



PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE

TOP CHALLENGES FACING FEDERAL AGENCIES:

COVID-19 Emergency Relief and Response Efforts

As reported by Offices of Inspector General across government

Based on prior, planned, and ongoing audits, inspections, special reviews, and investigations, the U.S. Department of Homeland Security (DHS) OIG believes the top challenges facing DHS in handling pandemic-related responsibilities and emergency funds are the following.

Managing Programs and Operations Effectively While Experiencing Changes in Leadership and High Vacancy Rates

Many DHS senior leadership positions continue to suffer from a lack of permanent, presidentially appointed and Senate-confirmed officials, and they have been marked by high turnover. In the past 2 years, DHS has had three different Secretaries and as many Acting Deputy Secretaries. As of May 1, 2020, acting officials filled almost one-third of all DHS senior leadership positions. At the Federal Emergency Management Agency (FEMA), which bears central responsibility for pandemic assistance, two of four lead positions are filled by acting officials: the Deputy Administrator and the Deputy Administrator for Resilience. Certain DHS components also face high attrition, such as the Transportation Security Administration (TSA) and U.S. Customs and Border Protection (CBP), which are both on the front line of the COVID-19 pandemic. DHS OIG has previously noted that in fiscal year 2017, for example, TSA spent nearly \$75 million to train more than 9,000 new Transportation Security Officers, about 20 percent of whom left within 6 months.¹ In March 2019, the Government Accountability Office testified before Congress that CBP staffing levels for law enforcement positions consistently fell below target levels and retaining officers in hard-to-fill locations continued to pose a problem for CBP.² Notwithstanding recent Executive Orders requiring the Department to hire 5,000 new Border Patrol Agents and 10,000 new Immigration Officers to expand immigration enforcement activities and programs, DHS has struggled to onboard these new officials.³

Ensuring Proper Financial and Procurement Internal Controls Are in Place

Many key DHS financial systems do not comply with federal financial management system requirements, as defined in the Federal Financial Management Improvement Act of 1996.⁴ Limitations in financial systems' functionality add substantially to the Department's challenges addressing systemic internal control weaknesses and restrict its ability to leverage information technology systems to process and report financial data efficiently and effectively. These deficiencies may hinder DHS's ability to ensure proper financial planning, payments, and internal controls related to CARES Act funding. COVID-19 procurements will be wide and vast. While the DHS Joint Requirements Council and Joint Requirements Integration and Management System provides guidance to identify required capabilities, gaps, opportunities, and controls, at times the Department has validated noncompliant capability needs documents, not held

¹ TSA Workforce Crisis: A Homeland Security Risk. Before U.S. House of Representatives Subcommittee on Transportation and Maritime Security, Committee on Homeland Security, 116th Congress (2019) (statement of Acting Inspector General John V. Kelly).

² U.S. Customs and Border Protection: Progress and Challenges in Recruiting, Hiring, and Retaining Law Enforcement Personnel. Before the Subcommittee on Oversight, Management, and Accountability, Committee on Homeland Security, House of Representatives, 116th Congress (2019) (statement of Rebecca Gambler, Director, Homeland Security and Justice).

³ DHS OIG, *Major Management and Performance Challenges Facing the Department of Homeland Security* (OIG-20-02, November 13, 2019).

⁴ Federal Financial Management Improvement Act of 1996, Pub. L. No. 104-208 (1996).

components accountable for failing to follow guidance, and not provided adequate direction on implementing the guidance.⁵ Nor have DHS components consistently solicited, awarded, and managed low value contracts according to federal and departmental regulations.⁶ These problems have resulted in misspent funds and impaired DHS's ability to take action when contractors do not comply with the procurements.

Improving FEMA's Grant Management, Disaster Assistance, and Fraud Prevention

In reports and congressional testimony, DHS OIG has emphasized lessons learned from natural disasters that could serve to improve FEMA's contracting and overall preparedness.⁷ More specifically, the OIG identified a pattern of FEMA management failures in overseeing procurements and reimbursing procurement costs, and continues to observe systemic problems and operational difficulties that contribute to FEMA not managing disaster relief grants and funds adequately. At times, FEMA has not followed procurement laws, regulations, and procedures, nor has it ensured disaster grant recipients and subrecipients understand and comply with these same authorities. In 2019 and 2020, the OIG issued reports demonstrating weaknesses in FEMA's administration of the Public Assistance grant program.⁸ The OIG also found FEMA's disaster assistance programs are highly susceptible to fraud, waste, and abuse, which poses significant risk to taxpayer investment.⁹ 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. DHS OIG ongoing work reveals significant challenges across DHS related to cybersecurity protections, and election infrastructure protection and preparedness for the 2020 election amid COVID-19.

Protecting the Health and Safety of Immigration Detainees, DHS Employees, and Contract Staff

Tens of thousands of detainees are in short- and long-term custody in CBP and Immigration and Customs Enforcement (ICE) facilities nationwide. Detainees in DHS custody, as well as CBP and ICE employees and contract staff, face amplified risks of exposure to COVID-19. DHS has struggled for several years, as documented in numerous reports and studies, to ensure proper medical and mental health care in immigration detention. DHS uses a wide range of contract settings for detention, including privately owned and operated prisons, as well as state and local jails. Due to the decentralized nature of this system and a lack of standardized procedures, DHS will face formidable challenges in identifying and managing individuals who have been exposed to or contracted COVID-19.

⁵ DHS OIG, *DHS Needs to Improve the Process for Identifying Acquisition Planning Capability Needs* (OIG-19-19, January 30, 2019).

⁶ DHS OIG, *Inadequate Oversight of Low Value DHS Contracts* (OIG-19-50, July 2, 2019).

⁷ FEMA Contracting: Reviewing Lessons Learned from Past Disasters to Improve Preparedness. Before U.S. House of Representatives Subcommittee on Emergency Preparedness, Response, and Recovery and Subcommittee on Oversight, Management, and Accountability, Committee on Homeland Security, 116th Congress (2019) (statement of Deputy Assistant Inspector General for Audits Katherine Trimble).

⁸ DHS OIG, *FEMA's Eligibility Determination of Puerto Rico Electric Power Authority's Contract with Cobra Acquisitions LLC* (OIG-19-52, July 3, 2019) and *Management of FEMA Public Assistance Grant Funds Awarded to the Sewerage and Water Board of New Orleans Related to Hurricanes Katrina, Isaac, and Gustav* (OIG-20-21, March 27, 2020).

⁹ DHS OIG, *FEMA Did Not Sufficiently Safeguard Use of Transportation Assistance Funds* (OIG-19-66, September 30, 2019); *FEMA Purchased More Manufactured Housing Units Than It Needed in Texas After Hurricane Harvey* (OIG-20-15, February 26, 2020); and *Additional Controls Needed to Better Manage FEMA's Transitional Sheltering Assistance Program* (OIG-19-37, March 29, 2019).

OIG prior pandemic oversight work identified deficiencies in DHS’s needs assessment before purchasing pandemic preparedness supplies and managing its stockpile of personal protective equipment and antiviral medical countermeasures.¹⁰ The OIG further found that DHS could not be assured that its preparedness plan could be executed effectively during a pandemic event.¹¹ Detainees and staff in immigration detention facilities may not have sufficient personal protective equipment or access to effective treatment to minimize the spread of the virus.

**For more information on the DHS
Office of Inspector General visit
<https://www.oig.dhs.gov/>.**

¹⁰ DHS OIG, *DHS Has Not Effectively Managed Pandemic Personal Protective Equipment and Antiviral Medical Countermeasures* (OIG-14-129, August 26, 2014).

¹¹ DHS OIG, *DHS Pandemic Planning Needs Better Oversight, Training, and Execution* (OIG-17-02, October 12, 2016).