



## **Memorandum to International Association of Emergency Managers**

**From: Martha Braddock  
Policy Advisor  
IAEM**

**Subject: Update on FY 2008 Appropriations for Department of Homeland Security**

**Date: December 18, 2007**

On December 17, the House of Representatives passed an Omnibus bill containing the remaining 11 of the 12 appropriations bills for the Fiscal Year 2008. The vehicle used was HR 2764, the FY 2008 Appropriations Bill for the Department of State and Foreign Operations.

However, the process is not over. The Senate will consider it today and probably make additions relating to funding for Iraq and Afghanistan which are necessary to prevent a Presidential veto and will then send it back to the House.

This memo covers selective issues of importance to our Members, but does not include all bill and report language. This is a long and detailed bill.

The bill and report language for the Department of Homeland Security, which is Division E of the Omnibus bill, are posted on the IAEM Web site at [www.iaem.com](http://www.iaem.com). If you have specific issues of concern, please look at the bill and report language for more details.

In addition, we have posted Division G, which is the section including the Appropriations for the Departments of Labor, Health and Human Services, and Education and Related Agencies. Title VI of this bill includes the bill creating a National Commission on Children and Disasters.

All language and allocations in House Report 110-181 and Senate Report 110-84 should be complied with unless specifically addressed to the contrary in the amended bill or explanatory statement.

### **Highlights of Current DHS Bill and “Statement of Managers” as of Dec. 18, 2007:**

#### **FEDERAL EMERGENCY MANAGEMENT AGENCY**

##### **Emergency Management Performance Grants**

**\$300,000,000**

- Maintains EMPG as a separate account
- All hazards
- Can be used for personnel
- In FY 2007, appropriation was \$200 million, plus \$50 million in Supplemental. All for standard EMPG.

**No across the board reduction in the DHS bill.**

**Limitation on Principal Federal Official**

- Included as Section . 541 under General Provisions.  
Bill language states, "None of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official for any Robert T. Stafford Disaster Relief and Emergency Assistance Act declared disasters or emergencies."
- Report language indicates this "prohibition shall apply to PFOs, successors to that position, and any similar position created by the Department." Committees recognize that there may be instances in which FEMA should not be the lead agency in charge of response, such as a pandemic outbreak or an Olympic event and therefore limit the prohibition to Presidentially-declared disasters or emergencies that require Stafford Act assistance. The prohibition also does not apply to major non-Stafford Act responses that may include a Stafford Act component. In instances when a PFO is designated, the Department is expected to work with State and Local governments and other Federal partners to clearly define the role of the PFO and ensure there is no conflict with the well-tested role of the FCO. The Department must work with all homeland security partners to achieve common understanding regarding incident management.

**Firefighter Assistance Grants**

**750,000,000**

- \$190,000,000 of this for firefighter staffing.
- Directs GAO to review application and award process.
- Applications must be rank-ordered and funded following rank order.
- FEMA encouraged to consider planning and preparation for wildfires in allocation of fire prevention programs.

**State and Local Programs**

- **State Homeland Security Grant Program (SHSGP)** **950,000,000**
  - \$60,000,000 for Operation Stonegarden.
- **Urban Area Security Initiative (UASI)** **820,000,000**
  - \$15,000,000 of this to nonprofits determined by Secretary to be at high risk.
  - GAO directed to provide report which describes the criteria and factors used to determine regional boundaries for UASI regions, including changes as result of 9/11 Act. Report is to provide analysis of how such boundaries impact regional cooperation.
- Note: there is no separate line item for Law Enforcement Terrorism Prevention Program (LETPP). The 9/11 Act mandated that at least 25% of SHSGP and UASI go to LETPP.
- **Regional Catastrophic Preparedness Grants** **35,000,000**

- \$18,000,000 for tier one UASI regions.
  - Should fund multijurisdictional efforts.
- **Metropolitan Medical Response System (MMRS)** **41,000,000**
  - Did not include House language directing competitive award of grants.
- **Citizen Corps Program** **15,000,000**
- **Public Transportation Security Assistance and Railroad Security Assistance** **400,000,000**
  - \$25,000,000 for Amtrak security
- **Port Security Grants** **400,000,000**
- **Over the Road Bus Security Assistance** **11,500,000**
- **Trucking Industry Security Grants** **16,000,000**
  - To be awarded competitively
  - FEMA to submit an expenditure plan
- **Buffer Zone Protection Program** **50,000,000**
- **Real ID Grants** **50,000,000**
  - States may use SHSGP funds
- **Commercial Equipment Direct Assistance Program** **25,000,000**
  - Do not direct be changed to a grant program as proposed by House.
- **Emergency Operations Centers** **15,000,000**
  - For state and local governments for equipping, upgrading and constructing pursuant to Sec. 614 of Stafford Act as amended by 9/11 bill.
- **Interoperable Emergency Communication Grants** **50,000,000**
- **National Programs** **299,300,000**
  - 88,000,000 National Domestic Prep Consortium
  - 62,500,000 Center for Domestic Preparedness
  - \$5,500,000 for Noble Training Center
    - Bill language gives Noble authority to accept reimbursements
  - \$8,500,000 Rural Domestic Preparedness Consortium
  - \$12,000,000 for technical assistance
  - \$28,000,000 for demonstration training grants
  - \$31,000,000 continuing training grants
    - Priority to be given to training that benefits nation-wide initiatives including those that identify and disseminate preparedness and response best practices to states and locals and are conducted at or in cooperation with universities, colleges, and community colleges.
  - \$19,000,000 evaluations and assessments

#### **Additional information on State and Local Program Grants**

- P.L 110-53, the 9/11 Act addresses formula for SHSGP, purposes of SHSGP, UASI, LETPP grants, when overtime or construction are allowable, pass through

requirements for SHSGP, UASI , and Interoperability grants. (This law is posted on IAEM.com.)

- Applications for SHSGP, UASI, Regional Catastrophic, MMRS, and Citizens Corps grant programs above must be made available not later than 25 days after enactment; eligible applicants shall submit applications not later than 90 days after grant announcement; and FEMA Administrator shall act within 90 days of receiving application.
- Applications for Public Transportation, Port Security, Over the Road Bus, Trucking, Buffer Zone and Real ID grants must be available not later than 30 days after enactment; eligible applicants shall submit applications within 45 days after grant announcement; and FEMA shall act not later than 60 days after receiving the application.
- General Accountability Office to report to Committees regarding data, assumptions, and methodology Department uses to assess risk and allocate UASI and SHSGP funds not later than 45 days after enactment. Report is to include reliability and validity of the data used, basis for assumptions, how methodology is applied to determine risk scores, analysis of usefulness of placing States and cities into tier groups, and allocation of grants to eligible locations. DHS required to provide GAO access to data and information on any changes.
- Statement of Managers defines “local unit of government”. For purposes of eligibility for funds any county, city, village, town, district, borough, parish, port authority, transit authority, intercity rail provider, commuter rail system, freight rail provider, water district, regional planning commission, council of government, Indian tribe with jurisdiction over Indian country, authorized tribal organization, Alaska Native village, independent authority, special district, or other political subdivision of any State shall constitute a local unit of government.
- Directs FEMA to work with the National Protection and Programs Directorate to utilize the results from the National Academy of Sciences study regarding incorporating natural disasters into the risk formula, once it is completed.
- Urge Department to work with State and local governments to ensure regional authorities, such as port, transit, or tribal authorities are given due consideration in distribution of state formula grants. Department is encourages to consider need for mass evacuation planning and pre-positioning of equipment for mass evacuations in allocating first responder funds.
- Directs FEMA, in conjunction with Office of Health Affairs, to report on state of disaster preparedness capabilities of emergency medical services (EMS) and capabilities required to meet future preparedness goals. Report due 5 months after enactment. FEMA is directed to include in grants guidance language requiring state and local governments to include EMS providers in Statewide Homeland Security Plans and in UASI plans. If no State or local funding is provided to EMS, State should justify through demonstrating related targeted capabilities have been met or identify other pressing priorities.

**U.S. Fire Administration**

**\$43,300,000**

**Disaster Relief**

**\$1,400,000,000**

- Allows transfer of up to \$60,000,000 to FEMA Management and Administration of which \$48,000,000 is for conversion of 250 temporary disaster positions into permanent positions; \$12,000,000 for Stafford activities.
- Allows transfer of \$16,000,000 to Inspector General..
- Directs that Disaster Relief funds cannot be used to supplement resources of other DHS offices that receive a separate appropriation unless explicit authority to do so in law.
- **HMGP**  
Contains report language on importance of post-hazard mitigation and directs FEMA to report within 30 days of enactment on use of post-disaster mitigation funds, including funds made available after the 2005 hurricanes, any legislative or administrative obstacles preventing more expedient use of funds; and recommendations for more effective implementation of program.

**Flood Map Modernization Fund** **220,000,000**

- Encourages FEMA to prioritize as criteria the number of stream and coastal miles within the State, the Mississippi River Delta region, and the participation of the state in leveraging non-federal contributions.
- Directs 10 percent of funds to be used to maintain flood maps 3 years beyond effective date.
- Goal to complete maintenance before more than 5 years beyond effective date.
- Explains what map maintenance includes.
- Cooperating technical partners offering significant funding matches should be given priority in allocating map maintenance funding.
- 3 percent can be used by recipients for administrative expenses.
- FEMA to brief Committees regarding additional needs for continued Flood Map Modernization program.
- FEMA encouraged to work with Army Corps of Engineers to develop accurate maps reflecting damage done by Katrina and Rita.
- FEMA directed to brief Committees in 60 days on progress of mapping in Gulf Coast.

**National Pre-Disaster Mitigation Fund** **114,000,000**

- Earmarks over 90 specific projects for approximately \$50 million of the total.
- List of earmarks attached at end of memo.

**Emergency Food and Shelter** **153,000,000**

**National Flood Mitigation Fund** **34,000,000**

- To be transferred from National Flood Insurance Fund.

**Other National Flood Insurance Fund Transfers** **90,000,000**

- For severe repetitive loss property mitigation expenses under section 1361 A of the National Flood Insurance Act of 1968
- For repetitive loss property mitigation pilot program under section 1323.

**FEMA Management and Administration (M & A)** **664,000,000**

- \$60,000,000 available for transfer from Disaster Relief Fund of which \$48,000,000 is to continue to professionalize FEMA's emergency workforce.
- **Converting CORE employees.** Notes FEMA delay in converting disaster Cadre of On-call Response Employees (CORE) to full time status. FEMA to submit implementation plan with expenditures, hiring schedule, list of positions and where to be located.
- Allows up to 3% of State and Local programs administrative cost to M & A.
- **Strengthening Core competencies.** \$100,000,000. To brief Committees no later than March 15, 2008 on progress.
- **Urban Search and Rescue Response System.** \$32,500,000.
- **Office of National Capital Region Coordination.** \$6,000,000 includes a provision requiring inclusion of Governors of states of West Virginia and Commonwealth of Pennsylvania in the National Capital Region decision-making and planning process for mass evacuation.
- **Office of General Counsel.** Includes language directing FEMA to brief Committees on plans to revamp the Office of General Counsel to allow it to better support FEMA's mission and leadership.
- **Regional Offices.** Directs FEMA to fulfill requirements of section 507 of Homeland Security Act of 2002 which requires robust FEMA regional offices.
- **Office of Disability Coordinator (ODC).** Committees expect Department to fully support the coordinator. ODC is directed to work with disability organizations in emergency preparedness and response efforts to ensure needs of the more than 54 million Americans with a physical, sensory, or cognitive disability are incorporated into disaster plans. ODC is directed to build on long standing programs, such as the Emergency Preparedness Initiative program, in order to serve as a resource for the nation on special needs.
- **Federal On-Scene Coordinator.** Directs FEMA to provide a briefing on the toxic pollutant work of Federal On-Scene Coordinator following Hurricane Katrina.
- **Federal Preparedness Coordinator.** Does not prevent the hiring of FPCs since role has been clarified by FEMA.
- **Emergency Alert System.** Directs FEMA to provide a briefing on plans to address GAO recommendations on shortcomings. Expresses concern that adequate systems not in place. Provides \$1,000,000 to pilot technology to facilitate the use of direct messaging to public. Lessons learned to be shared with other state and local governments.
- **Disaster Logistics.** \$61,553,000. Requires quarterly briefings and encourages continuing to preposition critical supplies.
- **Information Technology.** Directs provision of 5-year plan ten months after date of enactment.
- **Document Management and Records Tracking System.** Directs to fully fund at no less than \$6,000,000 based on competitive award completion of system.
- **National Fire Incident Reporting System.** Provides \$1,000,000 for development of a web-based version. USFA to lead effort.
- **Integrating Preparedness and Response.** Provides up to \$1,000,000 for grant or contract with National Academy of Public Administration to review integration of preparedness and response programs, focusing on organizational structure, hiring plans and goals, coordination and integration mechanisms and other areas FEMA may identify. To be completed by end of FY 2008.
- **National Response Framework.** Directs Department to incorporate public comment and finalize documents as soon as possible. Directs GAO to evaluate process used. Review

should help Dept. make improvements to the process so that future updates will be more inclusive of State and local governments.

- **Federal Agency Emergency Preparedness.** Directs FEMA to provide a report on preparedness level of federal agencies designated to lead Emergency Support Functions.
- **Children and Disaster Preparedness.** Directs FEMA to assist communities by ensuring disaster preparedness and response education materials are developed and distributed to children. Notes needs of children often overlooked and their needs are vastly different than those of adults.
- **Disaster Planning Guidance for pets and service animals.** Recognizes guidelines for State and local communities regarding needs of individuals with pets and service animals have been issued through draft NRF and other documents. FEMA is encouraged to assist communities in implementing the guidelines as soon as possible.
- **U.S. Flag Territories.** Committees concerned about capacity to respond to disaster victims in remote areas of U.S. Flag Territories in Pacific Ocean. Directs FEMA to analyze regional all-hazard response capacity and make recommendations for improvement.
- **2004 Hurricanes.** Directs FEMA to maintain Florida long-term recovery office as long as sufficient work to be done. Must report to Committees before closing the office.
- **Formaldehyde.** Encourages FEMA to continue making alternate housing available for disaster victims who request a move because of formaldehyde exposure in manufactured housing. Directs FEMA to complete initial testing of levels and analyze results. FEMA will continue working with DHS Office of Health Affairs and Centers for Disease Control on testing trailer air quality and developing policies. Expresses concerns on controls and processes and directs proper training of employees. Directs IG to report on FEMA's decision-making on issue.

## TITLE V GENERAL PROVISIONS

### Highlights of the General Provisions

- **Reprogramming Authority and Congressional notifications.** Section 503 . Requires DHS to notify Appropriations committees 3 business days in advance of grant allocation, discretionary grant award, discretionary contract award, or letter of intent if amount more than \$1,000,000. Also requires FEMA to brief Committees 5 business days prior to announcing intention to award State Homeland Security grants, Urban Area Security Initiative grants, or Regional Catastrophic Preparedness grants.
- **Chemical facility security standards.** Section 534. Amends Sec. 550 of Department of Homeland Security Appropriations Act of 2007 by adding a new provision on preemption of state and local chemical facility security standards. Does not preclude or deny any right of any State or political subdivision to adopt or enforce any regulation, requirement or standard of performance with respect to chemical facility security that is more stringent.
- **Principal Federal Official. Section 541. No funds can be used to fund any position designated as a Principal Federal Official for a Stafford Act declared disaster or emergency. See report language on first page of memo.**
- **Reorganization.** Section 546. DHS can not use funds to carry out reorganization authority in Section 872 of PL 107- 296.

- **Education agencies.** Section 552. Requires a single payment from FEMA Public Assistance for any eligible costs for local educational agencies impacted by Hurricanes Katrina or Rita within 30 days of request. Does not reduce assistance from Stafford 406(c) (1) or alter the appeals or review process. Is for k-12. 406(d) shall not apply to more than one facility on a school site.
- **Watsonville Community Hospital.** Section 560 Watsonville Community Hospital or successor trust shall not be required to pay FEMA additional funds related to DR-845. (Loma Prieta)
- **Peebles School.** Section 561 FEMA public assistance to provide relocation costs as estimated on May 5, 2006 for Peebles School in Iberia Parish, Louisiana damaged by Hurricane Rita.
- **Debris Removal Super Typhoon Paka.** Section 562. FEMA Public Assistance to provide uncompensated debris removal costs from Super Typhoon Paka and the firefighting costs associated with Malojloj hardfill fire in 1998.
- **Reporting damage assessment information.** Section. 569. Requires FEMA to report on damage assessment information used to determine if a disaster should be declared and requires this to be placed on FEMA's website unless it compromises national security.
- **Mississippi HMGP and interoperable communications.** Section 573. **\$20,000,000 rescinded from Mississippi Stafford Act section 404 funds (Hazard Mitigation Grant Program. And additional \$20,000,000 added to FEMA state and local programs for a grant to State of Mississippi for an interoperable communications system.**

#### **Predisaster Mitigation Grant Program (PDM) Earmarks**

**For the first time, this bill earmarks specific projects within the appropriation for PDM.**

**The pages from the Statement of Managers listing the specific projects follows:**

The amended bill contains a provision requiring all projects funded with the Predisaster Mitigation Fund comply with the criteria in section 203(g) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

The Committees on Appropriations include the following projects in the following amounts:

<b>For infrastructure improvements, analysis, and other activities for disaster mitigation</b>	
Ludlowville Flood Mitigation project, New York State Emergency Management Office, NY .....	\$200,000
City of Albany, GA .....	300,000
Sumter County Commission, GA .....	300,000
City of Neodesha, KS .....	200,000
Adjutant General's Office of Emergency Preparedness, for projects in Santee and Manning, SC .....	3,000,000
Bosque County, TX .....	40,000
Town of Clifton Park, NY .....	94,000
Calvert County Government, MD .....	187,500
Charles County Government, MD .....	106,500
St. Mary's County Government, MD .....	184,619
City of Detroit, MI .....	1,600,000
City of Coconut Creek, FL .....	200,000
City of Emeryville, CA .....	600,000
City of Rye and Village of Rye Brook, NY .....	250,000
Yardley Borough, PA .....	250,000
City of Stanley, WI .....	630,000
Dalton Fire District, MA .....	750,000
Department of Emergency Management for the City and County of San Francisco, CA .....	1,000,000
City of Arvada, CO .....	200,000
North Carolina Department of Crime Control and Public Safety, NC .....	1,600,000
City of Los Angeles, CA .....	13,500
City of Cudahy, CA .....	65,000
Los Angeles Unified School District, CA .....	1,000,000
North Carolina Department of Agriculture, NC .....	400,000
Jackson County Board of Supervisors, MS .....	250,000
Town of Dyer, IN .....	550,000
City of St. Charles, MN .....	100,000
Public Works Department of Winona County, MN .....	100,000
City of Louisville's Emergency Management Agency, KY .....	200,000
Northampton and Lehigh Counties, PA .....	1,000,000
Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, Presque Isle State Park, PA .....	990,000

Cumberland County Public Schools, VA .....	400,000
City of St. Joseph, MO .....	1,000,000
City of Kannapolis, NC .....	625,000
Monroe County Office of Emergency Preparedness, NY .....	1,000,000
Sandy Creek Township, City of Franklin, PA .....	1,000,000
Pierce County, WA .....	500,000
City of Cumberland, KY .....	2,000,000
University of Kentucky, Department of Civil Engineering, KY .....	200,000
City of Norwalk, CT .....	505,000
Onondaga County, NY .....	500,000
Onondaga County, for Oswego River Basin, NY .....	500,000
City of St. Petersburg, for shelter hardening, FL .....	750,000
City of St. Petersburg, for facility hardening, FL .....	750,000
City of Fitzgerald, GA .....	75,000
City of Ashburn, GA .....	75,000
Butts County Public Works Department, GA .....	30,000
City of Monticello, GA .....	50,000
City of Haleyville, AL .....	1,000,000
City of Myrtle Beach, SC .....	500,000
City of Georgetown, TX .....	1,000,000
City of Missouri City, TX .....	200,000
<b>For acquisition, demolition and relocation of property for disaster mitigation</b>	
Chatham County Emergency Management, GA .....	200,000
City of Davenport, IA .....	200,000
Wayne County Commissioners, PA .....	200,000
City of Plymouth, IN .....	200,000
Armstrong County, PA .....	1,000,000
Holmes County Commission, OH .....	200,000
Harris County Flood Control District, TX .....	1,000,000
City of Fort Worth, TX .....	1,000,000
City of Kannapolis, NC .....	400,000
Town of Pembroke, NH .....	150,000
City of Greensburg, KY .....	500,000
Town of Martin, KY .....	1,350,000
City of Cumberland, KY .....	650,000
<b>For risk identification, planning, communication, response coordination, and modeling activities for disaster mitigation</b>	
Des Moines, IA .....	200,000
Radford University, VA .....	200,000
Washington Military Department, WA .....	1,000,000
Public Works Department of the City of Santa Cruz, CA .....	90,000

Town of Epsom, NH .....	50,000
Westchester and Rockland Counties, NY .....	1,000,000
Village of Elmsford, NY .....	30,000
Arlington County, VA .....	260,000
Franklin Regional Council of Governments, MA .....	100,000
North Carolina Department of Crime Control and Public Safety, NC .....	3,400,000
City of Alpine, TX .....	100,000
City of Del Rio, TX .....	600,000
Lehman College, NY .....	1,000,000
Broward County, FL .....	500,000
Southeast Missouri State University, MO .....	430,000
Williamstown Lake, Grant and Pendleton Counties, KY .....	500,000
City of Whitehall, OH .....	500,000
City of Hampton, VA .....	250,000
Santa Clara County, CA .....	250,000
Regional Joint Readiness Center, Pittsburgh, PA .....	500,000
<b>For emergency alert and notification systems</b>	
City of Detroit, MI .....	485,000
City of Los Angeles, CA .....	100,000
Jasper County Government, IN .....	215,000
City of Belton, MO .....	150,000
City of Smithville, MO .....	200,000
Local Emergency Planning Committee, Town of Needham, MA .....	200,000
<b>For wildfire mitigation activities</b>	
Washington County and Washington County Department of Public Works, UT .....	200,000
Arrowhead Regional Development Commission, MN .....	450,000
San Bernardino County Fire Department, CA .....	1,500,000
Idaho Bureau of Homeland Security, ID .....	600,000

#### EMERGENCY FOOD AND SHELTER

The amended bill provides \$153,000,000 for Emergency Food and Shelter as proposed by both the House and Senate.

#### TITLE IV— RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

##### UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

The amended bill provides \$80,973,000 for United States Citizenship and Immigration Services (USCIS) instead of \$30,000,000 as proposed by the House and