for entering the United States.

CBP is coordinating with the Canada Border Services Agency on land border and preclearance operations related to Canada's decision to allow fully vaccinated U.S. citizens and permanent residents to enter Canada for discretionary purposes, as of August 9, 2021. Targeted restrictions on non-essential travel at our shared land border have helped the United States in its efforts to mitigate the spread of COVID-19 while maintaining essential flows of critical supply chains, cross-border trade, and travel.

Question. I am glad that President Biden recently lifted the historically low refugee admissions cap set by the Trump administration and raised the fiscal year 21 admissions cap to 62,500. However, much work remains to be done in order for the United States to rebuild our decimated U.S. refugee admissions program and resettle increased numbers of refugees every year. The Department of Homeland Security will play an instrumental role in that process. Please describe in detail the steps

¹ <https://www.uscis.gov/policy-manual>

² INA 214(c)(6)(D) states: "Any person or organization receiving a copy of a petition described in subparagraph (A) and supporting documents shall have no more than 15 days following the date of receipt of such documents within which to submit a written advisory opinion or comment or to provide a letter of no objection. Once the 15-day period has expired and the petitioner has had an opportunity, where appropriate, to supply rebuttal evidence, the Attorney General shall adjudicate such petition in no more than 14 days. The Attorney General may shorten any specified time period for emergency reasons if no unreasonable burden would be thus imposed on any participant in the process."

that DHS is taking to work toward the Biden administration's stated goal of resettling 62,500 refugees this year and rebuilding the capacity of the U.S. refugee admissions program.

Answer. DHS, along with other U.S. Refugee Admissions Program (USRAP) partners, is committed to rebuilding our refugee adjudication capacity in accordance with Executive Order (EO) 14012, Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans, and EO 14013, Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration. DHS is acutely aware of the work that is necessary to rebuild the program and meet the revised refugee ceiling of 62,500. USCIS, a component within DHS, is diligently working with other partners to reinvigorate our refugee program and increase refugee admissions.

In particular, USCIS has already taken several immediate actions to rebuild the refugee program and increase refugee admissions in fiscal year (FY) 2021. First, after the 11-month long agency-wide hiring freeze ended this spring, USCIS began actively recruiting to fill all currently vacant positions that support refugee processing.

Second, USCIS has implemented operational and policy changes to support remote case processing during COVID-19. Since last summer, USCIS has been conducting refugee applicant re-interviews via video-teleconference (VTEL) and recently started conducting initial refugee applicant interviews via VTEL, where possible. By May 26, 2021, USCIS conducted 212 re-interviews and 53 initial interviews by VTEL. USCIS is looking into expansion of this process efficiency to additional interview locations to the extent feasible.

COVID-19 continues to challenge in-person processing. However, USCIS has also resumed in-person international refugee processing circuit rides on a smaller scale. Deployments are based on identified USRAP processing priorities and are dependent on movement restrictions issued by local governments due to COVID-19; post-by-post restrictions issued by DOS; and the ability to safely conduct in-person interviews while protecting the health of USCIS officers, Resettlement Support Center staff, refugee applicants, and interpreters.

USCIS has conducted a detailed review of the cases of applicants who have already had their USCIS refugee interview. USCIS is prioritizing resources for cases that can be approved for resettlement in the near term.

In addition to the process improvements outlined above, USCIS is investing in a case management system that will allow for more effective tracking of workloads and cases and will provide officers with additional adjudicative tools. This system is expected to fully deploy in fiscal year 2022 and will track data on production rates, details on case outcomes, and other key metrics that will provide leadership with the information they need to effectively manage future resources.

Question. I strongly criticized the Trump administration's decision to utilize Title 42 of the Public Health Safety Act to rapidly expel large numbers of migrants in direct contravention of existing laws protecting the right to apply for asylum. The Biden administration has largely kept in place the Trump administration's Title 42 policy, despite the fact that the public health rationale for it wanes as COVID-19 cases hit record lows, nearly a third of Americans are vaccinated, and millions more get vaccinated each day. What steps, if any, is DHS taking to wind down expulsions pursuant to the Title 42 CDC "Order Suspending Introduction of Certain Persons From Countries Where a Communicable Disease Exists?" If no steps are being taken to depart from this Title 42 CDC order and policy, why not?

Answer. The Order Suspending Introduction of Certain Persons From Countries Where a Communicable Disease Exists was issued by the Centers for Disease Control (CDC). DHS's role is to assist the CDC with implementation of its Order. As such, in consultation with the CDC, DHS may make case-by-case determinations to except certain individuals. CBP officers/agents may except individuals, with approval from a supervisor, from the Order based on the totality of the circumstances, including consideration of significant law enforcement, officer and public safety, humanitarian, and public health interests. The CDC recently issued an order confirming the exception of Unaccompanied Children (UC) from its order.

To address the challenges along our southwest border, DHS has leveraged the Federal Emergency Management Agency's (FEMA) coordination capabilities, activated our volunteer force of employees from across DHS, and expanded processing capacity.

QUESTIONS SUBMITTED BY SENATOR JEANNE SHAHEEN

H-2B VISAS

Question. The H-2B visa program is a critical tool for seasonal employers that need foreign workers to fill temporary jobs when no Americans are available. I hear frequently from small businesses in New Hampshire that struggle to find workers during their busy season and who rely on this program. I have been hearing from small businesses across my state who are desperate for the release of additional H-2B visas this year, and I appreciate the decision to provide 22,000 additional visas for fiscal year 2021. I am glad that those visas have finally been made available and employers can now apply. But I'm concerned that this number was too low to meet the need, and I am further concerned that employers may not be able to receive these visas in time to meet the demands of their busy season.

How did the Administration determine that 22,000 additional visas was the appropriate number for this fiscal year?

Answer. The Secretary of Homeland Security acted in accordance with section 105 of Division O of the Consolidated Appropriations Act, 2021, Public Law 116-260 (fiscal year 2021 Omnibus). Before authorizing the additional visa numbers, the Secretary of DHS, in consultation with the Secretary of Labor, considered the needs of businesses and other factors, including the impact on the U.S. job market and potential implications for U.S. workers, as well as the integrity of the H-2B program. The determination to allow up to 22,000 additional H-2B visas reflected a balancing of these factors.

Question. Given that the demand appears to exceed the allotted visas, what steps does the Administration plan to take to remedy the discrepancy?

Answer. The H-2B visa program is one among several employment-based visa programs that are oversubscribed (i.e., the number of petitions exceeds the number of available visas set by statute). For example, the H-1B program is also oversubscribed, receiving far more petitions annually than cap numbers available, resulting in the need to conduct a registration and selection process to determine who can file a cap-subject petition.³ DHS supports efforts by Congress to set annual visa caps that adequately meet demands while addressing the impact on the U.S. job market.

To the extent that Congress vests DHS with this authority, DHS will consult with DOL to determine the number and parameters of any additional H-2B visas to supplement the statutory annual cap.

Question. Given the time-sensitive nature of seasonal labor, how is your agency working to ensure employers have the workers they need in time for their busy season?

Answer. USCIS provides information about premium processing on its website. For those who choose to use this service, USCIS will provide an initial adjudicative action within 15 days. This service is widely utilized by H-2B petitioners. Additionally, DHS is working closely with interagency partners at the Department of Labor and Department of State to facilitate processing for H-2B workers.

DRUG INTERDICTION

Question. New Hampshire has been hit particularly hard by the devastating opioid epidemic that has swept the nation. We must ensure that the Federal government is doing everything possible to get resources to those fighting the opioid epidemic and to stem the flow of heroin, fentanyl and other deadly opioids into the country. In recent years, Congress has provided significant increases in funding for technologies to improve drug interdiction efforts at the border.

Please provide an overview on the Department's progress in procuring and deploying new technologies at our Ports of Entry and along the border capable of detecting and identifying illicit drugs such as opioids and fentanyl?

Answer. U.S. Customs and Border Protection (CBP) has procured and deployed advanced small-scale Non-Intrusive Inspection (NII) equipment that efficiently and effectively identifies dangerous narcotics, including fentanyl and other opioids. The ThermoFisher Gemini, with a library of over 14,600 chemicals, enables CBP personnel to quickly, confidently, and presumptively identify harmful substances with at least a 10 percent concentration. The Gemini is deployed at CBP locations worldwide.

³ Congress set the current annual regular H-1B cap at 65,000 visas, plus 20,000 under the advanced degree exemption. For fiscal year 2021, USCIS received 274,237 H-1B registrations and selected a total of 124,415 registrations projected as needed to reach the fiscal year cap. For fiscal year 2022, USCIS received 308,613 H-1B registrations and selected a total of 115,217 registrations projected as needed to reach the fiscal year 2022 cap.

To augment the bulk identification technology of the Gemini, CBP rapidly deployed BTNX Inc. Rapid Response™ Fentanyl Forensic Test Strips (“BTNX Test Strips”), which use the lateral flow immunoassay test principle to identify fentanyl and fentanyl analogues in liquid and powder substances. When used properly, BTNX Test Strips can identify trace levels of fentanyl and fentanyl analogues at concentrations as low as 20 ng/ml or .000002 percent. CBP’s NII and Laboratories and Scientific Services (LSS) directorates have deployed BTNX Test Strips and training nationwide, with additional test strips available upon request through LSS.

Additionally, CBP has worked with procurement, field locations, and LSS to test and procure enhanced chemical identification capable of identifying a wide range of chemicals at purity levels less than 1 percent. The MX908 is a high-pressure mass spectrometry (HPMS) device that identifies a wide variety of chemicals at trace concentrations and concentrations less than 1 percent.

CBP Operations Support/LSS also stood up Forward Operating Laboratories (FOLs) at ports of entry to address smuggling of unknown substances. LSS forensic scientists are permanently assigned to the FOLs to work side-by-side with CBP frontline officers, providing on-site, rapid scientific and technical services. Each FOL is resourced with laboratory equipment for the analysis of unknown substances and suspected controlled substances. At the height of the opioid crisis in 2018, when fentanyl and fentanyl analogues were smuggled into the country through international mail, LSS stood up FOLs at the John F. Kennedy International Mail Facility and Memphis Express Consignment Courier Facility. As of June 2021, LSS operates 13 FOLs across the nation, four of which are located along the Southwest land border. Over the last 18 months, FOLs have analyzed over 23,000 suspected controlled substances.

To support CBP’s deployment of handheld detection technology, LSS established the 24/7 Narcotics Reachback Center at the CBP National Targeting Center. The Narcotics Reachback Center provides rapid adjudication of data collected by CBP frontline offices and agents using handheld analyzers to presumptively screen suspect substances. Trained LSS scientists evaluate spectral information in real-time and provide a presumptive identification of the unknown or suspect substance to the submitting officer/agent within 30 minutes of receiving a call. The Narcotics Reachback Center services CBP nationwide and supports CBP operations where and when LSS is not on-site.

In addition, CBP leverages license plate reader (LPR) data to support frontline operations and investigations. LPR data has enabled CBP to successfully link narcotics trafficking routes and identified stash house locations as well as other law enforcement functions, such as apprehending a child rape suspect and identify links as part of a sex-trafficking investigation.

Question. Does the Department need any additional authorities from Congress to improve illicit drug interdiction?

Answer. Improvements in the U.S. Customs and Border Protection’s (CBP) capacity to interdict illicit drugs at the border is not a matter of only authority but one of authority, capacity, and logistics. While the Department can readily identify improvements in interdiction, the Department must consider first whether CBP may implement such improvements under its current authorities, whether CBP is able to absorb the cost of such improvements within its current baseline, and how such improvements could affect commerce. When the Department is satisfied that improvements can be introduced within these constraints, the Department will promote the improvements through the regular-order budget and the legislative processes.

DHS PROCUREMENT

Question. The COVID–19 pandemic demonstrated just how important it is to ensure that our nation has a domestic supply chain for materials and items that we may need during a national emergency. We shouldn’t rely on foreign sources to produce these critical items when we need them the most. What is the Department doing to bolster the domestic supply chain for items that we may need in the event of a national emergency?

Answer. The Department of Homeland Security, working with its Components, is executing the requirements of Executive Orders 14001 “A Sustainable Public Health Supply Chain” and 14017 “America’s Supply Chains,” which focus on strategies to bolster the domestic supply chain for national emergencies. The Federal Emergency Management Agency (FEMA) is working within its delegated Defense Production Act role, and the Agency continues to engage with interagency partners that receive funding for industrial expansion efforts, such as with the active Department of Defense and the future Department of Health and Human Services Title III programs.

FEMA's statutory responsibilities do not include bolstering the domestic supply chain for national emergencies, and FEMA has no appropriation for such a purpose.

CYBERSECURITY

Question. The President's budget includes \$20 million for a new Cyber Response and Recovery Fund.

Please provide an overview on how the Department would utilize this fund to address cyber-attacks.

Answer. The concept of the Cyber Response and Recovery Fund (CRRF) comes from the Cyberspace Solarium Commission's 2020 recommendations. As proposed in the President's budget, the CRRF would allow Cybersecurity and Infrastructure Agency (CISA) to support critical infrastructure, including private entities and State, local, tribal, and territorial governments, in responding to, and recovering from, a "significant cyber incident," as defined in Presidential Policy Directive (PPD 41): United States Cyber Incident Coordination.

The proposed "no year" funding (i.e., available until expended) would allow CISA to support non-Federal critical infrastructure cyber response and recovery from a significant cyber incident through the provision of services, technology, or capabilities. This set up would provide CISA with greater flexibility for responding to cyber events that are often unpredictable.

Should a significant cyber incident be declared in the first year of the CRRF, CISA will emphasize using the Fund, if activated, to surge cyber incident response capabilities or help victims evict adversaries from their environments to support the immediate needs of critical infrastructure entities. The CRRF could be used to support response to a significant cyber incident and, in some cases, funds for recovery and reconstitution. Eligible activities could include:

- Technical Incident Response—Services aimed at finding the root cause of an incident
- Analytic Support—A range of analytical services provided in response to receiving a request or reported vulnerability, to include examining the technical issue, code, computer system, storage medium, and/or physical memory
- Threat Detection—Deployment of threat detection platforms to identify potential malicious activity using network sensor systems for detection

Eviction and Mitigation—Support to reasonably assure that an intruder has been removed from a victim network and known weaknesses that allowed the initial intrusion have been remediated.

Question. How can DHS increase its cooperation with industry to ensure that threat information is appropriately disseminated between public and private entities?

Answer. CISA is continuously evaluating existing information sharing programs to improve their timeliness, efficiency, and effectiveness, while also evaluating the potential for new opportunities to increase threat information sharing with our partners in government and in the private sector. CISA is currently undertaking a wide range of efforts, outlined below, to increase cooperation with industry to ensure that threat information is appropriately disseminated to our private sector partners.

Pursuant to fiscal year 2021 National Defense Authorization Act (NDAA), CISA will establish a Joint Cyber Defense Collaborative (JCDC) to coordinate joint cyber planning with interagency and industry partners. Today, CISA builds and maintains close operational relationships with key industry partners who provide unique and valuable insights on current cyber vulnerability and threat information. These information sharing relationships increase CISA's visibility and understanding of the domestic cyber landscape and provide vital support to our cyber defense mission. With the implementation of the office for joint cyber planning, CISA will formalize and expand operational coordination with industry partners through collaborative development of cyber defense operations plans to protect domestic critical infrastructure. The JCDC will also include key interagency partners who will bring their own cyber capabilities and authorities, and will consult with State, local, territorial, and tribal (SLTT) and international partners. Through integration of these key partner communities, the JCDC will become the one-stop-shop for public-private partnership in planning cyber defense operations.

The Secretary of DHS established the CISA Cybersecurity Advisory Committee, pursuant to fiscal year 2021 NDAA, Section 1718, to bring together experts from SLTT government, industry, and other relevant entities to provide advice and recommendations to the CISA Director on matters related to the development, refinement, and implementation of policies, programs, planning, and training pertaining to the cybersecurity mission of the Agency. Per the NDAA, the Director may task

the Committee to examine a variety of cybersecurity topics including, but not limited to, information exchange; critical infrastructure; risk management; and public and private partnerships. This advice could include options to improve timely information sharing regarding cybersecurity threats. A public version of the Committee's recommendations will be made available.

In coordination with interagency partners, CISA is defining the expanded set of the roles and responsibilities established in the fiscal year 2021 NDAA, Section 9002, Sector Risk Management Agencies (SRMA). In particular, each SRMA shall facilitate "in coordination with the Director, the sharing with the Department and other appropriate Federal department of information regarding physical security and cybersecurity threats within the designated sector or subsector of such sector," including—

A. "[F]acilitating, in coordination with the Director, access to, and exchange of, information and intelligence necessary to strengthen the security of critical infrastructure";

B. "[F]acilitating the identification of intelligence needs and priorities of critical infrastructure owners and operators in the designated sector or subsector of such sector, in coordination with the Director of National Intelligence and the heads of other Federal departments and agencies, as appropriate;

C. "[P]roviding the Director, and facilitating awareness within the designated sector or subsector of such sector, of ongoing, and where possible, real-time awareness of identified threats, vulnerabilities, mitigations, and other actions related to the security of such sector or subsector of such sector"; and

D. "[S]upporting the reporting requirements of the Department under applicable law by providing, on an annual basis, sector-specific critical infrastructure information."

CISA is spearheading the NDAA-required report, in consultation with the heads of the designated SRMAs, which reviews the current framework for securing critical infrastructure, develops recommendations, and suggests necessary revisions to the partnership structure. This process is currently underway, and as the SRMA for eight of the nation's 16 critical infrastructure sectors, CISA will directly apply this expanded guidance to enhance information sharing between CISA and private sector partners in these eight sectors.

DHS will stand up a Cyber Safety Review Board (CSRB), pursuant to Section 5 of the Executive Order on Improving the Nation's Cybersecurity, to review and assess threat activity, vulnerabilities, mitigation activities, and agency responses to significant cyber incidents. Through the CSRB, relevant information will be compiled from CSRB incident reviews, including incident-related decisionmaking processes, actions, and outcomes; Requests for Information; stakeholder communications; and incident activity and recovery actions and outcomes. In addition to administering the CSRB's operation, DHS will use the results of these reviews to determine necessary and appropriate enhancements to threat information sharing between public and provide sector entities.

The Private Sector Clearance Program was established to ensure that select critical infrastructure private sector owners, operators, and industry representatives—specifically those who have a demonstrated and foreseeable need to access classified information—are in leadership, managerial, or executive level positions and are in a position to capitalize on the value of the classified information shared are processed for clearances. Security clearances enable selected owners, operators, and representatives to access classified information and more fully participate in the protection of critical infrastructure and the security of the homeland.

CISA operates the Cyber Information Sharing and Collaboration Program, which serves as a bi-directional forum for CISA and private industry to collaborate on significant risks, develop sector and threat focused products, and provide briefings on new trends, threats, and capabilities across sectors. This trusted sharing between CISA and a network of high impact companies, Information Sharing and Analysis Centers, and service providers allows CISA to better understand the nature of vulnerabilities pre- and post-disclosure and in turn provided timely and thorough mitigation guidance.

CISA continues to enhance the Automated Indicator Sharing (AIS) capability, which provides a machine-to-machine platform for CISA and the private sector to share threat information and benefit from the collective knowledge of participant organizations. AIS enables the real-time exchange of machine-readable cyber threat indicators and defensive measures, such as information about adversary techniques, to help the AIS community monitor and defend networks against known threats and ultimately limit the use of an attack method.

CISA's Stakeholder Engagement Division has requested funding in fiscal year 2022 to execute a stakeholder mapping initiative as a foundational component of the agency's broader stakeholder engagement capability. The stakeholder mapping initiative builds upon CISA's growing stakeholder data and knowledge base to map individual stakeholders and stakeholder groups to operational planning scenarios—in advance of the need—in order to streamline response efforts to crisis and enable more targeted, efficient strategic planning with external parties. By leveraging established relationships with these entities, CISA will maximize its impact on key stakeholder communities and amplify our value through collaborative partners. Examples of using these relationships includes bi-directional sharing of sensitive threat information, targeted promotion of available products and services, and quick-turn opportunities to collaborate with CISA.

CISA collaborates with the DHS Office of Intelligence and Analysis to provide Classified Intelligence Forums. The Classified Intelligence Forum consists of engagements that provide cleared members of the private sector as appropriate, with access to draft and finished analytic products to solicit feedback and gain overall customer insights that can inform the development of future products or briefings that those members and their sector counterparts can use in their decisionmaking processes.

CISA Cybersecurity Advisors (CSAs) offer cybersecurity assistance to critical infrastructure owners and operators and SLTT governments. CSAs introduce organizations to various CISA cybersecurity products and services, along with other public and private resources, and act as liaisons to CISA cyber programs. CSAs can provide cyber preparedness, assessments and protective resources, strategic messaging, working group support and leadership, partnership in public-private development, and incident coordination and support in times of cyber threat, disruption, and attack. CISA continues to work quickly and diligently to hire against existing CSA vacancies and increase the CSA footprint in the field in order to expand engagement with the private sector, including in threat information sharing and dissemination.

CISA collaborates with government and industry partners to strengthen information sharing and incident response coordination through exercises, such as the biennial Cyber Storm series. Each iteration of the exercise engages more than a thousand participants in the simulated discovery of and response to a large-scale, coordinated significant cyber incident impacting critical infrastructure. The findings of each exercise are shared with participants and the broader cyber response community to support continual improvement.

CISA is currently in the planning stages for Cyber Storm VIII, slated for the spring of 2022. Two of the proposed objectives of this exercise are to:

- Strengthen information sharing and coordination mechanisms used during a cyber incident; and
- Foster public and private partnerships and improve their ability to share relevant and timely information across sectors.

U.S. REFUGEE ADMISSIONS PROGRAM

Question. We are in the midst of the largest worldwide refugee crisis ever recorded. I am pleased that the President has finally announced his intention to resettle 62,500 refugees in the second half of this fiscal year. However, the enormous cuts to refugee resettlement over the past 4 years under the previous Administration have severely decimated the U.S. Refugee Admissions Program's capacity. What specific measures are you taking to increase the rate of refugee arrivals in the second half of the fiscal year to ensure we can meet the Presidential Determination for this year and to restore the long-term capacity of our resettlement program?

Answer. DHS, along with other U.S. Refugee Admissions Program (USRAP) partners, is committed to rebuilding our refugee adjudication and resettlement capacity in accordance with Executive Order (EO) 14012, Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans, and EO 14013, Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration. USCIS worked to increase admissions in fiscal year 2021 by developing additional efficiencies to complete post-USCIS interviewed applications remotely, resume in-person interviews of refugee applicants overseas, begin hiring additional staff, and engage with USRAP partners to reinvigorate our refugee program and increase refugee admissions.

USCIS has taken several actions to rebuild the refugee program and increase refugee admissions. First, USCIS conducted a detailed review of the cases of applicants who have already had their USCIS refugee interview and prioritized resources for cases that could be approved for resettlement in the near term.

Second, after an 11-month long agency-wide hiring freeze ended this spring, USCIS began actively recruiting to fill all currently vacant positions that support refugee processing.

Third, USCIS implemented operational and policy changes to support remote case processing during COVID-19. Since last summer, USCIS has been conducting refugee applicant re-interviews via video-teleconference (VTEL) and recently started conducting initial refugee applicant interviews via VTEL where possible. By May 26, 2021, USCIS conducted 212 re-interviews and 53 initial interviews by VTEL.

Finally, while COVID-related restrictions continue to impact USCIS's ability to increase in-person interviews of refugee applicants, beginning in the fourth quarter of fiscal year 2021, USCIS resumed in-person international refugee processing circuit rides on a small scale. Deployments are based on identified USRAP processing priorities and are dependent on movement restrictions issued by local governments due to COVID-19; post-by-post restrictions issued by DOS; and the ability to safely conduct in-person interviews while protecting the health of USCIS officers, Resettlement Support Center staff, refugee applicants, and interpreters.

In addition to the process improvements outlined above, USCIS is investing in a case management system that will allow for more effective tracking of workloads and cases and will provide officers with additional adjudicative tools. This system is expected to fully deploy in fiscal year 2022 and will track data on production rates, details on case outcomes, and other key metrics that will provide leadership with the information they need to effectively manage future resources.

UNACCOMPANIED CHILDREN

Question. I was deeply disturbed by the treatment of children at our Southern border under the previous Administration, and I have been very concerned about previous reports of unaccompanied children remaining in Border Patrol custody for extended periods of time.

What steps has your agency taken to address these problems and ensure that children are treated safely and humanely when they arrive at our border?

Answer. CBP makes every effort to process those in our custody as quickly as possible—especially children. In accordance with the Trafficking Victims Protection Reauthorization Act (TVPRA), CBP must transfer unaccompanied children into the custody of the U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) within 72 hours of unaccompanied children determination, determining that they are unaccompanied children, absent exceptional circumstances. To expedite processing of migrants, including unaccompanied children, CBP has augmented its Southwest border personnel and facilities, and leveraged available support across the U.S. Government.

U.S. Border Patrol (USBP) prioritizes unaccompanied children referrals and transfers to HHS ORR, but the ability to do so is directly tied to ORR's capacity. By March 2021, the number of unaccompanied children entering USBP custody far exceeded ORR's capacity to provide placement. In response, and in conjunction with FEMA, HHS began rapid expansion of ORR's housing/placement capacity through Emergency Influx Shelters (EISs). USBP continues to work closely with HHS to expedite the transfer of unaccompanied children into HHS custody.

DHS successfully established the interagency Movement Coordination Cell (MCC) to bring together personnel from FEMA, ORR, U.S. Immigration and Customs Enforcement (ICE), and CBP to ensure the rapid transfer of UCs from CBP custody to ORR custody—whether to licensed bed facilities or EISs. This interagency approach has been remarkably successful in reducing the average time in custody that UCs spend in CBP facilities.

Thanks to interagency cooperation and focus on building ORR capacity, in April 2021, the average number of children in CBP custody decreased to 2,895 from 4,109 in March 2021—with the number of children in CBP custody below 460 in mid-May 2021. In March, UCs spent an average of 115 hours in CBP custody compared to just 26 hours in May.

CBP has significantly expanded the scope of its trauma-informed medical support capabilities to ensure children are treated safely and humanely. For example, CBP now has more than 800 contract medical personnel providing 24/7 medical support at over 70 facilities along the Southwest border. CBP continues to enhance its trauma-informed care practices for children in custody through awareness and training; trauma-informed medical support; and trauma-informed holding practices.

CBP's trauma-informed medical support includes health interviews and medical assessments by trained professionals. This includes behavioral health considerations and emphasizes psychological triage, psychological first aid, behavioral health referrals, and appropriate prioritization for transfer. CBP's trauma-informed holding

practices ensure a safe and secure environment that minimizes time in custody, improves the child's ability to maintain family connection via phone calls, provides recreation opportunities as feasible, and includes caregivers who can provide a reassuring adult presence. The role of caregivers in our facilities now includes providing opportunities for recreational time for children as operationally feasible. CBP has always been, and continues to be, committed to the safe and humane treatment of all individuals in our custody, especially those most vulnerable.

Question. How is your agency working with the U.S. Department of Health and Human Services to facilitate unaccompanied children's expeditious release from Border Patrol custody?

Answer. Unaccompanied Children (UC) are typically processed by CBP at the Southwest Border and then ICE Enforcement and Removal Operations (ERO) transfers unaccompanied children from CBP to the custody of HHS ORR. Pursuant to the Flores Settlement Agreement, the Homeland Security Act of 2002, and the TVPRA of 2008, DHS must transfer unaccompanied children to HHS ORR custody within 72 hours of determining that a UC is an unaccompanied child except in exceptional circumstances.

ICE continues to partner with CBP and HHS to improve transfers into the care and custody of ORR. These partnerships have proven to be extremely effective in reducing the average length of time in DHS custody, to include decreasing the amount of time that a child is in transit to an ORR shelter. ICE's effort to partner with CBP and HHS has resulted in the transfer of thousands of unaccompanied children into the care and custody of ORR in under 72 hours as required by statute.

CBP implemented a Movement Coordination Cell (MCC) to work with HHS ORR and other appropriate agencies to coordinate the placement and expedited transfer of UCs out of CBP custody and into appropriate HHS facilities and care. The MCC is an interagency effort among CBP, ICE, HHS ORR, and FEMA. The goal of the MCC is to rapidly transfer custody of UCs from CBP to ORR. The MCC effort began on March 29, 2021, and since its inception, the MCC has assisted in reducing the number of UCs in CBP custody as well as their average length of time in custody. CBP is also working with HHS/ORR on enhanced data transfer to assist in the expeditious placement of UCs in appropriate facilities, which would further reduce time in custody.

In April 2021, the average number of children in CBP custody decreased to 2,895 from 4,109 the previous month, with the number of children in CBP custody below 460 in mid-May 2021. In March, UCs spent an average of 115 hours in CBP custody compared to just 26 hours in May.

QUESTIONS SUBMITTED BY SENATOR CINDY HYDE-SMITH

Question. Mr. Secretary, the Science & Technology Directorate (S&T) fiscal year 2022 Budget Request highlights prior year research efforts and milestones, including Project JUSTICE and the fully operational sUAS test facilities. The budget overview also lists future objectives to "publish JUSTICE demonstration, test and evaluation results, and associated analyses to DHS Components, first responder and emergency management service organizations." Additionally, the budget overview states, "DHS lacks installed technologies to maintain persistent air domain awareness of all manned and unmanned aircraft in the national airspace . . . evolving technologies and critically strained resources make it imperative for S&T to advance technologies that produce efficient force-multiplying aerospace for operational elements of DHS and the Nation's law enforcers and first responders."

In prior year appropriations, including fiscal year 2021, the committee/Congress acknowledged the critical value in the establishment of the S&T common test site for demonstration and research of UAS, provided additional funding for the Demonstration Site to conduct on-site testing and evaluation of Enabling UAS technologies, and encouraged the close collaboration with the FAA UAS Center of Excellence. The DHS UAS Demonstration Site provides an effective and efficient operational testing and evaluation capacity for S&T and the operational partners that it supports, including CBP, Coast Guard, Secret Service, and Nation's law enforcers and first responders. Numerous exercises are necessary for technology evaluation across a range of scenarios and environments at the Demonstration Site.

Please provide a spend plan for the fiscal year 21 funds appropriated for the Enabling UAS Demonstration Site. How will S&T continue to prioritize previously appropriated funds for the Demonstration Site to conduct on-site testing and evaluation of Enabling UAS technologies for DHS components and law enforcement partners?

Answer. Efforts towards Enabling UAS, including the Enabling UAS Demonstration Site, are executed as part of S&T's Air Security project, within S&T's Air, Land, and POE Security program. S&T's fiscal year 2021 Spend Plan includes \$2 million for the Enabling UAS demonstration site

Activity	Description	fiscal year 2021 Spend Plan	Obligated	Planned in fiscal year 2022 Q2
Enabling UAS Demonstration Site.	Joint Unmanned Systems Testing in Collaborative Environments (JUSTICE)—Testing and evaluation of UASs.	\$2,000,000	\$250,000	\$1,750,000
Total Enabling UAS Demonstration Site.	\$2,000,000	\$250,000	\$1,750,000	

S&T will continue to support the Enabling UAS Demonstration Site through S&T's agreement with the U.S. Army Development Command (DEVCOM), Ground Vehicle Systems Center and through strategic IAA partnerships with other U.S. Government entities that enable S&T to offer value to the Homeland Security Enterprise. With continuing COVID restrictions the potential for testing & evaluation to resume pre-pandemic conditions soon remains low. S&T will continue engaging with the Army and the vendor to administer the residual funding in early fiscal year 2022.

Question. Mr. Secretary, with the expected surge in flight travel over the next few months, both business and personal, how is the Department of Homeland Security making sure TSA is adequately staffed at airports across the country in order to accommodate this expected increase? What opportunities are there that would allow TSA to significantly grow its TSA PreCheck program and can these opportunities be deployed in time to help with the travel surge that is expected this year?

Answer. As of November 1, 2021, TSA has hired 7,630 Transportation Security Officers (TSO) thus far in the calendar year, amidst unprecedented hiring competition in nearly all industries.

TSA is continuing to innovate on solutions to attract more TSO applicants and hire more quickly in competitive locations. To increase hiring volumes, TSA is expanding advertising campaigns to amplify the "now hiring" message. In an effort to maintain parity with private industry pay rates, TSA has also instituted recruitment \$1,000 to \$2,000 sign-on bonuses to all TSO new hires through fiscal year 22. Further, retention incentives are being strategically leveraged to align TSO pay rates with local wage growth in hard-to-hire markets—both to retain current staff and attract new candidates. Finally, TSA is hosting "expedited" hiring events in 12 or more competitive markets per month, including locations such as Denver, Seattle, Minneapolis, Boston, St. Louis, Maui, and many others. These events enable prospective TSO applicants to consolidate hiring steps into one-day and significantly reduce Federal hiring time; which is essential in this competitive recruitment market.

TSA's Universal Enrollment Services provider, IDEMIA, offers a nationwide network of over 440 enrollment centers in support of the TSA PreCheck® Application Program, and there is currently plenty of enrollment center capacity and appointment availability. TSA provides individuals with a simple enrollment process, including the ability to start TSA PreCheck® enrollment online, which shortens the in-person enrollment time. On average, an individual can complete the in-person enrollment process in five to ten minutes for new applicants to the program. For renewing members, TSA offers the ability to renew a TSA PreCheck® membership fully online, with no in-person visit required.

TSA is also working to expand the number of enrollment providers, as required by the TSA Modernization Act of 2018. In January 2020, TSA awarded Other Transaction Agreements (OTA) to Alclear, LLC (CLEAR), Telos Identity Management Solutions, LLC, and Idemia Identity & Security USA, LLC (TSA's current enrollment provider). TSA estimates the new enrollment providers under the OTAs will begin operations by the end of 2022, but timelines are tentative and dependent on each vendor's ability to meet TSA's requirements.

SUBCOMMITTEE RECESS

Senator MURPHY. And so with that, this committee will stand adjourned.

[Whereupon, at 3:10 p.m., Wednesday, May 26 the subcommittee was recessed, to reconvene at a time subject to call of the Chair.]

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 responders.

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 uniformed 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 DRRS 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.

DRRS 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 DRRS, and congressional intent.

To ensure DRRS 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.]

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