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DHS Needs to Improve Grant Guidance for Public Safety Communications Equipment



Homeland
Security

August 11, 2015
OIG-15-124



DHS OIG HIGHLIGHTS

DHS Needs to Improve Grant Guidance for Public Safety Communications Equipment

August 11, 2015

Why We Did This

Members of the House Committee on Energy and Commerce requested this audit to determine whether the Department of Homeland Security (DHS) provides grant guidance over the acquisition of public safety communications equipment that promotes interoperability.

What We Recommend

We made two recommendations to DHS and FEMA to develop grant guidance that contains requirements-based language to ensure that DHS funds are used to purchase interoperable equipment.

For Further Information:

Contact our Office of Public Affairs at (202) 254-4100, or email us at

DHS-OIG.OfficePublicAffairs@oig.dhs.gov

What We Found

DHS provides grant guidance over the acquisition of public safety communication equipment. However, the guidance the Office of Emergency Communications and the Federal Emergency Management Agency (FEMA) issued is unclear, inconsistent, and does not prevent grantees from purchasing non-interoperable communications equipment.

The Office of Emergency Communications, within the National Protection and Programs Directorate, develops the National Emergency Communications Plan and the SAFECOM Guidance; however, neither document dictates specific requirements when purchasing emergency communications equipment. FEMA's grant guidance also does not specify interoperability requirements.

Without clear and consistent DHS grant guidance requiring interoperability, grantees could spend Federal funds for non-interoperable communications equipment purchases. Without interoperable emergency communications equipment, the lives of first responders and those of whom they are trying to assist may be at risk.

DHS Response

The Department concurred with both recommendations.



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August 11, 2015

MEMORANDUM FOR: The Honorable Russell C. Deyo
Under Secretary for Management
Department of Homeland Security

FROM: John Roth 
Inspector General

SUBJECT: *DHS Needs to Improve Grant Guidance for Public Safety
Communications Equipment*

For your action is our final report, *DHS Needs to Improve Grant Guidance for Public Safety Communications Equipment*. We incorporated the formal comments provided by your office.

The report contains two recommendations aimed at improving grant guidance for interoperable emergency communications equipment. Your office concurred with both recommendations. Based on information provided in your response to the draft report, we consider recommendation 1 resolved and open and recommendation 2 resolved and closed. Once your office has fully implemented recommendation 1, please submit a formal closeout letter to us within 30 days so that we may close the recommendation. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions and of the disposition of any monetary amounts. No further reporting is necessary for recommendation 2.

Please send your response or closure request to OIGAuditsFollowup@oig.dhs.gov.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please call me with any questions, or your staff may contact Mark Bell, Assistant Inspector General for Audits, at (202) 254-4100.



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Background

After 9/11, heightened congressional concerns resulted in legislation intended to improve the interoperability of emergency communications equipment. Congress mandated that new or upgraded emergency communications equipment must be interoperable and meet certain interoperability standards.

Interoperability is the ability of emergency responders and relevant government agencies to communicate as needed in real time.

Figure 1: Examples of First Responders Using Radios for Communication



Source: Motorola Solutions (top left) and Federal Emergency Management Agency (FEMA)

Telecommunication committees and Federal, state, and local representatives collaborated to develop standards, known as P25, to improve equipment interoperability. These standards provide a heightened level of assurance that equipment purchased will better achieve interoperability regardless of the equipment manufacturer.



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Department of Homeland Security

National Protection and Programs Directorate

Within the National Protection and Programs Directorate, the Office of Emergency Communications (OEC) is responsible for leading the development and implementation of national interoperable communications capabilities. OEC provides guidance, training, coordination, and tools to assist governmental and industry partners in developing their emergency communications capabilities. Legislation mandates that OEC, in cooperation with various governmental and industry stakeholders, develop and periodically update the *National Emergency Communications Plan*. The Plan provides the Nation's strategic goals and objectives for emergency communications. The Plan also references *SAFECOM Guidance on Emergency Communications Grants* (SAFECOM Guidance), which provides general and technical information annually to Federal grantees for emergency communications projects.¹

FEMA's Grant Programs Directorate

FEMA's Grant Programs Directorate administers and manages FEMA grant programs. In fiscal year (FY) 2014, FEMA managed eight grant programs that fund interoperable communications projects to ensure critical and measurable results for customers and stakeholders. FEMA issues grant guidance in the form of Funding Opportunity Announcements and grant award packages that include DHS Standard Terms and Conditions directing grantees to follow the SAFECOM Guidance.

Members of the House Committee on Energy and Commerce requested this audit to determine whether state and local agencies may be using DHS grant funds to purchase non-interoperable emergency communications equipment.

Radio Use during the 2013 Boston Marathon Bombing Incident

- **Best Practice** — State Police and the Massachusetts Emergency Management Agency created a “super patch” enabling six radio systems to communicate seamlessly.
- **Improvement Area** — Some Special Weapons and Tactics (SWAT) teams experienced problems trying to communicate between teams because they were using radios that did not have required interoperable channels programmed.

Source: After Action Report for the Response to the 2013 Boston Marathon Bombings, (Multiple Agencies, December 2014).

January 2015 Washington, DC, METRO Station Incident

Emergency responders experienced interoperable communication problems during a Metro station incident. Fire Department communications worked sporadically, and rescue teams had to use cell phones and other means to communicate with responders when radios failed to operate.

Source: Initial District of Columbia Report on the L'Enfant Plaza Metro Station Incident on January 12, 2015 (Washington, DC, Homeland Security and Emergency Management Agency, January 23, 2015).

¹ OEC issues annual SAFECOM Guidance in collaboration with Federal agency partners, the SAFECOM Executive Committee, and Emergency Response Council members.



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Department of Homeland Security

Results of Audit

DHS provides grant guidance over the acquisition of emergency communications equipment; however, the guidance OEC and FEMA issued does not prevent grantees from purchasing non-interoperable equipment. OEC's National Emergency Communications Plan provides nationwide strategic goals and objectives that broadly promote interoperability but does not dictate requirements for grantees when purchasing emergency communications equipment. Instead, the Plan references SAFECOM Guidance, which provides general guidance and best practices. Even though SAFECOM Guidance encourages grantees to purchase interoperable communications equipment, it does not include requirements for the purchases.

FEMA's grant guidance also does not contain specific interoperability requirements; rather, it directs grantees to follow SAFECOM Guidance. FEMA relies on OEC to develop SAFECOM Guidance to assist grantees in making interoperable purchases. Additionally, the language in FEMA's guidance is inconsistent in how it directs grantees to follow SAFECOM Guidance. As a result, DHS could potentially use grant funds to purchase non-interoperable communications equipment. Without interoperable communications equipment, first responders could be hindered if they cannot communicate effectively during an emergency.

DHS Guidance Does Not Require Interoperability

DHS Guidance frequently references interoperability, yet it does not clearly prohibit the purchase of non-interoperable communications equipment. In 2007, Congress established an emergency communication grant program to enhance interoperable communications within and between the Federal and state governments.² Additionally, in FY 2014, eight grant programs were used to fund interoperable communications equipment. As shown in figure 2, a gap exists with DHS grant guidance because the documents do not contain clear requirements grantees must follow.

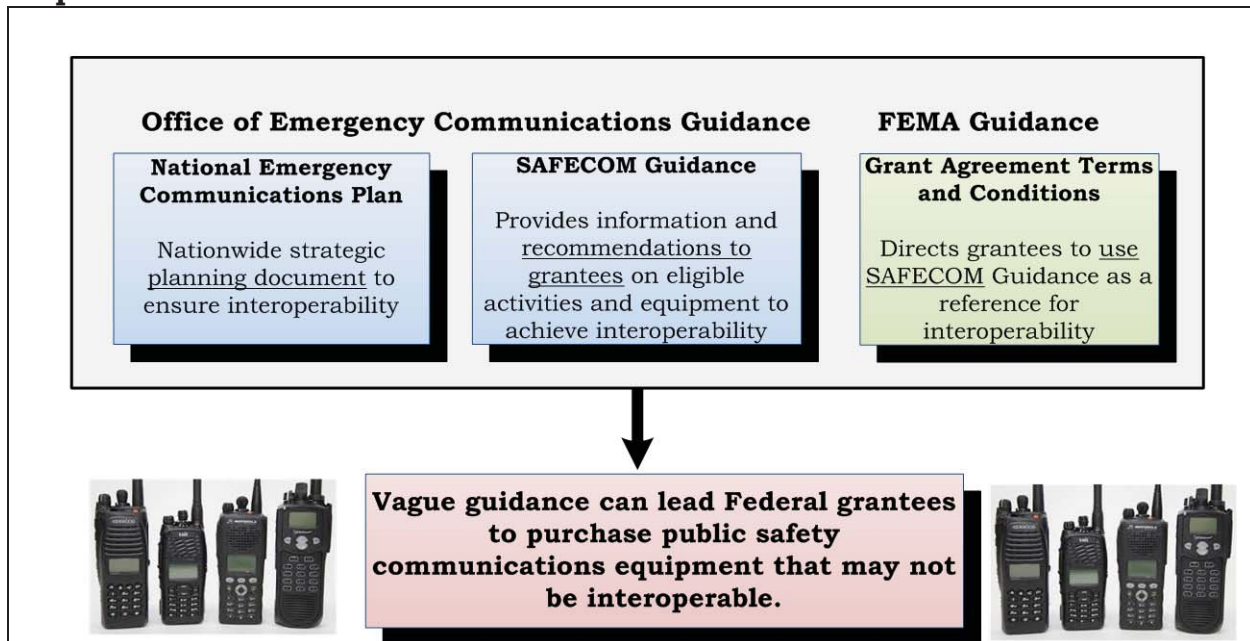
² The Interoperable Emergency Communications Grant program was funded in FYs 2008, 2009, and 2010.



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Department of Homeland Security

Figure 2: DHS Guidance Does Not Contain Specific Interoperability Requirements



Source: Office of Inspector General analysis of DHS guidance

OEC Guidance

Although OEC develops the *National Emergency Communications Plan*, a nationwide strategic planning document, the Plan does not contain detailed requirements for grantees to achieve interoperability. Federal law mandates OEC to develop and periodically update the Plan.³ The Plan has national goals, objectives, and recommendations for emergency responders to ensure interoperable communications. The Plan does not contain specific requirements for grantees to achieve interoperability. OEC officials explained that they recognize the Plan is a high-level, strategic document and SAFECOM Guidance is a more detailed source of information for grantees.

SAFECOM Guidance provides information to grantees on eligible activities and equipment for grantees to facilitate interoperability, but it does not contain requirements-based language. SAFECOM Guidance makes recommendations that encourage the purchase of emergency communications equipment that meets interoperability standards. Some examples of recommendation language in the SAFECOM Guidance include:

- Grantees **should purchase** standards-based and advanced technologies;
- Agencies **should obtain** documented evidence from the equipment manufacturer that it is P25 compliant; and

³ 6 United States Code (USC) § 572
www.oig.dhs.gov



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

- If grantees are purchasing equipment that does not align with P25 standards, grantees **should submit** a written justification.

OEC officials explained that they do not have the legislative authority to mandate the requirements in the SAFECOM Guidance or issue additional requirements-based guidance. Federal agency partners and advisory committees coordinate to develop SAFECOM Guidance, which is only advisory in nature. OEC said FEMA has the responsibility for ensuring grant guidance contains interoperability requirements because it awards DHS grants.

To understand how DHS grantees use SAFECOM Guidance, we interviewed nine Statewide Interoperability Coordinators. Statewide coordinators are the points of contact within each state that ensure grantee's projects align with statewide communication plans and follow SAFECOM Guidance. All statewide coordinators confirmed SAFECOM Guidance is the primary DHS grant guidance they use to advise grantees purchasing interoperable communications equipment. However, five statewide coordinators indicated that the SAFECOM Guidance language was not clear and consistent when describing requirements for compliance with interoperability standards. See appendix B for additional comments from some of the statewide coordinators.

FEMA Guidance

FEMA grant guidance is inconsistent in how it directs grantees to follow SAFECOM Guidance. FEMA's Funding Opportunity Announcements and the grant award packages specify that SAFECOM Guidance is the guidance for grantees to use as a reference for interoperability. FEMA officials explained that they direct grantees to SAFECOM Guidance because OEC is the primary partner to provide interoperability guidance. According to FEMA's FY 2014 Funding Opportunity Announcements, grantees "should comply" with SAFECOM Guidance. However, according to the FEMA FY 2014 DHS Standard Terms and Conditions within its grant award packages, grantees "must comply" with SAFECOM Guidance. FEMA's Grant Programs Directorate agreed the language is inconsistent. Even though FEMA has a multi-level review process of its grant documentation, the inconsistent language remained in the guidance due to an administrative oversight. FEMA officials advised they would correct the language inconsistency in the agency's FY 2015 Funding Opportunity Announcements.

Planned FEMA and OEC Actions

During our audit, FEMA Grant Programs Directorate and OEC signed a Memorandum of Agreement. The agreement's purpose is to ensure that grant guidance for interoperability is coordinated and consistent with the goals and recommendations in the *National Emergency Communications Plan*. The



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

agreement establishes a framework for jointly developing standard operating procedures for coordinating interoperable emergency communications grants. OEC views the agreement as a step toward the development of stronger requirements language within grantee guidance. However, at the time of our fieldwork, FEMA and OEC had not taken steps to address the lack of requirements found in DHS grant guidance.

Conclusion

Without clear and consistent DHS grant guidance requiring interoperability, grantees may spend Federal funds for non-interoperable communications equipment purchases. Grant guidance that is only suggestive and lacks specific requirements may ultimately result in equipment that is ineffective during an emergency. Without effective emergency communications equipment, the lives of first responders and those whom they are trying to assist may be at risk.

Recommendations

Recommendation 1: We recommend that the Under Secretary for Management ensure the Office of Emergency Communications and FEMA develop consistent requirements-based language in grant guidance and grant agreement documents to ensure DHS uses its grant funds to purchase interoperable emergency communications equipment.

Recommendation 2: We recommend that the FEMA Administrator ensure consistency in Public Safety Communications grant guidance between the Funding Opportunity Announcements and the grant award packages, which include the DHS Standard Terms and Conditions.

Management Comments & OIG Analysis

DHS concurred with the recommendations. We have included a copy of the management comments in their entirety in appendix A. DHS also provided technical comments to this report. We made changes to this report to incorporate their comments, where appropriate.

Recommendation #1: Concur. DHS recognizes that SAFECOM Guidance, as a best practices document, cannot require Federal grant recipients to comply with its recommendations. OEC is working with FEMA to include an additional element within the SAFECOM Guidance to which FEMA grant recipients must comply and may be monitored. The DHS Joint Wireless Program Office will evaluate the guidance for technical sufficiency and the Office of the Chief Financial Officer will ensure its inclusion in the FY 2016 SAFECOM Guidance. Additionally, FEMA and OEC will continue to develop standard operating procedures for interoperable emergency communications through the



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Memorandum of Agreement working group. The estimated completion date is April 30, 2016.

OIG Analysis: DHS' proposed actions are responsive to the recommendation. This recommendation is resolved but will remain open until DHS provides a copy of the FY 2016 SAFECOM Guidance and its standard operating procedures for interoperable emergency communications.

Recommendation #2: Concur. FEMA revised the language in Notices of Funding Opportunity for FY 2015 preparedness grant cycle to mandate compliance with SAFECOM Guidance preparedness grants.

OIG Analysis: FEMA's proposed actions are responsive to the recommendation. This recommendation is resolved and closed.

Objective, Scope, and Methodology

The Department of Homeland Security Office of Inspector General was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*. This is one of a series of audit, inspection, and special reports prepared as part of our oversight responsibilities to promote economy, efficiency, and effectiveness within the Department.

We conducted this audit in response to a Congressional request to determine whether DHS provides grant guidance over the acquisition of public safety communications equipment to promote interoperability.

We reviewed Federal and departmental interoperability grant guidance documents and grant awards for FYs 2013 and 2014. We also reviewed Federal and departmental criteria, as well as P25 industry standards for interoperability. Specifically, we reviewed 6 *United States Code*:

- 571 *Office of Emergency Communications*,
- 572 *National Emergency Communications Plan*, and
- 574 *Coordination of Department Emergency Communications Grant Programs*.

We conducted interviews with FEMA Grant Programs Directorate, Science & Technology Directorate Office for Interoperability and Compatibility, and the National Protection and Programs Directorate Office of Emergency Communications to determine their roles and responsibilities in the development and issuance of grant guidance for purchasing emergency communications equipment. We consulted with OIG Counsel to gain a legal



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

opinion on the roles of FEMA and OEC in their responsibility for implementing departmental guidance for interoperability.

We judgmentally selected and interviewed nine Statewide Interoperability Coordinators to determine their use of DHS guidance. We selected the nine states based on the total FEMA grant funding that was eligible for the purchase of interoperable communications equipment during fiscal years 2012–14.⁴ We selected three states that reported the highest amount of grant funds received, three states that reported the lowest amount of grant funds received, and three states in the middle. See table 1 for the interoperability coordinators we interviewed.

Table 1: Statewide Interoperability Coordinators Interviewed

Grant Funding During FY 12-14	HIGH	MIDDLE	LOW
States	California	Connecticut	South Dakota
	New York	Kentucky	Vermont
	Texas	Oregon	Wyoming

Source: OIG analysis of FEMA information

We conducted this performance audit between September 2014 and April 2015 pursuant to the *Inspector General Act of 1978*, as amended, and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based upon our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions.

Office of Audits major contributors to this report are: Donald Bumgardner, Director; Christine Haynes, Audit Manager; Scott Crissey, Program Analyst; Stephen Doran, Auditor; April Evans, Program Analyst; Nick Jathar, Auditor; Kevin Dolloson, Communications Analyst; and Patricia Benson, Independent Reference Reviewer.

⁴ Total funding for grant programs by FY: 2012 - \$1.71 billion, 2013 - \$1.83 billion, 2014 - \$1.62 billion.



OFFICE OF INSPECTOR GENERAL
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Appendix A
DHS Comments to the Draft Report


U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
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July 9, 2015

MEMORANDUM FOR: Mark Bell
Assistant Inspector General for Audits
Office of Inspector General

FROM: Jim H. Crumacker, CIA, CFE 
Director
Departmental GAO-OIG Liaison Office

SUBJECT: Management's Response to OIG Draft Report: "DHS Needs
to Improve Grant Guidance for Public Safety
Communications Equipment"
(Project No. 14-139-AUD-FEMA)

Thank you for the opportunity to review and comment on this draft report. The U.S. Department of Homeland Security (DHS) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

DHS is proud of its leadership role partnering with emergency communications personnel and officials at all levels of government, and leading the nationwide effort to improve emergency communications capabilities. Specifically, the National Protection and Programs Directorate's Office of Emergency Communications (OEC) leads the Nation's operable and interoperable public safety and national security and emergency preparedness (NS/EP) communications efforts. In addition, the Federal Emergency Management Agency's (FEMA) Grant Programs Directorate partners with OEC to ensure that DHS funds are only used to purchase authorized interoperable emergency communications equipment for various preparedness grant programs, as appropriate. DHS is committed, as part of Secretary Jeh Johnson's DHS Unity of Effort Initiative, launched earlier last year, to strengthening linkages between planning, programming, budgeting, and execution processes with its many partners to keep America safe, secure, and resilient.

The draft report contained two recommendations with which the Department concurs. Specifically:

Recommendation 1: That the Under Secretary for Management ensure the Office of Emergency Communications and FEMA develop consistent requirements-based language



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Department of Homeland Security

in grant guidance and grant agreement documents to ensure DHS funds will be used to purchase interoperable emergency communications equipment.

Response: Concur. *SAFECOM Guidance on Emergency Communications Grants (SAFECOM Guidance)*¹, as a best practices document, cannot in and of itself require any Federal grant recipient to comply. However, Fiscal Year (FY) 2015 preparedness grant guidance mandated compliance with the *SAFECOM Guidance*. Standard language was placed in all Notices of Funding Opportunity for the FY 2015 preparedness grant cycle. For example, the FY 2015 Homeland Security Grant Program (HSGP) Notice of Funding Opportunity² included the following language on page 14:

“Recipients (including sub recipients) who receive awards under HSGP that wholly or partially provide funding for emergency communication projects and related activities must comply with the most recent version of the SAFECOM Guidance on Emergency Communications Grants.”

The OEC is working with FEMA’s Grant Programs Directorate to include an additional element within the *SAFECOM Guidance* specific to FEMA grant recipients. This element will outline the grant recipient requirements relating to interoperable emergency communications activities, against which they may be monitored. The DHS Joint Wireless Program Office will evaluate the guidance for technical sufficiency and the Office of the Chief Financial Officer, Financial Assistance Policy and Oversight Division; will ensure its inclusion in the FY 2016 *SAFECOM Guidance*.

FEMA and OEC will also continue to coordinate on interoperable emergency communications grants through the Memorandum of Agreement Working Group and establish Standard Operating Procedures. The OEC will provide consistency across grant guidance and the *SAFECOM Guidance*. Estimated Completion Date: April 30, 2016.

Recommendation 2: That the FEMA Administrator ensure consistency in Public Safety Communications grant guidance between the Funding Opportunity Announcements and the grant award packages, which include the DHS Standard Terms and Conditions.

Response: Concur. The FY 2015 preparedness grants mandate compliance with the *SAFECOM Guidance*. For example, the FY 2015 HSGP Notice of Funding Opportunity included the following language on page 14:

“Recipients (including sub recipients) who receive awards under HSGP that wholly or partially provide funding for emergency communication projects and

¹ <http://www.dhs.gov/safecom>

² http://www.fema.gov/media-library-data/1429291822887-7f203c9296fde6160b727475532c7796/FY2015HSGP_NOFO_v3.pdf



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related activities must comply with the most recent version of the SAFECOM Guidance on Emergency Communications Grants.”

This standard language was placed in all Notices of Funding Opportunity for the FY 2015 preparedness grant cycle. FEMA believes this action satisfies the intent of this recommendation and requests that OIG consider the recommendation resolved and closed.

Again, thank you for the opportunity to review and comment on this draft report. Technical comments were previously provided under separate cover. Please feel free to contact me if you have any questions. We look forward to working with you in the future.



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Appendix B
Statewide Interoperability Coordinator Comments

During interviews, five Statewide Interoperability Coordinators provided the following observations:

<p>SAFECOM Guidance does not provide specific instructions on how to meet P25 compliance. The inconsistent use of should, must, and shall cause confusion when interpreting P25 requirements. One state clarified the ambiguous guidance by developing supplemental statewide guidance for its grantees.</p>
<p>SAFECOM Guidance has ambiguous requirements language that causes confusion for grantees when purchasing equipment. SAFECOM Guidance uses “should” instead of “shall,” which does not clearly require grantees to comply.</p>
<p>OEC should change SAFECOM Guidance wording from “recommend” to “shall” when providing guidance on interoperability.</p>
<p>Grantees can benefit from stronger, requirements-based language in SAFECOM Guidance.</p>
<p>SAFECOM Guidance needs to clarify P25 technical requirements by using more plain language to eliminate confusion for grantees.</p>



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Appendix C
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