

NEMA 2021 Meeting of the States June 29 – July 1, 2021 Hyatt Regency Hotel - Lexington, KY

Policy Meeting Summary

NEMA hosted the first ever Meeting of the States on June 29 – July 1, 2021 in Lexington, KY. This was an opportunity to bring together the states to discuss national policy issues and develop recommendations for solutions through a COVID-19 lens and other disasters over the past 2-3 years. Due to COVID-19, this was the first in-person NEMA meeting held since October 2019. Attendance was limited (less than 100) to State Emergency Management Directors and up to 2 senior staff, as well as our sponsors.

NEMA would like to thank our extremely generous sponsors of the Meeting of the States:

- AC Disaster Consulting
- AECOM
- Deloitte
- Dewberry
- EM Partners
- Firstnet, Built with AT&T
- IEM
- Life Science Logistics
- Marsh McLennan
- SWCA Environmental Consultants
- TF Rankin and Associates, Inc.
- Tidal Basin
- Universal Storage Containers

June 29, 2021

NEMA President Sima Merick called the meeting to order at 8:30 am and asked Secretary Mike Willis to conduct the Roll Call of the States. There were 37 states present and 5 proxies. A quorum was declared.

States Present and Proxies

Region I: CT, ME, MA, NH, RI, VT

Region II: NJ

Region III: DE, MD, VA, WV

Region IV: AL, FL, GA, KY, NC, SC, TN

Region V: IL, MI, MN, OH< WI

Region VI: AR, LA, NM Region VII: MO, NE

Region VIII: CO, MT, ND, UT, WY

Region IX: AZ, GU, HI< NV

Remarks by Hon. Andy Beshear, Governor, Commonwealth of Kentucky

NEMA was honored to have Gov. Beshear welcome the states to Lexington, KY. He sincerely thanked state emergency managers for the critical role they've played in the COVID-19 response and conveyed his own experiences with leading Kentucky through the pandemic. He talked about the painful loss of life caused by COVID and the grief of thousands of loved ones in the state. Gov. Beshear turned to a more positive message regarding the economy and opportunities for growth. Gov. Beshear praised his own state emergency management director Mike Dossett not only for the COVID response but for the many disaster responses throughout KY that Dossett has led. The state EOC was activated for 462 days during the COVID crisis.

FEMA Proposed Rule on Estimated Cost of Assistance for Public Assistance Disaster Declaration Criteria/NEMA Alternative Ideas

The FEMA proposed rule on the cost estimates for public assistance disaster declaration criteria is not generally supported by state emergency management agencies as it results in cost-shifting from the federal government to the state and local level and does little to decrease the overall cost of disasters. NEMA looks to recommend alternative ideas to the rule for FEMA to consider thereby creating an opportunity for NEMA and FEMA to work together on more sustainable solutions for all states.

Recommendations:

- First and foremost, FEMA should focus on disaster risk reduction rather than disaster declaration reduction. Utilize the BRIC and other mitigation programs to buy down risk thereby reducing the cost of future disasters.
- It makes sense that the per capital indicator (PCI) must be adjusted and the 13+ year gap is understandably a concern at the federal level; however, the FEMA proposed rule in its current form would be financially devastating for many states and prevent disaster survivors from being eligible to access the myriad disaster assistance resources available from the federal government.
- With the goal of increasing the PCI, the recommendation is to incorporate those increases incrementally to provide time to prepare state budgets for the change as well as the time for the policies (federal and state) to be updated with the increase. As this will be a major shift in how states conduct business in emergency management at all levels, an immediate jump in the planned threshold will severely impact disaster recovery to the point that EM no longer can serve the public it serves.
- There are also more current measures to use as resources that capture the true economic picture of an impacted area as opposed to utilizing the total taxable resources (TTR). Another recommendation would be to incorporate inflation as the minimum threshold is determined along with utilizing the annual U.S. Census information.
- NEMA would also recommend providing credits to those that invest in mitigation efforts by rewarding communities that implement strategies such as but not limited to building codes and improving floodplain management as part of the criteria that makes the decision for a declaration.
- NEMA strongly recommends that FEMA delay rulemaking on this issue.

Supply Chain: What We Can Anticipate for the Future

Tim Manning, White House COVID-19 Supply Chain Coordinator (virtual)

Manning gave an update on progress being made in stocking and strengthening the supply chain and encouraging domestic production of PPE and other supplies that were in such short supply at the height of

COVID-19. He said that the U.S. is far from where it needs and wants to be because we are also supporting the global response. The Strategic National Stockpile (SNS) was originally established to respond to a bio security incident so the supplies and inventory were insufficient for a pandemic. It's being retooled to respond to any catastrophic disaster.

The Q&A between the states and Manning turned to how states can best use their stockpiles and not let supplies expire. Some have been considering donating or liquidating excess supplies, but Manning expressed concern that such actions could have unintended consequences. For example, if state stockpiles were significantly reduced and there's another national/global event then the current inventory could be wiped out very quickly. Manning offered to have a discussion through NEMA on how states should approach managing their stockpiles.

COVID Funding Audit Preparation: What States Can Expect

U.S. Department of Homeland Security Office of Inspector General (virtual) Vonda Batts, Audit Director; John Polledo, Audit Manager

U.S. Department of the Treasury (virtual)

Donna Joseph, Deputy Assistant Inspector General for Audit; Andrea Smith, Audit Director, Office of Inspector General

As states continue working through the management of CARES Act funds, the thought of the coming audits loom large in everyone's minds. To that end, the Office of Inspectors General from both the Department of Homeland Security and Treasury provided virtual representatives to discuss the coming audit processes with state directors. A link to the recorded session and slides is available with this summary and represent most of the talking points provided. The highlights from the two presentations include:

- Treasury will maintain primary responsibility for Coronavirus Relief Funds. Expenditures must be necessary in response to the COVID public health emergency, not accounted for in the current year budget, and costs incurred between March 2020 and December 2021.
- Treasury will be conducting quarterly financial progress reports for all states and territories and select local and tribal governments.
- Complaints and/or allegations of fraud will be coordinated between federal agencies. So far, 170 complaints have been registered regarding issues of eligible use of funds.
- States should expect to hear from Treasury soon as they are scheduling desk reviews for all grantees.
- Both OIGs recommended focusing on providing specific information, and where necessary, names of those federal officials who provided allowability determinations. Documentation is critical.
- How locals will specifically be penalized depends largely on the circumstances and provided evidence. Both presenters stressed an importance on education being as important as punitive action.
- Specific to the DHS OIG, they reiterated that their mission is only to make recommendations to the FEMA Administrator, not determine the subsequent course of action.

Successful Virtual Disaster Operations during COVID-19 that States Recommend FEMA Adopt

The session focused on virtual disaster operations during COVID-19 and any concurrent disasters to determine what was successful and what needs additional improvement for FEMA to adopt as regular options for disaster response and recovery moving forward. The discussion points were provided by facilitator Brian Hastings (AL) based on his state's experiences. This is inclusive of both policies and processes for future remote operations.

Discussion:

- Many states reported conducting remote Preliminary Damage Assessments (PDAs). States were generally interested in maintaining this as an option, but provided the following comments for FEMA's consideration:
 - If people conduct their own damage assessments and upload their own pictures, they may over or underestimate their damage and be forced to appeal to FEMA later and would be appealing against information they themselves submitted. This is in addition to potential fraud.
 - There have been challenges related to sharing large files and other documents with FEMA.
 - Potential workarounds include a VPN submission or secure google drive link.
- It was a challenge for some states to establish virtual Joint Field Offices (JFOs), but once they were operational, they were useful for reducing costs and hazard exposure. Like other virtual setups, the opportunity for in-person meetings is still needed in the event of complex incidents or new staff.
- Maintaining an open virtual Joint Information Center (JIC) year-round has allowed states to share
 information with FEMA related to COVID-19 activation as well as other incidents without reestablishing
 workflows.
- Calls were increased with FEMA around coordination (OPS/LOGS) and these virtual meetings allowed state staff more opportunity to attend key meetings without travel time being a barrier.
 - o It is important to include information about FEMA's preparedness activities as well and include calls with FEMA Liaison Officers where that does not already occur.
- Virtual environments work best when interpersonal relationships and knowledge of processes already exist. If a staff has had significant turnover, this may not be the best option for them.
- Pulling in the information you expect will be needed post-disaster for assessments and other work creates a heavier lift on the front end but makes for a smoother process on the back end, particularly in the virtual environment.
- FEMA's apparent "zero-risk" bias has made the front end of PA process onerous and unbearable. The risk of de-obligation post obligation (OIG and OMB audits) has now been amortized across the entire PA process and especially at the front end prior to CRC submission. The delays and friction caused by multiple "RFI"s to reduce the de-obligation risk to zero is killing the "good will" of FEMA programs and have put the lawyers and auditors in charge of disaster grants meant to "Help people before, during and after disasters." EM'ers manage risk, not to zero, but to a level that is reasonable to effectively save lives and mitigate suffering. The PA process may not be broken, but customers' perceptions of the application of policy by FEMA employees makes the process seem capricious and arbitrary based on personalities driving risk to zero and trying to create a binary EM world of Black and White. Disasters are messy and gray.
- Solving small, less complex challenges is easier in a virtual environment, but when working more complex challenges (e.g., working with elected officials who have questions about the Public Assistance process), it may be easier to bring FEMA in to work problems in-person.
- It is important to work with IT Department to ensure successful virtual disaster operations.
- Mobile intake registration centers states and locals can build and staff. FEMA doesn't need to have sole responsibility where local capability and capacity exists.

Recommendations:

1. FEMA should allow states to elect to conduct virtual PDAs to reduce costs and increase efficiency, with the caveat that in-person meetings should remain an option in the event of complex response and recovery challenges, new staff, or other complications.

- 2. FEMA should ensure that appropriate training is provided for virtual PDAs to limit the number of homeowners submitting information that over or underestimates their damage.
- 3. FEMA should work to eliminate challenges with large data sharing between jurisdictions.
- 4. FEMA should include the option to utilize virtual JFOs for all disasters as their use reduces travel requirements and exposure hazards during the event, but in-person meetings should remain available to manage more complex disasters and enable the development of new staff and continue strong connectivity with partners.
- 5. FEMA should allow for the maintenance of a virtual JIC beyond COVID-19 activations to allow for efficient information sharing beyond Public Information Officers (PIOs) and beyond.

NEMA Response and Recovery Committee Recommendations for Streamlining the FEMA Public Assistance Program

One of the NEMA priorities for 2021 is to provide recommendations on areas to streamline the FEMA PA program by identifying where the program has the most blocks in efficiency and how to overcome and/or remove such impediments.

The NEMA Response and Recovery Committee developed policy recommendations to be considered by the Membership:

- 1. FEMA should provide more clarity on the timelines and parameters in interim guidance policy especially when it comes to a national response; and may be prepared to include retroactive activity that also needs clear understanding in written guidance.
- 2. All Regions must obtain consistent intent and interpretation of PA policy in addition to the application of FEMA State Agreements. This includes clearly defined roles and processes of the PA program.
- 3. The CRC role needs to be reviewed and evaluated; along with being better defined and then socialized to the states. One specific item to address is within the customer service of the CRC. There is much inconsistency between states that may directly speak with CRC representatives to those who must speak through their Regional representatives for CRC decisions. In addition, there is inconsistency in how decisions are made between the CRC and FEMA Region.
- 4. The role of the PDMG needs to be clearly defined and socialized to the states. The PDMG should be at the same caliber of a federal coordinating officer that is fully knowledgeable on all programs provided for recovery across all federal agencies. The FEMA PDMG staff need further training to reach that mark.
- 5. FEMA should complete a thorough review of key staff for instances of national response to ensure that overall processes are still being managed in the most efficient manner.
- 6. The FEMA grants portal needs further review and evaluation to better meet the needs of program managers. The grants portal and grants manager are not fluid for the end user. The two systems do not match visually when attempting to assist customers. In addition, the grants portal lacks the ability for state PA teams to customize. For the applicant, a system that could incorporate step-by-step prompts as a person moves through the application could ease some of the confusion on an applicant level and relieve some of the technical assistance on a management level.
- 7. Redundancy in FEMA required documentation for PA projects needs to be refined by building a system that requires it to be gathered once. For example, documentation required by FEMA during PDA is then requested again after declaration. This may also reduce the amount of RFIs for programs.

The committee also presents one regulatory recommendation:

8. A formal request from FEMA to OMB to ease some of the 180-day closeout requirements would greatly benefit state, territorial, local, and Tribes during times of a response that require an extension. As states were responding to the COVID-19 pandemic, FEMA would not allow any extensions to go past the 180-days. One consideration is to evaluate the 180-day timelines for individual projects by both criteria, scope of work completion date or FEMA obligation date, whichever is later.

Improvements Recommended for the FEMA Individual Assistance Program

Aaron Davis, Majority Staff Director, Subcommittee on Economic Development, Public Buildings, and Emergency Management, House Committee on Transportation and Infrastructure (virtual)

The House T&I Committee has growing concern on the implementation of the FEMA Individual and Household Assistance (IA) program and wrote a letter to Administrator Criswell to express the need for improvement. It's not only programmatic as constituents need further assistance to navigate a complex bureaucratic system between the agencies that provide federal aid, but the staggering number of denied applications for FEMA IA has created concern to the point to where the congressional committee is looking for solutions.

Recommendations:

- The program needs to be more customer centric. A general increase in clarity of the program will be valuable to set expectations for the applicants. Currently no one can define how IA is received until an application is submitted.
- An increased level of transparency throughout the program would be recommended, especially in consideration of the appeals process.
- There is registration confusion at all levels. Registered Applicants are not aware of the expectations on an applicant level, thus not realizing FEMA will contact them for follow up. In addition, the varying models in the system makes it difficult and confusing on which model an applicant would fall under for assistance the website exacerbates that confusion.
- Leverage technology in case management to help partners provide aid quicker. Data sharing within the program to ensure assistance is granted to the applicant is not transparent to all partners which in turn works against the applicant to get needed aid quickly.
- The disaster housing and temporary housing programs need more focus on specific hazard events to create realistic timelines and allow temporary housing as an immediate aid resource until more permanent solutions can be made for the survivor.
- A more aligned and coordinated system between the agencies involved in the federal aid portfolio will be of true value. Aligning efforts between FEMA, SBA, and HUD will assist in providing better care to survivors. A universal individual application across all federal agencies and disaster assistance programs is recommended.
- Virtual home inspections are one of the program's exemplary practice, as it can be customized to fit the
 need of the survivor and provides the opportunity for a quicker process and cost savings to FEMA due to
 the quick validation for reports.

NEMA Legislative Action Discussion

Earlier this year, NEMA produced two documents outlining priorities for the new Biden Administration as well as general priorities for 2021. The purpose of this session was to discuss current and upcoming issues and examine them through the lens of the following over-arching priorities:

• The Administration should pursue a comprehensive review, re-envisioning, and reform of U.S. emergency management policy, including the Stafford Act, to prepare emergency managers for the landscape of challenges they face in a rapidly changing environment.

- FEMA recovery programs are not nimble enough to address pandemics. They must be reviewed, and action taken to address either through policy, regulation, or legislation.
- FEMA should thoroughly review all current emergency management laws and policies through an equity lens, including identifying the intended and unintended effects of current policies on vulnerable individuals and at-risk communities.

The specific issues raised included:

Unspent HMGP. There are currently large, unspent balance of HMGP funds. Current estimates have the unspent amount at more than \$10 billion. Some want to roll those funds back into the Disaster Relief Fund (DRF) or into BRIC after a specified period.

- Not all unspent funds are the fault of the state.
- Environmental and historic preservation reviews, limits on period of performance, and lengthy FEMA review processes provide the greatest delays in the program.
- Shifting "unspent" funds to BRIC will not resolve the issues with HMGP and could be just as problematic in BRIC as the program remains untested.

Increasing BRIC Set-aside. The current BRIC set-aside is 6 percent of disaster costs. Should the set-aside be increased to 15 percent of disaster costs?

• Given the many remaining unknowns of the BRIC program, the discussion was undecided on this issue. The Resilience and Legislative Committees will discuss further.

Block Grant PA. Through the ongoing frustrations with the PA process, many states continue to float the idea of block granting PA funds. Should PA be block granted?

- There were many unanswered questions during this discussion including how amounts would be determined, and which entity would fund efforts such as EHP reviews.
- The program would no longer be workable if only using population. Geography and threat analysis would also have to be factored into the equation.
- Block granting PA could make multiple, smaller disasters more complicated to manage (in the absence of flexibility in management cost rollover).
- Given the scale of many disasters, the estimating process may take far too long to be effective in providing immediate assistance.

Cyber Grants. Cyber continues to be a priority noted through Stakeholder Preparedness Reports, yet consistently falls short in funding priorities. Some associations/stakeholders continue pressing for a separate "cyber grant," but have not made progress in answering some fundamental questions of how much is needed, what we need the money for, and why it is an inherently federal responsibility.

- Cyber is not just a homeland security or emergency management issue, so myriad state agencies would immediately be competing for the funds.
- Answering how much is needed and how it would be utilized is a difficult task given the diversity of the issue.
- The private sector is too interwoven with cybersecurity to make a grant to state and locals cost effective. With no authority over the private sector, it would be difficult to manage such a grant program without directly funding portions of the private sector.

- Cyber-response is the bigger issue to address and who has responsibility for such actions.
- There is a huge difference in impact on rural versus urban communities/states that would make a cyber-specific grant too niche to be effective.

Emergency Management Capacity Building/Group Discussion

State Views on Improving and Strengthening the Emergency Management Standard Accreditation Process/Program

NEMA is supportive of the EMAP Standard and voluntary pursuit/retainment of accreditation by states and locals. This discussion focused on ways to improve and strengthen EMAP.

- The inconsistencies and subjectiveness between different assessors on standards compliance are the main challenge.
- Some states question the return on investment of EMAP accreditation while others have seen a very clear benefit as it gives credibility to the state EMA program.
- It was recommended that states allow their staffs to serve as assessors to give them a better understanding of the standards; can see how other states are meeting the standards; and capture model practices to bring home.
- There was some discussion of working with FEMA to help align their required plans with the EMAP standards so the documents serve a dual purpose. It was mentioned that the size and capacity of state and local programs needs to be considered when thinking about aligning FEMA requirements with EMAP.
- Consideration in the future for an equity standard?

July 1, 2021

Hon. Deanne Criswell, Administrator, Federal Emergency Management Agency (represented by Maryann Tierney)

Administrator Criswell was called by the President to travel with him to visit the Surfside condo collapse in Florida. Then Acting Deputy Administrator Maryann Tierney spoke to the group on behalf of the Administrator.

Tierney started off her remarks by stating that FEMA is stretched thin with such a large number of operations happening across the nation. They are positioned to use the COVID-19 public health emergency to grow FEMA through additional appropriations and staffing. She discussed Administrator's Criswell's priorities for FEMA which includes readiness for the FEMA workforce and the nation. FEMA staff must have the time to rest (mentally and physically) before they're needed for the next big event. She discussed working with the private sector on supply chain management for national readiness.

The issues of equity, diversity, and inclusion were mentioned. Equity must be addressed across all FEMA programs and barriers to entry must be eliminated. EM needs to meet people where they are.

The Biden Administration has made climate change one of its priorities and FEMA will do its part through risk reduction and specifically, the BRIC program. There were comments/questions from states about how economically depressed communities can realistically compete for BRIC funding. FEMA recommends pursuing private sector investments, bonds, and leveraging a variety of funding sources that may be available in communities. The next BRIC NOFO is anticipated for August but there is no information available yet on changes to the program.

There is money in the FEMA budget to continue to fill FIT positions in states in FY22 and the goal is by FY23 all states will have at least 1 FIT member assigned.

BRIC Today and Tomorrow

BRIC FY20 awards were announced the morning of this session. While the announcement brought clarity to some issues, many questions remained about the direction of the program. Directors discussed experiences with the first-year application process, opportunities for enhancements in the future, and some issues in developing public private partnership for infrastructure projects.

- The SHMOs are finalizing some input from a call they did the week before the in-person meeting, and those comments will be provided to state directors when compiled.
- Some states indicated issues with managing the FEMA application process and suggested it would be easier if decisions were left to the states vice FEMA.
- Scoring based on statewide building codes was widely panned. The point made was by focusing on statewide building codes, the review process inadvertently undercuts situations where locals may have stronger codes.
- When addressing "equity," FEMA should look at the cascading impacts of projects and not just the project itself.
- Directors would like more guidance on power grid projects to meet the benefit cost analysis and coordinate with other mitigation projects.
- The base set-aside is not enough. If NEMA is going to advocate for additional funds for the set-aside, however, the suggestion was made we ensure that we are specific in the ask. How much is the right amount?
- There was discussion on whether the three-year period of performance is long enough, especially in planning efforts for projects that may take a couple of years to implement.

Emergency Management Capacity Building/Group Discussion

The session focused on determining NEMA's position on EMPG funding levels to ensure match levels can be met as well as NEMA's position on federal mandates tied to grant funding with little or no state input or time to plan.

Discussion:

EMPG

- States were broadly positive about seeking additional EMPG grant funding, but only a few currently can contribute more match without additional work in their states.
- States agreed that more clarity and consistency in what could be used as a soft match before fully going through the application process would be helpful for planning for funding.
 - o Some states have used 911 funding or work with their fire academies for soft match.
- A few states use overmatch (the difference between required and actual match). The overmatch loan
 program is approved at the region level. States can go to counties or agencies that do similar work (e.g.,
 forestry/environmental) and use the salary of those that do not use federal dollars.
 - States need to obtain the actual payroll sheets of the salary being used for overmatch to avoid a negative audit.
 - These additional staff used for EMPG overmatch do not need to have specific training but must be engaging in an allowable activity and following EMPG guidelines.
 - One state mentioned they would use overmatch specifically in the event of an EMPG funding increase.

- A few states used Coronavirus Relief Funds (CRF) to meet the EMPG match, but it was not ultimately the game changer as it was originally hoped.
- States encountered challenges around acquiring guidance from FEMA meeting the match in writing.
 - States are interested in examining this further in a smart practice document or strategy inclusive of a region by region comparison for how match is being evaluated, assessed, and/or approved to allow states to be more effective on how they leverage soft match.

Additional Grant Requirements

- A few states reported implementation of the National Qualification System (NQS) as related to EMPG but not as a future requirement by FEMA.
- States were concerned about the impact of additional requirements on staffs and are concerned about the potential for "results-based accountability" in the recent optional application to become required. This tracks money project by project (e.g., how much is spent on a specific exercise) rather than by POETE analysis. Give and take on partnership is required but this level of detail is unnecessary.
 - Requirements are being added onto each other without regard for workload (e.g., adding debris management plan development on top of the Integrated Preparedness Plan).
- States were also concerned about the timing of the introduction of new requirements. States spend a
 year building an application without knowing what the new requirements will be, requiring adjusting
 significant amounts of work in a short time, which heavily impacts locals with limited capacity.
- Adding arbitrary grant requirements reduces state and local flexibility and prevents transformational change.
- States were interested in developing more policy position papers that can be shared with FEMA and the interagency on these issues.

Recommendations:

- 1. States recommend NEMA push for the codification of the \$100 million increase (to \$455 million) on the basis that COVID-19 lessons learned require an examination of previous processes and modification to ensure the nation is ready for the next incident that is national in scope.
- 2. NEMA should work (in concert with other associations, as appropriate) to develop policy position papers on issues related to providing early input on how policies such as NQS requirements, EMPG funding levels, and others will impact states and locals with the goal of shaping national policy and improving outcomes at all phases of emergency management.

NEMA Business Session

NEMA Financial Report – Robert Ezelle, Treas.

Ezelle provided an FY21 Year-End Budget Projection. Canceling three major revenue opportunities for the association due to COVID through the two Mid-Year forums and one Annual forum could have had devastating financial impact on the association but NEMA was able to generate smaller pockets of revenue through the virtual forums and sponsorships. Treas. Ezelle paused to thank the Meeting of the States sponsors once again for their support. Also, good news in that the membership dues overall did not suffer. The most beneficial financial outcome during COVID was NEMA participating in the SBA Paycheck Protection Program through the Council of State Governments (CSG). NEMA anticipates receiving an allocation through CSG of \$220,494 that will reimburse salaries during the defined period and the funds are expected to be credited to FY21. With the PPP incorporated, the NEMA year-end budget projection is \$79,000 revenue over expenses.

NEMA 2021 Annual Forum

President Merick discussed Cleveland as the site for the annual forum and discussed its uniqueness in history, diversity, ethnicity, food, and sports culture, and of course the Rock and Roll Hall of Fame. The meeting will be held on October 12 - 15, 2021. She then led an open group discussion on ideas for sessions and speakers. The agenda and registration will be available on August 23^{rd} .

There being no further business, a motion was made to adjourn the Meeting of the States.

Moved: TN PASSED UNANIMOUSLY

Second: MD