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111TH CONGRESS }
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SENATE

{ REPORT
111-291

REDUNDANCY ELIMINATION AND
ENHANCED PERFORMANCE FOR
PREPAREDNESS GRANTS ACT

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

H.R. 3980

TO PROVIDE FOR IDENTIFYING AND ELIMINATING REDUNDANT
REPORTING REQUIREMENTS AND DEVELOPING MEANINGFUL
PERFORMANCE METRICS FOR HOMELAND SECURITY PREPARED-
NESS GRANTS, AND FOR OTHER PURPOSES



SEPTEMBER 16, 2010.—Ordered to be printed

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SEPTEMBER 16, 2010.—Ordered to be printed

Mr. LIEBERMAN, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany H.R. 3980]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (H.R. 3980) to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill do pass.

I. PURPOSE AND SUMMARY

For years, the Federal Emergency Management Agency (FEMA) has struggled to establish a system for determining the effectiveness of the billions of dollars it gives to state, local, and tribal governments to help them prepare for natural disasters, acts of terrorism and other man-made disasters. Such a system is essential to ensure that the taxpayers' money is being used wisely and effectively. H.R. 3980 would address this problem by requiring the FEMA Administrator to submit a plan to Congress for developing performance measures for its preparedness grants and to periodically report to Congress on the implementation of these measures. It also would direct the Administrator to submit a plan to streamline the grant process by eliminating duplicative reporting requirements for grant recipients.

II. BACKGROUND AND NEED FOR THE LEGISLATION

Each year, FEMA awards approximately \$4 billion in grants to state, local, and tribal agencies and other organizations to

strengthen national preparedness. Nearly half of this funding is directed at two programs—the Urban Areas Security Initiative (UASI) and the State Homeland Security Grant Program (SHSGP)—which together provide the primary assistance to state, local, and tribal governments for preventing, preparing for, protecting against, and responding to acts of terrorism. H.R. 3980 addresses two persistent concerns about these and other grant programs: that FEMA has not yet developed a system for measuring the effectiveness of its grants and that in administering them, FEMA unnecessarily burdens state, local, and tribal governments by requiring them to submit duplicative information.

Both the Post-Katrina Emergency Management Reform Act of 2006 (Post-Katrina Act)¹ and the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Commission Recommendations Act)² require FEMA to develop objective performance measures for the grant programs it administers. Specifically, the Post-Katrina Act requires FEMA to establish a comprehensive assessment system for evaluating the nation’s capabilities and overall preparedness and specifies that the system must include “clear and quantifiable performance measures, metrics, and outcomes.”³ FEMA must also report on such measures, metrics and outcomes annually to Congress, as part of a broader yearly assessment and report the Act mandates on the nation’s overall level of preparedness for natural disasters, acts of terrorism and other man-made disasters.⁴ The 9/11 Commission Recommendations Act reiterates the requirement that the Administrator use performance metrics in accordance with the comprehensive assessment system and further requires that states and high-risk urban areas receiving grants from FEMA use exercises to test their progress against such metrics.

Four years after the passage of the Post-Katrina Act and three years after the 9/11 Commission Recommendations Act, FEMA has yet to implement a comprehensive assessment system or to develop associated performance measures. Even more troubling, according to the Government Accountability Office (GAO), FEMA continues to face problems collecting the data necessary to do so.⁵

FEMA’s various efforts at measuring performance have fared poorly, and none has resulted in an objective method for evaluating preparedness. This year, FEMA cancelled one of its most prominent efforts, the Cost-to-Capabilities initiative, which was intended to track and measure the impact of its homeland security grant programs. Between 2008 and 2010, FEMA spent \$7 million on the initiative before discontinuing it in the face of criticism, such as that it relied on subjective, self-reported assessments to gauge performance.⁶ More broadly, GAO reports that between fiscal year

¹ P.L. 109–295, title VI; 120 Stat. 1394.

² P.L. 110–53, 121 Stat. 266.

³ P.L. 109–295, section 649 (codified at 6 U.S.C. § 749).

⁴ P.L. 109–295, section 652 (codified at 6 U.S.C. § 752, as amended by section 103 of the 9/11 Commission Recommendations Act).

⁵ GAO, “FEMA’s Efforts to Develop and Implement a System to Assess National Preparedness Capabilities,” 2nd Quarterly Briefing for Congressional Requesters, July 8, 2010 (briefing materials provided to Committee staff).

⁶ GAO, “FEMA’s Efforts to Develop and Implement a Framework to Assess National Preparedness Capabilities,” 1st Quarterly Briefing for Congressional Requesters, March 29, 2010. For a discussion of some of the concerns about the Cost-to-Capabilities initiative, see “Preparedness: What Has \$29 Billion in Homeland Security Grants Bought and How Do We Know,” a hearing before the Subcommittee on Emergency Communications, Preparedness and Response, Com-

2008 and fiscal year 2010 FEMA budgeted approximately \$58 million to develop and implement seven evaluation efforts, including the comprehensive assessment system.⁷ Despite this spending, FEMA still cannot provide basic information on the effectiveness of the preparedness grants or track with any precision what recipients have used the grants to fund. Such information is essential for the nation to understand how well prepared we are, where our preparedness is lacking, and how best to allocate our resources.

Complaints from grant recipients about redundant reporting requirements have also troubled FEMA's grant programs, including concerns that FEMA requires recipients to supply similar information for each individual grant program. In August 2009, FEMA created a Reporting Requirements Working Group to address this issue and reduce unnecessary data collection and reporting requests across the numerous grants that FEMA administers. Over the course of several months, the Working Group identified all FEMA reporting requirements and noted opportunities for consolidation and elimination. It found 988 data reporting requirements and identified 376 that appeared duplicative or unnecessary. However, FEMA disbanded the Working Group in June 2010 before it could issue any specific recommendations.⁸

H.R. 3980 is intended to help ensure that FEMA effectively carries out the mandates in the Post-Katrina Act and 9/11 Commission Recommendations Act to develop and implement performance measures for its preparedness grant programs and that the agency follows up on the largely completed work of the Reporting Requirements Working Group in order to identify and eliminate redundant reporting requirements. The bill would require the FEMA Administrator to submit promptly to Congress plans and timetables for measuring the effectiveness of UASI and SHSGP grants, as well as any other grant programs that the Administrator specifies, and for identifying and eliminating redundant reporting requirements. The FEMA Administrator would then have to submit periodic reports on the agency's progress in implementing these plans.

H.R. 3980 would also require the FEMA Administrator to enter into a contract with the National Academy of Public Administration (NAPA) for assistance in developing and implementing performance measures for grant programs administered by the Department of Homeland Security. NAPA, a congressionally chartered nonprofit organization that provides assistance to government agencies in addressing a range of management and other challenges, has extensive experience working on performance measurement. Among other things, it previously hosted the Performance Consortium, which was created to assist federal managers improve government performance. NAPA is also able to supplement the expertise of its network of over 600 fellows by consulting with outside experts where necessary. In this case, the Committee encourages NAPA to consider involving others with particular expertise in building homeland security capabilities.

mittee on Homeland Security of the House of Representatives, October 27, 2009. There is no indication that FEMA leadership made any effort to improve the system, which was reportedly being used to collect at least some useful information, before abandoning it.

⁷GAO, FEMA's Efforts to Develop and Implement a Framework to Assess National Preparedness Capabilities, 1st Quarterly Briefing for Congressional Requesters, March 29, 2010.

⁸GAO, FEMA's Efforts to Develop and Implement a System to Assess National Preparedness Capabilities, 2nd Quarterly Briefing for Congressional Requesters, July 8, 2010.

The Committee anticipates that FEMA would use its existing management and administration funds in support of the required contract with NAPA. The Fiscal Year 2010 Department of Homeland Security Appropriations Act allows FEMA to use four percent of the funding for its state and local programs for program management.⁹ However, if these funds prove insufficient, H.R. 3980 also would authorize funding through a separate appropriation.

III. LEGISLATIVE HISTORY

Representative Henry Cuellar introduced H.R. 3980 in the House of Representatives on November 2, 2009. The House passed H.R. 3980 on December 2, 2009 by a vote of 414–0.

On December 3, 2009, H.R. 3980 was received by the Senate and referred to the Committee on Homeland Security and Governmental Affairs. On July 28, 2010, the Committee considered the measure, and Senator Lieberman offered an amendment in the nature of a substitute, which was adopted by voice vote. The amendment largely made clarifying and organizational changes to the House bill. It also added the requirement that the FEMA Administrator enter into a contract with NAPA for assistance in developing and implementing performance measures. The Committee adopted the bill as amended by voice vote and ordered it favorably reported to the Senate. Members present for the vote on the substitute amendment and the vote on the bill as amended were Senators Lieberman, Levin, Akaka, Carper, Pryor, Landrieu, McCaskill, Tester, Kaufman, Collins, and McCain.

IV. SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides the bill’s short title, the Redundancy Elimination and Enhanced Performance for Preparedness Grants Act.

Section 2. Identification of reporting redundancies and development of performance metrics for Homeland Security preparedness grant programs

This section adds a new section 2023 to Title XX of the Homeland Security Act (6 U.S.C. 601 *et seq.*), consisting of the following subsections:

Subsection (a) defines “covered grants” to include grants awarded under section 2003 (UASI) and section 2004 (SHSGP) of the Homeland Security Act, as well as any other grants specified by the Administrator. The Administrator has discretion to assess or report on grants other than just UASI and SHSGP, as the evaluation of redundancy or grant effectiveness may make more sense when looked at across grants than when individual grant programs are examined in isolation.

Subsection (b) requires the FEMA Administrator to submit an initial report to Congress within 90 days of the enactment of H.R. 3980 that identifies redundant grant reporting requirements. The Committee anticipates that FEMA has already gathered, but not released, much of the required information as part of the work of the Reporting Requirements Working Group. The initial report

⁹P.L. 111–83.

must also provide specific timetables for the elimination of these redundant requirements as well as for promptly developing quantifiable performance measures and metrics for assessing the effectiveness of the covered grants.

Subsection (c) requires that no later than one year after enactment and every two years thereafter, the Administrator must submit to Congress a grants management report on FEMA's progress in implementing its plans to eliminate redundant reporting requirements and develop grants performance measures, including meeting the timetables. The subsection also requires that FEMA include in this biennial report an overall assessment of the covered grant programs, including recommendations for modifications to improve the effectiveness of the programs or to address changed or emerging conditions.

Subsection (d) requires the FEMA Administrator to enter into a contract with the National Academy of Public Administration (NAPA) within 30 days of enactment of H.R. 3980 for assistance in studying, developing and implementing performance measures for grants the Department of Homeland Security administers. Requiring the involvement of NAPA is intended to bring a practical expertise in performance measurement to the process, to assist the Administrator in establishing quantifiable assessment tools across the Department's grant programs and to help ensure that the previously enacted mandate to develop performance metrics will now be met. The Administrator must submit a report to Congress that describes the findings and recommendations of NAPA's work within one year of entering the contract.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact. The Congressional Budget Office states that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

AUGUST 4, 2010.

Hon. JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3980, the Redundancy Elimination and Enhanced Performance for Preparedness Grants Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Daniel Hoople.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 3980—Redundancy Elimination and Enhanced Performance for Preparedness Grants Act

H.R. 3980 would authorize the appropriation of whatever amounts are necessary for the Federal Emergency Management Agency (FEMA) to develop plans to eliminate redundant rules, regulations, and reporting requirements for certain grant programs, including the State Homeland Security Grant Program and the Urban Area Security Initiative, and to develop performance metrics to assess the effectiveness of those programs. Under the legislation FEMA would submit an initial report to the Congress no later than 90 days after enactment and would provide status updates within one year of transmission and every two years thereafter. The act also would direct FEMA to enter into an agreement with the National Academy of Public Administration to review the implementation of the plans required under this act and to provide recommendations to the Congress after one year.

Based on the cost of similar requirements, CBO estimates that implementing H.R. 3980 would have a negligible impact on federal spending over the next five years; any additional spending would be subject to the availability of appropriated funds. Enacting this legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 3980 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On November 19, 2009, CBO transmitted a cost estimate for H.R. 3980 as ordered reported by the House Committee on Homeland Security on November 17, 2009. The two versions of the legislation and their estimated costs are similar.

The CBO staff contact for this estimate is Daniel Hoople. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

VII. CHANGES TO EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 3267 as reported are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in *italics*, and existing law in which no change is proposed is shown in *roman*):

TITLE 6—DOMESTIC SECURITY

CHAPTER 1—HOMELAND SECURITY ORGANIZATION

Subchapter XV—Homeland Security Grants

PART B—GRANTS ADMINISTRATION

SEC. XXX. IDENTIFICATION OF REPORTING REDUNDANCIES AND DEVELOPMENT OF PERFORMANCE METRICS.

(a) *DEFINITION.*—*In this section, the term ‘covered grants’ means grants awarded under section 2003, grants awarded under section 2004, and any other grants specified by the Administrator.*

(b) *INITIAL REPORT.*—*Not later than 90 days after the date of enactment of the Redundancy Elimination and Enhanced Performance*

for Preparedness Grants Act, the Administrator shall submit to the appropriate committees of Congress a report that includes—

(1) an assessment of redundant reporting requirements imposed by the Administrator on State, local, and tribal governments in connection with the awarding of grants, including—

(A) a list of each discrete item of data requested by the Administrator from grant recipients as part of the process of administering covered grants;

(B) identification of the items of data from the list described in subparagraph (A) that are required to be submitted by grant recipients on multiple occasions or to multiple systems; and

(C) identification of the items of data from the list described in subparagraph (A) that are not necessary to be collected in order for the Administrator to effectively and efficiently administer the programs under which covered grants are awarded;

(2) a plan, including a specific timetable, for eliminating any redundant and unnecessary reporting requirements identified under paragraph (1); and

(3) a plan, including a specific timetable, for promptly developing a set of quantifiable performance measures and metrics to assess the effectiveness of the programs under which covered grants are awarded.

(c) *BIENNIAL REPORTS.*—Not later than 1 year after the date on which the initial report is required to be submitted under subsection (b), and once every 2 years thereafter, the Administrator shall submit to the appropriate committees of Congress a grants management report that includes—

(1) the status of efforts to eliminate redundant and unnecessary reporting requirements imposed on grant recipients, including—

(A) progress made in implementing the plan required under subsection (b)(2);

(B) a reassessment of the reporting requirements to identify and eliminate redundant and unnecessary requirements;

(2) the status of efforts to develop quantifiable performance measures and metrics to assess the effectiveness of the programs under which the covered grants are awarded, including—

(A) progress made in implementing the plan required under subsection (b)(3);

(B) progress made in developing and implementing additional performance metrics and measures for grants, including as part of the comprehensive assessment system required under section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749); and

(3) a performance assessment of each program under which the covered grants are awarded, including—

(A) a description of the objectives and goals of the program;

(B) an assessment of the extent to which the objectives and goals described in subparagraph (A) have been met, based on the quantifiable performance measures and metrics required under this section, section 2022(a)(4), and

section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749);

(C) recommendations for any program modifications to improve the effectiveness of the program, to address changed or emerging conditions; and

(D) an assessment of the experience of recipients of covered grants, including the availability of clear and accurate information, the timeliness of reviews and awards, and the provision of technical assistance, and recommendations for improving that experience.

(d) GRANTS PROGRAM MEASUREMENT STUDY.—

(1) IN GENERAL.—Not later than 30 days after the enactment of Redundancy Elimination and Enhanced Performance for Preparedness Grants Act, the Administrator shall enter into a contract with the National Academy of Public Administration under which the National Academy of Public Administration shall assist the Administrator in studying, developing, and implementing—

(A) quantifiable performance measures and metrics to assess the effectiveness of grants administered by the Department, as required under this section and section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749); and

(B) the plan required under subsection (b)(3).

(2) REPORT.—Not later than 1 year after the date on which the contract described in paragraph (1) is awarded, the Administrator shall submit to the appropriate committees of Congress a report that describes the findings and recommendations of the study conducted under paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this subsection.