

**Stakeholder Assessments of the Administration's National
Preparedness Grant Program Proposal**

STATEMENT BY

**THE HONORABLE STEVEN FULOP
MAYOR OF JERSEY CITY, NJ**

**BEFORE THE
SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, RESPONSE AND
COMMUNICATIONS
COMMITTEE ON HOMELAND SECURITY
U.S. HOUSE OF REPRESENTATIVES**

APRIL 29, 2014

Chairman Brooks, Ranking Member Payne, and members of the Committee, I am Steve Fulop, Mayor of Jersey City, NJ. I appreciate the opportunity to testify before you on the Administration's National Preparedness Grant Program proposal, because I have serious concerns about it – concerns which are shared by my fellow mayors and other local government officials, emergency managers, port operators, transit officials, police chiefs, sheriffs, and the fire service.

We strongly support the existing menu of homeland security programs because they are working. We recognize that they may not be perfect and some changes may be needed, but they are the product of years of work by Congress, the Administration, state and local governments, and first responders. The federal grant funds which the Department of Homeland Security and its Federal Emergency Management Administration have provided clearly have improved the nation's planning, mitigation, preparedness, prevention, response, and recovery capabilities. I am not alone when I say that we have hit our stride with the grant administrators in the federal and state government

Jersey City

Jersey City is unique within our region and the nation both for its historical significance; having served as a gateway to immigrants, the proximity of the Statue of Liberty, Ellis Island, and critical infrastructure, represented by the Holland Tunnel, the Port Jersey, Greenville Yards, and major rail and road networks.

As a result, Jersey City faces unique risks, both from the threat of terrorism, as well as natural disasters. Jersey City's demands ought not to be merely included within a state wide funding structure. In a phrase, there is no one-size-fits-all solution for emergency management and mitigation within our state. Jersey City with its high population density, reliance on public transit, and proximity to New York City, requires a plan which is sensitive to our specialized needs and cognizant of Jersey City's close interdependence with Newark, New York City, and the Port Authority.

Emergency management and preparedness is, by nature, regional. The current funding structure with its 13 independent grant programs, and especially the UASI program, recognizes this operational necessity. Currently, Jersey City, as one of the core cities of its UASI region, is guaranteed \$1.5 million dollars a year, with the option to apply for additional funding. The Northern New Jersey Region receives \$30 million dollars which reflects the unique status of Jersey City and Newark are the two largest Cities in the state. Additionally, the seven northern Counties form a cohort by which municipalities apply for security grants.

The NPGP proposal offers no guarantee that this funds will continue, and to scale back the regional emergency response infrastructure that we have been building since 2002, would be to place operational infrastructure, surety, and potentially constituents at risk.

The synergies achieved from this regional approach aren't merely financial. Our municipal emergency personnel has had ample opportunities to communicate, plan, and train with other emergency management agencies such as the port authority police, other fire and police departments, hospital networks, and private utilities. These organizations develop working relationships and experience cooperation to handle the potential situations specific to our region.

The NPGP proposal rejects the pragmatic regionalist approach to disaster and emergency management in favor of a statewide managed individualized project based approach like those characteristics of other block grant programs in which local governments compete for resources. The critical key to emergency management is cooperation, not competition, this proposal fosters the inverse of a desired governmental result.

Local government understands the risks and vulnerabilities of their areas with a greater degree of detail and granularity. It is unclear in the proposal as to how local government officials will participate in Threat Hazard Identification and Risk Assessment process to address local issues. The State has a poor track record of working with or even contacting local emergency managers. We simply cannot address security risks from thirty thousand feet. Even worse, state control of this process would also potentially serve to politicize the process of funding allocation. For example, the distribution of federal Sandy Relief Aid was arguably not entirely based upon objective data, slow to be forthcoming, unresponsive to homeowners and business. In a word, the distribution of the aid was in and of itself a “disaster” of our own making.

Passing funding through state government will add another level of bureaucracy, and erase any gains in governmental efficiency achieved by the consolidation. Additionally, the State of New Jersey has a mixed track record of balancing the concerns of rural and suburban communities with those of urban areas, especially when it comes to emergency preparedness. For example, in the aftermath of Hurricane Sandy, the changes to the State Construction Code required that all structures within FEMA flood zones be elevated. While that applies buildings in shore towns, there is no way to elevate the housing stock in Jersey City. I fear that if this proposal is accepted, this trend will continue to emergency funding.

The consolidation prescribed by the NPGP will not only reduce the degree of specificity of emergency planning, but will also likely result in funding cuts for emergency management. This would mean halting the expansion of our security infrastructure, and even potentially rolling back some of the systems and procedures we have already in place. Our local Office of Emergency Management has a two-hundred thousand dollar-per-year maintenance budget which allows us to keep our software and communications systems up to date. Without the current level of funding we would be forced to dismantle some of our critical systems, such as our waterfront security network, CCTV system, fiber communication system, and retire our Fireboats, because we would have the funds to maintain them.

There is no clearer testament to the effectiveness of the current funding structure than our response to Hurricane Sandy. If we didn't have the sophisticated communications capability enabled by our command center, we would have fared far worse during hurricane Sandy. The ability to coordinate between emergency responders, utilities workers, community stakeholders, and the citizens seamlessly was integral to our control of the situation.

The National Preparedness Grant Program Proposal

The National Preparedness Grant Program proposal would consolidate the existing suite of homeland security grant programs into state-administered block and competitive grant programs in which funding decisions are based on state and multi-state threat assessments.

While we appreciate the fact that FEMA made changes in its FY 2015 budget proposal in response to some of the concerns raised by the Conference of Mayors and other organizations and for the first time provided draft legislative language. That proposal retains the provision that 80 percent of the funds be provided to local agencies and brings more transparency to the state decision-making process.

It still contains several items of concern, however. These include collapsing all of the current programs into a consolidated program that would no longer guarantee the retention of key programs, removal of the 25 percent set-aside for law enforcement terrorism prevention, and radically changing the definition of local government to include port and transit authorities and private organizations. Specifically:

1. Consolidating the various programs into a state program in which state officials make all of the funding decisions raises concerns about the programs' continued ability to protect key infrastructure, such as ports and transit, and increase the capacity of first responders, the vast majority of whom are at the local level. In a word, filtering the funding through the state government adds an unnecessary layer of bureaucracy, because ultimately, those actually dealing with emergencies are local.
2. The proposal would greatly broaden the definition of unit of local government, a definition which currently is contained in numerous federal statutes. While the proposed change is written in a way that would try to limit its application only to the NPGP, it could set a dangerous precedent for other laws and programs.
3. While the proposal maintains the requirement that states pass through 80 percent of the funding to locals, it does not ensure that funds would be used to meet locally identified needs and priorities. In the past many local governments have indicated they have had little opportunity for input, and sometimes little opportunity to consent to the state use of the funds in their jurisdictions.
4. The proposal appears to fold the Urban Area Security Initiative Program into the NPGP. Although the FEMA Administrator would continue to designate UASI's, the draft legislation does not specify whether there will be a separate funding stream, what role the states will play in UASI funding decisions, and how we can be assured that the capabilities that have been developed through this critical program will be sustained and increased.
5. It would eliminate the 25 percent set-aside for law enforcement terrorism prevention, which is alarming given the fact that local police departments and their officers have played a crucial role in preventing acts of terrorism since 9/11 and this the only funding designated specifically for prevention.
6. It appears that the funds could not be used for firefighting, even though it is a key element of any response to a terrorist attack. The draft authorizing legislation specifies that the NPG would "build and sustain core capabilities identified in the National Preparedness Goal," but DHS does not identify firefighting as one of its core capabilities.
7. The legislative proposal requires that "all grant-funded assets...be nationally deployable through the Emergency Management Assistance Compact (EMAC)." While we understand the importance of sharing assets nationally, some of those funded through these programs, particularly those that protect critical infrastructure, simply are not deployable.
8. The proposal places a great deal of emphasis on the Threat and Hazard Identification and Risk Assessment (THIRA). Yet currently many local governments have been left out of that process and when they are involved in the process there does not appear to be a mechanism in place to resolved differences between a local government and the state government.

The U.S. Conference of Mayors and other organizations which represent local governments, first responders, and emergency managers have urged FEMA and the Administration to work with them and with the Congress to develop program reforms which incorporate the successful elements of past and current programs and identify new approaches which can have broad support. They further urge that any reform proposals protect certain key programs, including the Urban Area Security Initiative and port and transit security grants, which provide targeted funding to local areas like Jersey City, which contain critical infrastructure considered to be at the highest risk.

Particularly important is the incentive they provide for federal, tribal, state, and local jurisdictions to work together. By planning, training, and conducting exercises together, local fire chiefs, police chiefs, sheriffs, public health officials, emergency managers, and state and federal officials develop working relationships and are able and ready to work together when an incident happens. As last year's response in Boston to the Marathon Bombings showed, this pre-planning and coordination prevents confusion, and saves lives. (sandy section)

Principles for Program Improvement

Finally, the local government, emergency manager, and first responder organizations have suggested to FEMA that as it works with Congress and stakeholders to improve its programs, it use the following set of core principles:

Increase Transparency – It must be clear and understandable to the federal government and the public how the states are distributing funds, why they are making these decisions, and where the funds are going.

Increase Local Involvement – Local government officials, including emergency managers and emergency response officials, know best the threats and vulnerabilities in their areas. The Threat Hazard Identification Risk Assessment (THIRA) process must include the input of local elected and emergency response officials, and the Federal Emergency Management Administration (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.

Provide 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 support primarily 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.

Provide Incentives for Metropolitan Area Regionalization – While 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, such as the National Capital Region.

Conclusion

As this Committee considers the suite of homeland security grant programs and possible reforms to them, I urge you to increase, not decrease, local involvement and flexibility. Local officials know best the threats they face, and they know best the gaps which exist in community preparedness. The homeland security grant programs should support primarily local prevention and preparedness efforts since disaster impacts and response are local in nature.

I appreciate the opportunity to testify before you today on this issue of vital importance to me, my city and my region, and to all local officials, emergency managers, port and transit operators, and first responders across the nation. We look forward to working with you to ensure the transparency, efficiency, and effectiveness of homeland security grants