



Supporting Those Who Serve



March 10, 2015

The Honorable Ron Johnson, Chairman
The Honorable Thomas R. Carper, Ranking Member
Committee on Homeland Security
and Government Affairs
United States Senate
Washington, DC 20510

The Honorable Rand Paul, Chairman
The Honorable Tammy Baldwin,
Ranking Member
Subcommittee on Federal Spending,
Oversight and Emergency Management
Committee on Homeland Security
and Government Affairs
United States Senate
Washington, DC 20510

Dear Senators Johnson, Carper, Paul and Baldwin:

As your committee considers once again 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 2013 Marathon Bombing in Boston so clearly demonstrated, the existing programs are working. They may not be perfect and some changes may be needed, but they are the products 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 Agency (FEMA) 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 understand that FEMA has made changes in its FY 2016 budget proposal, but little information on those changes has been made public.

For example, it appears that this year's proposal would retain the provision that 80 percent of the funds be provided to local agencies, but also would specify that port areas, transit agencies, and non-profit organizations – which may or may not be local agencies – would be eligible for funding as sub-recipients of the state. It is unclear whether the Administration will propose as it did last year to broaden the definition of "local unit of government." If it does that would be of particular concern to our organizations as it is a definition that currently is contained in numerous federal statutes. While the proposed change was 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.

It appears that this latest proposal still contains several items of concern, however, including collapsing all of the current programs into a consolidated program that would no longer guarantee the retention of key programs and removal of the 25 percent set-aside for law enforcement terrorism prevention. 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. While the proposal appears to maintain 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.
3. 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 would be sustained and increased.
4. 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.
5. 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. Last year's draft authorizing legislation specified 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.
6. 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.

7. Seaports are international borders, and like airports and land borders, security should be coordinated at the federal level and not become the responsibility of the State. If this program is eliminated and merged into the state grants there is no guarantee that states would fund port security as they currently have little interaction with ports and their security.
8. The proposal places a great deal of emphasis on the Threat and Hazard Identification and Risk Assessment (THIRA). Yet currently many local governments and other agencies, such as ports, have been left out of that process, even though they best know the preparedness gaps in their communities and available resources to respond in the first minutes of an incident. When local governments and other agencies are involved in the process, there does not appear to be a mechanism in place to resolve differences between them 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.

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)