

FEMA and PHMSA Response to NAC Question

Background

On November 29, RESPONSE subcommittee co-chairs Kathleen Fox, Howard McMillan, and Chris Howell presented recommendations from the NAC RESPONSE subcommittee. With regard to the draft recommendation “FEMA and DOT should consider allowing funding from grants, cooperative agreements, or other sources to cover backfill/overtime payments to be granted to career/paid emergency responders from rural communities, based on demonstrated need,” NAC members asked for additional information before they would call the recommendation for a vote. Specifically, the NAC asked FEMA for projections on what effect this recommendation might have if applied throughout the grants program.

FEMA Response

This recommendation would have no effect on FEMA preparedness grants that allow training since these grants already cover backfill and overtime activities for *eligible* personnel to attend training. Relevant programs include the Homeland Security Grant Program (HSGP), Emergency Management Performance Grant (EMPG), Tribal Homeland Security Grant Program (THSGP), Nonprofit Security Grant Program (NSGP, for non-profit organizations only), Transit Security Grant Program (TSGP), Port Security Grant Program (PSGP), and Intercity Passenger Rail (IPR) Program – Amtrak. Eligible training costs are limited based on the annual Notice of Funding Opportunity (NOFO) for each program, which typically requires that all supported investments are based on capability targets and gaps identified during the Threat and Hazard Identification and Risk Assessment (THIRA) process and assessed in the State Preparedness Report (SPR). Within those guidelines, training investments are based on demonstrated need determined at the state/local/tribal level. For example, while HAZMAT training may be allowable under the Port Security Grant Program (PSGP), rail HAZMAT training would not be allowed because it does not directly support port security. In addition, many of these programs require a terrorism nexus. Therefore, jurisdictions/agencies requesting rail HAZMAT training must explain how the investment relates to terrorism preparedness (vs general/public safety).

PHMSA Response

This recommendation would have an effect on PHMSA preparedness grants; the extent would be determined based on the criteria/condition language that PHMSA adopts. HAZMAT Emergency Preparedness (HMEP) grant program awards to States, territories, and Native American Tribes are relatively small dollar amounts ranging from \$25,000 to \$1.5 Million per recipient. Currently, stipends and backfill/overtime are not allowable expenses under the HMEP grant program. These expenses, if allowed, could rapidly exhaust available funds, reducing the number of activities performed and ultimately the number of responders trained. Based on feedback from the RESPONSE Subcommittee and HMEP grantees, PHMSA is willing to reconsider its grant policy. To mitigate the concern of rapidly exhausting funds, PHMSA needs flexibility to develop and implement criteria/conditions to allow stipend and overtime/backfill expenses as appropriate to ensure funds are being maximized to meet the program’s statutory intent. For example, one option could be to allow a small percentage of a grantee’s total award to cover stipends and/or backfill/overtime. Another option could be to allow stipend and backfill/overtime expenses for specific types of HAZMAT training such as rail response.