

From:	(b)(6)
To:	
Subject:	Fw: Oregon standoff
Date:	2016/03/29 13:02:55
Type:	Note

3 of 3

From: (b)(6)
Sent: Monday, March 28, 2016 02:36 PM
To: (b)(6)
Cc:
Subject: RE: Oregon standoff

Something for your back pocket just in case the issue of "Congressional intent" continues to be pushed. Below is pertinent language from the 9/11 Act Conference Report (H. Rpt. 110-259) when the 9/11 Act authorized LETPA as allowable expenditures within HSGP and SHSP:

Section 2006. Terrorism prevention
There is no comparable House provision.

Section 2005 of the Senate bill requires that the Department of Homeland Security designate a minimum of 25 percent of the funding to States and urban areas through the State Homeland Security Grant Program and Urban Area Security Initiative for law enforcement terrorism prevention activities. It provides a list of allowable uses for the funding. The section also establishes the Office for the Prevention of Terrorism within the Department to, among other things, coordinate policy and operations between Federal, State, local, and tribal governments related to the prevention of terrorism.

The Conference substitute adopts the Senate provision, as modified.

The Conferees note the importance of law enforcement terrorism prevention activities and requires the Administrator to ensure that not less than 25 percent of the combined funds from the State Homeland Security Grant Program and Urban Area Security Initiative are dedicated to these vital activities. This will ensure that law enforcement terrorism prevention activities are appropriately coordinated with other State and high-risk urban area efforts to prevent, prepare for, protect against, and respond to acts of terrorism using grant funds.

The bottom line remains that Congress has not funded or authorized a LETPP as a separate and distinct program.

Thanks, (b)(6)

From: (b)(6)
Sent: Monday, March 28, 2016 2:19 PM
To: (b)(6)
Cc:
Subject: RE: Oregon standoff

To: (b)(6)

Subject: RE: Oregon standoff

(b)(6)

Checking back in on this "emergent law enforcement needs" issue. Last we discussed, you and your colleagues were going to think about what the possibilities might look like for this. Any update? I'd love to get a sense of FEMA's thinking on this prior to a call that S2 is having with Chuck DeWitt on Wednesday.

On a related issue, please see the attached email to S2.

Let me know if you have a few minutes to catch up today or tomorrow?

Hope you had a good weekend, Brian.

(b)(6)

Office of the Deputy Secretary
U.S. Department of Homeland Security

(b)(6)

From: (b)(6)

Sent: Friday, March 18, 2016 11:29 AM

To: (b)(6)

Subject: RE: Oregon standoff

Thanks for your time yesterday (b)(6) I connected with the Deputy this morning, and let him know that we are working together on this issue, and also mentioned that you guys bent over backwards to be accommodating on the CVE grants issue. He was very appreciate on both, and asked to follow-up next week on the law enforcement emergent circumstances issue.

Thanks again, (b)(6) I hope today is better than yesterday.

(b)(6)

Office of the Deputy Secretary
U.S. Department of Homeland Security

(b)(6)

From: (b)(6)

Sent: Thursday, March 17, 2016 5:31 PM

To: (b)(6)

Subject: Re: Oregon standoff

(b)(6) about to get in car for 50-60 mins. Any time in there work?

From: (b)(6)
Sent: Thursday, March 17, 2016 12:13 PM
To: (b)(6)
Subject: Re: Oregon standoff

On the hill til 430. Can I call you then?

From: (b)(6)
Sent: Thursday, March 17, 2016 12:11 PM
To: (b)(6)
Subject: Re: Oregon standoff

Jeff, sorry, booked both -- are you free 4pmish?

From: (b)(6)
Sent: Thursday, March 17, 2016 09:44 AM
To: (b)(6)
Subject: RE: Oregon standoff

Thanks, (b)(6) Yes, I'm here today. Look forward to catching up.

Are you free at either 10am or 1pm?

(b)(6)
Office of the Deputy Secretary
U.S. Department of Homeland Security
Office: (b)(6)
Mobile (b)(6)

From: (b)(6)
Sent: Wednesday, March 16, 2016 6:15 PM
To: (b)(6)
Subject: Re: Oregon standoff

(b)(6) glad to think about more and discuss. Was in with NJ delegation this afternoon and am just catching up.

(b)(6) mentioned this to me as well, so if there are others I should loop into this let me know. I know

(b)(5)

In tomorrow?

Best

(b)(6)

From: (b)(6)
Sent: Wednesday, March 16, 2016 03:22 PM
To: (b)(6)

Subject: RE: Oregon standoff

Thanks (b)(6) This is helpful background.

S2 mentioned this issue to me again on Monday, and asked that I look further into this with you.

Can we catch up sometime this week when you have a minute?

I recognize (and I believe S2 does as well) that setting up a DRF-like fund for emergent law enforcement needs is probably unrealistic, but wonder if we can brainstorm whether there is a more reasonable approach that still accomplishes the basic intent.

Happy to chat at your convenience.

Also, I'll see you on Tuesday for the meeting with S1. I am sure you are looking forward to resolution of this CVE issue, as am I. Let me know if I can do anything to help.

(b)(6)

Office of the Deputy Secretary
U.S. Department of Homeland Security
Office (b)(6)
Mobile (b)(6)

From: (b)(6)

Sent: Thursday, February 25, 2016 12:31 PM

To: (b)(6)

Subject: FW: Oregon standoff

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From: (b)(6)

Sent: Tuesday, January 26, 2016 10:18 AM

To: (b)(6)

Cc:

Subject: RE: Oregon standoff

Hi (b)(6)

Yes. We believe based on current information that this event would ***not*** meet the threshold for an emergency declaration under the Stafford Act. The Stafford formula takes into account costs per capita and given the level of costs thus far and population affected, it would not qualify.

Recommend S2 convey that the National Sheriffs Association should speak with (b)(6) the Director of Oregon Emergency Management, the State Administrative Agency (b)(6) contact information is:

(b)(6)

Director, Office of Emergency Management Oregon Military Department

(b)(6)

Oregon has grant funding available that it could use to reimburse local law enforcement costs associated with this event, and (b)(6) would be the right OR official to request approval for using grant funds.

(b)(6) our Region X Administrator, spoke to (b)(6) yesterday, and he gave no indication that the Governor is about to make a Stafford Act request. Our Region X external affairs staff have advised OR informally that this does not qualify, but of course, the State has the prerogative to request a declaration if they believe the event is beyond their capacity to handle.

Hope that helps.

Best,

(b)(6)

From: (b)(6)

Sent: Tuesday, January 26, 2016 8:51 AM

To: (b)(6)

Cc:

Subject: RE: Oregon standoff

Hi (b)(6) S2 is likely speaking with the National Sheriffs Association today, and this will probably come up. Did you hear anything back on the Stafford/DRF issue? Thanks again.

From: (b)(6)

Sent: Saturday, January 23, 2016 8:26:13 PM

To: (b)(6)

Cc:

Subject: Re: Oregon standoff

You're welcome (b)(6)

One note - I'm following up with my colleagues on the issue of the Emergency Declaration under the Stafford Act/Disaster Relief Fund. That's outside my lane, and while I think this kind of event would not typically qualify, there may be costs at issue or factors of which I am not aware that would make it eligible.

I'll get their feedback and be back in touch.

Best,

(b)(6)

From: (b)(6)

Sent: Saturday, January 23, 2016 02:52 PM

To: (b)(6)

Cc: (b)(6)
Subject: RE: Oregon standoff

(b)(6) thanks so much.

From: (b)(6)
Sent: Saturday, January 23, 2016 7:25:21 PM
To: (b)(6) McNamara, Phil
Cc: (b)(6)
Subject: Re: Oregon standoff

(b)(6) Phil,

We have not received any requests from Oregon related to the occupation of the Federal building/standoff.

I met with the head of Oregon's Emergency Management agency on an unrelated matter Wednesday, and asked him about this situation. He advised that they have not been engaged much at all (and you would expect otherwise if locals were requesting the State reimburse them for law enforcement overtime costs).

All that written, yes, if the State of Oregon wished to use State Homeland Security Grant funds to reimburse operational overtime, they can request permission to reprioritize existing funds and we'd approve.

The State received \$3,837,000 in FY15 state program funds, and is likely to receive a similar amount in FY16.

The State will, of course, say that they receive little over the state minimum for the program, and have to fund their entire state with this amount, so am sure they would like new or additional funds.

They could also use Emergency Management Performance Grant funds (\$5,208,056 in FY15).

It appears that the standoff is located in Harney County, Oregon, which is outside the Portland Metropolitan Statistical Area (meaning Portland's Urban Area Security Initiative funds would not be applicable).

So, the State of Oregon has options with the existing funding we have provided (over \$9m in FY15 alone).

Apart from those existing lines of funding, without a major disaster or emergency declaration under the Stafford Act, we have no new or additional funds to provide. For background, a Stafford Act declaration (which this kind of situation does not qualify for) would open up the Disaster Relief Fund.

I hope that helps. When asked, recommend (b)(5)

(b)(5)

(b)(5) I do not know what other costs Oregon has incurred, but we would evaluate closely any

request to use grant funds.

Hope that helps.

Best,

(b)(6)

From: (b)(6)
Sent: Saturday, January 23, 2016 09:53 AM
To: McNamara, Phil; (b)(6)
Cc: (b)(6); McNamara, Phil
Subject: RE: Oregon standoff

(b)(6) let us know your assessment when you have a minute. Thanks.

From: McNamara, Phil
Sent: Friday, January 22, 2016 11:05:25 PM
To: (b)(6)
Cc: (b)(6); McNamara, Phil
Subject: Re: Oregon standoff

This is very consistent with what Oregon Governor Brown said earlier this week in a new conference. She was very critical that the federal officials have not moved quickly enough to end the standoff. She said that the residents of county in which the standoff has been happening "have been overlooked and underserved by federal officials" and that she has conveyed that view to WH and DOJ officials.

Governor Brown said the occupation has cost Oregon taxpayers nearly half a million dollars. She was also quoted as saying "We'll be asking federal officials to reimburse the state for these costs."

I will let (b)(6) offer more details, but I would imagine the state of Oregon could in fact reprioritize their existing state homeland security grant program dollars for LE operational overtime expenses if the state wanted to.

From: (b)(6)
Sent: Friday, January 22, 2016 05:56 PM
To: (b)(6)
Cc: (b)(6); McNamara, Phil; (b)(6)
Subject: Oregon standoff

(b)(6)

We're getting word that Oregon (or some jurisdictions within Oregon) may seek FEMA funding for LE costs associated with the standoff at the federal building in Oregon.

Have we received any such request? Do we have any preliminary views on whether such a request could be entertained? Getting word that S2 may receive a call on this from the National Sheriffs Association, and maybe others, so would like to be equipped with our best

understanding of the situation ahead of that. Could you please advise?

Thank you!

(b)(6)

Sender:	(b)(6)	
Recipient:	(b)(6)	
Sent Date:	2016/03/29 13:02:54	
Delivered Date:	2016/03/29 13:02:55	

From:	(b)(6)
To:	(b)(6)
Subject:	Fw: Oregon standoff
Date:	2016/03/29 13:02:00
Type:	Note

2 of 3

From: (b)(6)
Sent: Monday, March 28, 2016 03:39 PM
To: (b)(6)
Cc:
Subject: RE: Oregon standoff

From Page 120 of S.Rept 113-198

LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM

In accordance with section 2006 of the Homeland Security Act of 2002, the Law Enforcement Terrorism Prevention Program [LETPP] is funded through a required set aside of 25 percent of the funds appropriated through the SHSGP and UASI programs. The Committee directs FEMA to provide clear guidance to States and urban areas to ensure that the intent of LETPP is fully realized. FEMA is directed to provide an update of the report on expenditures for prevention activities, as required in Senate Report 113-77, no later than 120 days after the date of enactment of this act.

House Report 113-481 (page 102) has showing similar reference to 25% of UASI and SHSP towards LETP Activities, not a separate LETP Program.

STATE AND LOCAL PROGRAMS

In accordance with the 9/11 Act, at least 25 percent of funds allocated to the State Homeland Security Grant Program and Urban Area Security Initiative (UASI) shall be used for Law Enforcement Terrorism Prevention activities.

From: (b)(6)
Sent: Monday, March 28, 2016 3:11 PM
To: (b)(6)
Cc:
Subject: Re: Oregon standoff

Thanks. Can you send the full section of the relevant language he's citing from the Senate Report?

Duplicate

From:	(b)(6)	
To:		
Subject:	Fw: Oregon standoff	
Date:	2016/03/29 13:01:23	
Type:	Note	

(b)(6) pls see below as discussed for background.

Duplicate

From:	(b)(6)	
To:		
Subject:	FW: Oregon standoff	
Date:	2016/03/18 15:26:00	
Priority:	Normal	
Type:	Note	

More background.

(b)(6)

Office of the Deputy Secretary
U.S. Department of Homeland Security

Office (b)(6)
Mobile (b)(6)

Duplicate