



FEMA

December 18, 2012

Cari Bernstein
Assistant General Counsel
Texas Department of Public Safety
Texas Department of Emergency Management
P.O. Box 4087
Austin, TX 78773

Re: FEMA NSS Memorandum of Agreement

Dear Ms. Bernstein:

We received your request for Mr. Robinson's signature for the attached Memorandum of Agreement. Enclosed please find the two copies you requested with Mr. Robinson's signature.

Please let me know if you need anything additional or have any questions at (940) 898-5289.

Sincerely,

A handwritten signature in black ink, appearing to read "Alma Hernandez", written over a circular stamp.

Alma Hernandez
Assistant Regional Counsel

Enclosures

MEMORANDUM OF AGREEMENT
Between the Department of Homeland Security
and the
Texas Department of Public Safety

1. PARTIES.

The parties to this Memorandum of Agreement (MOA) are the Federal Emergency Management Agency (FEMA), a component of the Department of Homeland Security (DHS), and the Texas Department of Public Safety (TXDPS)/Division of Emergency Management (TDEM).

2. AUTHORITY.

Section 403(a)(3)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. § 5170b(a)(3)(B) (see also sections 402 and 502(a), 42 U.S.C. § 5170a and 42 U.S.C. § 5191(a), respectively).

3. PURPOSE.

The purpose of this agreement is to define the relationship between FEMA and TXDPS/TDEM for access to the National Shelter System (NSS) database via the Internet, and to assure that TXDPS/TDEM agrees to, and understands the necessity for, instituting and maintaining the security features of the NSS. FEMA established the NSS to fulfill its responsibilities for Emergency Support Function #6 (ESF #6) under the National Response Plan, now called the National Response Framework. The NSS allows users to identify, track, analyze, and report shelter data in a consistent and reliable manner. The NSS currently contains information on over fifty-four thousand (54,000) facilities. Each entry has eighteen (18) required data fields and two hundred five (205) optional data fields. Data include the name, address, and capacity of facilities designated as shelters and may include information on accessible (in compliance with the Americans with Disabilities Act) and household pet facilities.

4. RESPONSIBILITIES.

A. FEMA RESPONSIBILITIES:

- i. FEMA shall provide TXDPS/TDEM with access to the NSS end-user Internet services system and information collection platform within the system. NSS services shall be provided via an Internet connection to the NSS over a secure, password-protected access protocol. TXDPS/TDEM shall automatically have access to any future upgrades/versions to the NSS program.
- ii. The FEMA NSS shall be used by TXDPS/TDEM at no cost to TXDPS/TDEM at any time, provided that TXDPS/TDEM has executed an MOA with FEMA. The NSS

database shall continue to be available to TXDPS/TDEM in accordance with the terms and conditions outlined in this Agreement.

- iii. FEMA shall identify a point of contact in FEMA Region VI who shall act as a liaison between the Mass Care Section headquarters staff responsible for administration of the NSS and TXDPS/TDEM.

B. TXDPS/TDEM RESPONSIBILITIES:

- i. TXDPS/TDEM shall provide and/or enter information relevant to the facilities that are included in the NSS (e.g., facility name, address, type, capacity, current numbers of shelter occupants) that is accurate to the best of its knowledge.
- ii. TXDPS/TDEM shall not enter any confidential information or personally identifiable information (PII) in the NSS, such as evacuee names, phone numbers, home addresses, social security numbers (SSNs), or any other information that is linked to an individual (other than that described in paragraph 4.B.ii. of this document). There shall be no information entered by the TXDPS/TDEM that reveals the identity of an evacuee or employee working at the facility. Information about a shelter's evacuees shall only include aggregate numbers at the facility. TXDPS/TDEM shall cooperate with local jurisdictions and non-profit agencies/organizations within the Texas to promote the advantages of using the NSS and aid in the collection of accurate, non-PII information to be included in the system.
- iii. TXDPS/TDEM shall ensure and/or be responsible for the following:
 - a. Designating a primary point of contact (POC) for all NSS-related communications and coordination, designating a Texas POC with authority to approve access to the NSS, and disseminating shelter information (but not including PII of shelter dwellers) to local jurisdictions and voluntary organizations.
 - b. Allow only users with approved access to enter information in the NSS database, in compliance with the FEMA NSS User Access Procedures in Attachment 1 to this Agreement.
 - c. Facilitate training to its proposed network of NSS users, which shall, at a minimum, be accomplished through taking "NSS Computer-Based Training," an Independent Study Course available through Compact Disk (CD) or at Texas' request, FEMA shall provide an instructor to present a train-the-trainer class to the Texas to develop their own instructors for in-class training.
 - d. TXDPS/TDEM shall cooperate with FEMA to publicize and promote the NSS to appropriate local jurisdictions and non-governmental agencies/ organizations in Texas. This dissemination of information will educate emergency management personnel throughout Texas on the advantages of using NSS and aid in the collection of accurate information to be included in the system.
- iv. TXDPS/TDEM recognizes that the NSS program is a government work product and is not copyrightable in the United States (see 17 USC § 105); however, the information contained in the database is subject to 5 CFR § 2635.703 and may not be released except by a FEMA official who is authorized to make such a release pursuant to 5 USC § 552a authority.

C. ADDITIONAL TERMS AND CONDITIONS:

- i. Limitation of Liability. Neither TXDPS/TDEM nor FEMA shall be liable for loss of data, or liable for any claims, demands, rights, and causes of action of whatsoever based on or arising from the Agreement to each other or third parties. TXDPS/TDEM agrees that FEMA shall not be liable for any loss of data based on or arising from this Agreement or use of the NSS.
- ii. TXDPS/TDEM shall not be responsible for information entered into the system by individuals not employed by TXDPS/TDEM and shall not be liable for any incorrect information entered into the system on the belief that it was accurate.

5. POINTS OF CONTACT.

Name: Larry Shine

Title: State Coordinator

State: Texas

5805 North Lamar Boulevard, Austin, TX 78778

512-424-7215

George A Robinson

Acting Regional Director

Federal Emergency Management Agency

500 C Street, S.W.

Washington D.C. 20472

6. OTHER PROVISIONS.

Nothing in this Agreement is intended to conflict with current law or regulation or the directives of DHS, FEMA or TXDPS/TDEM. If a term of this agreement is inconsistent with such authorities, then that term shall be invalid; but the remaining terms and conditions of this agreement shall remain in full force and effect.

7. EFFECTIVE DATE.

The terms of this agreement shall become effective on the date of last signature by the parties.

8. MODIFICATION.

This agreement may be modified upon the mutual written consent of the parties.

9. TERMINATION.

The agreement shall automatically renew annually unless either party provides five (5) calendar days written notice of termination in advance for any reason TXDPS/TDEM or the FEMA POC, as the case may be.

The Federal Emergency Management Agency
500 C Street, SW, Washington, DC 20472

APPROVED BY:

FEMA

Signature

George A. Robinson

Printed Name

George A. Robinson

Title

Acting Regional Administrator

Date

12/14/12

Texas Department of Public Safety

Signature

Steven C. McCraw

Printed Name

Steven C. McCraw

Title

Director

Date

12/11/12



Attachment 1

FEMA National Shelter System

FEMA NSS User Access Request Procedures

Access to the FEMA National Shelter System (NSS) is restricted to government and nongovernmental organizations that have a demonstrated business need and direct role in shelter management within their jurisdiction. All NSS user access requests must receive approval from the appropriate level(s) of government prior to being granted system access. All levels of NSS user access are predicated on the intended user completing requisite FEMA NSS training prior to being granted access.

The determination of how the NSS will be implemented, and what level of access users in that jurisdiction will receive, in a given State or Territory is the decision of the branch of government responsible for emergency management activities at the State/Territory jurisdiction. Decisions regarding the use of the system by Tribal governments will be mutually agreed upon between the Tribal government and the host FEMA Region, and communicated to the affected States. The Mass Care Section at FEMA headquarters will maintain documentation recording the determinations for each State/Territory/Tribal jurisdiction.

User access requests from the State/Tribal/Local (Municipal or County,) level must be approved at the jurisdictional level, determined during the implementation process, before receiving approval from the FEMA Office (Region or Headquarters as appropriate). User access can be requested pre-disaster or post impact.

The NSS contact person will process the request and shall forward the completed Request Package to the Mass Care Section's, NSS Support Team or the FEMA Regional point of contact (POC) for the FEMA NSS.

Upon receipt of a completed User Request Package, the Mass Care Section, NSS Support Team, or the FEMA Regional POC for the FEMA NSS will review the package to ensure the appropriate State/Tribal/Local approval, and FEMA concurrence, and that training requirements have been documented. Provided all necessary approvals and training requirements are met, the prospective NSS User will be instructed how to complete self-registration on the FEMA NSS website, and then follow-up as necessary to "Activate" their account. This follow-through will require a coordinated effort among the FEMA Regional Office, the Mass Care Section, the NSS Support Team at FEMA HQ, and the National Processing Service Center, the Coordination Team for Account Activation and notification to the applicant.

NSS access will only be granted to individuals who possess a demonstrated, legitimate business need to access the system and are employed by or volunteer with an emergency management agency, an agency performing an authorized emergency management-related planning function, or an organization that manages shelters during emergency/disaster operations in the requestor's jurisdiction. The agency must also be one that the government (Federal / State / Tribal / Local) recognizes as being appropriate to be granted NSS access.

Individuals seeking information about data in the system, who are not eligible and approved for system access, may submit a request for specific information to the appropriate level of government for their jurisdiction. The governmental entity may then provide the requested information as appropriate or seek additional guidance through the FEMA Region VI to obtain the requested information. FEMA will process similar information requests within the Federal agencies at the headquarters level.

County/ Level Access: User access at the County level will be approved by the State/Tribal/Territory government-identified NSS Coordinator with responsibility for NSS administration in the specified jurisdiction and with and through the appropriate FEMA Regional Office.

State/Tribal/Territory Level Access: User access at the State/ Tribal/ Territory level will be approved by the FEMA Region with which that level of governance interacts.

Federal Agency Access: User access for staff in Federal Agencies (including DHS / FEMA) will be processed based on the intended user's FEMA regional or headquarters affiliation and recognized role in ESF #6 activities.

Through the "self-registration" process on the NSS, the User will select their secure password, and the system will generate their User ID. Requests related to a specific User's information will ONLY be supplied directly to the identified user. FEMA staff can check with the NSS Support Team to verify the status of a specific user access request.

Questions or concerns regarding appropriate access levels will be coordinated through the Human Services Branch Chief or designated NSS POC at the relevant FEMA Region, and/or the Mass Care Section - NSS Support Team staff at FEMA HQ as necessary.

If user access is specific to a Disaster Operation, once the user's assignment to the operation is terminated, the User must notify the NSS Support Line so that user access to the site can be restricted. User access can be reactivated of future deployments.

FEMA Regions may coordinate FEMA NSS support at a Joint Field Office (JFO) or other field location, by contacting the Mass Care Section, NSS User Support Line, at headquarters: 202-646-1640 or via email: ESF-06-MASS-CARE-1@dhs.gov

If you email or phone the FEMA NSS Support Team, requesting FEMA NSS user access, please be prepared to provide the name and email address of the requestor.

To request user access complete the FEMA NSS Self Registration Process at <https://portal.fema.gov> and forward the required training documentation (Computer Based Training Certificate, or proof of in class training) to the appropriate approving official in your jurisdiction and then to the FEMA NSS POC in the FEMA Regional Office, or the NSS Support Team, via fax: (202) 212-1184, or email: esf-06-mass-care-1@dhs.gov. After the request is adjudicated the user account will be generated and the user notified.

Roles/Access Requirements: the NSS user levels are described *below*:

Level 1 – View Only

- User can view all standard shelter information
- User will be able to access Management reports

Level 2 – View/Data Export

- User can view all standard shelter information
- User will be able to access Management Reports and have access to the Export Shelter Related Data

Level 3 – Shelter Add/Edit

- User can view all standard shelter information
- User will be able to access Management Reports and have access to the Export Shelter Related Data
- User can add/edit shelter data

Level 4 – Shelter/Agency – Add/Edit

- User can view all standard shelter information
- User will be able to access Management Reports and have access to the Export Shelter Related Data
- User can add/edit shelter data
- User can add/edit agency data

Level 5 – Shelter/Agency – Add/Edit

- User can view all standard shelter information
- User will be able to access Management Reports and have access to the Export Shelter Related Data
- User can add/edit shelter data
- User can add/edit agency data

Level 6 – User Administration [Level 6 Restricted to FEMA staff.]

- User can view all standard shelter information
- User grants user level of access & account activation/de-activation
- Systems Operator (SYSOP) User can view all standard shelter information
- SYSOP User will access both Management reports & Shelter Data Export
- SYSOP User will add/edit and delete/hide-from-view shelter data
- SYSOP User will be able to add/edit and delete/hide-from-view agency data
- SYSOP User will have full range of User Administration capabilities
 - Export User Registration Accounts
 - Grant user level of access & account activation/de-activation

User Access Request Checklist:

Revised: March 10, 2010

	Action	Comment / Date Completed
<input type="checkbox"/>	Prospective Users obtains NSS Training (this step may be taken after access has been requested).	
<input type="checkbox"/>	Authorized Approval Agent reviews access request (including level of access requested), and if approved, forwards to FEMA Regional NSS POC.	
<input type="checkbox"/>	FEMA Regional NSS POC reviews request to ensure it is consistent with understanding between Region-State, regarding agency and individual access levels, and verifies training requirements are met. If request is complete and accurate, signs-off Regional approval, and activates the users account or forwards to the Mass Care Section, NSS Support Team for activation.	
<input type="checkbox"/>	<ul style="list-style-type: none"> ▪ If training requirement not met, Regional POC or Mass Care Section, NSS Support Team communicates with State/Agency to resolve/remediate. 	
NOTE:	The NSS generates an automated email advising the User their account has been activated.	