TO: Alameda County Undersheriff, Rich Lucia
FROM: Bay Area UASI General Manager, Craig Dziedzic
RE: UASI Grant Requirements of Department Of Homeland Security (DHS)

Does the adoption of the Ad Hoc Recommendations conflict with the grant requirements of DHS?

I.

If Adopted, The Ad Hoc Recommendations Will Have No Merit Because Alameda County Board of Supervisors Has No Standing To Revise The UASI Annual Regional Training and Exercise Program Without The Consensus Of The Bay Area UASI Approval Authority.

The UASI program requires an Urban Area Working Group (UAWG) who is responsible for coordinating the development and implementation of all program initiatives (FY 2018 NOFO, p. 55). The UAWG must ensure that applications for funding under the UASI program support closing capability gaps or sustaining capabilities identified in the Urban Area THIRA and SPR. (Id.).

The UASI Master MOU sets forth the creation, purpose, and membership of the UAWG, which is the Bay Area UASI Approval Authority (UASI Master MOU, p.1). The Approval Authority coordinates development and implementation of all grant projects, programs and initiatives, and ensures compliance with grant program requirements. (UASI By-Laws, p.1). The purpose of the Approval Authority is to provide effective direction and governance for grant programs under the jurisdiction of the Approval Authority, and coordinate a regional approach to prevention, protection, mitigation, response, and recovery to homeland security threats and hazards in accordance with DHS grant guidelines (UASI Master MOU, p.2).

II.

Adoption Of The Recommendations Voids The Pending Agreement Between The Fiscal Agent And The County Of Alameda.

Attachment A of the pending Agreement, dated November 1, 2018), between the fiscal agent (San Francisco) and Alameda County encompasses specific tasks for the annual regional training and
exercise program, including overall direction, assistance, and oversight of the Urban Shield regional exercise as approved by the Approval Authority. The document precludes a modification except by written agreement (Agreement, Article 10). Additionally, Attachment B of the agreement (grant assurances) mandates Alameda obligation to comply with the grant requirements of DHS. A revision of the regional training and exercise program will require an approval from the Bay Area UASI Approval Authority and an amendment to the document.

GRANT REQUIREMENTS OF DHS
(2018 Notice of Funding Opportunity - “NOFO”)

THIRA/SPR

FY 2018 UASI NOFO mandates a Threat and Hazard Identification and Risk Assessment Report (THIRA) and a Stakeholder Preparedness Report (SPR) to be produced annually (FY 2018 NOFO, p.3).

FEMA HQ program analysts use a checklist to verify compliance with all administrative and eligibility criteria identified in the NOFO. Grant recipients must be able to demonstrate how investments support closing capability gaps or sustaining capabilities identified in the THIRA/SPR process. Grant recipients are required to submit information on how they use grant funds in real-world incident operations (Id. p. 23).

EXERCISES

Pursuant to the NOFO, all grant recipients will develop and maintain a “progressive multi-year exercise program” consistent with The Homeland Security Exercise and Evaluation Program (HSEEP). A “progressive multi-year exercise program” is a series of increasingly complex exercises linked to a set of common program priorities with each exercise building upon the previous one until proficiency is achieved (Id. p. 46). Exercises conducted with grant funding should be managed and conducted consistent with HSEEP (Id. p. 70).

III. GRANT VIOLATIONS

1. An Elimination Of SWAT Team Participation From UASI-Funded Training Exercises Precludes The Bay Area UASI To Fully Produce A THIRA And SPR As Mandated By The UASI Grant (recommendations 34-36).

Pursuant to the 2019 Bay Area UASI Risk Management Program, the THIRA/SPR will be addressing the core capabilities for prevention, protection, and mitigation. “Interdiction & disruption” is a core capability under protection, which supports tactical counterterrorism operations across (#) square(s) mile(s) within (#) of minutes. To produce the THIRA/SPR, SWAT team participation in the UASI exercise program is needed in order to address this core capability.
2. The Ad Hoc Recommendations fail to address HSEEP compliance regarding UASI funded exercises (recommendations 4-13; 20-21).

The NOFO requires all grant funded exercises to be consistent with HSEEP, which provides a set of guiding principles for exercise programs, as well as a common approach to exercise program management, design and development, conduct, evaluation, and improvement planning.

3. Prioritizing UASI's Funded Activities According to the Likelihood and Severity of Respective Disasters With Special Attention to Risks From Earthquakes and Fires and the Mass Displacement Of People Contradicts the Underlying Purpose of the UASI Grant (recommendation 6).

The purpose of the UASI program is to assist high-threat, hi-density Urban Areas in efforts to build, sustain, and deliver the capabilities necessary to prevent, protect against, mitigate, respond to, and recover from acts of terrorism (Id. p. 2).

IV. Consequences for Violating the Grant Requirements of DHS

The Department of Homeland Security (DHS) Office of Inspector General (OIG) is required to audit individual states' and territories' management of State Homeland Security Program and Urban Areas Security grants (Public Law 110-53). Audit objectives address whether a jurisdiction administered, and spent HSGP funds, including SHSP and UASI funds, strategically, effectively, and in compliance with laws, regulations, and guidance. Failure to do so could result in a disallowance of expenditure and a request for a repayment of funds. (OIG'S Audit of Ohio's Management of Homeland Security Grant Program).