

**COMMITTEE ON HOMELAND SECURITY**

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**RESPONDING TO  
THE CORONAVIRUS  
PANDEMIC**



**MAJORITY STAFF REPORT**

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JUNE 2020

# EXECUTIVE SUMMARY

In early March, Chairman Bennie G. Thompson and the Democratic Members of the Homeland Security Committee convened two full Committee hearings and one subcommittee hearing to examine the emerging coronavirus threat. After social distancing protocols were imposed, the Committee continued its robust oversight of the Trump Administration's preparedness and response activities.

The Committee has convened 12 virtual forums and Members have received 10 briefings with Administration officials to examine all aspects of the pandemic response. The Committee has also issued more than 40 letters and requests for documents from the Department of Homeland Security (DHS), the Department of Health and Human Services (HHS), and their component agencies. The Committee's key priorities have included:

**Supporting Frontline Employees:** Our nation's frontline workers—including the men and women who work at DHS—have faced unprecedented risks as they have carried out their duties protecting us during the coronavirus pandemic. Tragically, at least 10 employees have died from COVID-19 and positive cases at DHS are going up, not down. At the Committee's urging, the Transportation Security Administration (TSA) committed to providing workers paid leave as needed throughout the crisis. The Committee has also urged TSA to implement measures to improve workers' safety. Furthermore, Homeland Security Committee Members have introduced legislation to provide better healthcare to TSA's part-time workforce, make coronavirus-related workers' compensation claims easier for TSA employees, and provide hazard pay for frontline workers.

**Strengthening Preparedness & Response:** In April, Chairman Thompson and Committee Democrats introduced H.R. 6455, the COVID-19 Commission Act, which would establish a bipartisan commission modeled after the 9/11 Commission to provide a full and complete accounting of the circumstances surrounding the emergence of the 2019 novel coronavirus and to identify and examine lessons learned. Committee is also working with other Congressional Committees, the Government Accountability Office, and Inspectors General to ensure that all facets of the pandemic are examined and that there is accountability for the response.

**Demanding Accountability for PPE Shortages:** From the start of the coronavirus outbreak, shortages of personal protective equipment (PPE), including masks, gowns, and testing supplies, left health care professionals at great risk as they worked to test and treat coronavirus patients. The Committee has continued to seek answers from the Administration about Federal efforts to respond to PPE shortages, including Federal supply chain management efforts, such as Project Airbridge, and the role of Senior Advisor to the President Jared Kushner in managing these efforts.

**Fighting to Eliminate Cost Share:** President Trump issued a nationwide Emergency Declaration pursuant to the Stafford Disaster Relief and Emergency Assistance Act. However, with this declaration, President Trump has left state, local, tribal, and territorial governments to pay for 25% of response costs—a burden they cannot afford during this unprecedented global disaster. Committee on Homeland Security Democrats have urged President Trump to eliminate the 25% cost share. Chairman Thompson and Subcommittee Chairman Donald Payne, Jr. have also co-authored legislation to eliminate the cost share that was integrated into the HEROES Act, which passed the House of Representatives in May.

**Securing Critical Infrastructure:** With social distancing guidelines in place, more and more of what Americans do every day, including work, is being done online. Homeland Security Committee members have worked to get dedicated Federal funding to local governments to improve their cybersecurity posture and have pushed CISA to ensure our healthcare IT systems are properly secured. Committee members have also pressed the Administration to ensure upcoming elections are safe, secure, and auditable.

**Flattening the Misinformation Curve:** Our adversaries are attempting to spread divisive misinformation and disinformation about the origins and nature of the coronavirus. On April 14, Chairman Thompson wrote to Twitter expressing concerns about COVID-19-related misinformation it had neither flagged nor removed. Twitter then announced it would label misleading COVID-19 information tweeted by elected officials and labeled with fact checks two tweets from President Trump on May 26. Vice Chairwoman Lauren Underwood also introduced legislation that would strengthen America's resilience against misinformation during health crises and require DHS to assist local governments mitigate this threat.

**Countering Threats to the Homeland:** The Committee has worked to ensure that DHS programs for sharing intelligence are not disrupted during the coronavirus pandemic, and that DHS does not lose focus on countering emerging threats, including threats from white supremacists that have sought to exploit the pandemic to spread misinformation.

**Ensuring Immigration System is Protecting Everyone:** Throughout the coronavirus pandemic, the Committee has worked to ensure that the Federal government is protecting the health and safety of migrants—including unaccompanied children—as well as the Federal employees who care for them. On April 30, the Committee also launched an investigation of the spread of coronavirus at ICE detention facilities. Committee Members have consistently worked to counter the Trump Administration's repeated scapegoating of immigrants and the Administration's use of the coronavirus pandemic as a guise to push its anti-immigrant agenda.

# PANDEMIC RESPONSE

## SUPPORTING FRONTLINE EMPLOYEES

Our nation's frontline workers—including the men and women who work at DHS—have faced unprecedented risks as they have carried out their duties protecting our nation during the coronavirus pandemic.

Tragically, as of June 15, at least 10 DHS employees have died from COVID-19, including 5 employees of the Transportation Security Administration (TSA) and 5 employees of U.S. Customs and Border Protection. More than 1,700 employees have tested positive for the disease.

Throughout the crisis, the Democratic Members of the Homeland Security Committee have focused on ensuring healthcare coverage and other benefits are provided to at-risk frontline Federal workers. The Committee has urged DHS to voluntarily implement new measures to better protect the health and safety of its frontline workforce. For example:

- At the urging of Chairman Bennie G. Thompson and Chairman Lou Correa of the Subcommittee on Transportation and Maritime Security (TMS), TSA committed to providing workers paid leave as needed throughout the crisis.
- On April 30, TMS Chairman Correa and Reps. Dina Titus and Val Demings convened a virtual forum to examine “TSA Employee Protections and Benefits in Response to COVID-19” with Dr. Everett Kelley, the National President of the American Federation of Government Employees (AFGE). The Members urged DHS to provide hazard pay and other benefits to workers.
- On May 8, Chairwoman Xochitl Torres Small of the Subcommittee on Oversight, Management, and Accountability and Rep. Bonnie Watson Coleman held a virtual forum with former Acting Homeland Security Secretary Elaine Duke to discuss the “Long-Term Impact of the Coronavirus on DHS’s Mission.”

## HEALTH CARE AND HAZARDOUS DUTY PAY

Committee Democratic Members have introduced three measures to ensure that frontline workers—particularly those who contract COVID-19—have the healthcare and other benefits they have earned. These measures, which informed Federal workforce provisions included as part of H.R. 6800, the HEROES Act, are:

**H.R. 6647, The Health Care Opportunities for TSA Employees Act**  
*Sponsored by Reps. Correa and Titus*, this bill would require TSA to cover more of the costs of health care for part-time employees—reversing reductions in coverage made under the Trump Administration.

**H.R. 6656, The Coronavirus Workers' Compensation for TSA Employees Act**  
*Sponsored by Rep. Val Demings*, this bill would provide a presumption of workplace causation for TSA frontline employees who apply for workers' compensation benefits after contracting COVID-19—ensuring that these frontline employees do not have to prove they got coronavirus on the job.

**H.R. 6655, The Hazardous Duty Pay for Frontline Federal Workers Act**  
*Sponsored by Rep. Donald Payne, Jr.*, this bill would require the Federal government to create a hazardous duty pay category for frontline Federal workers, including DHS employees, who contract or have been exposed to COVID-19.

# PANDEMIC RESPONSE

## STRENGTHENING PREPAREDNESS AND RESPONSE

In early March, Chairman Bennie G. Thompson and Vice Chairwoman Lauren Underwood convened two full Committee hearings and Chairman Donald Payne, Jr. of the Subcommittee on Emergency Preparedness, Response, & Recovery convened a Subcommittee hearing to examine the emerging coronavirus threat. Since social distancing protocols were imposed, the Committee and its Subcommittees have continued robust oversight of the Trump Administration's preparedness and response activities.

In addition to conducting direct oversight, the Committee is working with other Congressional Committees, the Government Accountability Office (GAO), and Inspectors General to ensure that all facets of the pandemic are examined and that there is complete accountability. Chairman Thompson and Committee Democrats have asked:

- The **House Select Subcommittee on the Coronavirus Crisis** to examine:
  - the disproportionate impact of COVID-19 on minority communities; and
  - the effects of Federal aid on communities disproportionately affected by the pandemic;
- The **Government Accountability Office** to examine:
  - the Federal Emergency Management Agency's (FEMA) leadership of the Federal response to the pandemic;
  - the travel bans imposed by the Trump Administration; and
  - emerging cybersecurity risks during the pandemic; and
- The **Inspector General of the Department of Health and Human Services (HHS)** to examine:
  - HHS' efforts prior to the COVID-19 pandemic to eliminate disparities and prepare for the effects of potential health pandemics on minority and disadvantaged communities;
  - HHS' efforts to respond to racial, ethnic, and socioeconomic disparities in COVID-19 outcomes; and
  - how HHS and its partners can lessen the effects of health disparities and support the recovery of communities disproportionately affected by COVID-19.

Also, on May 7, Vice Chairwoman Underwood, Rep. Sheila Jackson Lee, and Rep. Al Green convened a virtual forum on COVID-19 and health disparities across communities.

## CREATING A COVID-19 COMMISSION

In April, Chairman Thompson, the author of the "Implementing Recommendations of the 9/11 Commission Act of 2007," led Committee Democrats in introducing H.R. 6455, "The COVID-19 Commission Act," to establish a bipartisan commission, modeled after the 9/11 Commission, to:

- **Provide a full and complete accounting** of the circumstances surrounding the **emergence** of the 2019 novel coronavirus, the Nation's **preparedness** for the 2019 novel coronavirus pandemic, and the **actions taken** by Federal, state, local, tribal, and territorial governments at critical junctures to respond to the crisis; and
- **Identify and examine lessons learned** regarding preparedness, response, and recovery efforts at all levels.

# PANDEMIC RESPONSE

## PPE SHORTAGES AND STATE RESPONSE COSTS

From the start of the coronavirus outbreak, shortages of personal protective equipment (PPE), including masks, gowns, and testing supplies, have been reported across the United States. These shortages were detailed in a report issued by the Inspector General of the Department of Health and Human Services (HHS) in April.

As part of its ongoing investigation into PPE shortages, the Committee has repeatedly demanded documents from the Administration about Federal efforts to procure and distribute PPE, including Federal supply chain management efforts such as Project Airbridge.

- On March 23, Chairman Bennie G. Thompson asked DHS and HHS for copies of all contract solicitations and contracts issued for PPE. On April 28, DHS provided 9 contracts to the Committee, although publicly available databases reveal that DHS and HHS have issued hundreds of such contracts. HHS has not provided the documents requested by the Committee.
- On April 7 and again on May 8 and May 28, Chairman Thompson joined Committee on Oversight & Reform Chairwoman Carolyn Maloney in asking the Federal Emergency Management Agency (FEMA) for documents detailing Project Airbridge; FEMA's handling of requests for and distribution of PPE; and the role of Senior Advisor to the President Jared Kushner in acquiring and distributing PPE. FEMA has not provided the requested documents.
- On April 17, Chairman Thompson asked HHS and FEMA for documents explaining how they are assessing and meeting the needs for PPE at nursing homes—which have been the sites of some of the most severe clusters of COVID-19—as well as how they would establish sentinel surveillance sites to evaluate the spread of coronavirus at institutions that serve senior citizens. HHS and FEMA have not provided the requested documents.

## ELIMINATING THE STATE COST SHARE

On March 13, President Trump issued a nationwide Emergency Declaration pursuant to section 501(b) of the Stafford Disaster Relief and Emergency Assistance Act. Major Disaster declarations were subsequently approved for all 50 states, all U.S. territories, many tribes, and the District of Columbia.

Under the Stafford Act, the Federal government pays at least 75% of disaster response costs. During this global disaster, President Trump has left state, local, tribal, and territorial governments to pay the remaining 25% of response costs—a burden they cannot afford.

Legislation that Chairman Thompson and Chairman Donald Payne Jr., of the Subcommittee on Emergency Preparedness, Response, & Recovery co-authored to eliminate the cost share (H.R. 6669) was included in the HEROES Act, which passed the House of Representatives in May.

# PANDEMIC RESPONSE

## SECURING CRITICAL INFRASTRUCTURE

The social distancing protocols necessary to slow the spread of the coronavirus have prompted the expanded use of online platforms. The Committee has conducted rigorous oversight of the Cybersecurity and Infrastructure Security Agency (CISA) as it has executed its mission to defend government and private sector networks against malicious cyber activity.

**Securing state and local networks:** State and local governments have become e-governments almost overnight. The abrupt transition to telework coupled with the rapid development of new applications and the expansion of critical online services have created new security vulnerabilities and risks. Chairman Bennie G. Thompson and Chairman Cedric Richmond of the Cybersecurity, Infrastructure Protection, & Innovation Subcommittee are leading efforts to establish cybersecurity improvement grants for state and local governments.

**Election Security:** Officials working to defend elections against foreign interference must now administer elections during a pandemic while also ensuring the safety of voters. This will likely require the expanded use of vote by mail and other measures to reduce crowding at polling places. On April 22, during a briefing with the CISA Director and the Chairman of the Election Assistance Commission (EAC), Democratic Members of the Committee urged CISA and the EAC to provide comprehensive guidance on how to administer safe, secure, and auditable elections. On June 1, Vice Chairwoman Lauren Underwood and Rep. James Langevin hosted an online forum entitled *Election Security & Integrity During a Pandemic* to discuss issues integral to holding the 2020 elections during the coronavirus pandemic.

**Securing Healthcare Networks:** On March 26, Chairman Thompson wrote to the CISA Director to urge effective coordination with both the Department of Health and Human Services and its private sector partners to ensure the effective sharing of cyber threat information and mitigation measures. Additionally, Chairman Thompson requested that the Government Accountability Office investigate the matter.

## FLATTENING THE MISINFORMATION CURVE

As the medical community and public health officials work to learn more about COVID-19 and its origins, our adversaries are attempting to fill the vacuum with divisive misinformation and disinformation.

On April 14, Chairman Thompson wrote to Twitter expressing concerns about the quantity of COVID-19-related misinformation it had neither flagged nor removed, including tweets posted by elected officials. On May 12, Twitter announced it would label misleading COVID-19 information tweeted by elected officials. On May 26, Twitter labeled two tweets from President Trump containing erroneous information about voting by mail with fact checks.

On May 11, Vice Chairwoman Underwood and Rep. Elissa Slotkin hosted an online forum entitled *Flattening the Disinformation Curve* with panelists from the Stanford Internet Observatory and the Wilson Center. The conversation resulted in actionable recommendations to strengthen the responsibility of online platforms and digital literacy.

On June 18, Vice Chairwoman Underwood introduced H.R. 7282, the Protecting Against Public Safety Disinformation Act of 2020, a bill that would strengthen America's resilience against misinformation during health crises. It would require DHS analyze the threat from deepfakes, manipulated media, and online bots and provide federal resources and guidance to states and local governments to mitigate them.

# PANDEMIC RESPONSE

## COUNTERING THREATS TO THE HOMELAND

White supremacist extremists and jihadists have sought to exploit the coronavirus pandemic to spread violence and divisive conspiracy theories. State actors like China have concealed essential information related to coronavirus and spread disinformation. The Committee has worked to ensure that as DHS is engaged in COVID-19 response activities, it does not lose focus on other vital missions, including countering existing and emerging terror threats.

- On March 18, Chairman Max Rose of the Subcommittee on Intelligence and Counterterrorism wrote to DHS' Office of Intelligence and Analysis (I&A) and Office of Operations Coordination to urge the Department to ensure that information sharing programs would not be disrupted by the pandemic.
- On March 24, Chairman Bennie G. Thompson and Subcommittee Chairman Rose wrote to DHS requesting details of the Department's plans to prevent extremists from exploiting the pandemic to spread disinformation and commit acts of violence.
- On April 29, Chairman Thompson and Subcommittee Chairman Rose wrote to DHS seeking documents and information explaining whether and how DHS utilized and disseminated pandemic-related intelligence in late 2019 and early 2020 to inform operational changes intended to prepare for the possible consequences of the spread of coronavirus.
- On May 13, Subcommittee Chairman Rose and Ranking Member Mark Walker wrote to DHS I&A seeking information on ongoing efforts to combat disruptive and harmful actions by China intended to exploit the pandemic.

## COUNTERING EXTREMISM DURING COVID-19

On May 20, Subcommittee Chairman Rose and Congressman Emanuel Cleaver hosted a virtual forum with Ali Soufan, Founder of the Soufan Center, and Jonathan Greenblatt, CEO of the ADL (Anti-Defamation League), to discuss how extremist groups have exploited the coronavirus pandemic and what could be done to address this growing threat. Participants emphasized that:

- Extremists capitalize on times of crisis and make use of conspiracy theories and polarizing narratives to radicalize, recruit, and call for acts of violence, and
- COVID-19 is creating a dangerous disinformation-terrorism nexus in which online narratives may metastasize to cause real world violence.

In response, the Committee continues to work to ensure that:

- Government builds media literacy and expands resources to combat the threats posed by disinformation, and
- Social media companies prioritize safety and security, innovate against extremism, and embrace accountability.

# PANDEMIC RESPONSE

## IMMIGRATION AND BORDER SECURITY

Throughout the coronavirus pandemic, the Committee has worked to ensure that the health and safety of Federal employees and of migrants—including unaccompanied children—are protected.

**Coronavirus in ICE Detention Facilities:** Dozens of U.S. Immigration and Customs Enforcement (ICE) personnel have tested positive for coronavirus, and two detainees have died due to complications of COVID-19. ICE's decision to transfer detainees between detention facilities likely exposed both ICE personnel and other detainees to the virus.

**Expulsion of Unaccompanied Children:** During the coronavirus pandemic, U.S. Customs and Border Protection (CBP) has been expelling migrants and even unaccompanied children who have sought asylum in the United States. It remains unclear whether CBP is carrying out legal obligations under U.S. law and international treaties to consider the asylum petitions of migrants at the U.S. border. The Committee has urged the humane treatment of unaccompanied children and due process through a series of letters to Trump Administration officials.

- On April 9, Chairman Thompson and Chairwoman Kathleen Rice of the Subcommittee on Border Security, Facilitation, & Operations urged DHS and CBP to reverse the decision to expel unaccompanied children without providing due process and to provide all protections guaranteed under the Trafficking Victims Protection Reauthorization Act.
- On May 8, the Committee led other Congressional committees in urging DHS and the Department of Health and Human Services (HHS) to rescind policies that delay the reunification of migrant children with their sponsors.
- On May 13, the Committee joined other Congressional committees in sending a letter to DHS, HHS, and the Department of State expressing concern regarding the Trump Administration's deeply flawed legal justification of its decision to suspend asylum processing in response to the COVID-19 outbreak.

**Contributions of Immigrants:** On May 13, Chairwoman Rice, Rep. Yvette Clarke, and Rep. Nanette Barragán held a virtual forum to discuss the contributions of immigrants—including those working in medical professions—to COVID-19 response and recovery.

## INVESTIGATING COVID-19 IN DETENTION FACILITIES

On April 30, the Committee launched an investigation of efforts to control the spread of coronavirus at ICE contract detention facilities.

The Committee wrote to contractors:

- CoreCivic;
- Geo Group;
- LaSalle Corrections; and
- Management & Training Corporation

seeking documents detailing the extent of the spread of coronavirus at each facility as well as the policies and procedures implemented by each company to limit the spread of the virus.

In addition, on June 2, Chairman Thompson, Subcommittee Chairwoman Rice, and Committee Democrats urged ICE to halt deportations and transfers between detention facilities and maximize the utilization of alternatives to detention. The Committee also requested copies of guidance issued by ICE documenting compliance with procedures recommended to mitigate the spread of COVID-19 inside its detention facility network.