



One Hundred Twelfth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

January 24, 2012

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
301 7th Street NW – Mail Stop 0200
Washington, DC 20528

Dear Secretary Napolitano:

On December 23, 2011, the President signed into law H.R. 2055, the “Consolidated Appropriations Act, 2012” (P.L. 112-74). Regrettably, this legislation not only cuts funding for State and local programs by \$875 million, but it fails to make clear Congress’ priorities. Pursuant to P.L. 112-74, the Secretary of Homeland Security is directed to allocate \$1.12 billion in funding among the State Homeland Security Grant Program (SHGP), the Urban Area Security Initiative (UASI), the Metropolitan Medical Response System, Operation Stonegarden, the Citizen Corps Program, the Port Security Grant Program (PSGP), the Transit Security Grant Program (TSGP), the Interoperable Emergency Communications Grant Program, the Buffer Zone Protection Program Grant program, the Driver’s License Security Grant program, Emergency Operations Centers, and non-profit organizations. For FY2011, the combined funding for these programs was \$858 million, or 43%, above \$1.12 billion (\$1.98 billion).

In response to P.L. 112-74, the Department must devise a plan to meet the complex challenge of allocating \$1.12 billion in appropriations to a wide-range of discrete grant programs. The allocation of this scant funding will significantly impact the viability and effectiveness of a dozen distinct homeland security programs. Therefore, I am writing to request your response to the following questions concerning the implementation of the Department’s responsibilities under P.L. 112-74:

1. From your analysis, which grant programs are the most effective in assisting State and local government, first responders, and other stakeholders to prepare for and respond to a major emergency? What objective criteria will you use to arrive at a decision regarding program effectiveness?

2. In your opinion, how do you expect the cuts to funding for State and local grant programs will impact overall preparedness levels? Can you anticipate how the cuts to funding for State and local grant programs will affect the budgets of State and local governments?
3. In FY2011, Congress appropriated a net total of \$1.448 billion to UASI and SHGP. Even if you would want to flat-fund these programs for FY2012, the funding level appropriated for FY2012 is not sufficient to do so. Given that the level of funding Congress provided for grant programs in FY2012 is not sufficient to maintain the previous level of funding for major grant programs – such as UASI, SHGP, TSGP, and PSGP – what methodology do you expect to apply to determine how to allocate funding among the discrete programs? In particular:
 - a. Do you anticipate the funding allocation be primarily risk based?
 - b. Do you expect historic funding trends be a factor?
 - c. Do you expect that there will be sufficient funding to continue to fund smaller grant programs? If not, do you anticipate that the grant guidance for larger grant programs, such as SHGP and UASI, provide greater flexibility for the use of grant monies?
 - d. How do you anticipate that the findings in FEMA’s report entitled *Crisis Response and Disaster Resilience 2030: Forging Strategic Action in an Age of Uncertainty*,¹ will inform the allocation of funds to discrete grant programs for FY 2012? In particular, do you expect that the ability of States and localities to independently fund, sustain, and continue to develop preparedness capabilities will be a factor in allocation determinations? Do you anticipate that the ability of grantees to fund, sustain, and continue to develop preparedness capabilities be factored in to formulas used to determine the entities awarded grant money?
 - e. Both the Department’s *Quadrennial Homeland Security Review Report: A Strategic Framework for a Secure Homeland* and FEMA’s report *Crisis Response and Disaster Resilience 2030: Forging Strategic Action in an Age of Uncertainty*, identify community involvement in disaster response programs as an essential element of overall preparedness, especially in light of current and future budget constraints.² Community involvement will play a

¹ FEMA’s report indicated that, among other things, that “budget constraints at all levels of government” would result in limited resources available to develop preparedness capabilities and significantly shape preparedness activities over the next 20 years. Federal Emergency Management Agency, *Crisis Response and Disaster Resilience 2030: Forging Strategic Action in an Age of Uncertainty*, p. 9 (Jan. 17, 2012).

² Department of Homeland Security, *Quadrennial Homeland Security Review Report: A Strategic Framework for a Secure Homeland*, p. 61 (Feb. 2010). In particular, FEMA’s report notes that “complex demographic shifts” - such as an increase in the elderly population and cultural and linguistic diversity, as well as the size of other underrepresented populations including the extremely poor - as a major trend that emergency managers will face.

fundamental role in developing robust, comprehensive emergency preparedness plans and in detecting emerging threats. How do you intend to address the need to promote community engagement in allocating grant funding in FY2012?

4. In your opinion, does the Department have the authority to provide no funding to any particular program? Should the Department decide not to fund a particular program, what will the Department do to ensure that the capabilities achieved through previous grant funding can be maintained?
5. As you know, the “Implementing Recommendations of the 9/11 Commission Act of 2007,” (P.L. 110-53) provides that each State shall receive a particular percentage of the total “funds appropriated for the State Homeland Security Grant Program.”³ This year, Congress did not specifically appropriate funding to the State Homeland Security Grant Program. Should you choose to allocate funding to the State Homeland Security Grant Program, do you believe you are bound to distribute funds pursuant to the “Implementing Recommendations of the 9/11 Commission Act of 2007”?
6. As you know, the “Implementing Recommendations of the 9/11 Commission Act of 2007,” (P.L. 110-53) provides that “not less than 25 percent of the total combined funds appropriated” to the Urban Area Security Initiative and the State Homeland Security Program shall be “used for law enforcement terrorism prevention activities.”⁴ Under P.L. 112-74, Congress did not specifically appropriate funding to the Urban Area Security Initiative of the State Homeland Security Grant Program. Should you choose to allocate funding to the Urban Area Security Initiative and/or the State Homeland Security Grant Program, do you believe you are required to ensure that grant funds are used pursuant to the mandates of the “Implementing Recommendations of the 9/11 Commission Act of 2007”?
7. How will the cuts to grant programs affect security and preparedness priorities and the implementation of Presidential Policy Directive 8 and achievement of the *National Preparedness Goal*? In particular:
 - a. When Congress cut funding for the Urban Area Security Initiative by \$226 million in FY2011, 32 urban areas were eliminated from the program. How will Congress’ most recent cuts to grant funding affect the Department’s ability to provide funding to the urban areas designated to be at greatest risk to terrorist attack through the Urban Area Security Initiative? Similarly, how will Congress’ cuts to grant funding affect the Department’s ability to provide funding to States under the State Homeland Security Grant Program?

Federal Emergency Management Agency, *Crisis Response and Disaster Resilience 2030: Forging Strategic Action in an Age of Uncertainty*, p. 13 (Jan. 17, 2012).

³ Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. 110-53, 121 Stat. 266, 278-79, *codified at*, 6 U.S.C. § 605(e).

⁴ 6 U.S.C. § 606(a).

- b. How will cuts to overall grant funding affect the functions of fusion centers and the nation's ability to develop robust intelligence and information sharing capabilities?
 - c. How will Congress' cuts to grant funding affect funding for the Metropolitan Medical Response System? How will the cuts to overall grant funding affect the nation's ability to plan for and respond to mass casualty events and achieve the Response Mission Area Capabilities and Preliminary Targets outlined in the *National Preparedness Goal*?
 - d. How will Congress' cuts to State and local preparedness programs affect your ability to fund grants geared to ensure that the nation's critical infrastructure is protected? In particular, how will the funding cuts affect the Department's ability to fund the Buffer Zone Protection Program? If that program is not funded, how will it affect the ability of communities to develop effective, coordinated plans to prevent and protect against attacks to critical infrastructure?
8. Does the Department plan to provide guidance to State and local governments and other entities regarding innovative means to maintain and continue to develop preparedness capabilities in light of cuts to federal grant funding? If so, how will this guidance be developed and when will it be provided to the appropriate stakeholders?
9. FEMA's report entitled *Crisis Response and Disaster Resilience 2030: Forging Strategic Action in an Age of Uncertainty*, predicted that the future operating environment for first responders "will be characterized by more frequent emergency events, many of which will be simultaneous," and assessed that the challenge of preparing for and responding to these events would be compounded by "aging infrastructure, potential supply chain risks, and technological advancements."⁵ What effects do these projections have on preparedness priorities and how will it affect funding allocation decisions?
10. Pursuant to P.L. 112-74, the activities of the Office of Risk Management and Assessment were transferred from the National Preparedness Directorate to the Office of Policy. What, if any, effects will this organizational realignment have on the risk model used to award grant monies?
11. Has the Department taken any steps to increase oversight of how State and local government spend grant money to ensure limited grant dollars are spent effectively, particularly in light of recent reports about the Project Shield program in Cook County?

⁵ Federal Emergency Management Agency, *Crisis Response and Disaster Resilience 2030: Forging Strategic Action in an Age of Uncertainty*, p. 15 (Jan. 17, 2012).

I am disappointed that this Congress slashed funding for these important programs and abdicated its responsibility to allocate funding among the specific programs. I look forward to working with you to assist communities in their efforts to maintain preparedness capabilities in light of funding cuts.

Thank you for your attention to this matter. If you have any questions or require additional information, please contact Ms. Cherri Branson, Chief Counsel for Oversight, at (202) 226-2616.

Sincerely,



Bennie G. Thompson
RANKING MEMBER