

# HOMELAND SECURITY ADVISORY COUNCIL



## GRANT REVIEW TASK FORCE FINAL REPORT SPRING 2016

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## EXECUTIVE SUMMARY

Since 2003, the United States Department of Homeland Security (DHS) has provided more than \$40 billion in grant funding to state, local, tribal, and territorial governments as well as Urban Areas. Most recently, on 18 December 2015, the Consolidated Appropriations Act of 2016 (Public Law 114-113) was signed into law. Totaling \$1.15 trillion in discretionary spending, the bill funds DHS at \$41 billion, to include \$1.6 billion in non-disaster preparedness funds.

Over time, much attention has been given to the amount of funding that has been provided to different partners and stakeholders; spending on discrete areas and/or issues has been heavily analyzed by various entities.

Perhaps more critical than the amount of funding that has been provided, is the issue whether the funding has been used efficiently and effectively. More specifically, whether processes, mechanisms and approaches are established to best ensure the attainment of outcomes in a transparent and accountable manner that allows for the identification of threats and hazards and the implementation of programs and processes to address the same. In this manner, the funding can most effectively and efficiently be utilized in a manner that enhances public safety and security through ensuring that our nation is able to best prevent, protect against, mitigate the effects of, respond to and recover from all-hazards, whether man-made or natural, from a whole community approach.

On 07 November 2014, Jeh C. Johnson, the Secretary of Homeland Security requested that the Homeland Security Advisory Council (HSAC) establish a Grant Review Task Force (Task Force) to examine the above issues through the framework of a three-part mandate:

1. What are the outcomes that the grants process is intended to achieve?
2. What mechanisms are best suited to achieving the desired outcomes?
3. How can DHS' emphasis on a whole community approach that involves local, state, territorial, and tribal stakeholders be best effectuated and supported?

Through exhaustive review of guiding statutes, guidance and doctrine, data analysis, as well as extensive outreach with stakeholders and partners, the Task Force was able to develop an understanding of those areas within the non-disaster preparedness grant program where progress has been achieved as well as areas where common challenges remain and areas for improvement exist.

While significant progress has been achieved in ensuring that non-disaster preparedness grants are meeting their objectives, opportunities for enhancement exist with respect to the larger system as well as at the grantee level, where competencies, consistency and communication can be unequal among different stakeholders. If acted upon, many of these areas will not only enhance efficiency and effectiveness, but will increase transparency and accountability, improve the experience for partners, stakeholders and the grantor, as well as those with fiduciary responsibility across the grant suite.

The Task Force recommendations include structural changes within particular programs, statutory changes as well as changes that provide the Federal Emergency Management Agency (FEMA) with additional support to implement tools to empower grant recipients.

Where noted progress has been made, FEMA – particularly the Grant Programs Directorate (GPD) – has engaged stakeholders in developed and detailed efforts, providing guidance, direction and clarification but without accompanying requirements related to resource-intensive administrative efforts that may be duplicative or unnecessary. Modifications in auditing and monitoring processes, for instance, offers one clear example of improvement; where FEMA GPD has aligned various entities to work on coordinated schedules, this has reduced duplication, increased efficiency, enhanced transparency and improved the grantee experience. This effort demonstrates the value of strong leadership that is designed to enhance unity of effort; we would urge the adoption of this form of leadership in other areas, consolidating ownership and responsibility and improving accountability.

Supporting the identification and adoption of best practices, optimization and, where possible, consistency, in the approach and methodology as well as the roles and responsibilities of stakeholders in all areas would be deeply impactful. This is true across the entire life cycle of these programs, from risk assessment and capability gap identification to program development, execution and evaluation as well as grant management practices, to include the peer review process, auditing and monitoring efforts as well as technology platforms available to FEMA to access, review and support grantees. Enhanced focus on efforts related to this would assist in enhancing grantee performance, ensuring prudent expenditures and supporting the development of all-hazards, whole community efforts, where initiatives provide multiple benefits to stakeholders and partners.

With respect to operationalization of programs, there can be a lack of coordination between grant programs and allocations within the same Areas of Operation, and on multiple levels; diminishing overlaps between grant programs and increasing visibility across programs to avoid duplication of effort, and improving coordination will benefit public safety and security and ensure the efficient allocation of resources. As a component of this, the management and execution of particular programs should be aligned more appropriately to reflect the threats and hazards faced, broader structural as well as historical relationships and fiduciary impacts; the Tribal Homeland Security Grant Program and the Urban Areas Security Initiative program, in particular, should be direct awards from FEMA to address these issues. There must be a concerted effort to expand the provision of guidance, training and tools as well as technical assistance, and expand the use of metrics to ensure prudent expenditures.

Moreover, the Department must have flexibility to address emergent threats, such as issues related to Countering Violent Extremism or cyber-attacks. Local entities, many of which are more frequently located outside of recognized high-threat level Urban Areas, are uniquely vulnerable to these issues. Guidance, support and funding must exist to address emergent threats and be focused on raising preparedness levels across the whole community, while emphasizing that grantees must develop long-term planning and sustainment efforts commensurate with the provision of these funds.

Given the complexity of the grant program, there are multiple opportunities to streamline efforts and enhance unity; establishing more clear guidelines as well as identifying, supporting and advancing best practices and encouraging bi-directional communication. As a component of this, a whole community approach must be embraced that seeks to maximize efficiencies and leverage expertise across functions, disciplines and stakeholders to best enhance safety and security for the Nation; processes must be encouraged to involve these disciplines, particularly where decisions are impactful to front-line and operational personnel.

With respect to the structure of this report, and efforts to address issues and topics within the three-part mandate, the Task Force began with a description of the progress achieved by FEMA, specifically the Grant Programs Directorate (GPD), in recent years. The Task Force felt that it was important to recognize several key areas where noticeable and impactful progress has been made in addressing stakeholder concerns, from members of Congress to local jurisdictions. While this list is illustrative and not exhaustive, it provides a sense of the efforts that have been undertaken to improve the grant program initiative from within the Department, as a whole.

The report continues with the identification of the issues within each-sub-tasking. Each section begins with a clarification of the sub-tasking as well as the associated questions presented. For each sub-tasking, the Task Force included a broad overview of relevant aspects of the DHS and FEMA grant effort, so as to provide the diverse array of stakeholders that may read this report with a common understanding of issues and history. Then follows a series of observations related to each sub-tasking.

Those items noted as observations within this report are predominately based on information, perceptions and feedback obtained through outreach to key stakeholders and partners, primarily grant and subgrant recipients as well as various representative associations. The Task Force identified trends in the comments and feedback from the feedback received and used that as the primary method of research. The noted observations, while largely based on outreach to key stakeholders, may also be based – in certain circumstances – on the review of the programs and/or the data collection and analysis effort of the Task Force. Given the approach, observations – particularly those based on feedback received by stakeholders – can be considered subjective and qualitative. Notwithstanding this subjectivity, the operational, real and experientially based perceptions and feedback of stakeholders may be considered critical to improving the form and function of the grant effort.

Recommendations were collected and subsequently organized by topic area, and appendices included for supporting information and/or materials.

This report by the Task Force attempts to provide general recommendations related to the three areas outlined by the Secretary. The Task Force had broad access and cooperation from key stakeholders, to include: DHS, FEMA, and other tribal, state and local agencies, as well as partners from across sectors. This outreach enabled the Task Force to gather data to better understand what has already been done on this critical issue as well as what needs to be undertaken as it relates to the use of DHS non-disaster preparedness funds to enhance safety and security and other closely related topics.

The Task Force concludes by noting the incredible efforts by individuals and organizations at all levels, from first responders who are working, everyday, within our communities to protect and serve our residents to those at the tribal, territorial, local, state and federal levels who are working to support the effective and effective training, equipping of those men and women as well as the whole community, so as to best position our nation to prevent, protect against, mitigate the effects of, respond to and recover from all-hazards, whether man-made or natural. While no system is perfect, especially one as diverse and broad as that involving the relationships and structures of the non-disaster preparedness grant suite, much progress has been made across the nation in our preparedness efforts. This is particularly true within the federal government, and both DHS as well as FEMA, specifically.

The Task Force wishes to emphasize that we provide this report, and its recommendations, in the hope that demonstrable progress can be made both in the near-term while, at the same time, that future leadership will both respect the tremendous efforts by all parties to ensure a whole of community approach, the progress that has been made with the non-disaster preparedness grant suite over the last several years, and that the basic foundations of those programs should continue to be developed and refined. The Task Force believes that this report and its accompanying recommendations – undertaken through a whole community, all-hazards approach to the tasking provided – can support that effort, and contribute to the safety and security of our nation.

# HISTORY

In September 2011, DHS released the first edition, under Presidential Policy Directive (PPD) – 8, of the National Preparedness Goal (NPG or “the Goal”). The Goal identifies five mission areas: Prevention, Protection, Mitigation, Response and Recovery, which comprise 32 interdependent core capabilities for national preparedness. DHS released the second edition of the NPG in September 2015. The National Preparedness System articulates an integrated set of guidance, programs and processes that provide for the identification and assessment of risk, the estimation of capability requirements, and the development, sustainment, delivery, validation, review and update of plans and resources necessary to deliver the 32 core capabilities identified in the goal.

Supporting the achievement of the 32 core capabilities is a whole community responsibility, and one that must be inclusive of entities at the federal, state, local, tribal and territorial levels as well as the private and non-profit sectors, communities and individuals. In order to support this goal, the Federal Emergency Management Agency (FEMA) administers a suite of non-disaster preparedness grant programs. The following pieces of Presidential and Congressional guidance serve as the foundation for FEMA’s non-disaster preparedness grant programs, outlining the capabilities, programs and processes to support the achievement of the NPG:

## *Homeland Security Presidential Directive 8 (HSPD-8) “National Preparedness” 2003*

HSPD-8 charged DHS with the creation of a NPG, to include the development of corresponding preparedness capabilities in support of the NPG, and the establishment of mechanisms of funding assistance for state and local governments for the purpose of achieving this goal.

## *Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA)*

The PKEMRA, enacted to address the shortcomings identified in the preparation for and response to Hurricane Katrina, amended the Homeland Security Act of 2002 to redefine the mission, role and structure of FEMA. The PKEMRA placed the administration of the preparedness grant programs under the FEMA Administrator, and established the FEMA Grants Program Directorate (GPD) to administer these programs. The Act also required that states report on their own preparedness.

## *Implementing the Recommendations of the 9/11 Commission Act of 2007 (9/11 Act)*

The 9/11 Act formally authorized federal assistance programs to include the State Homeland Security Grant Program and Urban Areas Security Initiative. The 9/11 Act provides guidance related to the use of grant funds under these programs, including a requirement that allowable activities should have a nexus to terrorism, with allowable multi-purpose efforts.

## *HSPD-8 Annex I “National Planning” 2007 (Annex)*

The Annex formally established a standard and comprehensive approach to national planning, requiring the development of an Integrated Planning System as well as National Planning Scenarios. The former was mandated to support the integration of state, local and tribal capability assessments into Federal planning.

## *Presidential Policy Directive 8 (PPD-8) “National Preparedness” 2011*

PPD-8 emphasized a capabilities-based, all-hazards, whole community approach to preparedness and superseded HSPD-8 and the Annex I. More specifically, PPD-8 mandated the development

of a final NPG, a description of the National Preparedness System, a series of National Frameworks and corresponding Federal Interagency Operational Plans across the Prevention, Protection, Mitigation, Response and Recovery mission areas, along with a separate Campaign to Build and Sustain Preparedness.

## **Programs**

FEMA provides state and local governments, tribes, nonprofit organizations, transit agencies, port owners and operators, among others, with preparedness funding. This is accomplished via the following non-disaster preparedness grant programs to enhance the capacity of the whole community to prevent, protect against, mitigate the effects of, respond to, and recover from all-hazards, whether man-made or natural.

### *Emergency Management Performance Grant Program (EMPG)*

The EMPG provides assistance to state, local, and tribal governments in preparing for all-hazards, as authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121 et seq.). Title VI of the Stafford Act authorizes FEMA to make grants for the purpose of emergency preparedness and to vest responsibility for the same jointly in the federal government and the states and their political subdivisions.

### *Intercity Bus Security Grant Program (IBSGP)*

The IBSGP provides funds to private operators in high-threat urban areas to protect bus systems and the traveling public from acts of terrorism, major disasters and other emergencies.

### *Intercity Passenger Rail Security Grant Program (IPR)*

The IPR provides funds to protect critical transportation infrastructure and the traveling public to increase the resilience of the Amtrak rail system.

### *Nonprofit Security Grant Program (NSGP)*

The NSGP provides funds for target hardening and other physical security enhancements and activities to nonprofit organizations that are at high risk of a terrorist attack and located within a UASI-designated urban area.

### *Operation Stonegarden (OPSG)*

The OPSG program provides funds to enhance cooperation and coordination among local, tribal, territorial, state, and federal law enforcement agencies to secure the United States' borders to include travel corridors in states bordering Mexico and Canada, as well as states and territories with international water borders.

### *Port Security Grant Program (PSGP)*

The PSGP provides funds for infrastructure security activities to implement Area Maritime Transportation Security Plans (AMSPs) and facility security plans among port authorities, facility operators, and state and local government agencies.

### *State Homeland Security Program (SHSGP)*

The SHSGP provides funds to support the implementation of the National Preparedness System to address planning, organization, equipment, training, and exercise needs to prevent, protect against, mitigate, respond to, and recover from acts of terrorism and other catastrophic events, as well as

implement initiatives that address shortfalls and deficiencies identified in individual State Preparedness Reports (SPR).

*Transit Security Grant Program (TSGP)*

The TSGP provides funds to high-threat urban areas to enhance security measures for critical transit infrastructure through sustainable, risk-based efforts to increase the resilience of transit infrastructure, and protect the traveling public from acts of terrorism and other major events.

*Tribal Homeland Security Grant Program (THSGP)*

The THSGP provides funds directly to eligible tribal nations to build capacity to address risks associated with potential terrorist attacks and other incidents.

*Urban Areas Security Initiative (UASI)*

The UASI program provides funds for high-threat, high-density urban areas to assist them in enhancing capacity to prevent, protect against, mitigate, respond to, and recover from acts of terrorism and other catastrophic events.

**TABLE 1: NON-DISASTER PREPAREDNESS GRANT SUITE**

Program	FY16 Funding	FY15 Funding	Recipient Eligibility*	Type of Grant
Homeland Security Grant Program (HSGP)	\$1,037,000,000	\$1,044,000,000	SAA	Risk informed/formula
State Homeland Security Grant Program (SHSGP)	\$402,000,000	\$402,000,000	SAA	Risk informed/formula; Minimum allocation is 0.35% of combined SHSP & UASI allocation
Urban Area Security Initiatives (UASI)**	\$580,000,000	\$587,000,000	SAA	Risk informed/formula
Operation Stonegarden (OPSG)	\$55,000,000	\$55,000,000	SAA	Competitive/risk-based
Tribal Homeland Security Grant Program (THSGP)	\$ 10,000,000	\$ 10,000,000	Directly eligible Tribes per 6 U. S. C. § 601 (4)	Direct competitive; minimum allocation is 0.1% of the total SHSP & USAI allocation
Nonprofit Security Grant Program (NSGP)**	\$ 20,000,000	\$ 13,000,000	SAA	Competitive; maximum sub-award is \$75,000
Transit Security Grant Program (TSGP)	\$ 87,000,000	\$ 87,000,000	Eligible transit agencies; based on daily unlinked passenger trips (riders hip) and transit systems that serve historically eligible Urban Area Security Initiative (UASI) Jurisdictions	Direct competitive/Risk based
Intercity Passenger Rail Security Grant Program (IPR)	\$ 10,000,000	\$ 10,000,000	Amtrak	Funds awarded directly to Amtrak via DOT/FRA
Port Security Grant Program (PSGP)	\$ 100,000,000	\$ 100,000,000	Eligible applicants include port authorities, port police, local law enforcement agencies, port and local fire departments, and facility fire brigades that have jurisdictional authority to respond to incidents in the port	Direct Competitive/Risk-based
Emergency Management Performance Grants (EMPG)***	\$ 350,100,000	\$ 350,100,000	SAA or State EMA	Population based formula
Intercity Bus Security Grant Program (IBSGP)	\$ 3,000,000	\$ 3,000,000	Eligible applicants under the FY 2015 IBSGP are owners and operators of fixed route intercity and charter buses that serve UASI jurisdictions. Charter companies must have made a minimum	Direct Competitive/risk-based
<b>Total</b>	<b>1,617,100,000</b>	<b>\$ 1,617,100,000</b>		

\*Only Primary Recipients, Sub recipients are not addressed

\*\*Decrease in UASI program by \$7,000,000; Increase in NSGP program by \$7,000,000

\*\*\*Note: the EMPG is the only grant reviewed under this initiative that is funded by the Stafford Act

## TASKING

In a memorandum dated 07 November 2014, Jeh C. Johnson, the Secretary of Homeland Security requested that the Homeland Security Advisory Council (HSAC) establish a Grant Review Task Force (Task Force) to address the following:

1. What are the outcomes that the grants process is intended to achieve?
  - a. How do national risk assessments (e.g., Strategic National Risk Assessment, Homeland Security National Risk Characterization) and local, state, territorial, tribal and regional risk assessments (e.g., the Threat and Hazard Identification and Risk Assessment process), help determine preparedness outcomes?
  - b. How much of preparedness is based on governmental planning, training, and equipping, and how much is based on physical, organizational, and psychological resilience?
2. What mechanisms are best suited to achieving the desired outcomes?
  - a. Can alternatives to the current mix of formula and competitive grants, including community eligibility criteria, grant conditions, cooperative agreements, and other mechanisms, better accomplish national outcomes?
  - b. Which funding mechanisms are best suited to which outcomes?
  - c. What is the role of other tools provided by the federal government (e.g. training, technical assistance) vis-a-vis the grant programs?
3. DHS' emphasis has been on a whole community approach that involves local, state, territorial, and tribal stakeholders doing their own threat assessment and risk analysis to determine their own grant investment priorities within the overall national preparedness policy doctrine and 32 core capabilities. Recognizing that communities are best qualified to determine their capabilities and gaps, the shift from national-level targets to a community-level approach was a deliberate one.
  - a. Can national advisory committees and sub-groups consisting of local, state, territorial, and tribal representation be used to create nationally-recognized communities of practice around different capabilities, which in turn can be used to set broad national priorities, share lessons learned and best practices in determining capability and capacity targets, and conducting assessments?
  - b. What analysis is necessary to support these types of investment prioritization decisions, and is that best performed at the local, state, territorial, tribal, regional, or federal level?
  - c. What role can national standards-setting bodies play in helping to define capability and capacity targets and other assessment criteria?

## **SCOPE**

In the initial tasking memorandum establishing the Grant Review Task Force, the Secretary specifically excluded questions relating to grant funding formulas and the allocation of annual grant funds among jurisdictions from the scope of this effort.

The Task Force focused its work on those grants that are generally recognized as FEMA's non-disaster preparedness grant suite. These programs are generally directed towards a common and/or similarly situated group of stakeholders, with comparable announcement procedures, application processes and, most critically, objectives. FEMA's non-disaster preparedness grants provided a logical scope of focus for the Task Force, as well as one that could result in both meaningful and achievable recommendations.

The Task Force exempted from its review FEMA disaster grants, all FEMA fire grants, to include the Assistance for Firefighters Grants (AFG), Fire Prevention and Safety (FP&S) grants, and the Staffing for Adequate Fire & Emergency Response (SAFER) grants programs, as well as grants administered by other DHS operating components.

## **APPROACH**

In carrying out the Secretary's tasking, the Task Force executed a three-pronged approach: (1) Review of Programs; (2) Outreach to Key Stakeholders, and; (3) Data Collection and Analysis. Individual Task Force members were placed into three subcommittees, each with a chairperson to lead the collection of relevant data and feedback, the synthesis of stakeholder observations related to challenges uncovered and/or observed, and the drafting of recommendations to address issues that appear to be impacting the effectiveness and efficiency of the non-disaster preparedness grants suite.

The Task Force engaged in an in-depth review of the non-disaster preparedness grant program guidance to establish a foundational landscape from which strategic and operational insights could be gained. Programs reviewed included the SHSGP, UASI, OSGP, IBSGP, IPR, NSGP, PSGP, THSGP and TSGP.

To acquire an in-depth understanding of what the current state of the non-disaster program suite looked like for grantors and grantees, alike, the Task Force engaged in extensive outreach through in-person meetings, conference calls, and attendance at conference, seminars and stakeholder working groups. With respect to the grantor, the Task Force heard directly from leadership from FEMA GPD, FEMA Intergovernmental Affairs, FEMA National Preparedness Assessment Division, FEMA Tribal Affairs, the DHS Office of Partnership & Engagement and the DHS Science and Technology Directorate (S&T), among others. With respect to partners and grantees, the Task Force heard from the Big City Emergency Managers, the International Association of Chiefs of Police, the International Association of Emergency Managers, the International Association of Fire Fighters, the International Association of Fire Chiefs, State Homeland Security Advisors, the National Congress of American Indians and numerous other grant recipients representing local, state and federal entities as well as Urban Areas, and more.

Each sector shared common challenges as well as ideas for improvement, many of which the Task Force has synthesized and memorialized in the stakeholder observations as well as certain recommendations contained herein.

To compliment the review of program-specific guidance as well as strategic and operational-level grantor and grantee experiences, the Task Force also reviewed relevant national-level strategy documents to instill a forward-looking approach to anticipated recommendations, including PPD-8, the NPG, Implementation Plan for PPD-8, the 2012 through 2015 National Preparedness Reports, the National Response Framework, National Disaster Recovery Framework, National Infrastructure Protection Plan and various After Action Reports from major events and incidents.

## PROGRESS TO DATE

FEMA has made considerable progress in not only addressing historic challenges with the suite of non-disaster preparedness grants but in providing much clearer guidance and stronger support to grantees. Specifically, grantees are being held accountable more consistently and grant management standards are both more transparent and applied more consistently across grantees.

The Task Force identified four areas where demonstrable progress has been made, and for which DHS, FEMA GPD, in particular, deserve particular recognition. The importance of this was emphasized to the Task Force after receiving consistent positive feedback from stakeholders, partners and outside observers on the matters noted below.

### ***Grant Closeout***

In August 2013, GPD identified award closeouts as an organizational priority and implemented business process improvements to expedite the closeout of a large backlog of awards.

A backlogged award is a grant that is past its period of performance and 90-day closeout period. It is a physically completed grant that needs to be administratively closed. In Fiscal Year (FY) 2014, DHS closed forty-two (42) percent of backlogged awards. In FY2015, DHS closed ninety-nine (99) percent of backlogged awards.

	Initial Backlog		Year-End Backlog		% of Backlog Awards Closed	% of Backlog Funding Deobligated
	Total Number of Awards	Total Award Balance	Total Number of Awards Closed	Total Deobligation Amount		
FY 2014	15,267	\$ 264,248,681	6,443	\$ 195,235,322	42%	74%
FY 2015	12,103	\$ 243,234,630	11,966	\$ 239,191,017	99%	98%

### ***Grant Spend Down***

Spend down is a term used to track how quickly and efficiently grant recipients spend their awarded funds, and is focused on ensuring grant recipients are spending funds within the period of performance. In 2009, the unspent balances in the programs were nearly \$9 billion. Those were active grants (not backlogged awards needing to be closed). Through a dedicated effort, FEMA worked with grant recipients to drive the unspent balances down from nearly \$9 billion to approximately \$1billion.

### ***Oversight & Management***

FEMA has implemented risk-based monitoring, moving from monitoring every grant recipient every other year to monitoring all open grants annually through programmatic first-line reviews and quarterly cash analysis with advanced monitoring (e.g., desk reviews and site visits) where indicated by risk analysis.

GPD has also strengthened grants administration business documentation practices, creating and/or refining four Standard Operating Procedures and over twenty (20) Desk Guides that formalize core grants administration responsibilities.

***Period of Performance***

Following the reduction of unspent balances and the more effective management of extensions, Secretary Johnson extended the two-year period of performance back to a three-year period of performance for the FY2016 non-disaster grant cycle.

Since 2012, GPD has reviewed 584 grant award extension requests and adjudicated 573 of them (grant recipients withdrew eleven (11) packages). GPD approved fifty-four (54) percent and denied forty-six (46) percent of the requests using objective criteria and a consistent, repeatable multi-level review process. Prior to the standardization of the review process, extensions were granted freely upon request. As a result, grant recipients were able to extend funds in many cases out to nearly five years (the legal limit under appropriations law). This permissive granting of extensions contributed to the high unspent balances of nearly \$9 billion in 2009.

FEMA have emphasized increased discipline in the management of grant funds, and tightened the extension process so that FEMA and its grant recipients remain focused on disciplined grants management and the efficient and effective expenditure of grant funds. Thus, over a several year period, FEMA went from nearly 100% extension approval to a 54% approval rate, reflecting that increased fiscal discipline. This tightening, along with increased focus on regular draw down, contributed to the dramatic reduction in unspent balances across the programs.

<b>Grant Award Extension Packages FY12-FY15</b>		
<b>Status</b>	<b>Total number</b>	<b>Percentage</b>
<b>Approved</b>	<b>311</b>	<b>54%</b>
<b>Denied*</b>	<b>262</b>	<b>46%</b>
• <b>Partially Denied</b>	98	17%
• <b>Denied Completely</b>	164	29%
<b>Total</b>	<b>573</b>	<b>100%</b>

***Communication Efforts***

GPD sends funding opportunity notices to current and former grant recipients for comment and conducts stakeholder outreach calls on a regular basis to discuss the grant guidance and ensure responsiveness to grantee questions and concerns.

GPD has also made significant improvements with respect to the Authorized Equipment List (AEL), which serves as the equipment purchase grant guidance for thirteen major grant programs, including the HSGP. Whereas the AEL was previously difficult to navigate and/or inflexible – posted online in a PDF format –FEMA released an interactive, web-accessible version of the AEL in September 2015. The web-based version of the AEL is searchable by keyword and by category as well as sub-category. In addition to information about equipment items, each page also contains links to the Standard Equipment List (SEL).

## SUB-TASKING I: OUTCOMES

### QUESTION PRESENTED

*What are the outcomes that the grants process is intended to achieve?*

- 1. How do national risk assessments (e.g., Strategic National Risk Assessment, Homeland Security National Risk Characterization) and local, state, territorial, tribal and regional risk assessments (e.g., the Threat and Hazard Identification and Risk Assessment Process), help determine preparedness outcomes?*
- 2. How much of preparedness is based on governmental planning, training, and equipping, and how much is based on physical, organizational, and psychological resilience?*

### BACKGROUND

#### *National Risk Assessments*

In 2011, as part of the effort to develop the Goal and identify core capabilities mandated by PPD-8, the former DHS Office of Risk Management and Analysis and FEMA led an effort to conduct the Strategic National Risk Assessment (SNRA) to identify the types of incidents that pose the greatest threat to homeland security. The assessment identified high risk factors, facilitated collaborative thinking about strategic needs across prevention, protection, mitigation, response, and recovery requirements, and promoted a common awareness of national threats and hazards as well as resulting risks.

The SNRA evaluated the risk posed by “national-level events,” categorized into Natural, Technological and/or Accidental, and Adversarial and/or Human-Caused threat/hazard groupings. The SNRA findings are largely classified and include a comparison of risks for potential incidents in terms of the likelihood (calculated as a frequency, i.e., number of events per year) and consequences of threats and hazards, as well as an analysis of the uncertainty associated with those incidents. The SNRA findings supported the preliminary development of the core capabilities, as well as the establishment of capability targets for the Goal.

The Homeland Security National Risk Characterization (HSNRC), executed in 2013 by the DHS Office of Strategy, Planning, Analysis and Risk (SPAR), sought to prioritize risks and inform ongoing strategic planning efforts as part of the Homeland Security Strategic Environment Assessment (HSSEA) for the Quadrennial Homeland Security Review. The analysis considered short-term trends in the next five years and worked to identify emerging risks through 2030.

#### *Local, State, Territorial, Tribal and Regional Risk Assessments*

The Threat and Hazard Identification and Risk Assessment (THIRA) is a four-step risk assessment process – required by FEMA with respect to certain grantees – designed to assist stakeholders, from a whole community perspective, in understanding and analyzing risks, identifying capability gaps, desired outcomes, and associated resource requirements within their respective areas of responsibility. As part of this standardized process, state, Urban Area, territorial and tribal entities identify threats and hazards to develop a specific capability target for each of the 32 core capabilities identified by FEMA and interagency partners in the NPG.

Ideally, the whole community participates in the THIRA process to share information on the threats and hazards specific to their jurisdiction, account for population-specific factors, and understand the initial and cascading effects of a threat or hazard.

Once each jurisdiction has determined capability targets through the THIRA process, the jurisdiction assesses its current capability levels against those targets. FEMA requires states and territories to submit these capability assessments annually through the SPR.

The SPR is a self-assessment of a jurisdiction's current capability levels against the capability targets identified in the THIRA. The PKEMRA requires an annual report from any state or territory receiving federal preparedness funding. States, territories, and the federal government use the SPR to help make programmatic decisions to build and sustain capabilities, plan to deliver capabilities, and/or validate capabilities; the SPR is used in funding determinations for the HSGP program.

FEMA has utilized a standard assessment methodology since 2012. Entities – such as states and territories – begin by setting capability targets, as identified in the THIRA process. Then, for each core capability, jurisdictions assess their preparedness levels in five functional areas: planning, organization, equipment, training, and exercises. Respondents use a five-point scale for each assessment, where one (1) indicates little-to-no capability, and five (5) indicates that they have all or nearly all of the capability required to meet their targets. Respondents also provide context for their assessments, assigning a low, medium, or high relative priority level to each core capability based on its impact on preparedness, and the degree to which respondents plan to build and/or sustain the capability in the near-term. In cases where their current preparedness levels fall short of their targets, entities explain the specific improvements they would need to make to address capability gaps present in their jurisdictions. In addition, respondents identify specific areas where the federal government may be able to assist in filling capability gaps in the future.

FEMA conducts a review of the SPRs for accuracy and reasonableness, and checking for alignment with the Comprehensive Preparedness Guide (CPG) 201 (Second Edition) and the NPG. The first and second editions of the CPG presented the steps on how to conduct an effective and comprehensive THIRA.

The Unified Reporting Tool (URT) is a technology platform that streamlines the provision of THIRA and SPR assessment data to FEMA, allowing the input of information using drop-down menus, text boxes, checkboxes, and control buttons.

FEMA provides technical assistance to entities to assist in the completion of the THIRA and SPR as well as use of the URT. Respondents also provide information to FEMA each year describing how the self-assessment capability ratings reported through the SPR are validated. In FY2013, FEMA asked respondents if their capability ratings were validated by experience in real-world events, incidents or exercises. In FY2014, FEMA asked these same entities to identify the exercises, real-world events or incidents that supported their capability ratings. That year, jurisdictions reported that nearly seventy-five (75) percent of SPR ratings were validated by exercises or real-world events.

FEMA does not compare capability levels across states or emphasize differences among states in its reporting. FEMA shares THIRA and SPR data across the federal government and uses SPR results to guide strategy for grant programs that help recipients close preparedness capability gaps

and improve national preparedness. For example, FEMA analyzes specific THIRA/SPR data, among other sources, to support the National Response Coordination Center during activations for specific events.

Separately, as part of the Risk Validation Process, GPD provides an opportunity each fiscal year for all states, territories and the 100 most populous Metropolitan Statistical Areas (MSAs) to review the relative risk data that is used to inform eligibility and allocation decisions under the SHSGP and UASI grant program. This relative risk data incorporates threat, consequence and vulnerability information that is refreshed on an annual basis for each State and MSA and presented to grantees in the form of a “Risk Profile.”

An MSA is classified as a geographical region with a relatively high population density at its core and close economic ties throughout the area. MSAs are defined by the Office of Management and Budget (OMB) and used by the Census Bureau and other federal government agencies for statistical purposes.

Finally, funding determinations for the OPSG are based in part on a U.S. Customs and Border Protection (CBP) Sector-specific border risk methodology. Factors considered include, but are not limited to, threat, vulnerability, miles of border, and other border-specific “law enforcement intelligence,” as well as feasibility of Operation Orders to designated localities within the U.S. border states and territories. Moreover, the risk scores developed through this effort are then utilized as evaluating criteria for the TSGP and PSGP determinations.

#### **OBSERVATIONS: OVERVIEW**

- There is lack of clarity among recipients as to whether the grants should possess a terrorism specific versus an all-hazards focus as well as with interpretations related to the “nexus to terrorism” requirement of the grant programs and the emphasis on all-hazards preparedness. The nexus to terrorism language permits dual or multiple use; while as long as the purpose of the capability is being built for terrorism, other uses are permitted. That concept and interpretation is not believed to be consistent and clear to recipients, nor necessarily agreed-upon as correct from the stakeholder perspective, given the threats and hazards faced by many entities.
- THIRA processes differ significantly across the Nation, not just in form and execution, but in their purpose and use.
- End users – notably public safety professionals – expressed concern that DHS and FEMA funds are often used by grantees for training and on equipment purchases without a strong planning foundation to guide these expenditures. They believe that this disconnect can diminish the potential return on these investments, adversely impacting training on the proper use of equipment, and the ability to implement both training in a real-world/operational environment as well as capable maintenance/equipment life-cycle planning to ensure mission readiness.

### **OBSERVATIONS: PRIORITIZATION OF PREPAREDNESS ACTIVITIES**

- Grant guidance for the the non-disaster preparedness grants appears to offer conflicting direction on the purpose of the funds as being terrorism-specific or all-hazards. While grant guidance does address the concept of terrorism nexus and dual use, greater consistency should be adopted across all platforms to reflect prevailing preference for an all-hazards approach, including terrorism as a key component while specifically recognizing emergent threats, e.g., cyber security and mass killings not associated with terrorist organizations, individuals identified as terrorists or violent extremists.
- The determination of a terrorism-specific versus all-hazard focus for grant dollars is frequently left to the grant recipient or pass-through entities, leading to seemingly subjective and/or inconsistent determinations across grantees.
- The Stafford Act creates a mechanism for issuing a disaster declaration for “any *natural catastrophe*...or, regardless of cause, any fire, flood, or explosion... of sufficient severity or magnitude.” The Act is designed to provide support to assist in “alleviating the damage, loss, hardship, or suffering caused” by the event. Absent causing a “fire, flood, or explosion...of sufficient severity or magnitude” entities are not eligible to obtain a major disaster declaration for manmade events; rather, grantees are only able to request that existing grant funds be reprogrammed. The nature of many emergent threats – particularly acts of violent extremism and/or targeted violence – as well as the diverse locations, more frequently occurring in areas not traditionally recognized as targets of the same, combined with the increasingly prevalent number of events themselves, often place incredible stress on local resources; the locations of many of these events would have benefited from DHS support for preparedness activities related to man-made incidents, or increased support. Both instances challenge the ability of grantees to reprogram existing funds; where initial funds are initially limited and committed to existing programs, the reprogramming of funds can have a disproportionate impact on existing capabilities. Stakeholders highlighted the need for mechanisms to help them address emergent threats from both the planning and response perspectives.

### **OBSERVATIONS: CONSISTENCY IN UNDERSTANDING THREAT & VULNERABILITY**

- While the results of the SNRA and the HSNRC are only available to those with appropriate security credentials – they are not publicly available – there is a lack of understanding of the process surrounding them and their availability as well as access. It is important to clarify this so that access is both understood and available, as appropriate, in informing THIRAs.
- It is not clear how the THIRAs or Risk Validation Process relate to and/or inform the SNRA and the HSNRC.
- The requirement for each grantee to update their THIRA on an annual basis, particularly when considered in concert with the other assessments and audits required by grant guidance, is viewed as burdensome in cost and time for local jurisdictions; updates may

become more and more cursory over time, particularly in those areas where stakeholders do not view the threats, hazards and risks identified as changing frequently.

- Stakeholders report appreciation for the ease with which THIRA and SPR submissions can be made using the URT.
- FEMA standardized THIRA into a 4 step process in 2012 and has collected data in a structured, standardized format since 2013. Notwithstanding this effort, recipients still state that THIRA processes differ significantly by jurisdiction. FEMA offers general, publicly-available guidance related to how jurisdictions can conduct a THIRA, but additional training and communication would benefit the recipients since the assessments themselves, in practice, have become inconsistent and often take on a variety of forms.
- THIRA processes involve differing stakeholder groups. FEMA guidance recommends a “whole community” approach to the risk assessment processes, engaging stakeholders through governing bodies such as Senior Advisory Committees (SAC) and Urban Area Working Groups (UAWG’s) in the determination of capability targets. Certain local stakeholders – to include first responder agencies, territories, tribes and others – noted a lack of involvement in their State and/or Urban Area THIRA processes.
- The role of the SAC in the THIRA process is not clear or appears to have been diminished. The SAC should ensure that local, territorial and tribal partners have an equitable role in the THIRA development process. Supporting documentation of whole community participation should be provided with each application for funding.
- It remains unclear how the capacity and capability targets identified in the THIRA are utilized in the execution of the Risk Validation process, if at all. Moreover, there is often confusion that geographical inclusion in the MSA automatically correlates to a role in that MSA’s respective UASI.
- The Risk Validation Process utilizes a series of indices that are unrelated to and/or disconnected from the core capabilities outlined in the NPG; this causes confusion among entities that are not aware of the distinctions. While core capabilities are intended to foster preparedness/prevention/response/recovery/mitigation efforts across the whole community, the Risk Formula under the Risk Validation Process measures the risk of a terrorist attack from a threat/vulnerability/consequence perspective.
- There does not appear to be a uniform process by which impacted entities are informed as to when items are reduced in calculation or removed (i.e. critical infrastructure) from the data elements that comprise their Risk Score under the Risk Validation Process.
- It remains unclear how risk assessments are used in the determination of funding allocations for local jurisdictions. For example, with varying formats, data sources, and initiating entities, it is not clear how the MSA Risk Profile is informed by and/or weighed against the jurisdiction’s THIRA, or vice versa, in the determination of UASI funding allocations.

- Risk methodologies do not appear to be aligned between the various assessments required by programs in the preparedness suite. While programs such as the SHSGP and UASI utilize “top-down” and “bottom-up” methodologies, incorporating insights from the federal and local levels alike, other programs limit risk methodologies to a federally-determined score or an organizational self-assessment.
- Self-initiated risk assessments are not mandated for use in various preparedness grant programs, to include the PSGP and TSGP. While FEMA utilizes a type of risk score in the evaluation criteria for proposed projects, applicants do not provide a standard risk/vulnerability assessment beyond the language included in investment justifications. Without the consideration of the THIRA, applications may lack access to agency or locale-informed capability targets and gaps.
- Grant recipients expressed concern about lack of knowledge or understanding about dual planning and usage benefits.

## **SUB-TASKING II: MECHANISMS**

### **QUESTION PRESENTED**

*What mechanisms are best suited to achieving the desired outcomes?*

- 1. Can alternatives to the current mix of formula and competitive grants, including community eligibility criteria, grant conditions, cooperative agreements, and other mechanisms, better accomplish national outcomes?*
- 2. Which funding mechanisms are best suited to which outcomes?*
- 3. What is the role of other tools provided by the federal government (e.g. training, technical assistance) vis-a-vis the grant programs?*

### **BACKGROUND**

There are two types of preparedness grants: FEMA's formula grants and competitive grants. The distinction stems from the method used for determining the allocation of grant funding within a particular grant program.

With respect to formula grants, Congress appropriates funds to executive branch agencies that are then allocated to recipients based on a set of pre-existing criteria. Funding formulas are used to distribute these funds to state and/or local entities. Recognized as non-competitive awards, the funding formulas utilized are typically established through statute. One of the widely used criteria for formula grants is the U.S. Census. All applicants who meet the established criteria of the application process are usually entitled to receive money. FEMA GPD noted that even within the more formula-based grants, such as SHSGP and UASI grants, the Secretary has some discretion on allocation.

Competitive grants allow organizations to submit applications, outlining their intent for use of a limited amount of funding. Awards are then based on an evaluation of grant applications against criteria stated in the grant guidance. Acceptable applications undergo a review and assessment for their technical and programmatic quality and competency. Generally, a uniform rating or scoring system is used to evaluate the grants.

Peer review panels are a common method used in competitive grant review process. Generally, panel members assess and score each application independently, then convene to discuss the merits of the applications. Federal agency staff may monitor and participate in this review process. Table 2 below characterizes the typical application and award process.

By statute, non-disaster preparedness grants include both formula grants as well as competitive grants, and some that observers may consider to be a hybrid. For certain grants – the SHSGP and UASI programs, for instance – authorizing language requires FEMA to allocate these grants based on risk, and a target allocation is indicated. After that the initial allocation is made, however, the State Administrative Agency determines how the money will ultimately be allocated within the State and/or who may receive it, consistent with FEMA guidelines. Under the UASI program, for instance, the State Administrative Agency may keep up to twenty (20) percent of the award for itself, with the caveat that any amount withheld must be utilized for efforts related to the Urban

Area. The urban governance body generally sets the priorities for remaining funding, over which the State Administrative Agency has final determinative authority.

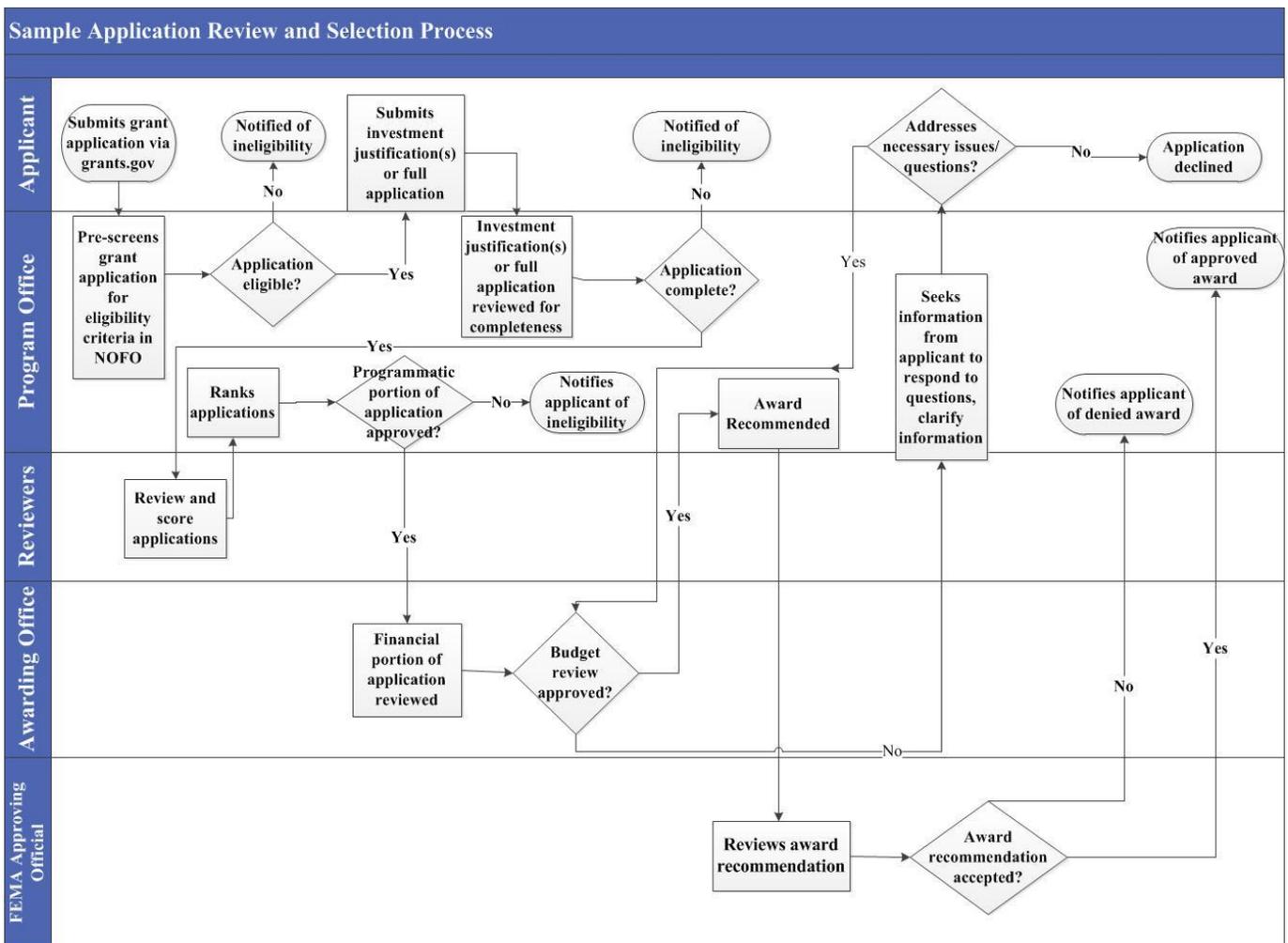
Other grants, such as PSGP and TSGP, have transitioned from target allocations based on risk to risk based competitive grants which are peer reviewed. Tribal grants are competitive and peer reviewed.

As noted in Table 1, the following non-disaster preparedness grants are considered formula grants: SHSPG, UASI, and EMPG (population).

The following non-disaster preparedness grants are considered competitive grants: THSGP, NSGP, TSGP, PSGP, OPSG, and IBSGP.

Efforts that utilize community eligibility criteria frequently rely on “direct certification” data from federal programs that relate to an area that is impacted/under consideration for inclusion in a program. Frequently determining further eligibility by a formulaic multiplier, this style of criteria allows for more locally- based metrics.

**TABLE 2: APPLICATION AND AWARD PROCESS**



The Task Force recognizes that the authority to change the basic nature of grants, for example from competitive to formula, does not rest with the Secretary or FEMA. In addition to certain recommendations that would require statutory change, the Task Force has made observations and recommendations in areas such as community eligibility criteria, grant conditions, cooperative agreements, and other mechanisms that are within FEMA's authority. FEMA GDP reported that current resources do not permit considering additional cooperative agreements.

Unlike a grant, a cooperative agreement anticipates a much higher level of involvement between the sponsoring entity – in this case FEMA and/or DHS – and the grantee; federal program staff may be actively involved in proposal preparation and may have substantial involvement in activities once the award has been made. This can include staff assisting, guiding, coordinating, or participating in project activities.

With respect to the grant programs overseen by FEMA, the agency provides a variety of tools to increase awareness and understanding of the processes related to the application, management and utilization of the grants, as well as training on the purpose of the grants themselves.

FEMA sponsors and offers a wide breadth of training and technical assistance programs designed to advance the implementation of the National Preparedness System, and to help the Nation build, sustain, and deliver the core capabilities essential to achieving the NPG: a secure and resilient nation. These programs train and provide support to emergency management professionals, first responders, and members of the public from across the whole community to gain valuable knowledge, skills, and abilities related to emergency preparedness, often at no cost to the trainee. Additionally, FEMA utilizes stakeholder feedback from across the whole community to ensure that training and technical assistance curriculum are relevant, useful, and well developed.

With regards to technical assistance and training for grants, FEMA GPD delivers the Grants Management Technical Assistance (GMTA) Program to provide technical assistance to State, regional, local, and Tribal jurisdictions on basic and advanced grants management principles and practices. The objective of the program is to improve the ability of FEMA grant recipients to administer federal grant funding. The GMTA Program adapts to fit the specific needs of the jurisdictions and is sustained by FEMA's homeland security and emergency management partners to institutionalize sound business grants management concepts at the State and local level.

GMT's technical assistance services involve delivery of information, including sample resources and publications from recipient or sub-recipient colleagues; networking and referral, development of models, templates and samples addressing specific issues, as requested by the recipient or sub-recipient, and on-site direct deliveries and/or workshops, i.e., meeting facilitation; direct guidance and consultation, and; intensive, short-term, site-specific workshops. The duration of the TA delivery varies depending upon the TA requestor's needs.

Through its Preparedness Technical Assistance Program (TAP), FEMA provides specialized expertise and services to State, local, tribal, and territorial homeland security and emergency management agencies as well as whole community partners that participate in FEMA grant programs. Technical assistance addresses areas of greatest need based on risk and national priorities. It provides services, analytical support, and guidance in two primary areas: capability building across the five homeland security mission areas and homeland security grants management.

FEMA also owns and operates the Emergency Management Institute (EMI) and the Center for Domestic Preparedness (CDP) for developing and delivering training to build and sustain emergency management capabilities nationwide. Additionally, it has a partnership with the National Domestic Preparedness Consortium. Through EMI, FEMA, CDP and NDPC deliver courses to over two million Federal, State, local, tribal, volunteer, public and private sector whole community partners annually through resident, off-site resident, State-delivered, technology-based, and independent study offerings. While other entities train first responders, EMI is the federal training and education facility, and FEMA's CDP is the only federal training facility for first responders, focusing on the emergency management whole community.

In addition to the tools FEMA utilizes to build preparedness capabilities, in partnership with the Interagency Board for Equipment Standardization (IAB), the Standardized Equipment List (SEL) was developed to promote interoperability and uniformity across the response community at the local, state, and federal levels by offering a standard reference and a common set of terminology. Funding for the IAB comes from FEMA, S&T and others.

#### **OBSERVATIONS: OVERVIEW**

- Management standards and procedures differ among programs and at various levels, i.e., FEMA Headquarters, FEMA regional offices, pass-through entities and others, leading to real and/or perceived duplication of effort, lack of consistency and questions regarding integrity of grant processes and procedures.
- Particular eligibility and management requirements and standards differ within the same programs; there is often inconsistent application of guidance at the operational level, particularly where management authority is delegated to pass-through entities.
- Multiple points of contact in the grant application, allocation and management processes lead to lack of clarity in direction and guidance.
- Under the current structure, multiple stakeholders within jurisdictions receive funding for similar projects and individual stakeholders often receive funding for the same projects from different grant programs with little coordination.
- The stakeholders interviewed need additional flexibility to manage emergent threats. Current mechanisms lack sufficient flexibility to allow for the direction of funds to stakeholders, partners, actors or jurisdictions where emergent threats have, are, or may prove impactful; the emergence of violent extremists undertaking targeted violence and/or the threat of cyber-attack frequently impact non-traditional entities and/or geographical locations. Efforts that allow for direction of funds to these issues – and entities – may prove highly impactful, e.g., current efforts for violent extremism-related efforts.
- Guidance, training, tools and technical assistance from FEMA to support the efficient and effective use of metrics have improved significantly but they are not necessarily understood or utilized consistently by stakeholders.

## **OBSERVATIONS: GRANT APPLICATION**

- The current process allows multiple grants to be applied for, allocated and received in the same operating environment without any coordination between parties. This may diminish the impact of the grant and lead to redundant efforts.
- Communication related to, as well as timing for, the dissemination of Notices of Funding Opportunities and Risk Profiles and the subsequent deadlines for grant applications could be improved, allowing for more detailed review of programs, issues or concerns by applicants or grantees. Applicants expressed concerns that current processes require them to expedite applications, which impacts quality as well as efforts to comprehensively undertake strong planning and application efforts. This issue was most strongly correlated with pass through entities, who often lack sufficient knowledge or subject matter expertise to offer substantive guidance, contributions or determinations through the application process.
- The Homeland Security Act only allows eligible tribes, as legislatively defined, to apply for funding.
- Tribal governments expressed concern that the current construct of the FEMA grant programs themselves may sacrifice or invalidate their sovereign status, or has the perception of doing so. For those select tribes that can apply for competitive grant applications from DHS, they are not eligible to apply for these grants directly, they must go through the State Administrative Agency. As sovereign nations, this construct is viewed as both incongruent with the relationship between the federal government and tribal governments as well as with the intent of the program.

## **OBSERVATIONS: GRANT ALLOCATION**

- DHS has recently begun exploring innovative mechanisms to encourage participants to be engaged on key issues as well as innovate solutions and strategies. For example, the Department of Homeland Security Appropriations Act, 2016, allocates \$50 million to the Secretary of Homeland Security “for emergent threats from violent extremism and from complex, coordinated terrorist attacks.”
- Multiple stakeholders expressed support for the mandatory twenty-five (25) percent Law Enforcement Terrorism Prevention (LETP) funding minimum under both the UASI and SHSGP programs, noting that these funds are assisting in ensuring that state, local, tribal, and territorial law enforcement and public safety assets, information, and capabilities are utilized in efficient and effective ways to support the national homeland security mission.
- While FEMA data shows that the amount of grant program funding provided to law enforcement exceeds the minimum law enforcement allocation of twenty-five (25) percent, key stakeholders, notably law enforcement, do not believe that they are experiencing the full benefit of the grants or the LETP. This is attributed by law enforcement to two main factors: (1) central decision making by State Administrative Agencies about priorities for LETP funding without appropriate local law enforcement engagement. The statutes involved identify the State as the primary grant recipient, and identify a range of expenses

that qualify as LETPA. Local law enforcement does not, under the current statute, have a defined role in making prioritization decisions; and; (2) items that are frequently classified under LETP – often without primary law enforcement involvement – but actually considered to only provide ancillary benefit to law enforcement (e.g., communication systems and technology platforms). Stakeholders urged that accountability metrics around LETP be strengthened, noting that pass-through agencies and entities are frequently not law enforcement-centric nor necessarily inclusive of the same; this leads to funding and programmatic decisions which are viewed as diluting the purpose of the LETP.

#### **OBSERVATIONS: GRANT REVIEW PROCESSES**

- Even within grant programs that are managed through a competitive process, different training for grant reviewers as well as management and application processes are utilized, which can impact the quality of the review. Inconsistencies in the review process with respect to peer reviewed competitive grants were also cited; instances were provided where some processes were changed, i.e., the review was initially intended to occur online but were changed to involve CD-ROM disks and paper applications. In other instances, peer reviewers believed they would have an opportunity to review applications collectively or for consensus meetings to occur, but this was not the case. Peer reviewers expressed frustration that they were isolated in their efforts; without context or support that may have positively impacted the process as well as applicants and quality of the review. Initially, absence of broadband by some tribal nations prevented direct access to FEMA's systems, and drove the change to CD-ROM. Later and recently, funding constraints and sequestration limited the ability to fund travel and lodging for in person reviews.
- Peer reviewers indicated that opportunities to provide substantive feedback on either the process or the applications reviewed is limited or nonexistent. Given the unique insight and perspective they bring to the process, feedback from peer reviewers could be helpful to both FEMA as well as applicants, improving both applications, projects, outcomes and processes. The previously cited stakeholder feedback sessions that provide opportunities to provide feedback on the funding announcements also provide the opportunity to provide feedback on the application process, including the peer review process. Grant recipients indicated a preference to this Task Force for more peer reviews.
- The NSGP is designed to focus on target hardening for nonprofit facilities, and is based on a facility's risk of terrorist attack due to the nonprofit's ideology, mission, or belief. For this program, individual states do a preliminary review and scoring of applications, which is then sent to FEMA. It is unclear to what extent these state-level reviews impact funding determinations; grantees raised concerns that the State Administrative Agency was not in the best position to evaluate – or even understand – the needs of non-profit organizations. This was raised in two contexts: lacking local context, State Administrative Agencies may have different perceptions and/or orientations than the non-profit and the role they play at the community level. Alternatively, lacking broader context, and as many non-profit entities are national in scope, the individual review by the State Administrative Agency may frustrate both the ability of non-profits to have the most consequential impact and/or the intent of FEMA to ensure unity of effort. DHS could benefit from better coordination in states between these programs, based on the qualitative responses to the Task Force.

## **OBSERVATIONS: GRANT MANAGEMENT**

- While grantees expressed appreciation for the increased period of performance from two to three years, many stakeholders indicated concern that, without firm guidance or training in project planning or management, the extended period would not be utilized for the benefit of individual grantees or projects.
- While the increased period of performance will significantly assist stakeholders in ensuring the effective and efficient expenditure of federal grant dollars, many stakeholders expressed concern that local procurement cycles still take up over fifty (50) percent of the entire period of performance. This lessens the time for adequate planning, equipping, training and/or testing. Stakeholders also noted that they need the ability to purchase directly from General Services Administration (GSA) contracts, as this would dramatically improve local efforts and outcomes. While GSA schedules do generally permit state and local purchasing, additional requirements imposed by state and local procurement entities generally make the ability to leverage the GSA schedules difficult. The decision to allow GSA schedule purchases is currently not under DHS or FEMA control.
- Grantees expressed severe frustration with the inability to resolve conflicts – or even receive verifiable and consistent advice or interpretations on rules and regulations – through an objective party. Conflicting advice was often provided by pass-through entities, notably the State Administrative Agencies, as well as personnel from FEMA, particularly at the regional level. As this conflict is particularly significant between State Administrative Agencies and sub-grantees, a mechanism to assist in interpreting rules would be helpful. GDP has program analysts to assist in conflict resolution. Stakeholders expressed appreciation for GDP's efforts, and requested even stronger leadership and direction in this area.
- Sub-grantees cited multiple concerns with the consistency of pass-through entities complying with grant requirements, such as the 45-day pass through timeframe, so the end recipient has as much time as possible for actual funds expenditure. FEMA will enforce the pass through provision and takes enforcement action when the requirement is not met. Moreover, stakeholders advised that while the FEMA period of performance is "technically" 36 months, pass-through entities may impose an early cut off, leaving substantially less grant time. While this is permitted, and necessary to some degree for the State Administrative Agencies to perform their roles, the time constraints on the sub-grantees are of concern. Some grantees also expressed concern about the ability of the pass-through entities to administer the grants objectively. Namely, where sub-recipients are unable to meet deadlines that are imposed by the pass-through entities, those funds return to the managing pass-through entity, creating an incentive structure where it may not be in the pass-through entity's best interest for the grantee to receive and/or expend funds.
- Sub-grantees cited a lack of consistency and transparency with the administration of funds by pass-through entities. Specifically, they identified the lack of accountability on the amount or purpose for why certain funds were withheld, to include lack of visibility on how the funds were utilized, and being able to ensure that the award was put towards its intended use.

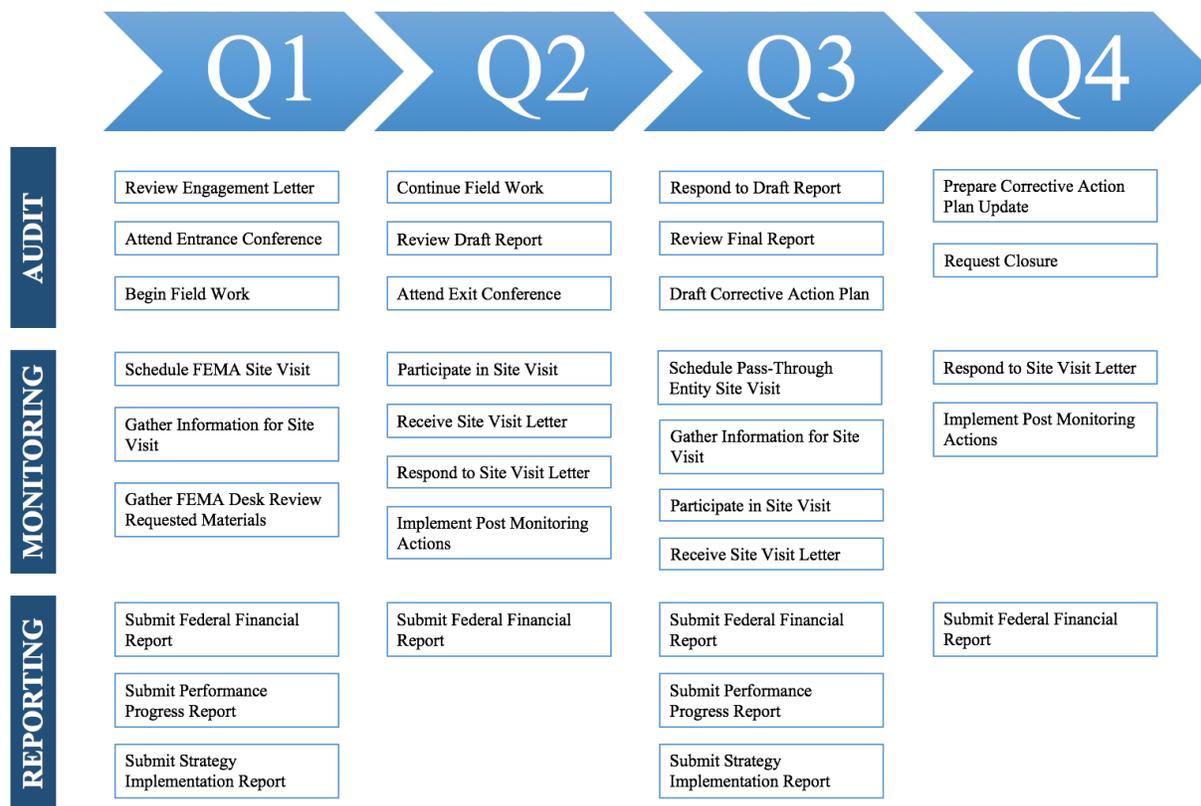
- Sub-grantees do not appear to understand or have access to information that accurately assess FEMA's policy and procedures. For example, while FEMA tracks the amount of funds retained by the State Administrative Agencies in relation to the total funding allocations that are made to states and Urban Areas via the SHSGP and UASI programs, sample sub-grantees were either not aware of this, requested access to the information or noted that there are not sufficient accountability efforts in place to ensure that funds retained are being used for their intended purposes, i.e., that funds retained from Urban Areas are being used to support and/or are a direct benefit to the Urban Area.
- DHS and FEMA may benefit from cooperative agreements where there is a collaboration or standard desired in conjunction with the recipient's public purpose. Stakeholders advocated for the use of cooperative agreements when substantial involvement by DHS and/or FEMA may be warranted to ensure that the public purpose being carried out by the grantee can be used and exported as a best practice.
- The OMB Supercircular codified at 2 CFR 200 standardizes a range of grants terms and conditions. The circular does allow discretion for innovation and flexibility in grant guidance; leveraging the same would allow DHS and FEMA to obtain better grant proposals and make grant awards that contribute to desired outcomes most effectively. Special conditions could potentially be used to address recommendations of this report.
- Currently, FEMA only has one year to obligate funds; moreover, FEMA does not have the authority to change the amount of time that funds are available for obligation.
- While flexibility must remain within the grant life cycle, stakeholders expressed concern that entities can apply for and receive funding for projects that lack sufficient conceptual or technical development; this results in poor use of funding and/or the need to reprogram funds away from intended and/or agreed-upon programs to other areas. In many cases, this results in greater investments in legacy projects or programs.
- While FEMA allows grantees to reprogram funds from certain projects to others, stakeholders communicated a lack of consistency in the interpretation of policies and rigor of procedures utilized to reprogram funds.
- Too many jurisdictions view the non-disaster preparedness funds as a mechanism to offset corporate budget expenses, particularly with respect to long-term legacy and enterprise technology systems. While the sustainment and maintenance of an existing capability is important, addressing emergent threats and hazards suffers when significant portions of funds are budgeted exclusively for sustainment and maintenance.
- In regards to the AEL, there remains a lack of clarity and standardization with respect to the processes for inquiring as to whether equipment is authorized. The AEL has now been put back online and is searchable. Additionally, the procedures for attempting to amend the AEL were not clear or standardized across regions and grant programs. Moreover, there do not appear to be accountability measures in place to ensure a timely response to requests or consistency in their adjudication.

- Stakeholders indicate a lack of broad-based familiarity with the existence of the SEL and its role. Additionally, stakeholders have reported difficulty in navigating the SEL.
- Stakeholders indicated that oftentimes, once an EHP approval has been obtained (i.e. for the installation of equipment), another EHP is required when maintenance and/or sustainment is required. This is redundant and costly in terms of both time and resources.
- The Government Accountability Office (GAO) Report found that FEMA headquarters and regions did not always coordinate monitoring visits and provided inconsistent guidance to grantees. FEMA has rebutted the report due to its use of old data, however FEMA does see merit in improving the monitoring schedule. Beginning in FY 17, GPD and regions will have a unified monitoring schedule, where program and financial monitoring lists are the same. This FEMA action should resolve this observation.
- Stakeholders reported significant inefficiencies in the monitoring process. Site visits from GPD and regional offices do not appear coordinated and communication between the entities performing monitoring and evaluation activities is not apparent. This is extremely costly to grant recipients from a resource perspective and may lead to delays in spending funds within an already limited period of performance.
- Stakeholders reported receiving conflicting guidance from GPD and regional offices during the monitoring and evaluation process.

#### **OBSERVATIONS: GRANT COORDINATION**

- While the rationale for why certain programs are managed through a formula process while others are competitive in nature is found in statute, stakeholders noted that, given changes in focus and purpose, there may be merit to revisiting the manner in which grants were managed and make adjustments, accordingly.
- While grantees and stakeholders supported the strong notion of increased unity of effort and coordination to ensure the effective and efficient use of grant funds they simultaneously – and unanimously – rejected the National Preparedness Grant Program (NPGP), as proposed by the Administration. The NPGP was an initiative aimed at consolidating the non-disaster preparedness grant programs, with the exception of Firefighter Assistance Grants and Emergency Management Performance Grants, into a single National Preparedness Grant Program. The proposal provided the sole authority to the State Administrative Agencies to administer the preparedness grant programs. Within the program framework, each state was to submit a single application on behalf of the grantees operating within its borders. The proposal was submitted to and rejected by Congress on an annual basis between 2013 and 2015. The proposal was not resubmitted in 2017.

**TABLE 3: RECIPIENT MONITORING, AUDITING, & REPORTING PROCESSES**



Note: Table 3 does not include those internal monitoring, audit and reporting processes undertaken by recipients.

- Grantees are often moving forward on innovative programs while specific entities within DHS – notably S&T – are examining or making investments in substantially similar efforts, leading to duplication of effort.
- Public Law 110-53, *Implementing Recommendations of the 9/11 Commission Act of 2007*, establishing DHS’ Office for State and Local Law Enforcement, stipulates that the Assistant Secretary for State and Local Law Enforcement shall work with the Administrator to ensure that law enforcement and terrorism-focused grants to state, local, and tribal government agencies, including grants under sections 2003 and 2004, the Commercial Equipment Direct Assistance Program, and other grants administered by the Department to support fusion centers and law enforcement-oriented programs, are appropriately focused on terrorism prevention activities. Concerns were expressed that the coordination and communication required under this law have not yet been comprehensively undertaken.
- While FEMA has vastly improved the amount of data available to stakeholders and the public, FEMA can continue to work to increase the availability of the same. More importantly, FEMA can work to improve the use of metrics and data to drive projects, programs, spending and accountability; this should occur not only at the federal level, but by grant recipients themselves.

## **SUB-TASKING III: STAKEHOLDER AWARENESS**

### **QUESTION PRESENTED**

*DHS's emphasis has been on a whole community approach that involves local, state, territorial, and tribal stakeholders doing their own threat assessment and risk analysis to determine their own grant investment priorities within the overall national preparedness policy doctrine and 32 core capabilities. Recognizing that communities are best qualified to determine their capabilities and gaps, the shift from national-level targets to a community-level approach was a deliberate one.*

- 1. Can national advisory committees and sub-groups consisting of local, state, territorial, and tribal representation be used to create nationally-recognized communities of practice around different capabilities, which in turn can be used to set broad national priorities, share lessons learned and best practices in determining capability and capacity targets, and conducting assessments?*
- 2. What analysis is necessary to support these types of investment prioritization decisions, and is that best performed at the local, state, territorial, tribal, regional, or federal level?*
- 3. What role can national standards-setting bodies play in helping to define capability and capacity targets and other assessment criteria?*

### **BACKGROUND**

In 2011, recognizing the gap within the current scope of national preparedness guidance to better incorporate the unique and specific needs of stakeholders at the local, state, territorial and tribal levels – and moving towards an approach that was less focused at the federal level – the FEMA Administrator established the “whole community” doctrine.

Embracing the “whole community” doctrinal approach, FEMA conducted a year-long “national dialogue” to generate ideas and learn from experiences and to listen to grantees and partners about how best to approach policies and requirements. Additionally, FEMA created a working group to develop the principles and themes of this new approach. In its final report, FEMA defined “whole community” as:

a means by which residents, emergency management practitioners, organizational and community leaders, and government officials can collectively understand and assess the needs of their respective communities and determine the best ways to organize and strengthen their assets, capacities, and interests...[it] is a philosophical approach on how to think about conducting emergency management.

Shortly thereafter, the whole community concept was integrated across all five National Planning Frameworks, which established the roles and responsibilities for each group of stakeholders that are involved with preparing for all-hazards.

To advance this effort, FEMA engaged the private, nonprofit, and public sectors, including local and national businesses as well as faith-based organizations and entities representing high-risk and special needs populations. Within the public sector, they included local, tribal, state, territorial, and federal governmental partners.

FEMA's efforts to balance the promotion of national standards and federal baselines with the unique threats and hazards faced by particular jurisdictions and organizations, and their associated needs. Judged against what would constitute success for all partners in protecting our homeland from all-hazards, the approach has sought to infuse recognized national priorities and issues in the local context.

#### **OBSERVATIONS: OVERVIEW**

- While stakeholders are largely in support of the “whole community” focus, there is a yearning for guidance, best practice and enhanced communication.
- Stakeholders at the local level continue to lack awareness as to funding opportunities as well as mechanisms to effectuate the same.

#### **OBSERVATIONS: PUBLIC AWARENESS & INVOLVEMENT**

- Tribal partners requested that DHS and FEMA revise their state-centric goals and objectives to take the considerations of Tribal nations into account, particularly toward enhancing tribal government participation, which may be impacted due to lack of human, financial, or technical resources, and combined with historic concerns. Improving capabilities and capacity to utilize culturally appropriate approaches in working with American Indian and Native Alaskan tribal communities through training and collaboration may improve the ability of DHS and FEMA to work with the same.
- The routing of federal dollars through states – omitting direct tribal government funding – is viewed as an infringement on tribal sovereignty by tribal partners, bypassing established trust responsibility principles and simultaneously creating a burdensome paternal relationship where states frequently place additional eligibility requirements on tribes who are willing to apply for funds. The current process diminishes the return on investment and makes it less likely that tribes will participate in the programs. The Administration worked with Congress to change the Stafford Act to allow tribes to request disaster or emergency declaration directly from the President, not through a state as previously required. The routing of federal preparedness grant dollars directly to the tribes is also important.
- Different requirements, disparate levels of support and administrative costs, personnel availability and capacity as well as added requirements have all impacted tribal involvement in the THSGP, impacting the ability of tribes to establish or maintain homeland security and/or emergency management programs, let alone complete many of the baseline activities – such as risk analyses – that state and local governments may take for granted and which are necessary to receive funding.
- In 2000, President Clinton signed Executive Order (E.O.) 13175, requiring DHS to work with federally recognized tribes as sovereign governments. DHS and FEMA could improve their efforts to take full advantage of the E.O.

- The whole community approach has provided a comprehensive, easy to understand and achievable vision; changes initiated with the whole community approach have been widely accepted and beneficial to first responders as well as to – more generally – preparedness efforts more generally.
- Stakeholders encouraged the continued emphasis of all-hazard language; when the focus becomes individual agencies and/or interests, preparedness suffers by focusing on narrow skill sets and investments in technology or equipment with limited capability and/or training that lacks broad applicability.
- There must be enhanced efforts to integrate stakeholders, to include their capability and capacity. While progress has been made in articulating a common vision, challenges remain. This challenge is exacerbated by diminishing grant funds.
- Preparedness doctrine is explicit in inclusion of the whole community. In practice however, current processes do not always favor the inclusion of stakeholders who are involved in what are not first responder areas or what are considered non-traditional fields or practices. For example, comprehensive planning for mass pandemic as well as cybersecurity are two areas where the level of investment remains woefully inadequate. With respect to cybersecurity, the situation is due, in part, to the lack of inclusion of cybersecurity professionals in the development of investment justifications at the local level or the application, allocation, or coordination phases of the grant life cycle.
- Under the current grant structure, grantees perceived limited opportunities for true innovation: investment justification, application and allocation processes do not favor those entities or individuals who are likely to bring new solutions or concepts to development.
- While DHS and FEMA have outreach and training both at headquarters and in the regions, the extent, frequency, and content of the outreach and training is inconsistent. Given that grantees are required to develop Training and Exercise Plans and FEMA regions both have dedicated staff related to training and hold Training and Exercise Planning Workshops for their states, there are multiple opportunities for unity of effort. In many cases, there are multiple efforts ongoing from various components of DHS and FEMA, yet they remain entirely uncoordinated with one another or local grantees.
- There is too much focus by particular stakeholders on investing in new technology and equipment for individual agencies and/or interests, and not enough on ensuring the development, maintenance and sustainment of capability that ensures whole community preparedness.
- Whole community all-hazards preparedness is best achieved when stakeholders focus on comprehensive life cycle efforts that ensure comprehensive planning, training and equipping through a coordinated, whole community approach.

- There are multiple best practice programs and initiatives being undertaken by grant recipients around the nation; FEMA can work to create communities of practice to highlight these efforts, encourage their adoption and require stakeholders to collaborate.

## RECOMMENDATIONS

While significant progress has been achieved in ensuring that non-disaster preparedness grants are meeting their objectives – particularly with respect to guidance, metrics and follow-up from FEMA –opportunities for improvement remain, particularly with respect to effectiveness and efficiency. Areas for enhancement can be made to the larger system as well as at the grantee level, where competencies, consistency and communication can be unequal among different stakeholders.

The Task Force recommendations include structural changes within particular programs, statutory changes as well as changes that provide FEMA with additional support to implement tools to empower grant recipients. Some recommendations can be addressed within FEMA and/or DHS. Others would require a legislative and/or regulatory change. Overall benefits to the program should be considered and recommendations pursued in a manner that would provide maximum improvement to the grants programs.

### OPPORTUNITY AREAS

- Examine ways to provide additional guidance to support the adoption of best practices, optimization and, where possible, consistency, in the approach and methodology as well as the roles and responsibilities of stakeholders utilized in risk assessment processes.
- Enhance grant recipient awareness and guidance to support standardization, dual planning and usage benefits.
- Determine mechanisms to diminish overlaps between grant programs and increase visibility across programs to avoid duplication of effort, and improve coordination which will benefit public safety and security and ensure the efficient allocation of resources.
- Ensure that the management and execution of grant programs align with and/or properly reflect broader structural relationships between the grantor and grantees, e.g., the THSGP and UASI.
- Support the increased communication as well as adoption of best practices.
- Guarantee that grant funds are being used to address emergent threats and raising preparedness levels across all communities. Currently, a substantial portion of grant funds are used to sustain current capability.
- Continue to expand the provision of guidance, training, tools as well as technical assistance to support efficient and effective use and metrics, through the Grants Modernization effort and otherwise.
- Ensure a whole community approach that seeks to maximize efficiencies and leverage expertise across functions, disciplines and stakeholders to best enhance safety and security for the Nation.

**Recommendation: Continue to build and sustain national preparedness through an all-hazards approach, to include leveraging legislation as a tool, when necessary.** *In a time period where the United States faces both man-made security threats as well as the ever-present potential for large scale natural disasters, it is essential to be prepared as a nation. Whether it is a terrorist bombing, forest fire, act of targeted violence, flood or cyber-attack, government is often looked to for assistance when state and local resources are overwhelmed; it must be ready at a moment's notice while simultaneously working to ensure whole community, all-hazards efforts.*

**Action:** Continue to focus priorities within the preparedness grant programs using an all-hazards approach as consistent with PPD-8. Budget submissions, investment justifications, and ongoing projects should be evaluated to ensure that they maximize funding those grants that best position recipients to achieve the goals of PPD-8.

**Action:** Tailor evaluation criteria in the grants guidance to reflect higher ratings for proposals that best address the all-hazards/dual planning and usage approach to preparedness.

**Action:** Through additional technical assistance and language in associated grant guidance, ensure that grant recipients are aware of dual planning and usage benefits.

**Action:** Establish a national-level program or mandatory funding set-aside that could be used by local, tribal and state entities following manmade incidents, in circumstances where Stafford Act declarations are not available.

**Recommendation: Continue to refine and strengthen the THIRA process.**

**Action:** Identify and distribute best practice information to stakeholders on incorporating the whole community into the THIRA process.

**Action:** Training and information is needed to ensure that stakeholders have the tools that they need to understand the purpose of the THIRA, how to best utilize the THIRAs to serve the operational environment and training on properly completing a THIRA in an effective manner exist amongst stakeholders. FEMA must establish clear and consistent guidance, with rigorous messaging and comprehensive marketing, to ensure the whole community of stakeholders is not only highly informed but empowered and engaged with the THIRA process as a national effort.

**Action:** Re-emphasize the role of existing and/or previously utilized bodies – to include the Urban Area Working Groups, the Senior Advisory Committees (SAC) and others – to ensure a level of oversight in the THIRA process and guarantee inclusion of relevant stakeholders through an all-hazards, whole community approach.

**Action:** Consider creating a mechanism for effectively and efficiently – as well as simply – updating THIRAs on an annual basis.

**Action:** Ensure that collected THIRA data is being analyzed to identify emergent threats, trending issues and/or relevant concerns; this information should be shared within the stakeholder community, to include within DHS and FEMA, to align preparedness efforts and enable best-in-class information sharing, decision making and planning. Timeliness is critical to reviewing and analyzing as well as distributing this data.

**Recommendation: The processes by which threat, risk and vulnerability are assessed must be made more inclusive, comprehensive and effective.**

**Action:** Any changes to risk profiles that may impact public safety efforts or affect funding status requires coordinated outreach and bi-direction communication by DHS and FEMA, and their subunits, to the impacted party in a transparent and timely manner. Ensure that coordination and outreach with the grant recipients occurs.

**Action:** Risk profiles must be sent out earlier in the process for comment, so they can be more strongly considered in the grant process. The recipients need time to understand their risk profiles, with meaningful opportunities for feedback, and FEMA needs time to evaluate recommended adjustments. With the grants award process timeline compressed, addressing the risk profiles early will help ensure appropriate attention.

**Action:** Before each year's budget submission, DHS and FEMA should discuss with Appropriators the current funding allocation mechanism and, specifically, how allocation formulas can further drive the all-hazards approach to homeland security grants.

**Action:** Take steps – whether through guidance, oversight or other mechanisms – to ensure that Investment Justifications in the application process are more closely tied with THIRAs, thereby ensuring investments are making real and direct progress toward filling existing gaps in capability.

**Action:** Establish effective review and validation mechanisms for SPRs to ensure that the capacity and capability targets reported are as accurate as possible.

**Recommendation: Identify mechanisms to make the grant application and evaluation process more transparent and consistent, thereby increasing the impact of individual awards, improving accountability as well as contributing to the development of a common operating picture.**

**Action:** Develop a consistent process for providing the statutory timeline for key milestones related to the grant program suite (such as release dates and comment periods) so stakeholders can plan accordingly, and well as a tentative schedule based on best knowledge final approval schedule.

**Action:** Convene a working group within DHS and FEMA to examine expanding the use of the peer review process across competitive grants, and providing best practices/guidance for the peer review process; the peer review process should be standardized across competitive grants to align processes, ensure consistency and increase transparency.

**Recommendation: Coordinate efforts, through DHS and FEMA, to encourage innovation and maximize Returns on Investment, assisting, connecting and promoting entities who have shown an interest in innovation to collaborate, share results and export best practices.**

**Action:** Encourage efforts similar to the funding provided through the 2016 Department of Homeland Security Appropriations Act allocated to address violent extremism and complex, coordinated attacks and other emergent threats; ensure that funds are distributed through

transparent processes that bring key stakeholders together to not merely execute individual programmatic efforts but assist in the development best practices that can be exported and replicated as best practices.

**Action:** Charter a task force with FEMA, local stakeholders and the members of the S&T First Responder Group to develop a cooperative agreement program to meet specific capability objectives shared at the federal and state/local level. The cooperative agreement program should focus on delivering individual capabilities needed by first responders. Simultaneously, S&T should use lessons learned from the capability deployment to develop and drive standards throughout the preparedness enterprise.

**Action:** DHS and FEMA need to improve current communications pathways to allow local stakeholders who are undertaking innovative work to connect with and receive support from S&T, and vice versa.

**Action:** DHS and FEMA should consider establishing an innovation fund, incubator and/or competition. Utilizing a small amount of funding, this effort would be used to seed potentially promising non-traditional and forward-leaning efforts at the state and local levels through a peer selection process that would involve substantial involvement from a group of thought leaders to assist with project design, development and execution.

**Action:** FEMA, working with DHS and its subunits, to include S&T as well as others, must define, determine and provide grantees with minimum operating and/or baseline standards for technology systems as well as equipment, where prudent. This will encourage prudent investments, reduce waste and enhance response to incidents while encouraging a common operating picture.

**Recommendation:** **DHS and FEMA must work to ensure that programs, organizations and entities in the same Areas of Operation, and undertaking initiatives and/or programming with federal non-disaster preparedness funds, are coordinated.** *The lack of coordination between grant programs and allocations in the same Areas of Operation should be of deep concern as overly broad guidance often creates overlap in programs. Awards are often made to multiple stakeholders for similar projects, or to the same stakeholders from multiple sources for the same – or largely indistinguishable – projects or objectives. DHS and FEMA headquarters, regional offices and grantees are often undertaking efforts in the same Area of Operation, but with little to no coordination or even situational awareness.*

**Action:** FEMA should undertake a publicly-available comparative analysis of the scope of all grant programs within the HSGP.

**Action:** The establishment of Common Operating Pictures (COP) must be a priority with the use of federal non-disaster preparedness funds, where practical; DHS should establish an effort comprised of internal and external partners to examine and make recommendations on this issue. FEMA should consider piloting, in specific jurisdictions, working groups comprised of grantee stakeholders from all levels as well as relevant DHS and FEMA personnel – to include DHS personnel from Intelligence and Analysis and Infrastructure Protection, Protective Security Advisors and FEMA training, exercise and other staff. These groups should be convened on – as necessary – a regional, statewide as well as an Urban Area level; such working groups would assist

in communication, the creation of a common operating picture and ensuring effectiveness and efficiency in the utilization of funding and unity of effort.

**Action:** Every effort or initiative should be viewed as an opportunity to align efforts at the local, state, federal, tribal and territorial levels, thereby promoting the critical public safety priorities, message and mission of the Department. DHS should develop a plan to expand as well as integrate its outreach efforts, whether dealing with violent extremism or faith-based efforts, into outreach for grant programs. This may allow inroads to private and non-profit entities undertaking preparedness efforts.

**Recommendation: Grant programs must be managed in a manner that maximizes the ability to address emergent threats and hazards in the most efficient and effective manner. If funds are not being managed towards the threat, or other concerns and issues become priorities for pass-through entities, then public safety and security are compromised.**

**Action:** DHS and FEMA should ensure that projects and investment justifications that track with and adopt solutions to meet core capability areas have priority for funding.

**Action:** Re-evaluate existing submission requirements for grantees related to investment justifications, and create required templates for proposals. Grantees should be required to submit detailed project plans, to include timelines with comprehensive life cycles that contain detailed information on planning, design and/or development, necessary equipment and contract vehicles, procurement mechanisms and cycles, required training and/or exercise. FEMA should require Investment Justifications to include long-term planning for sustainment and maintenance of efforts, to include contingency planning related to funding sources.

**Action:** Hold grantees accountable to their timelines; where delays and/or issues present themselves, grantees should expect to provide explanations and/or alternative plans. This should be a collaborative and ongoing process to ensure grant funds are expended appropriately and efficiently.

**Action:** Establish a specific auditing effort to ensure that funds are properly addressing emergent threats and not being utilized to offset corporate budgets of grantees. As part of this effort, FEMA should study whether the purpose and objectives of the grants can be better achieved by enhancing requirements – planning, use or otherwise – related to the utilization of grant funds for sustainment and maintenance and/or placing restrictions on the amounts of overall awards, or percentages of the same, that can be used for sustainment and maintenance.

**Action:** The UASI program should be a direct award from FEMA. This will allow Urban Areas to more efficiently and effectively expend funds while enhancing coordination with DHS and FEMA, as well as improving not only response but accountability. Eliminating an additional level of management by the State Administrative Agency would result in the more efficient and effective expenditure of grant funds by reducing redundant approvals, providing the intended grant recipients with the full and actual period of performance to expend funds and allowing a larger percentage of the funds themselves to be dedicated to actual preparedness efforts. This would also provide for the prioritization of funding for unique, specific urban area initiatives that are often of a vastly different level of sophistication and concern than those issues prioritized by states. This will also allow DHS and FEMA to more strongly direct funding and/or address issues of funding

priorities in a timely manner for those areas that are not only of highest threat and vulnerability but where the need for fiduciary management is strongest; the UASI program, at \$600 million, is the largest single program in the non-disaster preparedness grant suite, surpassing the SHSGP by \$133 million. It is counterintuitive that the UASI program, whose dollar amount far exceeds the SHSGP must be managed and/or governed by state processes, rules and staff, many of which may be smaller and/or less familiar with Urban Area-specific guidance, threats and hazards than the Urban Areas themselves. This change would also reduce redundancies, inefficiencies and capacity issues due to State Administrative Agency practices and increase their capacity to administer other programs while ensuring more efficient and potentially objective grants management.

**Action:** Consider a mechanism to support regional capabilities. The continuity of preparedness across political boundaries – both local as well as state lines – would better serve preparedness, and would likely increase efficiency. Under one approach, entities could submit their own grant proposal, but the proposals would reflect a regional coordinated initiative. While coordination would occur among regional partners, and not as a FEMA mandate, grant evaluation criteria would highly rate entities that demonstrate a regional approach. Another approach could have a separate program that focused on regional capability for distinct efforts (e.g., Medical Counter Measures, Pandemic, etc.)

**Action:** Eliminate the use of DHS non-disaster preparedness grant funds for backfill and overtime related to training, other than for explicitly outlined and approved exercises. Entities should be able to manage personnel and resources efficiently to allow for their presence and/or participation in training and exercises that are otherwise supported by non-disaster preparedness funds.

**Action:** Eliminate the use of DHS non-disaster preparedness grant funds for backfill and overtime for response.

**Recommendation:** DHS and FEMA should ensure that programs not only appropriately reflect the sovereign relationship between Indian Tribes and the federal government, but that efforts are made to equitably support Indian Country in the same manner, and the same degree and level as other entities, in culturally appropriate ways.

**Action:** Eliminate the use of the term “directly eligible tribes” in the Homeland Security Act so that all federally recognized tribes may be eligible for DHS non-disaster preparedness funds.

**Action:** Create a stand-alone tribal grant program that is not a carve out of the SHSGP. The current process undermines the sovereign status of the tribes while placing restrictions on the same. This critical change would be a recognition of tribal sovereignty to make the tribal program distinct from the state program.

**Action:** Monetary resources, expertise and assistance must be committed to work with tribes to achieve base-level standards related to risk profiles, THIRAs, hazard mitigation plans and other mechanisms, and to achieve an equitable playing field; tribes currently do not receive risk profiles as part of the annual Risk Validation Process. While DHS and FEMA provide tribal-focused training, these courses should be updated and improved in a culturally-responsive manner, to include clearly defined outcomes that tribes can work to meet. Tribal Colleges and Universities (TCUs) should be engaged by DHS and FEMA to assist in this effort.

**Action:** Establish baseline standards of what personnel should know in working with federally recognized tribes, develop Department-wide training standards for employees on cultural competencies and how to work with American Indian and Native Alaskan tribal governments, their staff, their membership and their tribal descendants, and then implement the same; this will improve the ability of Department staff to be successful in building nation-to-nation relationships. This should include the creation and/or provision of designated Points of Contact for tribes, to include Tribal Homeland Security Advisors as well as individuals within the grant funding process.

**Action:** DHS and FEMA must work to adhere to E.O. 13175.

**Recommendation:** Ensure that the management of grant programs – particularly where managed or passed through third parties – is transparent, consistent and being undertaken in accordance with both the objectives and priorities of the grants as well as the needs of operational personnel in mind. Establish accountability mechanisms that are organic to the grants process to ensure the objectives and priorities of the grant program are being met.

**Action:** Develop clear policies, procedures, guidelines and accountability metrics for those areas where grant programs are either managed or passed-through third-parties, particularly State Administrative Agencies, so as to address the concerns of sub-grantees with respect to grant requirement compliance and transparency. Current circumstances have resulted in disparate impacts to stakeholders receiving funds through the same grant programs.

**Action:** Establish a National Preparedness Grants Ombudsman at the FEMA headquarters level, with a corresponding designated official at each region. The Ombudsman network should be responsible for resolving issues and/or concerns between grantees and sub-grant recipients as well as with the grantor, working to enhance multidirectional communication channels, ensuring consistency in application of rules, regulations, guidelines and policies as well as procedures, and serving as a resource for concerns and/or issues.

**Action:** Enhance training and communication to ensure that appropriate personnel at all levels, notably within FEMA and DHS, are trained comparably to be able to provide consistent and determinative answers to stakeholders, particularly where concerns are raised between grant recipients and sub-recipients with respect to the interpretation of rules and regulations as well as the intent of guidance.

**Action:** Track and study the actual percentage of funding retained as well as the awards received by the State Administrative Agencies in order to develop an accurate understanding of funding allocation.

**Action:** Track and examine the actual time being allotted to recipients for grant use/period of performance, taking into account time restrictions imposed by pass-through entities and the divergence from stipulated time periods.

**Action:** Guidance around LETP should be enhanced to require that funding be used specifically for equipping, training and exercising law enforcement personnel to prepare for identified threats and hazards, thereby ensuring appropriate and directed use of funding.

**Action:** DHS and FEMA, through the Office of State and Local Law Enforcement (OSLLE) and the GPD, should review LETP expenditures for past years; this information should be categorized into mission areas and should be used to inform future grant guidance, rules and regulations that ensure compliance with LETP guidelines and intent. OSLLE and GPD should routinely review submitted expenditures around law enforcement terrorism prevention activities.

**Action:** Accountability metrics around LETP should be enhanced; structures should be created that ensure law enforcement direction, ownership and engagement in planning for and operationalizing the use of LETP funds. For SHSGP funding, this could entail having funding decisions being managed and administered by the Homeland Security Advisor in each state (as designated by the Governor), requiring approval of the same as well as the direct input from the lead State law enforcement agency and a representative body of local law enforcement leadership. For UASI funding, this could involve having funding decisions being managed and administered by the leadership of the Urban Area Working Group, requiring approval of the same as well as direct input from a committee comprised of select leadership from representative law enforcement agencies within the Urban Area, as agreed by the leadership of the Urban Area Working Group. This will ensure that decisions considered for LETP are made based on the priorities of law enforcement, as established by direct input from this community.

**Recommendation: FEMA should continue to be supported in its efforts to align systems and organizations to provide transparency and accountability as well as ensure that it is best positioned to serve stakeholders.**

**Action:** DHS and FEMA should work with Congress to allow grant funds to be available for two years rather than one. This is important to position recipients to put forward the best proposals to improve homeland security, not just proposals that can be achieved within the current fiscal constraints.

**Action:** Consider fiscal law language similar to that provided in the case of terminations for default in federal contracting. While expired funds generally go back to the Department of the Treasury, and current funds must be used for current initiatives, fiscal law has unique procedures in the case of contracts that are terminated for default. In those cases, even expired funds can be used to procure the necessary goods and services. A similar provision in grants funding would allow reprogramming of funds where the initial grantee cannot spend or complete projects on time for another consistent use by another recipient.

**Action:** The last 3-5 years of GAO and Inspector General (IG) reports and audits must be reviewed and examined for systemic issues, with the results of this analysis being made publically available. This will allow grantees to potentially identify lessons learned and initiate best practice efforts. Internal controls for the systemic issues that are identified should be instituted in the Grants Modernization program through technology, training, and revised business processes.

**Action:** A Program Management Office (PMO) should be established in FEMA for better life cycle management. While individual grant programs may be executed separately, the PMO would ensure consistency toward common goals, and reduce redundancy and administration requirements among the programs. It would function similar to the Program Executive Office role over acquisition programs in the acquisition sector. That model, used effectively by the United States Coast Guard (USCG), could be used to develop PEO/PM structure for the right balance of

cohesiveness and flexibility. This structure could also be used to clarify channels of communications within GPD.

**Action:** Though having made progress in improving coordination, DHS and FEMA must continue to work to coordinate monitoring and evaluation processes between headquarters and regional offices, as well as with other entities, where possible (e.g., the GAO, the Office of Management and Budget as well as the DHS Office of Inspector General). These efforts should also be coordinated with stakeholders to facilitate the auditing and monitoring of grant recipients and sub-grantees, providing for joint monitoring wherever practicable and facilitating the sharing of programmatic information between these entities. FEMA should also work to de-conflict and better coordinate guidance related to auditing and monitoring with regional offices involved in this process. Finally, these oversight and monitoring entities should provide at least one month's notice for audits.

**Action:** FEMA has greatly improved the timeframe of EHP reviews. Further efforts must be made by FEMA to continue to streamline the EHP process. This could be accomplished by eliminating duplicative or redundant EHP requirements on the part of grantees. For example, a full EHP review should not be required when replacing components or systems that previously received EHP review.

**Recommendation:** FEMA must increase the quality and quantity of information being shared regarding programs and efforts being undertaken with relevant funding, so as to assist internal and external stakeholders in designing, developing and executing best practice programs. Grantees, lacking sufficient resources or capacity, would benefit from comprehensive, clear and bi-directional sources of information that establish and encourage communities of practice.

**Action:** Develop a comprehensive grant program guide. The guide should be a one stop shop with complete information about each grant program. It should address both pre-award and post-award information and allow for a comparison of the grant programs, while providing links to supporting policy, regulation, and statute.

**Action:** Pursuant to Public Law 110-53, the Assistant Secretary for State and Local Law Enforcement needs to be involved in ensuring that law enforcement and terrorism-focused grants to state, local, and tribal government agencies, as well as those grants that support fusion centers and law enforcement-oriented programs, are appropriately focused on terrorism prevention activities; this could involve regularly scheduled meetings and/or the creation of a specific task force which would allow the Department to solicit broad feedback and stakeholder buy-in.

**Action:** FEMA's Lessons Learned Information Sharing (LLIS) Program and FEMA's grants website should be enhanced with FAQs, best practices, and other sharing of "plain language" information. The platform should be bi-directional, allowing both FEMA to answer questions and other grant recipients to share their opinions. FEMA should consider using the existing "Acquisition Central" website as a model for this action.

**Action:** Information sharing cites should be added under OPENFEMA. FEMA should: (1) ensure that the cite focus on changes to policy, regulation, and statute; (2) Inform the community of ongoing activity, such as submission of the relevant portion of budgets, upcoming schedules for

grants (including but not limited to guidance, due dates, audits and available training); (3) Add web based training about the preparedness grants; (4) Provide metrics both from FEMA, and links to state and local published statistics relevant to grants, and; (5) Publish and prioritize feedback from user experience sessions.

**Action:** FEMA must work to reduce duplicative spending by grantees on disparate systems as well as investment in untested or poorly designed platforms while encouraging cost effective spending. A specific platform should be created that provides grantees with comprehensive information on those software solutions and systems that have been purchased with non-disaster preparedness funds. This should include the purpose of the software, nature of architecture, development time, price and user feedback. Such a system will allow grantees to make more informed decisions, obtain better price-points and increase interoperability.

**Recommendation: FEMA must continue its efforts to consolidate disparate information streams into more accessible and user-friendly interfaces that can provide instructive information to stakeholders for the benefit of program development and management.**

**Action:** The Grants Management Modernization (GMM) effort being undertaken by FEMA should be prioritized, fully funded and supported on a department-wide basis, with respect to its development and launch. The system should be an open source architecture single technology platform with user center design of business processes and a user friendly platform. End users should be invited to participate in operational development/testing.

**Action:** As part of GMM, DHS/FEMA should identify vulnerabilities in Continuity of Operations (COOP) and Continuity of Government (COG) as it relates to grant award and administration processes. DHS/FEMA should implement a strong backup and COOP plan for operations during major disasters and degraded technology modes.

**Recommendation: FEMA should increase and improve the use of metrics and data so as to inform necessary actions, including training and policy revisions. This will also help drive awareness and potentially provide incentives for efficiency.**

**Action:** DHS/FEMA should include data on both disaster grants and mitigation grants in preparedness grants data and analysis. If this does not occur, the information on mitigation and disaster recovery is missing and the recurring loss portfolio is erroneously omitted when assessing risk.

**Action:** Work with other relevant entities to develop data sets and platforms to allow for benchmarking against other agencies at both the federal and recipient level. These metrics could then be used to develop best practices and share lessons learned both on efficiency and effectiveness of grant program awards and administration.

**Action:** Expand the Public Data Visualization Tool to include performance data and provide maximum appropriate visibility on metrics across the enterprise, as well as increase awareness and utilization of the tool.

**Recommendation: DHS and FEMA should work to allow grantees to maximize their ability to effectively and efficiently purchase identified, necessary and tested equipment, thereby ensuring prudent and cost effective purchases in a timely manner. Systemically long procurement lead times have been cited by recipients as reasons for delayed obligations, and sometimes drive grant proposals as well as expenditures to less than optimal outcomes.**

**Action:** Require – as term of acceptance – that grantees agree that they, sub-grantees and/or subcontractors will be allowed to order from GSA contract vehicles and mechanisms. This will assist in maximizing the time available to grantees to expend funds by reducing delays caused by local procurement processes, ensure consistency and efficiency among grantees by providing a common contracting and pricing scheme to all and maximize effectiveness by guaranteeing that items purchased have met certain quality and pricing standards.

**Action:** In conjunction with the DHS Chief Procurement Officer (CPO), FEMA should develop training and tools that position state and local governments to understand how to purchase from GSA supply schedule and other eligible federal contracts. Federal vehicles, if permitted, could help get services and products into the hands of end users more quickly. Additionally, the buying power of a federal contract may drive price efficiencies while the vetting process of items on the contracts will ensure that best-in-class tools, equipment, etc. are being purchased.

**Action:** Clarify the management of the SEL, streamline the process by which items are placed on, reviewed, and removed from the SEL, and provide an avenue for clear communication with stakeholders for clarity on how to address items that may be missing.

**Recommendation: FEMA should continue to increase its outreach related to training and education, driving consistency and emphasizing coordination and communication throughout the nation, and with both internal as well as external stakeholders.**

**Action:** FEMA should review its standards for outreach and training for each of its regions and coordinate the same with headquarters personnel as well as – critically – local grantees, to ensure there is consistency. Current efforts via the Regional Training and Exercise Officers and their Training and Exercise Workshops and Plans lack sufficient standards. Disparate personnel involved in threat assessment, intelligence, planning, training and exercise should be brought together to encourage a unified effort that serves to identify, track and prioritize threats and hazards, as well as the activities to address them.

**Action:** Each time there is a new policy, regulation or statute that affects one or more grant programs, FEMA should develop standard communication as well as trainings to be delivered to stakeholders, to include internal/headquarters personnel, regional staff and local stakeholders. By adopting a “nothing about you, without you” philosophy, impacted stakeholders should always be included in the training development process. This centralized development and decentralized execution approach will ensure consistency while enhancing local relationships. Where possible, stakeholders should be involved in the actual development and execution of training. Depending on the extent and impact of the change, the communication could range from highlighted website posting to formal training.

**Action:** FEMA should expand its Technical Assistance Training regarding grants to stakeholders.

**Action:** FEMA should create a Monitoring and Evaluation toolkit to be disseminated to stakeholders that communicates and facilitates a clear and inclusive evaluation process.

**Action:** FEMA should develop guidance for grantees to enable proposing comprehensive, preparedness systems – particularly with respect to technology – that cross over grant years. Examples include communications systems and major upgrades to technology, with wide scope and significant cost. The guidance should allow for usable segments of a large solution to be proposed in a grant year, with the entire system considered in evaluation, similar to modular contracting at the federal level. The current system does not allow projects to carry across grant years, thereby forcing entities to either rush delivery or develop stand-alone projects and disjointed systems.

**Recommendation: DHS and FEMA must encourage a whole community approach that increases participation by all stakeholders – traditional, new and emerging – and enhances communication.**

**Action:** DHS and FEMA should work to amplify and reinforce the tremendous capabilities built as a result of the resources provided by the various grants programs by engaging other actors who may not be eligible for grant funding. An opportunity exists to better engage the general public, social media, and the press regarding the importance of robust response capabilities and resiliency. As money tightens, emergency management response needs to identify reinforcing mechanisms that will better involve all stakeholders.

**Action:** Prioritize multi-jurisdictional initiatives that coordinate across public and private sector entities to accomplish preparedness goals. While grant applications are not competitive for SHSGP, FEMA has the authority to request that applicants strengthen the scope of their proposals and their associated projects to ensure collaboration, or request changes to the program and/or authorizing language for the same purpose.

**Action:** Consider separating the fifty (50) percent personnel caps and exercises/training, thereby providing incentive for multiagency/regional training and exercises.

# APPENDIX I

## STAKEHOLDER OUTREACH

Those with whom the Task Force met and/or engaged with in the compilation of this report include:

### *Organizations*

Big City Emergency Managers  
City of Chicago Office of Emergency Management and Communications  
City of Philadelphia Office of Emergency Management  
Commonwealth of Virginia Public Safety and Homeland Security  
District of Columbia Homeland Security and Emergency Management Agency  
Federal Emergency Management Agency  
Federal Emergency Management Agency, Grant Programs Directorate  
Federal Emergency Management Agency, National Advisory Council  
Federal Emergency Management Agency, National Preparedness Directorate  
Federal Emergency Management Agency, National Preparedness Assessment Division  
Federal Emergency Management Agency, Office of Response and Recovery  
Federal Emergency Management Agency, Protection and National Preparedness  
Federal Emergency Management Agency, Region IX  
International Association of Chiefs of Police  
International Association of Fire Fighters  
National Congress of American Indians  
National Emergency Management Association  
National Governors Association  
New York Police Department  
New York State Police  
Prince William County Fire and Rescue  
Tohono O’odham Nation  
U.S. Department of Homeland Security, Science and Technology, First Responders Group  
U.S. Department of Homeland Security, Intergovernmental Affairs/Office of Partnership & Engagement  
U.S. Department of Homeland Security, Office of State & Local Law Enforcement  
West Virginia Division of Homeland Security and Emergency Management

### *Leadership*

**James (Jim) Baker**, President, International Association of Chiefs of Police

**Jeff Booth**, First Responders Group, Science and Technology, U.S. Department of Homeland Security

**Alaina Clark**, Deputy Assistant Secretary, Intergovernmental Affairs/Office of Partnership and Engagement, U.S. Department of Homeland Security

**Bob Fenton**, Regional Administrator, Region IX, Federal Emergency Management Agency

**Heather Fong**, Assistant Secretary, Office of State & Local Law Enforcement, U.S. Department of Homeland Security

**Katie Fox**, Assistant Administrator, National Preparedness Directorate, Federal Emergency Management Agency

**Craig Fugate**, Administrator, Federal Emergency Management Agency

**Chris Geldart**, Director, Homeland Security and Emergency Management Agency, Washington D.C., Representative, Big City Emergency Managers

**Jimmy Gianato**, Director and Homeland Security Advisor, West Virginia Division of Homeland Security and Emergency Management, and, Legislative Affairs, Chair, National Emergency Management Association

**Elizabeth M. Harman**, Assistant to the General President for Grants Administration and HazMat Training Division, International Association of Fire Fighters

**Robert Holden**, Deputy Director, National Congress of American Indians

**Bradley Johnson**, Director of Local Affairs, Intergovernmental Affairs/Office of Partnership and Engagement

**Brian Kamoie**, Assistant Administrator, Grant Programs Directorate, Federal Emergency Management Agency

**Bryan Koon**, President, National Emergency Management Association and Director, Florida Division of Emergency Management

**Justin Legary**, Deputy Program Manager and Technical Lead, Grants Management Modernization Project, Office of Response and Recovery, Federal Emergency Management Agency

**Timothy Manning**, Deputy Administrator, Protection and National Preparedness, Federal Emergency Management Agency

**Christian Marrone**, Chief of Staff, U.S. Department of Homeland Security

**Lieutenant Colonel David McBath**, New York State Police and International Association of Chiefs of Police Chair, Committee on Homeland Security

**Chief Kevin McGee**, Fire and Rescue, Prince William County, Virginia, and International Association of Fire Chiefs

**Jeff McLeod**, Director, Homeland Security & Public Safety Division, National Governors Association

**Jason McNamara**, Former Chief of Staff, Federal Emergency Management Agency

**Philip McNamara**, Assistant Secretary, Intergovernmental Affairs/Office of Partnership and Engagement, U.S. Department of Homeland Security

**Nicole Mlade**, Director, Intergovernmental Affairs, Federal Emergency Management Agency

**Brian Moran**, Secretary, Public Safety and Homeland Security, Commonwealth of Virginia

**Dr. Ned Norris**, Former Chairman of Tohono O'odham Nation

**Alexa Noruk**, Government Relations Director, National Emergency Management Association

**Samantha Phillips**, Deputy Managing Director, Office of Emergency Management, City of Philadelphia

**Alisha Powell**, Senior Policy Analyst, National Governors Association

**John Rabin**, Division Director, National Preparedness Assessment Division, Federal Emergency Management Agency

**Gary Schenkel**, Executive Director, Office of Emergency Management and Communications, City of Chicago

**Richard Serino**, Former Deputy Administrator, Federal Emergency Management Agency

**Trina Sheets**, Executive Director, National Emergency Management Association

**Mark Silveira**, Executive Officer, Grant Programs Directorate, Federal Emergency Management Agency

**Leiloni Stainsby**, Section Chief, National Preparedness Assessment Division, Federal Emergency Management Agency

**Adam Thiel**, Deputy Secretary, Public Safety & Homeland Security, Commonwealth of Virginia

**Claire Thomas**, Program Analyst, National Preparedness Assessment Division, Federal Emergency Management Agency

**Jessica Tisch**, Deputy Commissioner of Information Technology, New York Police Department

**Alexandra Woodruff**, Director, National Advisory Council, Federal Emergency Management Agency

## **APPENDIX II**

### **GLOSSARY OF TERMS**

**“Auditing”** – Auditing is the process conducted by which the Government Accountability Office (GAO) and the Office of the Inspector General (OIG) review preparedness grant fund expenditures on the part of the recipients.

**“Authorized Equipment List (AEL)”** – The AEL is the list of equipment types for which recipients are allowed to expend preparedness grant dollars.

**“Award”** – An award is a document that allocates funds to a recipient to carry out a specified program or project based on an approved application or progress report established under preparedness grant program guidance. The term is often used interchangeably with ‘grant.’

**“Common Operating Picture (COP)”** – A COP is usually recognized as a single identical display, dashboard or mechanism to view, understand and/or analyze relevant information that is shared by multiple entities. A COP facilitates collaborative planning and assists all levels and organizations to achieve efficient, effective and common situational awareness.

**“Cooperative Agreement”** – A cooperative agreement is a financial assistance support mechanism used for a program that includes substantial Federal involvement. Substantial involvement means that agency program staff will collaborate or participate in project or program activities as specified in the Notice of Award.

**“Core Capabilities”** – The core capabilities are the 32 distinct critical elements necessary to achieve the National Preparedness Goal. The capabilities are categorized into five mission areas: Prevention, Protection, Mitigation, Response and Recovery.

**“Eligible Applicant”** – An eligible applicant is any organization that meets the eligibility requirements listed in the grant program’s Notice of Funding Opportunity (NOFO) announcement.

**“Emergency Management Institute (EMI)”** – The EMI is a hub for the development and delivery of emergency management training to enhance the capabilities to recipients of the preparedness grant programs.

**“Environmental Planning and Historic Preservation (EHP)”** – The EHP is the process by which DHS/FEMA ensure that all activities and programs funded by the same, to include those projects funded by preparedness grant program dollars, comply with federal EHP regulations, laws and Executive Orders, as applicable. Recipients and sub recipients proposing projects that have the

potential to impact the environment, including but not limited to construction of communication towers, modification or renovation of existing buildings, structures and facilities, or new construction including replacement of facilities, must participate in the EHP process.

***“Fusion Centers (State and major urban area fusion centers)”*** – Fusion centers serve as focal points within the state and local environment for the receipt, analysis, gathering, and sharing of threat-related information between the federal government and state, local, tribal, territorial and private sector partners.

***“Grants Management Modernization (GMM)”*** – GMM is a FEMA initiative that seeks to simplify and coordinate business management approaches across grant programs by integrating the 40+ programs into a single grants management IT platform, and, where possible, by establishing a common grants management life cycle.

***“Grants Management Technical Assistance Program (GMTA)”*** – GMTA is a program by which DHS/FEMA provides technical assistance to state, regional, local, and tribal jurisdictions on basic and advanced grants management principles and practices.

***“Grant Programs Directorate (GPD)”*** – The GPD is the primary FEMA office that leads and manages the grant business operations, systems, training, policy and oversight of all FEMA grants, to include the preparedness grant suite.

***“Homeland Security National Risk Characterization (HSNRC)”*** – The HSNRC is a profile of steady-state and contingent homeland security risks which considers and compares a variety of threats and hazards, including those stemming from natural disasters, adversarial threats, and accidental technological or human-caused hazards. The Risk Characterization identifies and prioritizes those risks that have the potential to significantly impact the nation’s security.

***“Homeland Security Strategic Environment Assessment (HSSEA)”*** – The HSSEA is a collective assessment that examines the current homeland security strategic environment and characterizes the risks, threats, current and future trends, and critical uncertainties with the greatest potential to affect homeland security.

***“Investment Justification (IJ)”*** – An IJ is part of the grant application process wherein applicants describe each of the proposed projects and explain how the same links to core capabilities.

***“Lessons Learned Information Sharing Program (LLIS)”*** – The LLIS is an online hub of lessons learned and innovative practices made available to the public, to include grant recipients. Documents include trend analyses, grant case studies, webinars, and more.

***“Metropolitan Statistical Area (MSA)”*** – An MSA is a geographical region with a relatively high population density at its core and close economic ties throughout the area.

**“Monitoring”** – Monitoring is the process whereby recipient funding are reviewed on an annual and as needed basis by DHS/FEMA, both programmatically and financially, to ensure that the project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria are being met.

**“Notice of Funding Opportunity (NOFO)”** – A NOFO is the formally issued announcement of the availability of funding for the non-disaster preparedness grant programs. The announcement provides eligibility and evaluation criteria, funding preferences/priorities, the submission deadline, and information on how to obtain application kits.

**“National Preparedness Goal (NPG or the Goal)”** – The NPG establishes the 32 core capabilities, via the National Preparedness System, and defines how the whole community prepares for all types of disasters and emergencies. The goal itself is: **“A secure and resilient nation with the capabilities required across the whole community to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk.”**

**“National Preparedness System (NPS)”** – The NPS outlines an organized process to build, sustain, and deliver core capabilities in order to achieve the NPG. The System facilitates an integrated, risk informed, capabilities-based, whole community approach to preparedness through its six phases.

**“Office for State and Local Law Enforcement (OSLLE)”** – The OSLLE provides DHS with primary coordination, liaison, and advocacy for state, local, tribal, and territorial law enforcement agencies. Pursuant to Public Law 110-53, the OSLLE is involved in ensuring that law enforcement and terrorism-focused grants to state, local, and tribal government agencies, as well as those grants that support fusion centers and law enforcement-oriented programs, are appropriately focused on terrorism prevention activities.

**“Pass through entity”** –A pass through entity is an organization that oversees and manages the allocation of an award to a sub recipient.

**“Period of Performance”** – The period of performance is time frame during which grant recipients are expected to incur and expend approved funds. The period of performance begins with the opening of the application period and ends no later than 36 months from the close of the application period. Grant recipients are responsible for ensuring that all approved activities are completed by the end of the period of performance.

**“Preparedness Technical Assistance Program”** – The Preparedness Technical Assistance Program is the initiative through which FEMA provides recipients specialized services, analytical support, and guidance in two primary areas: capability building across the mission areas and grants management.

**“Recipient or Grantee”** – The recipient or grantee is the organization or individual that receives a DHS/FEMA grant and is the entire legal entity of the grant.

**“Risk”** – DHS/FEMA defines risk as the “potential for an unwanted outcome resulting from an incident, event, or occurrence, as determined by its likelihood and the associated consequences.”

**“Risk Methodology”** – Risk methodology, a metric based upon the requirements of the *Homeland Security Act of 2002*, as amended, is used by DHS/FEMA to determine the relative risk of terrorism faced by a given area taking into account the potential risk to people, critical infrastructure, and economic security. The risk methodology is focused on three elements:

- *Threat* – likelihood of an attack being attempted by an adversary;
- *Vulnerability* – likelihood that an attack is successful, given that it is attempted; and
- *Consequence* – effect of an event, incident or occurrence.

**“Risk Validation Process”** – The risk validation process is the review of relative risk data for all states, territories, and the 100 most populous metropolitan statistical areas (MSAs), each fiscal year. The risk validation process informs eligibility and allocation decisions under the State Homeland Security Program (SHSP) and the Urban Area Security Initiative (UASI). This relative risk data incorporates threat, consequence and vulnerability information that is refreshed on an annual basis for each State and MSA and presented to grantees in the form of a “Risk Profile.”

**“Senior Advisory Committee (SAC)”** – The SAC is the governance structure required under preparedness grant programs to encourage the coordination of activities across preparedness disciplines and levels of government, including state, territorial, local, and tribal governments.

**“Standard Equipment List (SEL)”** – The SEL, provided to the responder community by the InterAgency Board for Equipment Standardization and Interoperability (IAB, is a list of generic equipment recommended to local, state, and federal government organizations preparing for and responding to all hazards, particularly chemical, biological, radiological, nuclear, and explosive (CBRNE) events.

**“State Administrative Agency (SAA)”** – The SAA is the authorized pass-through entity of a state to administer the preparedness grant programs. The SAA is responsible for monitoring activities of sub-recipients in the provision of reasonable assurance to DHS/FEMA that the same are administering the HSGP in compliance with federal and state requirements. For states eligible for UASI and OPSG funding, the SAA is the only entity eligible to submit applications to DHS/FEMA on behalf of UASI and OPSG applicants.

**“State Preparedness Report (SPR)”** – The SPR is an annual self-assessment of state preparedness submitted by the 56 States and territories to DHS/FEMA. The *Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA)* requires an SPR from any state/territory receiving federal preparedness assistance administered by DHS/FEMA.

**“Strategic National Risk Assessment (SNRA)”** – The SNRA is an assessment by federal agencies that evaluates the risk from known threats and hazards that have the potential to significantly impact the Nation’s homeland security. These threats and hazards are grouped into a series of national-level events with the potential to test the nation’s preparedness. In 2011, the SNRA was executed by the DHS Office of Risk Management and Analysis in support of the Presidential Policy Directive 8 (PPD-8) to develop the NPG and identify the core capabilities.

**“Sub recipient”** – A sub recipient is an entity that expends DHS/FEMA awards received from the pass-through entity in a preparedness grant program allocation. A sub recipient relationship exists when funding from a pass-through entity is provided to perform a portion of the scope of work or objectives of the pass-through entity's award agreement with the awarding agency.

**“Threat Hazard Identification and Risk Assessment (THIRA)”** – The THIRA is a four step common risk assessment process, described through the Comprehensive Preparedness Guide (CPG) 201, that assists the whole community – including individuals, businesses, faith-based organizations, nonprofit groups, schools and academia and all levels of government – in understanding its risks and estimating capability requirements. DHS/FEMA requires grant recipients to complete and submit a THIRA on an annual basis.

**“Unified Reporting Tool (URT)”** – The URT is the electronic system by which recipients submit THIRA, SPR, and related preparedness information.

**“Urban Area Security Initiative (UASI)”** – The UASI is an grant program that addresses the unique risk driven and capabilities-based planning, organization, equipment, training, and exercise needs of high-threat, high-density Urban Areas based on the capability targets identified during the THIRA process and associated assessment efforts. The UASI aims to assist Urban Areas in building an enhanced and sustainable capacity to prevent, protect against, mitigate, respond to, and recover from acts of terrorism, and other critical incidents.

**“Urban Area Working Group (UAWG)”** – A UAWG is an advisory body, defined by UASI-funded Urban areas and established under the Senior Advisory Committee (SAC), that integrates and manages UASI expenditures within a given Urban Area to ensure their effective use.

**“Whole Community”** – The whole community refers to the government entities, first responder agencies, organizational and community entities, as well as residents that can collectively understand and assess the needs of their respective communities and determine the best ways to organize and strengthen their assets, capacities, and interests.

**“National Preparedness Grant Program (NPGP)”** – The National Preparedness Grant Program (NPGP) was an initiative aimed at consolidating the non-disaster preparedness grant programs, with the exception of Firefighter Assistance Grants and Emergency Management Performance Grants, into a single National Preparedness Grant Program. The proposal provided the sole authority to the State Administrative Agencies to administer the preparedness grant programs. The proposal, in a variety of forms, was submitted and rejected by Congress several times between 2013 and 2015, which may be attributed to concerns raised by stakeholders as to lack of eligibility as direct recipients. Within the program framework, each state was to submit a single application on behalf of the grantees operating within its borders, to include the urban areas. In the most recent iteration, the proposal included authorization of port and transit entities as eligible direct recipients. Further, a portion of the grant funding would be allocated to a competitive pool for the development of new capabilities based on need as identified in the THIRA.

### **Congressional Guidance and Authorities**

***Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments"* (EO 13175)** – EO 13175, issued by President Bill Clinton on November 6, 2000, requires federal departments and agencies to consult with tribal governments when considering policies that would impact tribal communities. EO13175 reiterated the federal government's previously acknowledged commitment to tribal sovereignty.

***Implementing the Recommendations of the 9/11 Commission Act of 2007 (9/11 Act)*** – The 9/11 Act formally authorized federal assistance programs to include the SHSP and UASI. The 9/11 Act provides guidance related to the use of grant funds under these programs, to include a requirement that allowable activities should have a nexus to terrorism, with allowable multi-purpose efforts.

***Law Enforcement Terrorism Prevention Act (LETPA)*** – Per section 2006 of the *Homeland Security Act of 2002*, as amended (6 U.S.C. § 607), DHS/FEMA is required to ensure that at least 25 percent of grant funding appropriated for grants awarded under HSGP’s authorizing statute are used for law enforcement terrorism prevention activities. DHS/FEMA meets this requirement, in part, by requiring all SHSP and UASI recipients to ensure that at least 25 percent of the combined HSGP funds allocated under SHSP and UASI are dedicated towards law enforcement terrorism prevention activities.

***Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA)*** – The PKEMRA was enacted to address the shortcomings identified in the preparation for and response to Hurricane Katrina, amended the *Homeland Security Act of 2002* to redefine the mission, role and structure of FEMA. The PKEMRA placed the administration of the preparedness grant programs under the FEMA Administrator, and established the GPD to administer the same. The Act also required that states report on their own preparedness.

***Presidential Policy Directive 8 “National Preparedness” 2011 (PPD-8)*** – PPD-8 mandated the development of a final NPG, a description of the NPS, a series of National Frameworks and corresponding Federal Interagency Operational Plans across the Prevention, Protection, Mitigation, Response and Recovery mission spaces, along with a separate Campaign to Build and Sustain Preparedness. PPD-8 further emphasized a capabilities-based, all-hazards, whole community approach to preparedness and superseded HSPD-8 and Annex I.

***Robert T. Stafford Disaster Relief and Emergency Assistance Act (The Stafford Act)*** – The Stafford Act constitutes the statutory authority for most federal disaster response activities, particularly pertaining to FEMA. The Stafford Act was amended by the Sandy Recovery Improvement Act (SRIA) of 2013 to allow tribal governments to apply for federal disaster assistance directly to the President and FEMA.