

Statement by Mr. Judson M. Freed, Vice Chair,
National Association of Counties'
Subcommittee on Homeland Security and Emergency Management
On Ensuring the Transparency, Efficiency, and Effectiveness
of Homeland Security Grants
April 26, 2012

Chairman Bilirakis, Ranking Member Richardson, distinguished members of the subcommittee, I am Judson Freed, Director of the Office of Emergency Management and Homeland Security for Ramsey County, Minnesota; Chair of the Twin Cities Urban Area Security Initiative, Government Affairs Chair for the Association of Minnesota Emergency Managers; and Vice Chair of the Subcommittee on Homeland Security and Emergency Management at the National Association of Counties (NACo). It is in this later capacity that I appear here today – representing the elected and appointed county officials in our nation's 3,068 counties. I cannot express to you how much I appreciate the chance to speak with you today, and how honored I am to be here.

America's 3,068 counties echo the concerns so eloquently presented to you last month by Mayor Michael Nutter of Philadelphia and the United States Conference of Mayors (USCM). Specifically, that the National Preparedness Grant Program (or NPGP) as currently proposed has not been adequately constructed, and was developed without adequate input from local stakeholders. As Mayor Nutter pointed out, if the NPGP is realized as currently designed, it will generate even more conflict between the local and state governments at the expense of the strategic partnerships built at the cost of more than 10 years and \$35 billion dollars of taxpayer funds.

On behalf of NACo, I make this assertion based on the information released by the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) about the NPGP, and after reading FEMA's Comprehensive Preparedness Guide 201 or guidance for the development of the Threat and Hazard Identification and Risk Assessment (THIRA) for Preparedness Grants released just a few short weeks ago. The formulas, distribution, and intent of funding is more unclear than ever. The level of input of local stakeholders in constructing the program and in the allocation of funds under the program as currently designed is limited at best and equally non-transparent.

While proposing that the NPGP be a new block grant administered by States may be a worthwhile concept and deserves consideration, it must not be implemented at the risk of dismantling what has been built and consigning local risk to a minor role - second to the needs of a State or region. The history of the States' use of block grants intended for support to local public safety has been mixed and tangled at best.

For instance, the Emergency Management Performance Grant (EMPG) is arguably the most effective all-hazard program focused on capacity building for all-hazards preparedness, response, recovery, and mitigation at the State and local levels.

As a State administered block grant, EMPG is intended to be a pass through to locals, and requires a 50% financial match by locals. However, despite the fact that it is vital to the basic Emergency Management structure of the nation, the program has no requirements on the amount of assistance that States must disperse to support local emergency managers. As a result, in the 48 States with county government structures, there is a range of some States keeping more than 70% percent of the funds and some States holding on to only 30% percent of funds over the past four years - and on average, States retain 52%. And even so, counties across the nation can demonstrate to you the capabilities being developed.

Fortunately, in my home State of Minnesota, the State has sub allocated to local emergency managers much more of EMPG than in many other States. However, States like Minnesota, which do pass through much more than average, may find themselves at a disadvantage in capability building within their own organization. This alone is a disincentive to collaboration.

Let me further explain. Across all States, more than 2,000 State full time employees are paid for in whole or part by EMPG funds (some 40 per State), compared to funding just 4,300 mostly part-time local personnel across more than 4000 local jurisdictions (3068 counties and a thousand-plus municipalities). While Minnesota counties have been fortunate that both Republican and Democrat Governors and State Directors of Emergency Management and Homeland Security are willing and politically able to resist the national trend and support us at something close to the 50/50 match - what if they are forced out of that political ability?

The new NPGP structure will encourage that disparity, and by adding both competitiveness (adjudicated as the individual States see fit) and lack of requirements (allowing self interest and political pressure to trump risk and need) to the concept of the block grant, less will be done at the local level. As proposed, the NPGP will exacerbate the problems and competition, rather than solve the issues this subcommittee so rightly sees as needing attention.

That is the reason we are here today. Congress is unwilling to appropriate sustained funding to the suite of homeland security grants, and sending less to States. The States then pass through less and the locals get less. This is not to say that States do not do good work with their agencies or work with many local stakeholders. But it is to say that when money gets tight and there is no firm mandate to work cooperatively, less will be shared and our resilience may be compromised.

So, local governments must continue to have a significant role in the process, and federal aid must be sustained. And it is aid we ask for, not full payment. Financially we pay for the vast majority of the mission, and we have virtually all of the assets in preparing, preventing, responding and recovering from all emergency events, no matter the cause. OUR firefighters, OUR law enforcement officers, OUR emergency mangers, OUR EMT's and medics, OUR public health, medical and public works personnel are the first

on the scene and manage the long term recovery. And it is our personnel who go out other jurisdictions across the country in time of national need.

State fusion centers? Who is staffing them? Mostly OUR local people. US Disaster Medical Assistance Teams, Disaster Mortuary Operational Response Teams, Search and Rescue teams, Emergency Medical Service Strike Forces? Those are OUR folks deployed to safeguard other communities. As one example, Minnesota's Incident Management Team members were local emergency managers deployed to New York and Boston after Hurricane Irene in 2011. As another example, Ramsey County sent deputies, police officers, firefighters and public health professionals to areas affected by Katrina in 2005 - as did many local governments. Fittingly, there was some reimbursement for local expenses during those deployments, but local agencies pay for the other 50 weeks in any given year. We also train them, and we work to build public safety agencies at home that are robust enough to allow us to send help to others in times of great need.

If our mission is public safety merely at the local level, we can do that at the expense of providing aid nationally. But that is not what our nation requires. It is our job to take care of local needs; the states' jobs to support statewide needs; and the federal government's job to support nationwide need and provide incentives for collaboration. It is for that reason - the ability of locals to collaborate and assist across the state and across the nation - that we ask for federal aid, and that is why it must be sustained.

How do we measure national need when it is always changing, and what is the solution? We too want to ensure that we build national capacity, but measurements must be flexible as no States, regions or communities have uniform and identical risk and need.

What risks should we address? The THIRA for Preparedness Grants concept is an enhancement of old assessments, but must be given some time to be developed, grow and be implemented in States, regions and communities across the nation. Can we really believe that the various THIRA data will be accurate given the short notice for compliance with new rules? Also, do local governments have the personnel capacity to produce an accurate THIRA? Not currently and this, too, will take time to build!

Again, the THIRA can be a great idea given time, but the proposed guidance is only close to real risk assessment in concept. Any THIRA must include the input of local elected and emergency response officials, and FEMA must be able to audit states by comparing local risk assessments to the State level THIRA. Further, local governments should have the opportunity to challenge a State THIRA that inadequately reflects their needs or input.

So what else would NACo and other stakeholders propose?

First, we must acknowledge that during the roughly two months we have known about this new proposal, we have not yet solved an issue that was 10 years in the making. Every year, since the inception of the suite of homeland security grants, the emphasis of the

awards, the guidance for expenditures, and the methods for measuring success at the local, State, and federal level have changed.

According to the DHS' proposal - the NPGP will stop these frequent changes; however, we assert that they will only stop the changes at the federal level. So, instead of one constantly changing guideline in America, there will now be fifty of them. As we see in EMPG, each State and region will administer the NPGP differently. Further, as the NPGP is not solely based on allocation, risk, and need, it's competitive component will pit States - and even regions within States - against each other for funds. And as we cannot ensure the level of transparency of the program in all States, we will still be unable to measure success.

We do know that when the assistance goes to local units of government, to fund State and federal mandates as in the EMPG program, we can show effectiveness. In 2011, look at Missouri; look at Minneapolis; look at numerous other local responses to destructive tornados in communities last year. Look at the Twin Cities Urban Area Security Initiative response to the I-35 bridge collapse. The systems built over the years since 9/11 worked. Numbers? No. Measurable? Yes. Progress.

Therefore, America's 3,068 counties ask that you maintain, for now, the current suite of grants and emphasize maintenance of the capabilities we have built over the past ten years as we work with *all* stakeholders to develop program reforms which incorporate the successful elements of past and current programs and identify new approaches. In the interim, that will give us more time to produce an effective THIRA.

Thereafter, we can provide Congress, DHS and our communities with a realistic assessment of what the risks, capabilities, and gaps really are. Then, Congress and DHS can make an informed decision as to what should be emphasized and how.

Cooperative agreements are not bad, but they must be cooperative. Join local governments and a full range of first responders charged with preventing, protecting against and responding when incidents – manmade and natural – occur, to craft a real solution even though it will take time. We need to identify, working with the States and with you here, what we mean by Homeland Security. Is it just terrorism? Then what about hurricanes, tornadoes, tsunamis, earthquakes and other disasters?

Also, we ask you to maintain the following core principles to guide reform of the suite of homeland security grant programs:

- **Increased Transparency** – The programs must be clear and understandable to the federal government and the public as to how the states are distributing funds, why they are making these decisions, and where the funds are going.
- **Greater Local Involvement** – Local government officials, including emergency managers and emergency response officials, know best the threats and vulnerabilities in their areas. The THIRA process must include the input of local

elected and emergency response officials, and FEMA must be able to audit states by comparing local risk assessments to the state level THIRA. Further, local governments should have the opportunity to challenge a state THIRA that inadequately reflects their needs or input.

- **Flexibility with Accountability** – Any changes to the existing federal grant programs should allow federal funding to meet individual local needs and preparedness gaps as identified at the local level. Effective but sometimes less politically popular programs, like mitigation, must still receive funding.
- **Protect Local Funding** – Since event impact and response are primarily local in nature, grant funding should primarily support local prevention and preparedness efforts, as is the case under the current program structure. It is important that the vast majority of federal homeland security grants continue to fund local prevention and response activities, including local emergency managers and first responders, and activities that support their preparedness efforts.
- **Sustain Terrorism Prevention** - The current emphasis on supporting law enforcement's terrorism prevention activities must be maintained. The federal grant funds should not be used to support larger state bureaucracies at the expense of operational counter terrorism preparedness, threat analysis, and information sharing activities.
- **Incentives for Innate Regionalization** – FEMA's proposal focuses on states and multi-state regions (similar to the FEMA regions). The homeland security grants must also support preparedness in metropolitan intra-state and inter-state regions.

In closing, I again thank you for the invitation to speak today, and NACo looks forward to continuing to work with Congress, Members of this Committee and our colleagues and other stakeholders to build a realistic, effective, and measurable Homeland Security enterprise in America.

About NACo – The Voice of America’s Counties

The National Association of Counties (NACo) is the only national organization that represents county governments in the United States. Founded in 1935, celebrating its 75th Anniversary in 2010, NACo provides essential services to the nation’s 3,068 counties. NACo advances issues with a unified voice before the federal government, improves the public's understanding of county government, assists counties in finding and sharing innovative solutions through education and research, and provides value-added services to save counties and taxpayers money. For more information about NACo, visit www.naco.org.