



NEMA COMMITTEE REPORTS

2019 Annual Forum

October 26-29, 2019

Coeur d'Alene, ID



**Legal Counsel Committee
October 26, 2019**

Meeting Summary

Welcome and Introductions

Connecticut legal advisor and chair of the Legal Counsel Committee Brenda Bergeron welcomed the counsels on the committee and those who attended the meeting.

Facilitated Discussion: Legal Challenges to Public Health Orders

The Center for Homeland Defense and Security (CHDS) sponsored subject matter experts John Wheeler and Greg Sunshine (CDC Public Health Law Program analyst) to participate in a facilitated discussion led by Dawn Wilson of the Center. The discussion focused on public health laws and their implications for emergency declarations and vaccinations.

John Wheeler drew on his experience as former General Counsel for the New Mexico Department of Public Safety drafting the state's public health emergency response law. It was specifically written in New Mexico to provide the most freedom possible while confined, including access to the media and a quarantine that does not force treatment. His recommendations for states examining their public health emergency response laws are:

- Meet with stakeholders from civil groups, the ACLU, schools, and others while writing or updating legislation to gain buy-in up front and smooth issues while trying to pass already drafted legislation.
- View local Public Health Emergency Response Acts (or equivalent) as flexible and learn more and develop new capacities every time a new incident occurs. As such, when writing it, rulemaking is critical to ensure clarity and longevity.
- Emergencies ultimately require funding and resources. Consider creating solutions to gain authorities such as invoking an emergency if you put enough money and resources into solving the problem.
- To address the vaccination issue, consider legislation allowing for an appeal from a denial of a medical exemption.
- It is hard to compel vaccinations – instead limit the exemptions.

CDC analyst Greg Sunshine provided a national review of public health emergency response acts, including the variance of who can declare a public health emergency in the state and what variables need to coalesce to provide a situation in which a state has the authority to declare an emergency at all. He expects that soon courts will begin to decide the outer limits of what authorities such acts have on the public, noting that Michigan already has a case underway regarding the rise of vaping.

He also provided context to the challenges of state vaccination strategies, echoing Wheeler in recommending that states limit exemptions rather than make vaccines compulsory. Some strategies Sunshine included were focused on schools to lower the number of school-age children (and future adults) that are unvaccinated as well as the states that have focused on ensuring healthcare workers are up to date on vaccines to protect those with legitimate medical exemptions. As part of this discussion, he referenced the rise in medical exemptions that states who have eliminated philosophical exemptions

have experienced. As an example, he noted that California is combatting this shift by creating licensure requirements for doctors who make medical exemptions with reviews of those with large numbers of exemptions and that the state is now allowing those whose medical exemption is denied make an appeal to the public health department who makes the final judgment call.

Other considerations for public health law discussed were the cascading effects of cyber-attacks on hospitals and the lack of federal resources states can look to when declaring a public health emergency.

Social Media: Emerging Potential Legal Issues

Brenda Bergeron led a discussion with the legal counsels on the potential legal problems inherent in social media for states. She noted that the VOSTs in Connecticut came from the medical reserve corps and monitor social media about events and when Connecticut emergency management met with these VOSTs they realized the key words being searched were too broad which led to a concern about overall surveillance levels. As such, Connecticut instituted a policy to require key words be pre-approved. VOSTs can be a great tool to track public health issues at a large event, but states should be careful not to have volunteers performing essentially surveillance activities. Alabama also brought up a concern that bots are feeding the anti-vaccine discourse online per a Johns Hopkins study and the ramifications that could have on crowdsourcing.

Ohio Lessons Learned from the Title X Process

The Ohio emergency management staff discussed their lessons learned from the Title X process after tornadoes earlier this year and provided their recommendations for states going through this process:

- Cross-train legal counsel staff to ensure there is back up in the EOC.
- View overall frameworks through the lens of flexibility because nothing will go according to planned activities.
- Conduct a Title X exercise because it is a confusing process.
- Always explain the “why” of a no from legal counsel to emergency management and public safety counterparts to improve communication and ensure the partnership begins as early as possible in future events through built trust.

Roundtable with FEMA General Counsel

FEMA Acting Deputy General Counsel Carol Ann Adamcik spoke with the legal counsel committee on DRRRA implementation, arbitration, and litigation for states. Currently, FEMA is working through regulation changes required by DRRRA implementation and is putting money in the account for new DRRRA grant funding next year. She noted the current FEMA arbitration status, in which 11 cases have been filed, six of which have been decided with five in FEMA’s favor. She recommended legal counsels examine the recent Livingston Parish appeal for further guidance. Adamcik noted that recent litigation from Columbus Regional Hospital regarding a deobligation had concluded which ruled that FEMA disaster grants are not contracts. Finally, she briefed the committee on the memo about contractors’ allowable contact with FEMA employees – contractors working on project development and other such topics may work directly with FEMA employees, but those discussions about payment and invoice should be conducted with the grantee and not directly with FEMA staff.

**EMAC Committee
October 27, 2019**

Meeting Summary

The meeting was called to order by Director Mike Dossett (KY).

Update on Operational Activities

EMAC Executive Task Force Chair Greg Shanks (KY) provided an overview of recent operations to include 14 events being opened in the EMAC Operations System since March 2019 with 1,522 personnel deployed. The largest event was Hurricane Dorian, where 24 states provided 1,390 personnel to North Carolina, Florida, South Carolina, and Virginia. States also supported the deployment of National and Regional EMAC Liaison Teams to coordinate the state response through EMAC with FEMA and the ESFs. Mr. Shanks reviewed the findings of the hotwash conducted with Liaisons, Requesting States, and Assisting States immediately following the Hurricane Dorian response. This included continued challenges for Liaisons gaining access into FEMA's NRCC and RRCC. A number of strengths were identified during the response such as the speed at which Assisting States made offers over the holiday weekend and the speed of the EMAC Operations System. A desk reference for the NRCC was developed while Liaisons were on-site. One recommendation captured was the need for the EOS to track verbal approvals after offers have been accepted so resources that deployed before the RSA is completed have proof they were approved to immediately deploy. Everyone agreed that the EMAC Operations System was fast, efficient, and allowed states to make requests, input offers, and complete REQ-As in a timely fashion. One area of improvement is to reduce the national broadcasts on resource requests. The recommendation is to focus on nearby states first. The full hotwash is available on the EMAC website. The ETF will review the hotwash and will continue to improve the system.

SATF Update on Reimbursement Standardization

Director Dossett spoke on the EMAC leadership and NEMA working closely with the Council of Governors to address delays in the reimbursement process. While this is a state issue, it has a massive impact on EMAC's reputation. The bottom line is states must make reimbursement a top priority. States have shown that reimbursements can be paid within weeks of receiving a reimbursement package. While initially we saw delays in reimbursement packages being sent to the Requesting States, the paperwork requirements are now the biggest cause of delays. The SATF on reimbursement and the EMAC Executive Task Force is working on implementing specific recommendations to improve the transparency of reimbursement issues and standardize the process and forms. Even with those improvements, states must make reimbursement a main priority.

Director Sheehan talked on the successes with reimbursement in Tennessee and the process. When they submit requests for reimbursement, it is audited immediately. As soon as the package is approved, the Resource Provider is paid 50% by the state; so, they aren't waiting to recoup all their funds from the Requesting State. They are paid the remaining 50% once the state has been reimbursed by FEMA. Director Dossett suggested implementing a similar process in Kentucky.

Greg Shanks thanked all the states that have worked on the SATF and reviewed the status of work being done by the Reimbursement Special Assignment Task Force (SATF). The SATF has completed the review and updates to the EMAC Reimbursement for State Emergency Management course. The course is being

finalized and is expected to be live in the EMAC eLearning Center soon. The SATF also completed review of the EMAC Mission Order Authorization Form and updates to the Eligible Expenses Guide. The SATF also developed a standardized EMAC calculation form and has been testing the form during response. While working on and testing the form, it was confirmed the ultimate goal was to make the process easier and more transparent through the EMAC Operations System, so the SATF has been working with NEMA to make the form “system ready”.

This approach will require significant changes to the EMAC Operations Manual once development is complete. NEMA, the SATF and the Executive Task Force will continue to work together to refine the path forward and then begin the build-out within the EMAC system. The goal is for the work of the SATF to be presented at the March 2020 Mid-Year Forum for formal vote by the membership.

The SATF has also been identifying future work such as surveying Member States to gather feedback on pros and cons with current reimbursement procedures and issues, developing best practices states can adopt and move forward, conducting webinars on reimbursement best practices, socializing the reimbursement course, and the development of a cost guide that can be used like an EMAC reimbursement manual.

State EMAC Education and Improvement Pilot Project

Director Sheehan (TN) reported that last October the EMAC Committee approved changes to the NEMA training program. NEMA has been working on preparing for the new program with the development of the templates and system improvements. Preparation also included changing the focus of the training program to shift the A-Team course online.

With much of the preparation work well under way, NEMA will begin to develop the 3-day site visit program. NEMA asked for three states to join the pilot program and has already filled the three slots. All information from the states will be kept confidential.

The first day of the site visit, NEMA will review state EMAC procedures and plans, and provide templates to improve plans while identifying best practices. This includes NEMA meeting with state finance and administration and either review the state’s existing process or walk through a scenario-based exercise. NEMA will meet with state training officers to help market the online EMAC courses. NEMA will also meet with the public information officer to provide a checklist and template for highlighting EMAC in the response. The second day of the site visit includes EMAC education and Mission Ready Package workshop for the Resource Providers in their state, to include the National Guard. The final day begins with an A-Team exercise in the morning, followed by a meeting between NEMA, the EMAC Coordinator, and the State Director to review findings and provide a roadmap for how the state can improve their EMAC implementation. All discussions are kept confidential. This is not an accreditation, it’s a site visit with the goal of helping the state to improve implementation of EMAC. The visit concludes with an opportunity to provide feedback and ideas for improvement.

Mutual Aid Systems & Data Sharing

Jake Ganieany (MT) reported that there have been numerous discussions with the ETF about data sharing among mutual aid systems, and the need to bring these discussions to the attention of the EMAC committee.

At the National Mutual Aid Technology Exercise (NMATE) in August, those representing EMAC felt the data sharing technologies were ahead of policies and procedures about data sharing and noted a lack of authorities when it came to data sharing.

This came to the forefront in September when an article was posted on the IAFC website that reviewed a partnership between IAFC, The Alliance for Public Safety GIS (NAPSG) Foundation, and Esri. The article described Search and Rescue resources that were deployed through EMAC in response to Hurricane Dorian. Responders were asked to collect data while on their EMAC deployment – everything from capturing images of impacted sites, providing their GIS location, the number of structures searched, people rescued, and more – all using Survey123, an application developed by NAPSG and Esri. The federal search and rescue teams were also asked to collect data. The collected data was compiled into a single common operational platform that was open for many organizations. The data was accessible by IAFC, FEMA, and others. The ETF had concerns with EMAC deployed resources being asked to collect data that was later shared without that data being vetted and approved by the Requesting State emergency management agencies. When NEMA inquired, the Requesting State emergency management agencies they said they were not aware the data was being collected.

Shanks added that the perception is NEMA and states are not data sharing friendly and are behind the times in terms of providing situational awareness through technology. States and NEMA have the technology and ability to share data but are limited by data sharing policies (or lack thereof). Without understanding data sharing authorities when it comes to technology-based systems, other groups have adopted the idea that more data sharing is better. Kentucky has put very strong language into place with Resource Providers, making it clear they are not to collect or share data to third parties without permission from the Division Director. Kentucky also makes it clear they are not permitted to share any deployment information on social media.

Director Dossett stated the EMAC Committee had agreed to sharing basic response information with the NRCC and RRCCs to coordinate events but taking data from deployed resources and bypassing the state emergency management agencies and sharing their data is unacceptable. Dossett noted this isn't an EMAC issue, but we need to be certain that all states understand this is happening so they can address it internally.

Several state directors expressed very strong concerns with resources coming into their states who may collect and share data without the state's knowledge or review and agreement to the data being shared. Directors stated that the lack of control over data is very concerning. Director Dossett added that there are state laws and statutes in place that have implications.

Trina Sheets (NEMA) to talk about how NEMA shares information. She said that NEMA will not share any data or information that is deemed to be owned by the state emergency management agency without their express written permission. As a nonprofit and affiliated with CSG, NEMA is not subject to FOIA. There are standard reports that are shared with the NRCC and RRCC as well as general event stats that are used in press releases and in reports.

FEMA NIC: FEMA NIMS Coordination Working Group

Deputy Director John Ford presented on the concept of the NIMS coordination group. The new NIMS coordination group will bring together state local territorial and tribal (SLTT) partners to provide feedback to FEMA. The coordination group brings more structure to NIMS and FEMA's efforts and will allow for more transparency and better communication.

The group will also give stakeholders a voice. Ford said that nothing is done at FEMA without engaging stakeholders and partners, and the goal is to solidify this.

Leveraging THIRA for EMAC Resource Planning within the EMAC EOS

Director Dossett spoke on the initiative of the Executive Task Force and NEMA within the EMAC Operations System where states will be able to pre-script resource requests. The idea is to use the list of resource shortfalls identified through the THIRA process and pre-script them within the EOS so they can be draft resource requests. States would also have the option to identify Mission Ready Packages within MASS that may be requested during an event. This effort is still in the very early phase but wanted states to be aware and expect to hear more about it in the near future.

Kansas recognized Assisting States

State Director Angee Morgan (KS) recognized responding states and EMAC leadership that assisted Kansas.

Director Dossett thanked all the committee members for their continued support of EMAC and their engagement on issues. Director Dossett introduced Director Joyce Flinn as the new incoming Chair of the EMAC Committee and Samantha Phillips as the incoming Vice-Chair. Congratulations to Directors Flinn and Phillips.

Meeting was adjourned.

**Mitigation Committee
October 27, 2019**

Meeting Summary

Welcome and Introductions

Maryland state director and chair of the Mitigation Committee Russ Strickland welcomed the directors on the committee and those who attended the meeting. Strickland noted that “mitigation is the center of the universe.”

Pre-Disaster Mitigation: What do States Need to Know and When do They Need to Know It

FIMA Administrator Dave Maurstad introduced FEMA Assistant Administrator for Mitigation Katherine Fox who provided an update for the committee on FEMA priorities as PDM bridges into BRIC for October 2020. Infrastructure projects are central to the agency’s strategy as a bridge to BRIC and FEMA is seeking to collect information on lifeline infrastructure and other projects to create a guidebook of innovative projects for government partners in preparation to transition to BRIC, such as the New Jersey stormwater park project. This collection is being done through FEMA Regional Offices. Additionally, she noted that FEMA is still committed to Sec. 406 Mitigation and is currently cross-training employees on programs. Integrating the various mitigation programs and spending-down HMGP balances will be a priority in coming years. She also informed the group that the caps for project scoping with advance assistance is increasing to \$200,000 and if there are any issues with applying for PDM, inform FEMA by January 29, 2020.

She then presented additional information on FEMA’s strategy with BRIC implementation which includes increasing state capacity across the board and increasing partnerships with non-traditional mitigation partners. When considering the development of BRIC, FEMA is seeking to focus on the impact of a project as opposed to the bottom-line number and make more consistent decisions through focusing on training of FEMA employees who manage grant applications. This will make reporting on the return on investment easier as the program develops. FEMA envisions that baseline guidance will remain the same year by year, but that each year’s NOFO will include specific information and funding fluctuations.

Fox solicited feedback from states on how to incentivize sole management for disasters and empower grantees through BRIC. State directors were concerned that non-coastal states will not be prioritized given the focus on hurricane impacts and recommended a minimum consistency. Directors were also concerned about funding flexibility and combining streams of funding to ensure that projects can be innovative and impact-based. She also informed the group that FEMA is creating HMGP 2.0 this year, and states with higher balances will be lower on this year’s priority list.

Finally, she provided a few recommendations for states to see the full impact of mitigation funding:

- Review FEMA webinars on mitigation funding online.
- Bring non-traditional agencies to state mitigation planning efforts and make them partners.
- Focus on increasing building codes for relevant hazards.
- Send FEMA information on state projects that are happening without federal funding so they can be highlighted nationally, and best practices can be shared.
- States should consider EDA funding as well.

Report from the State Hazard Mitigation Officers Subcommittee

Maryland State Hazard Mitigation Officer JaLeesa Tate presented the summary of what was discussed at the SHMO subcommittee meeting held during the Forum, including the concern about how states and locals will handle an increased match and management costs. The SHMOs also recommend using federal money to gain additional buy-in in states and create policy to conduct training and outreach to keep all states competitive for funding. They are anticipating such a policy document out for public comment in the spring.

**Preparedness Committee
October 28, 2019**

Meeting Summary

Eric Bornemann (VT), Preparedness Committee Chair, opened the meeting with a welcome and asked for introductions around the table.

Higher Education for Emergency Management

Wendy Walsh, Higher Education Program Manager, FEMA

Globally, there are over 600 programs that teach emergency management. FEMA is dedicated for the Nation to have a robust higher education program. Through the dedication, they have assisted in developing core competencies for higher education degree programs to elevate such programs to a standard practice; established course modules; developed materials to assist in courses; as well as develop professional development courses for adjunct professors. With the increase in degrees of emergency management offered, FEMA is looking at program accreditation and working with people in the field (academia and practice) to assist in what an accredited program degree must obtain. The emphasis is to engage the practice community to integrate in the process for developed materials and the subjects taught for degrees. In moving forward, FEMA is taking a regional approach to identify the experts and strengthen the network of higher education within the emergency management regions as well as tribal communities. This may also enhance trend analysis within the regional engagement. It is encouraged to work with your higher community partners in your community.

FEMA Integration Teams (FIT)

John Allen, Director, Office of Preparedness Integration & Coordination, FEMA

Robert Samaan, Deputy Regional Administrator, FEMA Region IV

Patrick Sheehan, Director, Tennessee Emergency Management Agency

Andrew Phelps, Director, Oregon Office of Emergency Management

FIT presented a new way for FEMA to do business by allowing a team of technical assistance members to be integrated in state agencies with the primary focus on catastrophic risk areas. The three-phase approach was successful through phase 1 and phase 2 with the implementation of 36 FITs. Phase 3 is currently delayed in implementation. FEMA has lined out in both FY2020 and FY2021 budgets for the FIT program and will continue to support those in the field. Working with OMB, FEMA will need to provide a comprehensive evaluation strategy of the program. So far that evaluation looks as if the program is successful. FEMA Region IV has proven significant correspondence between states and FEMA in the response to Hurricanes Dorian and Florence when it came to planning efforts, capability assessments, and ultimately closeouts for the states. Tennessee specifically embraced their FIT who focused on mitigation efforts for the counties. Out of 95 counties, 93 are actively maintaining or working on mitigation plans to prove success of the goal of all 95 counties to have a mitigation plan in the next two years. Oregon challenged the FIT to be the force multiplier within the state team. Their FIT member orchestrated a continuity planning exercise that deemed helpful for the state to understand their capacity. Through the hazard mitigation planning, the FIT helped to articulate the needs of areas to be able to elevate and improve the plan. When it comes to evaluating the FIT program, some advice offered: Make sure the state is involved in the scope of the program and the state director should sit in

on all interviews. Better integration of FEMA representatives post disaster occurred when they shadowed preliminary damage assessments. The program needs clear deliverable objectives to provide the FIT performance measures, thus setting the expectations for everyone involved. When focusing on the benefits, there is an overall optimism in wanting to see the program succeed.

Effective Preparedness Marketing – The Tools

Matthew Lyttle, Branch Chief of Partnership and Engagement, FEMA

FEMA tracks preparedness attitudes and actions at both the national level and for specific hazards to measure progress, improve strategies to motivate individual preparedness actions, and to move toward their goal of a culture of preparedness; thus, the National Household Survey is the tool used since 2007 to lead that effort. The 2018 version results show an increase in the number of people who have taken preparedness actions, 57%. While 67% of adults have set aside some money for an emergency (considering that half of the adults set aside no more than \$500.)

Key takeaways of the 2018 survey results are:

- Slightly more than half (52%) of the nation feels they are prepared for a disaster. About 36% of the nation intend to prepare in the next year. Capitalizing on these sentiments with messages about the importance of preparation may help with follow through especially since there is a direct relationship between awareness messaging and behavior.
- Awareness of information, preparedness efficacy, and experience with disasters all are related to preparedness behavior. Ensuring information gets out to the people can help increase preparedness behavior.
- No more than 51% of study participants have taken any of the six main actions to prepare for a hazard (attend a meeting/training, talk with others about preparedness, develop an emergency plan, seek information on preparedness, participate in an emergency drill, and gather supplies to last three plus days) except for gathering enough supplies to last three or more days. There is opportunity for increasing awareness around actions that will help in a disaster. And, those who take these actions are more likely to feel that they are prepared for a disaster.
- While differences by demographics varied by question of interest, education level was most frequently associated with a noticeable trend in responses. Hurricane area residents have higher percentages who have taken key preparedness actions, have greater awareness, and are more likely to be prepared. Higher education levels are associated with increased financial preparedness and hazard awareness.

Activity: Are we *really* being effective in our preparedness campaigns?

Mike Sutton, Director, Alaska, Division of Homeland Security and Emergency Management

The purpose of the activity was to not be scientific in nature but to identify how vastly different preparedness campaigns can be in outreach and measurement, and mostly to identify a few areas of what is working and what may need to phase out. One hundred thirty-two people participated in the activity, here is what the committee found out: Most (61.4%) are confident that their preparedness outreach programs are making a difference. But when asked if there is a means to measure the effectiveness of campaigns, the majority stated 'no' (68%). Maybe the vote of confidence is stemmed from the effective content as the single greatest contributor for the campaign success, according to 30.8% of the group. Or maybe it is the effectiveness of the tools in which programs are using to get their message out to the public - the most effective tool is social media (59.8%) while the least effective tool is printed media (31.1%). Most states do have one or two staff that are dedicated to preparedness

outreach campaigns (38.8%) while a small number of 12 people stated they do not have any staff dedicated to the cause. What is most insightful is the overwhelming response of partnerships – 81.6% stated that their partner organizations have noteworthy outreach campaigns.

**Homeland Security Committee
October 28, 2019**

Meeting Summary

Welcome and Introductions

Alabama state director and chair of the Homeland Security Committee Brian Hastings welcomed the directors on the committee and those who attended the meeting. The importance of emergency management's role in cybersecurity was underscored by the projection that ransomware attacks will cost the United States \$11.5 billion in 2019.

Cybersecurity: Emergency Management's Role in Prevention

Oklahoma state director Mark Gower shared his previous experiences as the Chief Information Security Officer (CISO) for Oklahoma and facilitated a discussion about the importance of emergency management in cybersecurity incident prevention. He also outlined how he views cybersecurity through the traditional phases of emergency management to include Preparedness, Response, Recovery, and Mitigation. Gower underscored the importance of building a strong relationship with state IT infrastructure because even if emergency management does not have a background in information technology, emergency management knows the priority questions to ask before, during, and after an incident because of its experience with other hazards. Lessons learned from his experience as CISO and as a cyber-focused state director include:

- Start working on cyber-response plan and a separate data breach plan (this often is an annex to the cyber response plan).
- Train emergency management on IT issues and create a training path for IT to become emergency management-certified.
- Build known cyber-risks into the state's Threat Hazard Identification and Risk Assessment (THIRA).
- Maintain a strong relationship with the state Chief Information Officer, particularly as the state undergoes IT consolidation and modernization.
- Build a Cyber-Security Incident Response Team (SIRT) from local staff and train them to be able to flex up as needed in the event of an incident.
- In the event of a data breach response, work with Multi-State ISAC (MS-ISAC) and Center for Internet Security (CIS) for rapid response and assistance.
- Work with IT to create a disaster recovery plan if IT has not done so yet.
- Have a cybersecurity policy advisor in the governor's office.

What Happens Now: Colorado and Louisiana on Managing the Post-Cyber Event Landscape

Colorado Homeland Security Advisor Kevin Klein and Louisiana Governor's Office of Homeland Security and Emergency Management Deputy Director Casey Tingle shared their experiences with a state-level response to cyber-attacks via emergency declaration.

In 2018, Colorado's Department of Transportation was brought down by a "SAMSAM" attack. Klein's lessons learned and considerations for other states include:

- Consider how many physical locations maintained by various state agencies. Computers and servers tend to be spread across large geographic areas.
- When an incident happens, disconnect the server from the network, but leave it on for tracking the perpetrators.
- Conduct Continuity of Operations Planning and plan for the virtual environment as well as physical. Consider that in the event of a cyber-attack, staff cannot pick-up their laptops and move to a new location to continue work, as that will harm the new server and spread the attack.
- Do not store network maps on the network being mapped.

In 2019, Louisiana school districts reported that they had been disabled by ransomware in the weeks before school was scheduled to begin. Tingle's lessons learned and considerations for other states include:

- Create a Cyber-Emergency Support Function (ESF) to strengthen coordination and response.
- Be clear to the public and to federal partners, as well as the organization directly affected as to what an emergency declaration can do and what it cannot.
- Work to lower the stigma of reporting an incident. There was a delay of several weeks before some districts reporting, losing critical response time.
- Engage local governments to strengthen the relationship before an incident occurs.

The State-Federal Relationship in Cybersecurity

DHS Region VII Cybersecurity Advisor J.D. Henry provided the committee with information on CISA's ability to provide resources and collaboration on awareness, preparedness, education, and outreach before an incident and response and coordination after an incident. He recommended the state's threshold from the incident response plan for reporting, although he noted that the FBI wants to know about an incident as soon as possible to retain evidence.

Response & Recovery Committee
October 29, 2019

Meeting Summary

Angee Morgan (KS), Chair, opened the meeting with a warm welcome.

FEMA Individual Assistance Program

Chris Smith, Director, FEMA Individual Assistance Program

Will Polk, Assistant General Counsel, North Carolina Division of Emergency Management

Mr. Smith provided his brief in the scope of a survivor and went through the priority services the IA Division offers. FEMA partnered with the American Red Cross on a national mass care strategy, information can be found at <http://nationalmasscarestrategy.org/>. Transitional Shelter Assistance uses a national network of hotels to help provide hotel rooms to eligible survivors. This is to assist if the numbers in shelters are not decreasing during that 10 – 14-day time period. Disaster Unemployment Assistance funds up to 26 weeks beyond the disaster. Crisis Counseling is used to prevent common diagnosis as opposed to providing treatments and applicants must keep in mind of the 14-day applicant period. Mr. Polk added that North Carolina looks to partner with FEMA on how to improve implementation on this grant to better serve survivors. Disaster Legal Services help to coordinate legal assistance to disaster services. Disaster Case Management (DCM) provides an individual to help a survivor's needs in assisting with developing and facilitating personal recovery plans. Mr. Polk added that many states do not have the capacity to run such a program inhouse, so they must contract out their DCM. From a legal standpoint, you must follow all procurement guidance and privacy issues to prevent an OIG investigation. In North Carolina, they had to administer seven additional weeks of assistance and continue to work with FEMA on the delays of the operational grant funding that have overtaxed resources provided to survivors. Best practices shared is to know your partners in your own community that may already provide such services as well as their capacity to assist. Go through the procurement process with those organizations prior to a disaster. Utilize the FEMA DCM Tool box, <https://www.fema.gov/media-library/assets/documents/101292>, to assist. Also, take note that the Federal Coordinating Officers can provide immediate DCM. Another trend FEMA has seen concerning Individuals/Household programs is that about two thirds of the registrations are now coming via the website, however they still will listen and take calls for the one third that prefer to register through the phone. Some key dates to keep in mind: The FEMA IAPPG will be published in March 2020. Also, in the Spring of 2020 be looking for the IA Playbook to be published. May 5-7, 2020 the IA Symposium will be hosted at EMI.

FEMA Public Assistance Program

Keith Turi, Assistant Administrator for Recovery, FEMA

Jeff Stern, Director, Virginia Department of Emergency Management

Casey Tingle, Deputy Director/Chief of Staff, Louisiana Governor's Office of Homeland Security & Emergency Preparedness

Joyce Flinn, Director, Iowa Homeland Security and Emergency Management

Katie Waters, Public Assistance Officer, Iowa Homeland Security and Emergency Management

Mr. Turi explained that the PA delivery model is the way FEMA does business. The strengths of the system are an increase in transparency and the 'wildly successful' use of technology. FEMA is aware that

staffing capabilities need improvement. How FEMA evaluates the deliver model is looking at timeliness, claiming the goal of completion of projects should be 45 days – in some cases they claim completion in 33. Efficiency – reducing the need for tech support. Accuracy – to help drive down the administrative costs as well as time. Accessibility and Simplicity – FEMA created the grants portal to ensure this goal is achieved. And lastly, satisfaction, the overall assessment of the delivery model and how FEMA is now doing business. State-led PA is not under this evaluation since there is only 20% participation nation-wide, in some FEMA Regions there is zero participation. Mr. Turi explained category C is the area where most appeals are coming from and encouraged states to, at a minimum, look at category C for their own assessments. FEMA assesses success from a sampling methodology. Upcoming dates to keep in mind is the policy guidance comments are due in November. Upcoming opportunities for comment on policy from DRRRA will also be coming soon. DRRRA Section 1206 – comments on policy and DRRRA Section 1235 – PA to fund codes and standards policy will be out for comment.

A couple of states noted that State Led PA is working well such as heightened customer service in North Dakota. Ms. Morgan stated that in Kansas they have shown positive progress with decreased appeals from 77 to Zero. But there are areas of the FEMA business model that are falling short and other states are having a different experience.

While noting that FEMA has criteria to measure success, some states are struggling to see that same criteria being achieved with their disasters. Delays in funding obligations forces the state to pay on project obligations which can then lead to failures in the procurement process. Procurement seems to be a significant hurdle.

Transparency. Some states noted that the increase in transparency has been an added benefit to the grants portal to agree with FEMA's assessment of the strength in transparency, however, some states have read only access into the portal and others do not – if this becomes consistent for all states it may assist in addressing some of the challenges. In addition, an increased transparency on the activities of the CRC will also help.

Timeliness. Virginia discussed the slow receipt of grant funding. For example, Virginia has had 2 Presidential disasters and have received 50% of PA funding in the past 2 years. There seems to be a risk adverse culture in disaster funding programs causing operational second-guessing issues in procedures and the process. Thus, driving more appeals and causing massive delays. Three areas were presented for NEMA and FEMA consideration:

1. Have the States/FEMA establish a preset of metrics for financial risk to get the money faster. NEMA/FEMA could work together to assist a ranking on financial criteria;
2. Improve our partnerships, when FEMA says no let the states know where those lines are; and
3. Allow a states' financial rating be the proven record. Ms. Flinn added the slow timelines are causing Iowa to only receive \$5M of an agreed \$255M in recovery funding.

Inexperienced staff. Where FEMA is already aware of the staffing capability, the lack of experience is also affecting the timeliness, transparency, efficiency, and accuracy of the program.

Reporting. It was suggested for FEMA and the states to consider joint reporting where all can better refine those reports to meet the needs for all parties involved.

Policy. California stated that the policies drafted may not have completely considered the long-term recovery effects and challenged that we may need to be more innovative in our approach to the overall business model. As well as omitting programs, for example STEP was a tremendous help in the recovery aspects for earthquakes.

In closing, NEMA looks to work with FEMA to seek solutions to these challenges to create elevated outcomes for their service to those recovering any disaster. The idea is to continue an open dialogue with FEMA partners to help get to solutions to the complexities that many states are encountering with the delivery model.

Private Sector Committee
October 29, 2019

Meeting Summary

Shandi Treloar, Private Sector Committee Chair opened the meeting, welcomed the attendees and guests and introduced Mike Dossett for an overview of the Technology Subcommittee. Following Mr. Dossett, Joel Thomas gave an update on the Information Sharing Task Force.

Information Sharing Task Force

Beginning work on Version 2.0 of Building Public-Private Partnerships

- Private Sector Lead Focus Groups
- Developed outline
 - 18 NEMA authors
 - Any documents, templates, outreach materials w/ private sector
- Database on information regarding private sector programs
- Concise 20-page document with numerous appendices
- All input is welcome

Following Mr. Thomas' remarks the chair introduced Glen Woodbury (CHDS) to moderate the group discussion "What does response and recovery look like when Federal resources are not in play?" The following are bullet points intended to summarize key points in the conversation.

Exercise – Cascadia event occurs. Scenario: Cell phone networks and electricity are out, making it impossible to message the public – alerts and warnings are unavailable, 911 can't be called and banking doesn't work.

Objective:

- Exploring techniques, technologies, and policies to better employ the private sector in disaster response
- Going through 5 of the 7 lifelines
- Outlining themes and different items that states can bag
- "What would happen if there was no FEMA?"
- People throwing out ideas
- Assume: Most government resources are unavailable.
 - A Scenario for Context
 - Cascadia subduction zone earthquake
- What could greater reliance on the private sector look like in the future
- What are the challenges we could be facing within the lifeline areas
- Think outcomes and consequences that need to be solved, not just replacement of damaged system
- How would we traditionally use government response resources
- If they were unavailable what could we do with private sector resources
- Relying on satellite communications
- 5 Lifeline Area - communication, transportation, water, food, housing
- Facilitated Discussion
 - What are the challenges we could be facing within the lifeline areas

- Think outcomes and consequences that need to be solved not just replaced of damaged system
- How would we traditionally use government response resources
- If they were unavailable what could we do with the private sector resources
- Not wanting to share business cards during a disaster – beforehand is best

Communications

- Infrastructure
 - No wifi, roads, power, electricity
 - Trying to fix the ability to communicate
- Alerts, Warnings, Messages
 - Loss of infrastructure results in not being able to use banks, public/private data
- 911 and Dispatch
- Responder communications
- Financial services
- Smart Practice/Case Study: Todd Biebel, Verizon
 - Also working on 5G network and AI, smart tech
 - Verizon wouldn't be doing anything differently without government because they're fairly self-contained
 - Partner with AT&T for incidents due to sharing equipment
 - Don't interfere with each other's equipment
 - Challenge with people pulling out fibers that had already been restored
 - Drone tech
 - Put up 4g network on the air
 - Would last for 8 hours, unlimited when tethered
 - Hampered by line of sight and FAA regulations
 - Ways to change FAA regulations
 - Can you?
 - Yes
 - They ask for regulation processes to be lifted during disasters all the time
 - Partnership
 - Verizon wants to make sure they know what to do for you
 - Verizon found out that they need to train their own people on EOC operations
 - Are doing exercises now
- Cell towers in space? (Possible scenario)
 - Used in Puerto Rico
 - Giant balloon that they put up in space
 - Google owned it
 - Took two weeks
 - Had to clean the runway so that facilitators could get up there
 - Used radios in the meantime
 - Took 48 hours for state director-google convo to be asked
- 3 Corporations that are trying to launch mini satellites
 - Tesla/Space X is one of them
 - 7,000 satellites
 - 5-10 years

- Private sector provides resources that people think the government does so they need access, but access is hampered by not having jurisdiction
 - It will be the government that is floundering, not the private sector, because they do this every day.
 - "I think the private sector should be allowed to say what is green, what is yellow, and what is red," says an attendee.
- Most of the Public-Private activity has been under blue skies to help with training in preparations of black sky events
- Also work and collaborate with Private Sector Leads in EM
- Need to work out legal issues like who's paying for innovations and scaling and liability
 - They need to be addressed during blue sky
 - Sustainment isn't as voluntary when its successful

Transportation

- Highway/Roadway
 - Can't move or transport items
 - How to solve?
 - Current plan is closing it down
 - Assessment is slow
 - Emergency repairs
 - Alternate Routes
 - Long term recovery
 - Funding
 - Contracts
- Mass Transit
- Railway
- Aviation
 - Can't fly during a situation when events happen
- Maritime
- Pipeline
- Uber
 - Freights
 - An uber for trucks and transportation
 - How to transport resources
 - Elevate
 - Take private helicopters everywhere
 - Free rides to shelter
 - Mexico City
 - Uber Central
 - Embed with Red Cross
 - Dispatch responders to locations
 - Florida
 - No potable water source in Ft. Lauderdale
 - Used freight to deliver water
 - Didn't end up using it
 - Scale
 - Having these resources in their network to scale
 - In 700 cities

- Deals with crises everyday
 - So they get practice
 - Biggest contractor in the world
 - Hurricane Dorian
 - Auto-populate shelter locations
 - Offered free round trip to shelters
 - In DC they won't let Uber in
 - Risk Management people said no
 - Government feels they have a strict custodial responsibility for people during a disaster
 - Current thinking is that state has a responsibility for displaced survivors
 - With private sector
 - Trying to show people their options
 - Trying to create this mindset change of not having so much responsibility
- Emphasis on communication so that private sector knows they can go out, and give real time information to EOC
 - Government needs to talk to private sector so that they can work faster and get an idea of resources
 - Private sector will move on with or without permission from government
 - Private sector will do these things asking for money
 - What happens to the people who can't afford it?
 - They say they're fine doing this pro-bono or with partnerships with the government, but we will see
 - Private companies need to let states know what you're about
 - Old school system
 - Expose needs to capabilities
 - Tech System
 - The new way EM is being used
 - Philanthropy is becoming a huge component
 - What about recovery?
 - Conversation is very response focused, what about recovery

Food, Water, Sheltering

- Evacuations
- Food/Potable Water
- Shelter
- Durable Goods
- Water Infrastructure
- Agriculture

Housing

- Smart practices/Case Study: Airbnb
 - Having coupons available
 - How to leverage hosts/travel coupons
 - Working with hotel chains in working groups
 - Having people with homes listed with Airbnb offering their homes as shelters

- Hawaii works with letting potential renters know which are and are not available
 - Letting aid workers get housing vouchers
 - Legal contact
 - Seeing if they could house someone who wasn't appropriate for the community

Health

- CVS
 - Has a disaster relief page
 - Access to health
 - Deploy generators
 - During Harvey stores weren't operational because they were flooded
 - People needed immunization, medicine, access to care
 - Created pop-up pharmacies
 - Field office
 - Established mobile drug office
 - Don't really need the shell of a pharmacy only want what's inside

Energy

- Power (Grid)
 - If the grid is obliterated
 - Need to manage expectations
 - Need to get into the area
 - Need smooth and quick logistics
- Temporary Power
- Fuel

Analyze and Synthesize

- Themes
 - Point of discussion was identifying sources of out of the box thinkers
 - Government orientation is managing and control
 - Need to be aware at all times
 - Oversight needs to be useful not scratching an itch
 - Tendency to assume custodial responsibility
 - Think that most resources and actions are inherently government
 - Not true
 - Emergency responsibilities not constitutionally rooted in government apparently
 - Only thing is police
 - Tendency for government asking what we can do directly to address the need
 - Think laterally
 - Need to set conditions first
 - Maybe remove the term management from emergency management
 - Events that are happening are emergent
 - EM is not good at that, or recognizing and supporting it
 - Non-profits assume that government don't have any resources and will go ahead with their operations and wait for government to catch up
 - Opportunities to be creative and leverage our technologies

- You can't expect Private-Public partnerships to get to you, it's a trust
- Florida
 - During Pulse nightclub shooting
 - Jetblue, Uber, Airbnb, and others came in unsolicited asking how they could help
 - Think outside the box, because the private sector will act quickly
 - Think of mass shootings in tourism areas and add to list of possible scenarios
- Policy Implications/Opportunities
- Tangible follow-up actions

**Legislative Committee
October 29, 2019**

Meeting Summary

Welcome and Introductions

Arkansas state director and chair of the Legislative Committee A.J. Gary welcomed the directors on the committee and those who attended the meeting.

Counter-UAS Legislation

DHS Acting Assistant Deputy Secretary for Intergovernmental Affairs Brian Hyer provided updates to the committee on interagency work to strengthen coordination and provide additional guidance to state, local, tribal, and territorial (SLTT) governments on drone usage for emergency management and public safety. These updates include DHS and the FAA collaborating on a joint roadmap for coordination and developing guidance for SLTT governments, as well as developing a national unified response at a core 30 airports and creating a joint vulnerability assessment for airports' use. The federal interagency is committed to trying to use existing processes where possible rather than develop entirely new ones. There is a new toolkit and additional resources available [online here](#).

North Carolina Office of Recovery and Resiliency

North Carolina Department of Public Safety Assistant General Counsel Will Polk presented to the committee on the creation of the North Carolina Office of Recovery and Resiliency (NCORR). NCORR manages CDBG-DR grant funding and implementation for the state. The office was developed legislatively in 2018 to create an office devoted to building long-term resiliency in the state because of challenges with CDBG-DR implementation. The statute requires positions be time-limited, but NCORR expects that that will be updated to make positions permanent so as not to lose valuable staff expertise in the expectation that there will continue to be disasters in North Carolina. The legislation creating NCORR is [Session Law 2018-136](#).

Consideration of PET AID Act

Rep. Dina Titus (D-NV) developed draft language requiring FEMA grantees receiving support for animal assistance record and report the number of animals taken in and species, age, and circumstances of arrival for each animal. These records will then be maintained for three years. The committee considered the language of the bill and had several questions:

- What is the driving force behind the legislation and what constitutes an animal species that must be recorded?
- Would voluntary organizations not federally funded for disaster work be exempt from this requirement?
- Could a state's reputation be harmed if the euthanasia rate for animals is deemed "too high?"

Additional comments on the language noted that some states do not have the authority to mandate such reporting from voluntary organizations and that it is already challenging to provide and maintain records of this detail on humans in disasters, let alone those of animals. The committee directed NEMA staff to remain engaged with the Congresswoman's staff, address concerns raised in the above questions, and at a minimum press for the completion of a FEMA or GAO report to properly scope the problem prior to any new requirements taking effect.

Consideration of H.R. 4358

Rep. John Katko (R-NY) and cosponsors Rep. Joe Cunningham (D-SC) and Rep. Tom Rice (R-SC) introduced legislation in September 2019 requiring FEMA author a report describing the preliminary damage assessment (PDA) process over the past five years and within one year establish a cadre of full-time employees to conduct PDAs with direction to “serve as the liaison between the Agency, State, and local governments.” Due to time constraints, consideration of this legislation was limited but initial concerns were noted, and South Carolina state representatives are planning to follow-up with the co-sponsoring representatives from South Carolina regarding their concerns about the bill in greater detail. Subsequent information will be provided to the committee.