



Memorandum to Emergency Managers

From: Martha Braddock
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International Association of Emergency Managers

Subject: Consolidated Security, Disaster Assistance and
Continuing Appropriations Act, 2009

Date: September 28, 2008

On Saturday, September 27 the Senate passed HR 2638 by a vote of 78-12. The consolidated bill passed the House on September 24. It will now be enrolled and sent to the President for signature. The President has indicated that he will sign it.

We are very fortunate that the FY 2009 Appropriations Bill for the Department of Homeland Security is included as Division D of this bill. It is one of only three FY 2009 Appropriations bills to be completed. The funding for all other departments is included in the Continuing Resolution which will expire on March 6, 2009.

Brief Review of Priorities

Thank you all for your efforts to support funding and issues important to local emergency managers. We have had another good year.

- **Emergency Management Performance Grants**
Although the President only requested \$200 million, Congress has appropriated \$315,000,000, a \$15,000,000 increase over FY 2008.
- **Emergency Management Institute**
EMI was specifically mentioned in the joint statement to be funded at no less than \$7,000,000 which is an increase of \$1,253,000 over FY 2008.
- **Principal Federal Official**
Bill language continues the limitation. None of the funds in the bill or previously appropriated may be used to fund any position designated as Principal Federal Official in any Stafford Act declared disaster or emergency.
- **PreDisaster Mitigation Program**
Authority extended for one year in Disaster Supplemental bill.

Consolidated Security, Disaster Assistance and Continuing Appropriations Act of 2009

The Consolidated Bill includes Divisions A, B, C, D, E. This memo includes items of particular interest in Divisions A, B, and D.

The Consolidated Bill and the Joint Statement are posted on the IAEM Website at <http://www.iaem.com>. The bill is over 300 pages long and the report over 700.

DIVISION A

Continuing Appropriations Resolution to continue the Government to March 6, 2009

- Extends National Flood Insurance Act Section 1309(a) and 1319 to March 6, 2009
- Extends the Defense Production Act to March 6, 2009

DIVISION B

Disaster Relief and Recovery Supplemental Appropriations Act (22.9 Billion)

Some highlights are as follows:

- \$7.9 billion for FEMA for Disaster Relief Fund
- Rescinds \$20 million of Mississippi Hazard Mitigation Grant Funds and appropriates \$10 million to State of Mississippi for Interoperable communications
- Provides to DHS not more than \$100 million for the Red Cross
- Delays beginning of the statutory appeals process on flood maps for City of St. Louis, St. Charles and St. Louis counties in Missouri, and Madison, Monroe, and St. Clair counties in Illinois (in Sec. 10503 of bill) until preliminary flood maps are completed and released for public review, elevation published in Federal Register and 2nd publication in newspaper
- \$6.5 billion for Community Development Block Grants to help recover from disasters
- \$600 million for Social Services Block Grants
- \$910 million for Wildland Fire Management
- \$850 million for Federal Highway Administration for emergency highway relief
- \$1.5 billion for New Orleans levees (to allow to pay local cost share over 30 yr. period)
- \$1.3 billion for Army Corps of Engineers
- \$799 million for SBA
- \$400 million Economic Development Assistance programs
- \$465 million for international disasters (\$365 for Republic of Georgia; \$100 for Haiti)
- \$100 million international food aid
- \$15 million to Department of Education for Higher Education Disaster Relief

Division D

Department of Homeland Security Appropriations Bill for FY 2009

Background: Both House and Senate Appropriations Committees reported DHS appropriations bills for FY 2009. But neither the House nor Senate took the bills to the Floor as stand alone bills. A formal conference was not held on the DHS Appropriations. However, agreement was reached and a Joint Explanatory Statement was issued.

The Joint Explanatory Statement has the same effect as if it were a statement of a committee of conference. The language in House Report 110-862 and Senate Report 110-396 should be complied with unless specifically addressed to the contrary in the bill or the explanatory statement. Some report language is repeated for emphasis in the explanatory statement. In cases where both House and Senate report addressed a particular issue and it was determined not to be inconsistent, it is not repeated but is to be interpreted accordingly.

The information below is from the bill language and the Joint Explanatory Statement of the House and Senate.

This memo is not all inclusive. HR. 2636 and Joint Explanatory Statement are posted on the IAEM website at <http://www.iaem.com>. In addition, the Reports filed by the House and Senate Appropriations Committees are posted.

DEPARTMENT OF HOMELAND SECURITY

DEPARTMENTAL MANAGEMENT AND OPERATIONS

- \$10,000,000 (bill language) not available for obligation until the Secretary of Homeland Security, in coordination with Administrator of FEMA, certifies and reports that processes to incorporate stakeholder input for grant guidance development and award distribution have been:
 - Developed to ensure transparency and increased consultation about security needs for all hazards
 - Formalized and made clear to stakeholders
 - Formalized to ensure future use for each fiscal year
- Transfers Ready campaign from Office of Public Affairs to FEMA. Indicates FEMA is better positioned to educate the public on how to prepare for and respond to potential emergencies
- Provides \$1, 900,000 for Office of the Federal Coordinator for Gulf Coast Rebuilding. Office is expected to remain open until at least end of FY 2009.
 - \$50,000 to organize a panel of housing, disaster response, and urban planning experts to develop a framework for developing and sustaining

affordable rental housing in affected Gulf Coast Communities. Details are in House Report.

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

- Does not provide funding to move the functions of the Office of Intergovernmental Programs from FEMA to NPPD; this function shall remain within FEMA
- Encourages NPPD to re-examine policies on classification of Presidential Directives that purport to set government policy or provide critical information affecting State, local, and private sector officials. Important homeland security directives may not be available to the very people responsible for helping to implement them

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

\$837,437,000

- \$10,000,000 (bill language) not available for obligation until the Secretary in coordination with Administrator certifies and reports that processes to incorporate stakeholder input for grant guidance development and award distribution have been
 - Developed to ensure transparency and increased consultation about security needs for all hazards
 - Formalized and made clear to stakeholders
 - Formalized to ensure future use for each fiscal year
- \$6,000,000 to relocate 3 regional offices
- Allows transfer of up to \$105,600,000 for disaster support costs including conversion of temporary disaster employees to permanent after implementation plan is received.
- No less than \$7,000,000 for Emergency Management Institute, and increase of \$1,253,000 over FY 2008.
- No less than \$6,000,000 for national Dam Safety Program
- Reserve Workforce Credentialing and Recruitment Plan funded no less than budget request
- \$6,342,000 for Office of National Capital Region Coordination. Governors of West Virginia and Commonwealth of Pennsylvania to be included in decision-making and planning for mass evacuation. Also to include officials from counties and municipalities that contain the evacuation routes and tributaries.
- \$5,000,000 to accelerate efforts at FEMA to develop tools to measure the achievement and effectiveness of certain grant programs, including how grants increase capability of states and local communities to respond to all-hazards.
 - GAO directed to validate the tools.
 - FEMA to create a task force and consult with state and local governments, as specified in Senate report.
- \$6,000,000 for Nuclear Preparedness. FEMA to build on Office of Health Affairs effort and work with state and local officials.

- Provides budget request for Mt. Weather capital improvements. Directs FEMA to provide a comprehensive 10 year capital improvement plan by April 6, 2009 as detailed in House Report.
- \$32,500,000 for Urban Search and Rescue Response System.
 - Directs FEMA to report on feasibility of adding an additional team and if determines is warranted to include recommendation for geographical location and estimate of cost.
- \$35,000,000 for modernization of Emergency Alert System, including conversion of EAS to digital capability.
 - Up to \$2,000,000 to validate Radio Broadcast Data System Technology (to be competitively awarded.
 - Provide plan to Committee by January 2009 outlining completion of conversion to Integrated Public Alert and Warning System, as in House Report.
- No less than \$2,500, 000 for the READY Campaign in FEMA.
 - Transferred from Office of the Secretary and Executive Management to FEMA. directs FEMA to combine it with “Are You Ready?”
- \$2,200,000 to develop and implement best practices of all hazards preparedness and response specific to unique geographical features and remoteness of Pacific area.
- \$5,000,000 for State of North Carolina for risk assessment and mitigation strategy related to impact of sea level rise. (impact of climate on future disasters)
- \$2, 450,000 to conduct demonstration flood control and hazard mitigation projects with interagency stakeholders within the Upper Cumberland and Big Sandy Watershed, Kentucky.
- First Responder Readiness
 - Directs FEMA to submit a report as specified by the House regarding availability of adequate training and analysis of response capabilities of the U.S. territories.
 - Directs FEMA to examine utility of additional sites for all-hazard first responder training and report to the Committees.
- Directs FEMA to submit report requested by House regarding Limited English Proficiency populations.
- Provides budget request for Information technology.
- Directs FEMA to transfer Federal Medical Contingency Station Type-1 to Region IV. Would be assigned to a state in the region but available for regional and national medical response via the Emergency Management Assistance Compact.

STATE AND LOCAL PROGRAMS

\$3,105,700,000

- Grants Issues
 - FEMA is expected to continue to fully engage agencies with subject matter expertise within the Department, when appropriate in development of grant guidance and determination of awards including the Coast Guard, TSA,

- NPPD, OHA, S& T, Law Enforcement Advisor to Administrator, Office of Emergency Communications, and DHS Office of Local Law Enforcement.
 - FEMA is directed to assume all coordination functions of grant programs for the Department and be the primary point of contact for all grantees.
 - FEMA expected to comply with requirements of 9/11 Act and be sure grantees are aware of and comply with the law.
 - FEMA directed to allow grant recipients to allocate a reasonable portion of grant funds for critical emergency provisions, such as shelf stable food products, water and basic medical supplies after certification of inventory management plan, distribution strategy, sustainment costs and logistics expertise.
 - FEMA directed in conjunction with Office of Health Affairs to report regarding current state of disaster preparedness capabilities of emergency medical services, as included in House Report.
 - FEMA encouraged to require State and local governments to include Chief Information Officers in planning efforts, as discussed in Senate report.
 - FEMA encouraged to consider need for mass evacuation planning and pre-positioning of equipment for areas potentially impacted by mass evacuations in allocating first responder funds.
- \$950,000,000 for State Homeland Security Grants
 - 25% for Law Enforcement Terrorism Prevention Program (LETPP) as in 9/11 Act. FEMA to provide clear guidance to ensure intent fully realized.
 - \$60,000,000 of this for Operation Stonegarden.
 - All awards are to be made on competitive basis to tribal governments and units of local government along border of U.S.
 - Eligible costs are in House Report. States shall not deduct administrative costs.
 - Only FEMA and Customs and Border Protection may make award decisions.
 - Commonwealth of Puerto Rico shall be considered a state in the allocation of grant funds to local and tribal governments.
- \$837,500,000 Urban Area Security Initiative(UASI)
 - 25% for Law Enforcement Terrorism Prevention (LETPP) as in 9/11 Act.
 - \$15,000,000 for non-profit organizations determined by the Secretary of Homeland Security to be at high risk of terrorist attack.
- For State Homeland Security Grants and Urban Area Security Initiative
 - For these grants installation of communications towers is not considered construction of a building or other physical facility.
 - GAO to report on data, assumptions and methodology that Department uses to assess risk and allocate grants under State Homeland Security Grants and UASI. Report to include assessment of reliability and validity of data used, basis for assumptions, how methodology applied to determine risk scores, analysis of usefulness of placing states and cities into tier groups, and allocation of grants to eligible locations.. Department to provide GAO access to all data needed for analysis.
- \$35,000,000 for Regional Catastrophic Preparedness Grants

- Directed to award as indicated in Senate Report
- \$41,000,000 for Metropolitan Medical Response System
- \$15,000,000 for Citizen Corps
- For State Homeland Security Grants, Urban Area Security Initiative, Regional Catastrophic Preparedness Grants, Metropolitan Medical Response System, and Citizen Corps:
 - Applications to be made available to eligible applicants no later than 25 days after enactment
 - Eligible applicants to submit applications not later than 90 days after grant announcement
 - Administrator shall act within 90 days after receipt of application
- \$400,000,000 for Rail and Transit Security
 - Not less than \$25,000,000 of this for Amtrak.
 - Bill language directs Department to make grants directly to public transportation agencies. FEMA to notify states of the grantees at time of award.
 - Bill language prohibits the Department from requiring a cost share for FY 2008 and FY 2009 funds.
- \$400,000,000 for Port security grants
 - Coast Guard to make all final grant recommendations.
- \$12,000,000 for Over the Road Bus Security Grants
- \$8,000,000 for Trucking Industry Security Grants
 - To be competitively awarded for anti-terrorism and security awareness program for highway professionals and for academic evaluation of effectiveness of program. FEMA to submit expenditure plan prior to obligation.
- \$50,000,000 for Buffer Zone Protection Program
- \$50,000,000 for Interoperable Emergency Communications Grants
 - In FY 2008 FEMA placed priority on leadership and governance, common planning and operational protocols, and skills and capabilities and Committee agreed. States and localities should be given flexibility to purchase equipment only if made progress in these areas.
 - FEMA regional offices are directed to assist in regional integration of State communication plans.
- For Rail and Transit Security, Port Security, Over the Road Bus, Trucking, Buffer Zone and Interoperable Communications:
 - Applications to be made available to eligible applicants not later than 30 days after enactment.
 - Eligible applicants shall submit applications not later than 45 days after grant announcement.
 - Administrator shall act within 60 days after receipt of application.
- \$8,000,000 for Commercial Equipment Direct Assistance Program
- \$35,000,000 for Emergency Operations Centers
 - For equipping, upgrading, and constructing EOCs pursuant to section 614 of Stafford.
 - Funds available until expended.

- In addition to funding that may be used from other Homeland Security grants for same purpose.
- \$13,355,000 for competitive program.
- Remainder of funding designated for specific projects.
- List is attached to memo.
- \$264,000,000 for National Programs
 - \$ 62,500,000 for Center for Domestic Preparedness
 - Bill language indicates Center may provide training to emergency response providers from the Federal Government, foreign governments, or private entities if reimbursed for cost. Reimbursement to be credited to account from which expenditure being reimbursed.
 - Head of Center shall ensure that training above does not interfere with primary mission of the Center to train state and local emergency response providers.
 - \$ 5,500,000 for Noble Training Center
 - \$102,000,000 for the National Domestic Preparedness Consortium
 - \$23,000,000 for National Energetic materials Research and Testing Center at New Mexico Institute of Mining and Technology
 - \$23,000,000 for National Center for Biomedical Research and Training at Louisiana State University
 - \$23,000,000 for National Emergency Response and Rescue Training Center at Texas A & M University
 - \$23,000,000 for the National Exercise, Test and Training Center at the Nevada Test Site
 - \$5,000,000 for Transportation Technology Center, Pueblo, Colorado
 - \$5,000,000 National Disaster Preparedness Training Center, University of Hawaii, Honolulu
 - \$1,700,000 for Center for Counterterrorism and Cyber Crime Norwich University, Northfield, Vermont
 - \$40,000,000 for National Exercise Program
 - \$11,000,000 for Technical Assistance
 - \$31,000,000 for Continuing Training Grants
 - Supports executive education programs and Masters Degree education. Department encouraged to leverage these existing programs to meet growing need of graduate-level education.
 - \$16,000,000 for Evaluations and Assessments.
 - Rural Domestic Preparedness Consortium has sufficient funds to continue operations.

FIREFIGHTER ASSISTANCE GRANTS

\$775,000,000

- \$565,000,000 for firefighter assistance grants.
- \$210,000,000 for firefighter staffing grants.

- FEMA directed to continue practice of funding according to local priorities and those established by the United States Fire Administration.
- \$3,000,000 available for implementing section 205(C) of PL 108-169. (foam firefighting equipment in remote areas).
- 5% of grant funds may be used for program administration. Expenditure plan required.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

\$ 315,000,000

- President's request was \$200,000,000; FY 2008 enacted was \$300,000,000.
- Retained as a separate account
- Total administrative cost not to exceed 3%.

UNITED STATES FIRE ADMINISTRATION

\$44,979,999

- Includes \$500,000 to address deferred maintenance needs.
- To submit master facilities plan as in Senate Report
- Includes \$1,179,000 for National Fire Incident Report System

DISASTER RELIEF

\$1,900,000,000

- Does not approve separate Disaster Readiness and Support account; expects those activities to be funded from Disaster Relief Account.
- Allows transfer of up to \$105,600,000 to FEMA Management and Administration for disaster support costs, including converting temporary disaster employees to permanent status. Amount not available until implementation plan received. Requires expenditure plan in 60 days on support costs.
- Continues requirement for monthly reports and adds a requirement to include amount to each Federal agency for mission assignments.
- Allows transfer of \$16,000,000 to Office of Inspector General (OIG).
- Directs FEMA to maintain the Florida long-term recovery office as long as there is sufficient work.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

\$295,000 for cost of direct loans

- Gross obligations for the principal amount of direct loans shall not exceed \$25,000,000

FLOOD MAP MODERNIZATION FUND

\$220,000,000

- To focus on updating, reviewing, and maintaining maps that have already been modernized to ensure remain current
- Goal to review and as necessary update maps that are three years past modernized dates and complete updates no later than five years past modernized dates
- No less than 20% of funds available for map maintenance by Cooperating Technical Partners that provide a 25% cash match and have strong record of working effectively with FEMA on Flood mapping activities.
- FEMA to submit 5-year National Flood Map Maintenance Plan for 2010-2014 with FY 2010 budget.
- FEMA encouraged to prioritize as criteria the number of stream and coastal miles in state, the Mississippi River Delta region, and participation of state in leveraging non-federal contributions.

NATIONAL FLOOD INSURANCE FUND

- Up to \$80,000,000 for severe repetitive loss property mitigation program under National Flood Insurance Act section 1361A;
- \$10,000,000 for repetitive insurance claims properties under section 1323
- \$35,700,000 for Flood Mitigation Assistance under section 1366

NATIONAL PREDISASTER MITIGATION FUND

\$90,000,000.

- \$25,307,728 was designated for specific projects.
- List is attached at end of memo.
- Bill language indicates funds are to be spent as detailed in the Joint statement. This incorporates the specific designation of projects.

EMERGENCY FOOD AND SHELTER

\$200,000,000

GENERAL PROVISIONS

- Sec. 526 states that none of the funds in the bill or previously appropriated may be used to fund any position designated as Principal Federal Official in any Stafford Act declared disaster or emergency.
- Sec. 539 requires Administrator of FEMA to submit to Congressional Committees and publish on website within 30 days of decision a report summarizing damage assessment information used to determine whether to declare a major disaster or when an appeal is completed.

- Sec. 546 requires President to provide within 30 days a single payment for eligible costs under Stafford Section 406 for any police station, fire station, or criminal justice facility damaged by Hurricane Katrina or Rita (with other provisions)
- Sec. 548 requires FEMA to reimburse Jones County and Harrison County in Mississippi for unreimbursed costs relating to removal of debris as result of Hurricane Katrina.
- Sec. 552 requires funds for PreDisaster Mitigation FY 2008 to be expended as provided in the Joint Explanatory Statement accompanying the bill.
- Sec. 553 Extends PreDisaster Mitigation Program authority until Sept. 30, 2009. Amends Sec. 203(m) of Stafford Act.

Attachment 1. List of earmarked projects for PreDisaster Mitigation Grant Program
Attachment 2. List of earmarked projects for Emergency Operations Centers.

Earmarks for Emergency Operations Centers

HR 2638

DHS Appropriations FY 2009

Tensas Parish Police Jury, LA	\$750,000
City of Rialto, CA	225,000
Village of Poynette, WI	1,000,000
Sebastian County, AR	750,000
Lake County, FL	1,000,000
Sarasota County, FL	1,000,000
Northumberland County, Department of Public Safety, PA	1,000,000
City of Detroit, MI	1,000,000
San Diego Unified School District, San Diego, CA	400,000
City of Half Moon Bay, CA	750,000
Chesterfield County, VA	250,000
Spencer County Commissioners, Rockport, IN	1,000,000
City of Gladstone, OR	60,000
City of Coral Springs, FL	550,000
Snohomish County, WA	1,000,000
County of Atlantic, NJ	750,000
City of Rio Vista, CA	150,000
American Red Cross, Sacramento Sierra Chapter, CA	35,000
Village of Bellerose, NY	200,000
Town of Pomona Park, FL	300,000
San Francisco Police Department, CA	1,000,000
North Carolina Department of Crime Control and Public Safety, NC	1,000,000
City of Del Rio, TX	500,000

City of Bell Gardens, CA	175,000
City of Cudahy, CA	50,000
The County of Cook, IL	1,000,000
Douglas County, GA	500,000
City of Richmond, Office of Emergency Management, VA	750,000
Hudson County, NJ	1,000,000
Marion County, FL	750,000
City of Miami Beach, FL	1,000,000
Vermont Emergency Management Agency, VT	1,000,000
Crittenden County, KY	750,000

**Designated Projects for PreDisaster Mitigation Grant Funds
In DHS Appropriations for FY 2009**

City of Rainbow City, AL	\$ 1,000,000
Municipality of Murrysville, PA	100,000
Bibb County, Emergency Management Agency, AL	750,000
City of Wynne, AR	50,000
City of San Diego, CA	1,000,000
Pinellas County, FL	1,000,000
Brigham City (Corporation), UT	650,000
City of Coolidge, GA	80,000
Drywood Township, Garland, KS	35,000

City of Merced, CA	500,000
City of Newark, DE	300,000
Adjutant General's Office of Emergency Preparedness, SC	1,000,000
Alabama Department of Homeland Security, for Jackson County, AL	90,000
Harris County Flood Control District, TX	1,000,000
Tarrant County, TX	1,000,000
City of Chula Vista, CA	400,000
North West, MO Regional Council of Governments	300,000
Florida Atlantic University, Boca Raton, FL	300,000
City of Kannapolis, NC	468,000
Town of Conklin, NY	330,000
County of Hawaii, Civil Defense Agency, HI	400,000
City of Berlin, Public Health Department, NH	100,000
City of Trenton, NJ	500,000
Santa Clara Water Valley District, San Jose, CA	790,000
City of Houston, TX	200,000
West Jefferson Medical Center, Marrero, LA	400,000
Erie County, Sandusky, OH	399,000
Wayne County, Detroit, MI	300,000
New York State Emergency Management Office, NY	1,000,000
City of Berkeley, CA	750,000
City of Taylorsville, KY	750,000
Westchester and Rockland Counties, NY	500,000
Town of Lake Placid, FL	500,000
Tifton-Tift County Emergency Management Agency (EMA), GA	40,000
Town of Pembroke Park, FL	400,000
City of Miami, FL	1,000,000
City of Mission Viejo, CA	850,000
Yardley Borough, PA	500,000
Clark County Emergency Management, WI	300,000
County of Essex, NJ	500,000
Val Verde County, Del Rio, TX	500,000
County of Los Angeles, CA	600,000
City of Los Angeles, CA	500,000
City of New Braunfels, TX	360,000
Brown Township Board of Trustees, Malvern, OH	247,728
City of Barberton, OH	200,000
Mississippi Homeland Security Office, MS	500,000
Town of North Andover, MA	100,000
Cities of Lake Station and Hobart, IN	500,000
City of Owatonna, MN	400,000
Putnam County, FL	450,000
City of Lake City, TN	418,000