

Questions for the Record from Senator Sullivan to Admiral Linda L. Fagan

Question 1: *As part of the 2021 National Defense Authorization Act, Congress passed legislation exempting vessels that primarily operate within the Alaskan-region from certain GMDSS requirements. I have been closely monitoring the implementation of this law and am concerned that the implemented rule may vary significantly from the intent. Specifically, the intent was to allow vessels primarily operating in Alaska to operate in much the same fashion as they have for years. I am concerned that the final rule will require equipment that possesses little to no functional value. Can you commit to working with the FCC to ensure that the original legislative intent is adhered to and that these vessels are not required to install unnecessary equipment?*

Response: If confirmed, I commit to working with the FCC to implement the provisions of 2021 National Defense Authorization Act, including section 8336 of the Elijah E. Cummings Coast Guard Authorization Act of 2020. As required by Section 8336, the Coast Guard has provided DHS a recommended definition for the term “Alaskan Region.” The Coast Guard and DHS will continue to work with FCC to implement this statute in alignment with legislative intent.

Question 2: *As you mentioned in your testimony, you intend to improve the Coast Guard’s access to childcare and housing. Child care is an important issue and one that looks slightly different throughout the country. In some areas, the Service can explore increased subsidy payments thus allowing service members to utilize non-military childcare. In other regions, such as Sitka, Alaska, the issue is not as simple as increasing subsidy payments as the community is lacking in both civilian and military childcare capacity. Similarly, commercially available housing is challenging for many communities that are experiencing an increased demand from different sectors. As you look at addressing the child care and housing issues within the Coast Guard, will you commit to exploring options that do not displace the needs of local communities, or when feasible, exploring joint ventures that are mutually beneficial?*

Response: If confirmed, I will continue to look for opportunities to better support our Coast Guard families, to include improving access to childcare and housing. The \$4 million increase provided in the FY 2022 Appropriation for childcare fee assistance helps to defray the rising costs of childcare our families are facing; however in terms of childcare there is not a one-size-fits-all solution. Building Child Development Centers (CDCs) is a critical component of my intent to provide the best support for our service members and their families. The same is true with housing, and I am committed to continuing to identify the best solutions to fit the needs of our workforce and the communities where we serve. While, we have not entered into public-private housing agreements, I am committed to continued investment in housing; projects like the Kodiak, AK housing – currently in phase IV of a complete rebuild. As we continue to improve access to childcare and housing, I will ensure local considerations, such as those in Sitka, Alaska, are incorporated into Coast Guard assessments and planning. All service members and their dependents need to have access to childcare as well as adequate housing. I look forward to working with you and your staff on this important issue.

Questions for the Record from Senator Blackburn to Admiral Linda L. Fagan

Question 1: *For good reason, I hear from Tennesseans about their concerns with the current supply chain situation and the effect it's having on their businesses. And this is not limited to any certain kind of company – the supply chain shortages are hurting everyone from Oak Ridge National Labs to small providers of home appliances. For this reason, I worked with Senators Peters and Scott to introduce a bill to direct the SelectUSA program to engage with states about how to attract foreign direct investment from non-adversarial countries for semiconductor manufacturing.*

- *How are you working with states and their economic development organizations – like the Tennessee Department of Economic and Community Development – to think about the role of foreign direct investment in helping fill gaps in the supply chain?*
- *And how do we make sure – like our bill contemplates – that those dollars are not coming from countries like China, but rather those who want to work with us and not against us to ensure the U.S. can stay a leader in manufacturing?*

Response: The Coast Guard works in concert with other Federal, State, local, Tribal, and territorial agencies, the marine industry, maritime associations and the international community to safeguard the efficient movement of \$5.4 trillion in annual economic activity and support 30.8 million American jobs across the Nation's Marine Transportation System (MTS). Recently, surging consumer demand, labor shortages, and overseas manufacturing delays have resulted in congestion at our Nation's ports. While the Coast Guard does not have a direct role in how local port infrastructure and other waterfront facilities are financed, I am committed to close and continued cooperation with local port partners in maintaining awareness and managing the risks resulting from port congestion. Our national security and economic prosperity are inextricably linked to the MTS, and the Coast Guard takes pride in its role managing the Nation's waterways in order to keep America's consumers, producers, manufacturers, and farmers connected to both domestic and global markets.

Questions for the Record from Senator Cruz to Admiral Linda L. Fagan

Question 1: *Admiral in your written testimony you stated your “highest priority will be to modernize our talent management system.” This is laudable considering recruitment and retention of personnel is a recurring issue, especially among more specialized occupations. In your assessment, in which 20 specialties (“rates”) does the Coast Guard have greatest problems recruiting and retaining? Please rank them by greatest to least. In your assessment, what are the 20 most critical occupational specialties (“rates”) for the Coast Guard? Please rank them from most critical to operational readiness to least critical.*

- a. Please describe why each of those 20 specialties are critical to the United States Coast Guard.*
- b. Please describe why you believe Coast Guardsmen in those 20 specialties decide to leave the United States Coast Guard before reaching retirement.*
- c. Please describe why you believe the Coast Guard has issues filling these 20 critical specialties. That is, an assessment of whether the issue is recruitment, retention, sharply increased demand, etc. If the answer is a mix, please provide a best-guess as to the principle factor at play and rank the contributing factors.*
- d. For each of the 20 critical occupational specialties, what is the personnel margin? That is, how many extra (above the bare minimum needed to sustain operational readiness) active duty or reserve Coast Guardsmen are there in that rate?*
- e. For each of the 20 occupational specialties, are any of them below the level needed for operational readiness? If so, please specify which specialties, how far below manning requirements, and the impact to operational readiness now, and in the immediate future.*

Response: The Coast Guard’s missions cannot happen without all of our rates, and while we have enlisted rates designated as “critical”, that designation does not directly correlate to a readiness impact. The rates currently designated as critical are:

Aviation Survival Technician (AST)
Boatswain Mate (BM)
Culinary Specialist (CS)
Gunners Mate (GM)

That list is updated frequently, and we take specific recruiting and retention efforts, such as re-enlistment bonuses or offering new recruits bonuses for entering those rates, to best maintain the readiness of the Coast Guard. If confirmed, I am committed to developing new strategies that sustain the Coast Guard as an employer of choice. We need to recruit, train, and retain the very best talent to ensure organizational success in an increasingly complex and dynamic maritime and national security environment.

To your question about why our people decide to leave the Service, the Coast Guard currently

enjoys the highest retention rate of all the Armed Forces. We do not have a comprehensive dataset that allows us to identify trends or reasons for each member's departure. I feel that this is a gap in our talent management system and I am committed to developing the systems and processes necessary to better inform our retention efforts.

Admiral Fagan, during your hearing you and I discussed the administration's COVID-19 vaccine mandate and the impact that mandate is having and could have in the future on operational readiness of the Coast Guard. During that back-and-forth you were able to provide some detail, but didn't have other figures readily available. Specifically we had the following exchange:

Senator Cruz: *I am hearing concerns from men and women in the Coast Guard about how that is being implemented and so I wanted to ask your number one, how many Coast Guard personnel have requested a medical exemption from the vaccine mandate?*

Admiral Fagan: *So, 96 percent of the workforce has a -- has been vaccinated. With regard to medical exemptions, we had about 45 people asked for those, religious accommodation and we had over 1,300 people request religious accommodations.*

Senator Cruz: *OK and for both of those categories, how many have been granted, how many have been denied and how many are still pending?*

Admiral Fagan: *And so we granted 45 temporary medical exemptions. We are in the process of now working of the over 1,300 religious accommodations, over 900 of those were subsequently appealed. We are still working through the appeal authority there. We granted for religious accommodations and continue to work through very deliberately through the process, so that each one of those request is handled on its individual merits.*

Senator Cruz: *So, I want to make sure I understand the numbers. The 45 on medical exemptions, is that how many asked for them or how many were granted?*

Admiral Fagan: *That is how many were granted, I do not know the total number that were asked for a medical exemption. We can get you that number.*

Senator Cruz: *OK, I would ask you to follow up with that number of how many -- how many were asked for, how many had been granted, how many had been denied and how many are still pending adjudication. On the religious exemption, you gave the number 1,300. Is that how many were asked for or how many -- you said 900 or appeal, so were those denied or what is that number looks like?*

Admiral Fagan: *1,333 were asked for. Those were processed and then on -- and all of those have been notified back and 942 of those were subsequently appealed, they were denied.*

Senator Cruz: *Of the 1,300 requests for religious exemptions, how many were granted?*

Admiral Fagan: *There were four granted.*

As I said during your hearing, four out of 1,300 requests is a stunningly low rate, and I would like to get more information from you on the specifics on that process. And how this relates to on-going personnel challenges. For the questions 2 through 5 and their subparts, please break your answers down as follows:

- *The total number*
- *The number as it relates to active duty Coast Guardsmen*
- *The number as it relates to Ready Reserve Coast Guardsmen*
- *A breakdown of the occupational specialty (“rates”), or Coast Guard equivalent, of requests. (That is how many rescue swimmers, how many pilots, how many aviation maintenance technicians, etc.)*

Question 2: *In total, how many Coast Guardsmen requested an exemption from the August 2021 requirement to be fully vaccinated against COVID-19?*

- a. Of these, how many were denied?*
- b. Of the denials, how many were appealed?*
- c. Of the appeals, have any been fully processed and approved? Have any been fully rejected? If so, how many in each category?*
- d. How many requested exemptions are still awaiting processing?*

Response: Coast Guard members may receive a medical exemption, administrative exemption, or religious accommodation from a mandated vaccine. A detailed breakdown of the current status of medical exemptions and religious accommodations for the COVID-19 vaccination is included in answers to questions three and four below.

Question 3: *How many Coast Guardsmen requested a medical exemption from the August 2021 requirement to be fully vaccinated against COVID-19?*

- a. Of these, how many were denied?*
- b. Of the denials, how many were appealed?*
- c. Of the appeals, have any been fully processed and approved? Have any been fully rejected? If so, how many in each category?*
- d. How many requested medical exemptions are still awaiting processing?*

Response: A total of 25 service members requested a permanent medical exemption from the COVID-19 vaccination.

- a. 16 permanent medical exemption requests were denied.*
- b. 7 permanent medical exemption requests were granted.*
- c. 2 medical exemption denials were appealed and not approved.*
- d. 2 permanent medical exemption requests are pending.*

Question 4: *How many Coast Guardsmen requested a religious exemption from the August 2021 requirement to be fully vaccinated against COVID-19?*

- a. *Of these, how many were denied?*
- b. *Of the denials, how many were appealed?*
- c. *Of the appeals, have any been fully processed and approved? Have any been fully rejected? If so, how many in each category?*
- d. *How many requested religious exemptions are still awaiting processing?*

Response: The Coast Guard received 1,335 religious accommodation (RA) requests.

- a. Four RA requests were approved and 1,242 were denied. 86 administrative exemptions were granted for members separating or retiring prior to 1 October 2022. Three members elected to receive the vaccine and withdrew their RA request.
- b. Coast Guard members submitted 944 appeals of their initial RA request.
- c. The Coast Guard's appeal process is ongoing. 137 service member notifications of appeal denial have been sent.
- d. 807 appeals remain in process.

Question 5: *How soon does the Coast Guard expect to fully process all exemption requests and subsequent appeals?*

Response: The Coast Guard has begun notifications for all of the submitted religious accommodation appeals, and I can commit to having all 944 responses completed this summer.

Question 6: *Admiral I appreciate you stating that you will not do anything that will put the operational readiness of the Coast Guard at risk with regards to the vaccine mandate, but absent this discretion what would the end result be for Coast Guardsmen who are denied an exemption, lose all appeals, and still refuse to get vaccinated?*

Response: I am committed to maintaining the readiness that the Nation expects from the Coast Guard. My goal is to retain every Coast Guard member. For members whose request for religious accommodation or medical exemption are denied and who remain unvaccinated, the Service retains the ability to determine their remaining time in the Coast Guard to best support mission readiness. As circumstances dictate, these members may naturally attrit, voluntarily separate, or may be involuntarily separated.

Question 7: *What would the impact be to the readiness of the Coast Guard if all Coast Guardsmen seeking exemptions were separated? Would the Coast Guard still be able to succeed across all its mission areas?*

Response: If the scenario you posed became a reality, the Coast Guard would expect a mission readiness impact, which is why my goal is to retain every Coast Guard member. For members whose request for religious accommodation or medical exemption are denied and who remain

unvaccinated, the Service retains the ability to determine their remaining time in the Coast Guard to best support mission readiness. Close to 98 percent of the Coast Guard's active duty workforce is vaccinated against COVID-19.

Question 8: *With regards to retention, what impact does something like the Secretary of Defense's mandatory COVID-19 vaccination order have? Specifically, how is this impacting some of the more specialized occupations like marine safety inspectors, who are often hired away by industry, or fixed-wing aircraft pilots, who are sought after by the commercial airlines?*

Response: The Coast Guard currently enjoys the highest retention rate of all the Armed Forces. However, we do not have a comprehensive dataset that allows us to identify trends or reasons for each member's departure. I feel that this is a gap in our talent management system and I am committed to developing the systems and processes necessary to best inform our retention efforts. We are not currently experiencing shortages in the specialties that you mentioned above due to policies or any other known workforce driver or trend.

Question 9: *We have heard anecdotal evidence of military personnel in some branches who report that adverse employment decisions have been made against them if they request a religious exemption (in some cases even before a decision on an application has been reached). Are you aware of any such instances in the Coast Guard? How do you plan on protecting Coast Guardsmen from such retaliation?*

Response: I am not aware of any situations where a member requesting a religious accommodation or medical exemption was subject to any decision counter to stated Coast Guard policy. There are existing policy and processes in place to protect and provide recourse for unsubstantiated adverse employment action. I am committed to ensuring that all processes and resources remain available to the entire workforce and that our actions remain within policy.

Question 10: *What statutory or constitutional guidance does the Coast Guard consult when making decisions about religious exemption applications?*

- a. *Do you believe that these military personnel have First Amendment rights while on active duty? What about Ready Reserve personnel?*
- b. *Is the Coast Guard subject to the Religious Freedom Restoration Act?*

Response: The Coast Guard's long-standing policy covering a Service member's ability to request a reasonable accommodation to allow the practice of a sincerely held religious belief was developed in accordance with the Constitution and all applicable federal laws. The Service is subject to, and meets all requirements of the Religious Freedom Restoration Act.

Question 11: *I want to turn to the Coast Guard's law enforcement mission, and specifically the work in the Gulf of Mexico combatting drug and human smuggling, enforcement of the maritime border, and illegal fishing. In your written testimony you stated the Coast Guard is*

committed to Secretary Mayorkas' priorities, including maritime border security. Having seen the Secretary's level of commitment to terrestrial border security, I have to admit this raises some red flags.

As you probably know the Biden Administration is pushing to end Title 42 restrictions in May. A federal court in Louisiana seems poised to block that decision, but for now, Congress and the states have to continue to plan for the Biden administration to keep pushing to end Title 42 until that case has resolution. By the Administration's own estimates, this is going to cause a massive surge in illegal immigrants crossing the border with DHS estimates ranging as high as 12,000 or even 18,000 migrants per day. This is not just a migrant interdiction problem though, this is also a massive search and rescue issue as we were tragically reminded last week with the death of Texas National Guardsman Spc. Bishop E. Evans, who died trying to rescue two drowning immigrants illegally crossing the Rio Grande.

Admiral, the Coast Guard in South Texas already does a massive amount of work helping CBP interdict drugs and illegal immigrants coming into the United States, including performing search and rescue missions for migrants who get into trouble. They do an incredible job despite being under-resourced and despite an ever-increasing workload.

If Title 42 is repealed, do you expect the Coast Guard's job in South Texas to get easier or harder? From your perspective, is this the right time to repeal Title 42?

Response: Smugglers have no regard for the lives of migrants and continue to take advantage of vulnerable individuals by spreading misinformation about our laws. The termination of the CDC's public health order issued pursuant to Title 42 will not affect the Coast Guard's ability to rescue and intercept individuals attempting this dangerous journey by sea. Individuals intercepted at sea attempting to enter the United States without proper documentation are, and will continue to be, subject to repatriation to their home country. Irregular maritime migration is always dangerous and often deadly. The Coast Guard is committed to ensuring the safety of life at sea and maintaining the integrity of our maritime borders.

Question 12: *Admiral, I want to turn to the broader law enforcement mission now and particularly domain awareness in the Gulf. Does the Coast Guard have full domain awareness in its area of responsibility at the maritime boundary line between the United States and Mexico, and specifically the maritime border off the coast of Texas? That is—is the Coast Guard fully aware of all boats and barges in the Gulf moving from Mexico into the United States, and specifically off the Texas coast, at any given point? If not, why not and what would it take for the Coast Guard to have full domain awareness here?*

Response: While we strive for 100 % maritime domain awareness (MDA), it is nearly impossible to achieve. However, I am committed to investments in capabilities (current and emerging) that will enhance MDA and improve effectiveness of our operations. Additional investments in technology that enable real-time use of imagery, data and intelligence, as well as investments in unmanned, autonomous systems, and artificial intelligence will enhance maritime

domain awareness and mission effectiveness.

Question 13: *Admiral as I raised with you in our private meeting, I have a lot of concern with regards to the Mexican lancha problem and the illegal fishing those vessels engage in. This is not just a natural resource issue—although it is also that—this is a border security, narcotics trafficking, and human smuggling issue as well. A number of these illegal fishing boats and their crews dabble in illegal red snapper fishing on Monday, illegal alien trafficking Tuesday, and drug smuggling Wednesday. And the problem has only continued to get worse and worse and worse. Should you be confirmed, what do you plan to do about this? What will it take to finally put a stop to this scourge?*

Response: The Eighth Coast Guard District is highly focused on the U.S. – Mexico Maritime Boundary Line (MBL) and currently maintains a persistent presence along the MBL with afloat assets to counter Mexican lancha activity. This Coast Guard presence boosts offshore detection and interdiction capability, and deters illegal fishing, drug and human smuggling, and other illicit activities that represent an immediate threat to U.S. sovereignty, border security, and our living marine resources. If confirmed, I am committed to strengthening Coast Guard’s effort to counter the threats of Illegal, Unreported, and Unregulated (IUU) Fishing on the U.S/Mexico border and throughout the 3.4 million miles of our Exclusive Economic Zone.

Question 14: *Outside of resources, do you think NOAA’s recent decertification of Mexico is sufficient or should Congress look at other areas where we can exert pressure like economic sanctions for the Government of Mexico, which seems to tacitly endorse this illegal activity, or criminal penalties for the captains of the lanchas?*

Response: Illegal, Unreported, and Unregulated Fishing is a pervasive global maritime security threat and rising priority for the U.S. Government. If additional sanctions are imposed by the U.S. Government, the Coast Guard would work in coordination with our interagency and other partners to ensure enforcement. In terms of the Coast Guard’s role, in July of 2021, I signed the Implementation Plan for the Coast Guard’s Illegal, Unreported, and Unregulated (IUU) Fishing Strategic Outlook. If confirmed, I intend to continue implementing the Coast Guard’s plan to combat IUU fishing by leveraging our authorities and capabilities to protect our sovereignty; support cooperative enforcement efforts; and advance stability, security, and order in the maritime domain.

Question 15: *Would the Coast Guard benefit from additional information sharing with other agencies? For instance, my staff was recently at South Padre Island station and were informed that it can be difficult to receive information from CBP or utilize their resources, despite CBP being a frequent user of Coast Guard resources and intelligence. Should Congress mandate CBP share its information and resources with the Coast Guard?*

Response: The Coast Guard has been a member of the wider intelligence community since 2001 and has established partnerships with national, state, local, Tribal law enforcement, and international intelligence entities. The Coast Guard benefits from a productive relationship with CBP across many of our joint lines of efforts pertaining to maritime law enforcement and border

security. This issue has my attention, and I will coordinate with my counterpart at CBP to ensure the continued sharing of intelligence and cooperation in executing our missions.