



Supporting Those Who Serve



May 20, 2014

The Honorable Tom Carper, Chairman
The Honorable Tom Coburn, Ranking Member
Committee on Homeland Security and
Government Affairs
United States Senate
Washington, DC 20510

The Honorable Mark Begich, Chairman
The Honorable Rand Paul, Ranking Member
Subcommittee on Emergency Management,
Intergovernmental Relations, and the District
of Columbia
Committee on Homeland Security and
Government Affairs
United States Senate
Washington, DC 20510

Dear Senators Carper, Coburn, Begich, and Paul:

As your Committee considers the Administration’s proposal to consolidate the various homeland security grant programs into a new National Preparedness Grant Program (NPGP) we write on behalf of local elected officials, emergency managers, homeland security administrators, port operators, transit operators, police chiefs and colonels, sheriffs, and the major fire service organizations to register again our strong support for the existing menu of homeland security grant programs and our deep concerns with the NPGP proposal.

As the response to the Marathon Bombing in Boston last year so clearly demonstrated, the existing programs are working. They may not be perfect and some changes may be needed, but they are the product of years of work by Congress, the Administration, state and local governments, and first responders, and should not be scrapped. The federal grant funds that the Department of Homeland

Security and its Federal Emergency Management Administration have provided clearly have improved the nation's planning, mitigation, preparedness, prevention, response, and recovery capabilities.

As you know, the NPGP proposal would consolidate the existing suite of homeland security grant programs into state-administered block and competitive grant programs in which funding decisions are based on state and multi-state threat assessments. We appreciate the fact that FEMA made changes in its FY 2015 budget proposal in response to some of the concerns raised by our organizations and for the first time provided draft legislative language. For example, the revised proposal retains the provision that 80 percent of the funds be provided to local agencies and brings more transparency to the state decision-making process.

This latest proposal still contains several items of concern, however. These include collapsing all of the current programs into a consolidated program that would no longer guarantee the retention of key programs; removal of the 25 percent set-aside for law enforcement terrorism prevention; and radically changing the definition of local government to include port and transit authorities and private organizations. Specifically:

1. Cutting the overall funding level and consolidating the various programs into a state program in which state officials make all of the funding decisions raises concerns about the programs' continued ability to protect key infrastructure, such as ports and transit facilities, and sustain the emergency response capabilities of first responders, the vast majority of whom are at the local level.
2. The proposal would greatly broaden the definition of "local unit of government," a definition that currently is contained in numerous federal statutes. While the proposed change is written in a way that would try to limit its application only to the NPGP, it could set a dangerous precedent for other laws and programs.
3. While the proposal maintains the requirement that states pass through 80 percent of the funding to locals, it does not ensure that funds would be used to meet locally identified needs and priorities. In the past many local governments have indicated they have had little opportunity for input, and sometimes little opportunity to consent to the state use of the funds in their jurisdictions.
4. The proposal appears to fold the Urban Area Security Initiative Program into the NPGP. Although the FEMA Administrator would continue to designate UASI's and, we are told, it would have a separate funding stream, it is unclear what role the states would play in UASI funding decisions, and how we can be assured that the capabilities that have been developed through this critical program will be sustained and increased.
5. It would eliminate the 25 percent set-aside for law enforcement terrorism prevention, which makes no sense given the fact that local police departments and their officers have played a crucial role in preventing acts of terrorism since 9/11 and this the only funding designated specifically for prevention.
6. It appears that the funds could not be used for firefighting, even though it is a key element of any response to a terrorist attack. The draft authorizing legislation specifies that the NPGP would "build and sustain core capabilities identified in the National Preparedness Goal," but DHS does not identify firefighting as one of its core capabilities.
7. The legislative proposal requires that "all grant-funded assets...be nationally deployable through the Emergency Management Assistance Compact (EMAC)." While we understand

the importance of sharing assets nationally, some of those funded through these programs, particularly those that protect critical infrastructure, simply are not deployable.

8. The proposal places a great deal of emphasis on the Threat and Hazard Identification and Risk Assessment (THIRA). Yet currently many local governments have been left out of that process, even though they best know the preparedness gaps in their communities and resources available to respond in the first minutes of an incident. When local governments are involved in the process, there does not appear to be a mechanism in place to resolve differences between a local government and the state government.
9. The NPGP proposes a 24-month grant performance period, however, it often requires an excess of 24-months to properly plan, procure, and construct large transit and port capital projects. Physical security enhancement projects that strengthen and fortify critical transit and port facilities can be complex to design and build. A grant performance period of three years with the right to request two one-year extensions is preferred.

Our organizations have urged FEMA and the Administration to work with us and with the Congress to develop program reforms that incorporate the successful elements of past and current programs and identify new approaches that can have broad support. We have further urged that any reform proposals protect certain key programs, including the Urban Area Security Initiative and port and transit security grants, which provide targeted funding to local areas and critical infrastructure considered to be at the highest risk. While we appreciate that FEMA officials have taken the time to meet with us on several occasions, we cannot say that any of these meetings constituted a meaningful dialogue on these issues.

If we can provide further information or assistance, please contact us through the U.S. Conference of Mayors' Public Safety Director, Laura DeKoven Waxman, at (202) 489-7534 or lwaxman@usmayors.org, or the International Association of Fire Chiefs' Director of Government Relations and Policy, Ken LaSala, at (703) 273-9815 x347 or KLaSala@iafc.org.

Sincerely,

**American Association of Port Authorities
American Public Transportation Association
Big City Emergency Managers
Congressional Fire Services Institute
International Association of Chiefs of Police
International Association of Fire Chiefs
International Association of Fire Fighters
Major Cities Chiefs Association
Major County Sheriffs' Association
National Association of Counties
National Homeland Security Coalition
National League of Cities
National Sheriffs' Association
National Volunteer Fire Council
The United States Conference of Mayors
U.S. Council of the International Association of Emergency Managers (IAEM-USA)**