



TESTIMONY OF

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**EASTERN REGION REPRESENTATIVE
MAJOR CITIES CHIEFS ASSOCIATION**

BEFORE THE

**SUBCOMMITTEE ON EMERGENCY
PREPAREDNESS, RESPONSE, AND RECOVERY
COMMITTEE ON HOMELAND SECURITY
U.S. STATES HOUSE OF REPRESENTATIVES**

**“CREATING A MORE RESILIENT
NATION: STAKEHOLDER
PERSPECTIVES”**

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Introduction

Chairwoman Demings...Raking Member Cammack...and Distinguished Members of the Subcommittee:

Thank you for the opportunity to participate in today's hearing. I appear before you today as the Chief of Police in Orlando, Florida. It is also my privilege to testify on behalf of the Major Cities Chiefs Association (MCCA), a professional organization of law enforcement executives representing the largest cities in the United States and Canada. I currently serve as a member of the MCCA's Executive Board. It's an honor to testify before the Subcommittee for the second time this Congress.

I'd like to begin by noting the Subcommittee's continued focus on issues impacting local law enforcement. The importance of your commitment to ensuring law enforcement has the resources and tools it needs to prepare for and respond to both natural and manmade disasters cannot be understated, especially as the threats facing the homeland become more complex.

The focus of today's hearing is building resilient communities. My testimony will provide a local law enforcement perspective on FEMA preparedness grants and public safety communications, two integral elements for building resilience. I'll also discuss the role of local law enforcement in disaster response and how stakeholders from multiple levels of government can work together to increase resiliency nationwide.

FEMA Preparedness Grants

The resources FEMA grants provide play a critical role in building resilient communities. More specifically, these grant programs bolster law enforcement's ability to prevent and respond to a variety of public safety threats, including both terrorist attacks and natural disasters. The Homeland Security Grant Program (HSGP), which includes the Urban Area Security Initiative (UASI) and State Homeland Security Grant Program (SHSP), and the Emergency Management Performance Grant (EMPG) are particularly valuable for local law enforcement. However, FEMA can make a few changes to improve the efficacy of these preparedness grant programs.

Stakeholder Engagement

While FEMA is an essential partner for local law enforcement in building resilience, there is room for improvement with respect to stakeholder engagement. Providing local law enforcement and other key stakeholders with the opportunity to ensure their voices are reflected in the policymaking process will help ensure transparency in grant directives and guidance. Working with stakeholders ahead of time will also help mitigate situations where a FEMA policy change forces grantees to make last-minute pivots in their planning processes, which can inhibit their ability to allocate resources efficiently.

Since I last testified on this topic, Secretary Mayorkas and FEMA leadership have made stakeholder engagement a priority. For example, FEMA and the Office of State and Local Law Enforcement recently held a call to solicit feedback on grant programs and processes with the MCCA and other law enforcement associations. FEMA also held another call to brief stakeholders on the recently released Notice of Funding Opportunity for FY 2022 grants.

Despite these improvements, engagement with the MCCA and local law enforcement on some of the most critical topics, such as National Priority Areas and changes to FEMA's risk formula, is still haphazard and limited. This is concerning, given that nearly every UASI jurisdiction is an MCCA member. The MCCA understands that the delayed FY 2022 appropriations cycle required FEMA to develop the FY 2022 grant guidance on an abbreviated schedule, which may have limited the opportunities for robust stakeholder engagement. Nevertheless, FEMA would benefit from instituting a more formal process for soliciting local law enforcement input on preparedness grants, as stakeholder engagement challenges have persisted for years.

National Priority Areas and LETPA

To receive their full allocation of FEMA preparedness grant funds, grantees must dedicate a certain percentage of funds to projects that meet the criteria outlined in the statute or the grant program's Notice of Funding Opportunity. The two most prominent carveouts for UASI and SHSP are the National Priority Areas and the Law Enforcement Terrorism Prevention Activities (LETPA).

National Priority Areas are a relatively new concept. FEMA first began requiring grantees to use a portion of their UASI and SHSP funds to address National Priority Areas in FY 2020. There certainly is value in establishing National Priority Areas as it helps ensure that limited grant funding is used to help address the most significant threats facing the country. However, FEMA must develop these priorities in consultation with key stakeholders to ensure they reflect the needs of grantees and do not inadvertently jeopardize funding for core capabilities and competencies. Grantees were required to spend 30% of their total funds on National Priority Areas projects last year. As a result, the amount of discretionary funding for local law enforcement in some jurisdictions for projects that did not meet these criteria was limited. While grantees still must dedicate 30% of their award to National Priority Area projects in FY 2022, FEMA has provided some additional flexibility that may help mitigate this issue.

LETPA was originally a standalone grant program designed to help bolster law enforcement's capabilities to prevent and respond to terrorist attacks. Unfortunately, this program was weakened over the years, and it no longer receives its own appropriation. Instead, HSGP grantees must now dedicate at least 25% of their award to LETPA. The change from a grant program to a grant carveout impacted the amount of funding available for local law enforcement. For example, the LETPA requirement can be met using either UASI or SHSP funds, and National Priority Area projects also count towards the LETPA requirement. Therefore, grantees can meet the LETPA requirement while only providing a limited amount of LETPA-designated funding directly to local law enforcement.

Despite these challenges, LETPA still provides significant value. For example, one MCCA member uses this specific carveout to help fund its fusion center and Chemical Biological Radiological Nuclear Explosive (CBRNE) teams. FEMA's FY 22 Notice of Funding Opportunity recognizes the importance of LETPA, raising the carveout to 30%, a 5% increase over the minimum amount required by statute. While this is a welcome first step, Congress should take additional action to strengthen LETPA. Ideally, Congress would restore LETPA to a standalone, independently funded grant program. If it is unwilling to do so, it should, at a minimum, close the loopholes described above, which must include requiring grantees to pass through a portion of LETPA-dedicated funding to local law enforcement.

Risk Methodology Predictability

It is not uncommon for projects funded by FEMA preparedness grants to be multi-year efforts. As a result, grantees often engage in years-long planning processes and for these efforts to succeed, there must be predictability and integrity in the risk calculation and funding allocation process FEMA uses each year.

There is a need to inject additional transparency into the risk validation process that is used to determine funding allocations for UASI and SHSP. While states, territories, and UASI-eligible Metropolitan Statistical Areas (MSA) can review and comment on their risk profiles, there is a lack of detailed information. For example, while the risk profile explains how each element of the profile is calculated and notes the sources used, grantees cannot see the specific data utilized. Therefore, it is challenging to provide substantive feedback, confirm the calculations are accurate, or raise other concerns. For example, after a historical data call, one MCCA member learned that several of their critical infrastructure assets had been omitted, resulting in the MSA's risk being miscalculated.

To address these challenges, FEMA should let personnel from each jurisdiction, with the appropriate clearances, see the specific data used to formulate the risk profile. This will help increase transparency, improve FEMA and stakeholder engagement, provide another opportunity for state and local threat information to be incorporated, and ensure the risk to communities is being calculated accurately. No one knows the security needs of the community better than local law enforcement.

Orlando and several other MCCA members that receive UASI grants are unique in that the number of annual visitors is significantly greater than the local population. The sheer number of tourists in these jurisdictions, coupled with the fact that many of them are visiting soft targets—such as Orlando's many theme parks—represents a substantial risk that should be accounted for in FEMA's risk methodology. Until recently, tourism-related metrics, such as special events and daily visitors, were not included. Once these factors were incorporated, several prominent tourist destinations rightly saw significant increases in their UASI funding allocations. FEMA added a new data element to its FY 2022 risk methodology to account for MSAs' visitor to resident ratio. It's great to see that FEMA continues to review and update its risk formula as necessary to ensure it appropriately weights the unique needs of tourist destinations.

Finally, once a UASI or SHSP project is approved, FEMA must disburse the necessary resources expeditiously. Several MCCA members have expressed concern about navigating FEMA's bureaucracy. Things become even more complicated when grantees are trying to fund a project that requires additional levels of approval from FEMA, such as acquiring controlled equipment, or repurpose their grant funds after a disaster occurs in their jurisdiction. The failure to disburse funds promptly is detrimental to homeland security as it inhibits recipients from mitigating risks as efficiently as possible. Furthermore, it can also cause challenges as grantees work to coordinate project delivery with other stakeholders.

As mentioned earlier, many FEMA grant-funded projects are multi-year efforts. If a grantee were to experience a substantial decrease in funding or lose their UASI-eligibility, it could put vital capabilities at risk and undermine resiliency. Given some of the unpredictability in FEMA's current risk methodology, Congress has taken action to mitigate the impact on jurisdictions that

lose UASI funding. Last fall, Chairwoman Demings introduced H.R. 5615, the *Homeland Security Capabilities Preservation Act*, which requires FEMA to develop a plan to make funding available to jurisdictions that lose UASI eligibility and need assistance to preserve UASI-funded capabilities. These additional resources will provide these jurisdictions with additional time to transition these capabilities to alternative funding streams. This bill passed the House in March, and the MCCA strongly encourages the Senate to pass it as soon as possible.

Emergency Management Performance Grant

The continued effectiveness of FEMA's Emergency Management Performance Grant (EMPG) will be critical as communities continue to build resilience. EMPG supports state and local emergency management agencies and programs, and this funding remains the backbone of many local emergency management programs. The funding allocations for EMPG are based primarily on population. In FY 2021, Florida received roughly \$16.5 million. In addition, Florida received an additional \$4.7 million in EMPG funding through the *American Rescue Plan*.

EMPG includes a 50% local match requirement, which helps create a shared responsibility for preparedness among local, state, and federal agencies. Although not perfect, EMPG provides enough flexibility so state and local programs can effectively utilize it to address a range of emergency management priorities. For example, here in Florida, EMPG funding supports personnel, equipment, planning, training, and exercise activities across the state. Congress and FEMA must maintain this flexibility regarding the eligible uses of funds. Furthermore, Congress should consider increasing the appropriation for EMPG to reflect the ever-increasing responsibilities of agencies involved in emergency management.

Public Safety Communications

Effective public safety communications play an essential role in building resilient communities. They are critical in coordinating and executing the public safety response to a wide variety of threats. While public safety communications have steadily improved over the years, several issues still need to be addressed as expeditiously as possible.

Resiliency

Emergency communications, such as 9-1-1 calls, are one of the primary methods through which members of the public let police, firefighters, EMS, and other first responders know they need help. As such, the systems used to receive and manage these communications must be resilient and able to withstand all manner of threats, whether they be natural or manmade. Unfortunately, several events over the past few years made it abundantly clear that there is still work to do to harden and make communications systems as resilient as possible.

In June 2022, cell carrier outages impacted 9-1-1 services here in Orlando. Similar situations have affected other communities throughout the country with disturbing regularity. The dangers of these outages are clear. An individual in an emergency may not know an alternative number to dial or be able to find one until it's too late. It also complicates law enforcement's response, as agencies need to identify and triage emergencies from other calls that also utilize non-emergency lines.

Outdated technology is another issue that must be addressed when it comes to building resilience. The situation in New Orleans following Hurricane Ida is one example that highlights this challenge. It was widely reported that the 9-1-1 center in New Orleans was offline for

approximately 13 hours following the hurricane. This outage, which was attributed to outdated technology, was particularly devastating considering the sheer number of people who needed assistance during this time. Many communities across the United States still rely on landline technology to deliver 9-1-1 calls, which can be especially susceptible to some of the consequences of natural disasters. The move to Next Generation 9-1-1 (NG 9-1-1), which is discussed in greater detail later in this testimony, would help alleviate this issue. These systems deliver requests for assistance via IP-based technology, making it easier to reroute calls to another 9-1-1 center if the initial 9-1-1 center experiences an outage.

Cyberattacks are another threat that can test the resiliency of public safety communications systems. Over the past decade, public safety agencies, including many MCCA members, have experienced increased ransomware, denial of service, and other cyberattacks. As law enforcement and other public safety agencies rely more and more on technology systems to carry out their missions, these attacks can have catastrophic effects. Agencies can be especially vulnerable if their technology systems are outdated or their personnel are not adequately trained to mitigate cyber threats. These challenges can be exacerbated by public safety agencies' connections with more extensive municipal networks, which may be less secure and provide an alternative vector for attacks.

Public safety must continue to work tirelessly to mitigate cyber threats. One of the best defenses is to ensure that agency personnel are well educated and trained on good "cyber-hygiene." Congress can also take a few steps to help local governments defend themselves against cyberattacks. First, Congress must ensure the grant programs that help build local cyber capacity, such as the Homeland Security Grant Program, are fully funded. Congress should also continue to provide agencies such as DHS's Cybersecurity and Infrastructure Security Agency (CISA) with the authorities and resources needed to continue programs and efforts designed to help local government agencies prevent and respond to cyberattacks.

Next Generation 9-1-1

9-1-1 systems are critical infrastructure in every community. From a young age, it is ingrained in us to dial those numbers if we ever find ourselves in an emergency. Millions of Americans every year depend on these systems to dispatch help in their time of need. Most people are surprised to learn that 9-1-1 systems throughout the country are often underfunded and technologically inadequate. Many 9-1-1 systems throughout the country rely on decades-old landline technology—things like copper wires and conventional switches. One could reasonably argue that the smartphones we all carry in our pockets are more advanced and have more capabilities than some of the 9-1-1 systems public safety agencies currently operate.

Upgrading current 9-1-1 systems to next-generation ones will be critical to further enhancing resiliency. This upgrade will enable faster and more efficient emergency responses, make first responders and the communities they serve safer, and allow law enforcement and public safety professionals to better meet the needs and expectations of the tech-enabled, 21st Century American public. NG 9-1-1 will enable dispatch centers to receive a variety of multimedia and other rich data from callers and seamlessly share it with first responders in the field. The benefits of this capability are endless. For example, live videos of a crime scene could help law enforcement identify where a suspect is located more quickly. Photos from a burning building can assist firefighters with determining what rescue equipment is needed. Health information sent from a

smartphone or smartwatch can assist EMS and hospitals with preparing treatments before a patient is in their care. Utilizing advanced data is just one of NG 9-1-1's many benefits. Simply put, upgrading to NG 9-1-1 will save lives.

To help raise awareness and advocate for NG 9-1-1, approximately two years ago, the MCCA helped found the Public Safety Next Generation 9-1-1 Coalition. The Coalition consists of the leadership of many of America's major law enforcement, fire service, emergency medical services, labor unions, and public safety communications associations. The goal of the Coalition is to work with Congress and other key stakeholders to ensure the right policies are in place and secure the requisite resources to bring about a nationwide upgrade of existing 9-1-1 systems to next-generation systems. As part of its efforts, the Coalition established a set of first principles. These principles must be incorporated into any NG 9-1-1 upgrade to ensure public safety professionals and the communities we serve can realize the full benefits of this technology. The Coalition's first principles are:

- NG 9-1-1 should be technologically and competitively neutral and use commonly accepted standards that do not lead to proprietary solutions that hamper interoperability, make mutual aid between agencies less effective, limit choices, or increase costs.
- Development of program requirements, grant guidance, application criteria, and rules regarding NG 9-1-1 grants should be guided by an advisory board of public safety practitioners and 9-1-1 professionals.
- NG 9-1-1 must be fully funded to ensure it is deployed throughout the country in an effective, innovative, and secure manner and to enable NG 9-1-1 implementation training nationwide.
- The process for allocating funds to localities should be efficient, federal overhead costs should be minimized, and grant conditions should not be onerous or extraneous and should be targeted to achieve important objectives including interoperability and sustainability.
- Cybersecurity of NG 9-1-1 systems should be a primary consideration.
- Incentives for increased efficiency of NG 9-1-1 functions, including through shared technology and regional collaboration, should be included.

While all the Coalition's first principles are important, there will always be challenges with resiliency until interoperability issues are fully addressed. A lack of interoperability is one of the most significant flaws with current 9-1-1 systems, as 9-1-1 centers cannot quickly transfer calls to other centers. Instead, public safety communications professionals typically need to facilitate the transfer manually. As a result, the individual calling for help often needs to tell their story again to the dispatcher at the new center. Every second counts when responding to an emergency, and the delays created by a lack of interoperability can be the difference between life and death.

Roughly 80% of 9-1-1 calls are now made from cell phones. In many instances, the 9-1-1 center that receives the call is based on the location of the cell tower that processed the call. It should be noted that while wireless carriers and device manufacturers have developed and implemented features to route calls based on the device's actual location, it is not always possible to direct calls via this method. MCCA member agencies typically border multiple jurisdictions, which complicates the challenges related to interoperability. MCCA members can provide numerous examples of calls for service in their cities, especially near jurisdictional boundaries, being routed

to 9-1-1 centers in neighboring areas. For example, one member located near the state line has indicated that emergency calls are sometimes routed to a 9-1-1 center in another state.

The upgrade from landline to IP-based technology, known as ESI-nets, is the backbone of an NG 9-1-1 upgrade. This is an important step, but is not enough on its own to solve interoperability issues. As 9-1-1 systems are upgraded to NG 9-1-1, these new systems must be technologically and competitively neutral. NG 9-1-1 systems also must use commonly accepted standards and cannot rely on proprietary solutions. A failure to do so risks producing a situation that shares many of the challenges public safety agencies are currently experiencing with land mobile radios, where achieving interoperability requires developing and implementing expensive workarounds.

Traditionally, 9-1-1 operations are a state and local function. Unfortunately, this has created a situation of “haves and have nots,” where 9-1-1 system capabilities vary dramatically between states and communities. Given the immense public safety value, we must ensure that all of America, from the largest cities to the most rural counties, can upgrade to NG 9-1-1 systems as soon as possible. It will be tough to execute this upgrade nationwide without investing federal resources. The cost of this upgrade goes well beyond the infrastructure and technology NG 9-1-1 systems need to operate. There are also costs associated with other critical components, such as training dispatchers and other personnel on these new systems and implementing vital cybersecurity measures to ensure the systems cannot be taken offline by malicious actors.

Federal assistance for NG 9-1-1 systems must be sufficient enough to address all aspects of the upgrade. Otherwise, it may further cement the status quo of “haves and have nots.” It may also inhibit public safety from addressing all existing challenges with current 9-1-1 systems or fully capitalizing on the new capabilities NG 9-1-1 systems provide. Recent estimates put the cost of a nationwide NG 9-1-1 upgrade at approximately \$15 billion. While this is a large sum, especially in the current fiscal environment, Congress should strongly consider providing this funding given the benefits NG 9-1-1 systems offer.

FirstNet Reauthorization

No matter how much a community does to prepare, the reality is that there will always be emergencies. For a community to be resilient, the local public safety apparatus must be able to respond to these incidents quickly and effectively. As stated earlier, successful public safety responses require effective communications. To help address public safety communications challenges, in 2012, Congress passed legislation creating the First Responder Network Authority (FirstNet), which is responsible for providing a national broadband communications network that promotes interoperability between first responders. The MCCA was an original supporter of this legislation and has continued to support FirstNet’s efforts to strengthen the national network.

While the network is deployed via a public-private partnership, the FirstNet Authority is ultimately responsible for oversight and management. However, FirstNet’s authorization sunsets in 2027, and no other entity is currently identified in the statute to take over these responsibilities. If Congress fails to act before FirstNet’s authority lapses, it will place network operations and improvements at risk, and could result in public safety users losing access, according to a recent GAO report. This cannot be allowed to happen, especially as communities across the country contend with various public safety threats, including violent crime, extreme weather, and other emergencies.

Earlier this year, Chairwoman Demings and Representative Fletcher introduced H.R. 6768. This legislation would eliminate the sunset provision, thereby ensuring FirstNet's authority will not lapse. More importantly, this permanent reauthorization will allow FirstNet to continue its work to enhance the communications technology and infrastructure first responders rely on, which in turn help communities nationwide build resiliency. The MCCA has endorsed H.R. 6768 and encourages Congress to advance it as soon as possible.

Local Law Enforcement's Role in Disaster Response

Local law enforcement is on the front lines of responding to any emergency, whether it be a terrorist attack, natural disaster, or global pandemic. During these incidents, close collaboration between public safety partners at every level of government, the community, and other stakeholders is of paramount importance. Resilient communities rely on these relationships to prepare for, respond to, and recover from disasters as efficiently and effectively as possible.

Changing Roles

Historically, local law enforcement's role in disaster response has focused on upholding public safety by protecting people and property. While that is still a primary focus, over the years, the disaster response-related responsibilities of many local law enforcement agencies have grown to adjust to the changing landscape and added risks. Disaster response has become a shared responsibility, and effective responses require multiple skillsets. First responders can no longer operate in silos and must work as one unit to ensure the safety of the community. As such, law enforcement now frequently assists with disaster response activities traditionally considered the purview of other public safety entities. These duties can range from search and rescue missions, to evacuating residents, to assisting with medical treatment and distributing supplies to displaced members of the community.

In recent years, local law enforcement agencies have continued to work tirelessly to better merge their public safety and disaster response and preparedness responsibilities. Law enforcement works closely with state and local emergency management offices and other stakeholders to develop, coordinate, and practice emergency response plans. Many agencies also provide or help facilitate specialized training, such as incident management training. Other departments, including many MCCA member agencies, have stood up homeland security, emergency services, and other specialized divisions. These units are often responsible for emergency and disaster preparedness and response.

Federal-Local Partnerships

Local jurisdictions often look to the federal government for assistance when disaster strikes. While MCCA members enjoy strong working relationships with their federal partners, disaster response requires a whole-of-government approach, so other local government entities must also engage with their federal counterparts. Establishing these relationships in advance provides numerous benefits. Local and federal officials' first interaction shouldn't be during a crisis. Through its oversight efforts, Congress must continue to ensure federal agencies engage with their local counterparts and that mechanisms for promoting this collaboration are adequately funded.

The federal government can also provide additional resources and expertise to aid local jurisdictions in preparing for and responding to disasters. FEMA preparedness grants are perhaps

the most well-known example. There is no doubt that Congress must continue to ensure these programs are fully funded.

The 1033 Program is another example that demonstrates how the federal government can assist localities with disaster response. The 1033 Program, managed by the Defense Logistics Agency, allows the Department of Defense to transfer surplus equipment to local law enforcement agencies, thereby providing access to critical equipment that may otherwise be cost-prohibitive. Local law enforcement agencies have used this equipment to respond to a range of public safety threats, including natural disasters, terrorist attacks, active shooters, and other emergencies.

Due to a common misconception that the 1033 Program is used to militarize the police, there have been several recent attempts to eliminate or significantly restrict the program. The reality is that the 1033 Program provides a wide variety of equipment, including equipment with disaster response applications, such as emergency tents and generators. Even some of the more military-style equipment is frequently used for disaster response. For example, one MCCA member used an MRAP vehicle obtained via the 1033 Program to perform high water rescues during a hurricane. Given some of the concerns that opponents of the 1033 Program have raised, the MCCA welcomes incorporating additional oversight and accountability measures. However, eliminating or significantly restricting the program would be detrimental to both public safety and community resiliency.

Conclusion

While there are many things outside of our control during a disaster or emergency, the one thing we can control is our level of preparedness. One of the best ways to prepare for future disasters is to build resilient communities. This will require an investment of resources, the deployment of new technology, and a few policy changes and pieces of legislation. No one entity can do everything on its own, so stakeholders at every level of government must continue to collaborate. The MCCA stands ready to continue to work closely with this Subcommittee to advance our shared goal of building resilient communities.

Thank you again for the opportunity to participate in today's hearing. I look forward to answering any questions you may have.