

**NATIONAL GOVERNORS ASSOCIATION  
NATIONAL CONFERENCE OF STATE LEGISLATURES  
NATIONAL LEAGUE OF CITIES  
THE UNITED STATES CONFERENCE OF MAYORS  
NATIONAL ASSOCIATION OF COUNTIES  
COUNCIL OF STATE GOVERNMENTS  
INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION**

November 3, 2009

The Honorable Janet Napolitano  
Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Secretary Napolitano,

As national organizations representing thousands of state and local elected and appointed officials, we collectively urge the Department of Homeland Security to reconsider its recent policy announcement restricting the use of preparedness grant funding for the sustainment of critical homeland security and emergency management capabilities. We strongly believe that this policy change will ultimately lead to the loss or weakening of critical homeland security capabilities across the country.

On September 22, 2009, the Federal Emergency Management Agency's (FEMA) Grant Programs Directorate (GPD) sent an e-mail clarification to states and other recipients of Homeland Security Grant Program (HSGP) funds. The e-mail stated that grantees may only use these grant funds to pay for "maintenance agreements, user fees, and other sustainment costs as long as the equipment was purchased with FEMA preparedness grant funding and the sustainment costs fall within the performance period of the grant that was used to purchase the equipment." While FEMA has said that this is not a change in policy, the clarification is contrary to previous practices.

States and local governments utilize HSGP funds to purchase technologically-advanced equipment, such as Weapons of Mass Destruction detection devices, interoperable communications, advanced cyber security and information sharing tools, and personal protective equipment. As with most cutting-edge technology, these crucial tools often require expensive annual maintenance and must be recalibrated and upgraded to ensure reliability.

HSGP is intended to serve as the "primary funding mechanism for building and sustaining national preparedness capabilities." Contrary to that purpose, this policy will harm state, local, and tribal governments' ability to use FEMA preparedness grants to strengthen and maintain critical homeland security capabilities. This will substantially weaken the overall preparedness and response capabilities of our first responders, and potentially encourage wasteful grant spending on new equipment when maintenance and upgrades may be an alternative.

Federal, state and local governments have invested billions of dollars to prepare for and respond to all hazard threats—whether they are acts of terrorism or natural disasters. While state and local governments will always assume the role of first responders in ensuring the safety of our communities, a federal partnership is required to maintain these critical systems. FEMA’s policy guarantees many state and local public safety agencies across the nation will not be able to maintain homeland security capabilities they have built since the HSGP’s inception. Therefore, we strongly urge you to revise the policy regarding the use of grant funds for sustainment to provide the flexibility needed to ensure that these investments are not lost.

Sincerely,



Raymond C. Scheppach  
Executive Director  
National Governors Association



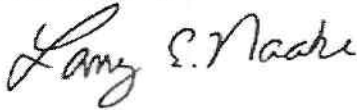
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cc:

The Honorable Craig Fugate, Administrator, Federal Emergency Management Agency,  
Department of Homeland Security

The Honorable Peter Orszag, Director, Office of Management and Budget

John Brennan, Assistant to the President for Homeland Security and Counterterrorism