



LEGISLATIVE UPDATE
2013 ANNUAL EM POLICY & LEADERSHIP FORUM
ANCHORAGE, ALASKA

SUMMARY

The legislative schedule in Washington, D.C. adopted an inconsistent pace after the NEMA Mid-Year Forum. Once the association began reviewing the *Sandy Recovery Improvement Act* (SRIA), short timelines dictated a focus on legislation already passed. The House moved swiftly in May in passing the appropriations bill for the Department of Homeland Security where NEMA priorities fared well, but the Senate would not follow suit until late in July.

The hearing schedule remained virtually non-existent in the first couple months. NEMA did submit a statement for the record for the budget process, but the calendar expanded significantly in June. From the last week of June to the third week of July, NEMA had the opportunity to testify on preparedness metrics, the use of social media in the recent Oklahoma disasters, and SRIA implementation. Even though the latter hearing was postponed, NEMA members graciously offered their time and expertise in preparing and providing testimony.

The calendar for Congressional hearings started slowly immediately following the Mid-Year Forum. Once the summer schedule began, however, several opportunities became available to provide testimony and witnesses:

- April 16, 2013; NEMA President John Madden provided a statement for the record to the Senate Appropriations Committee as they began work on the Fiscal Year 2014 spending bill.
- June 25, 2013; NEMA President John Madden served as a witness representing both NEMA and NGA before the Senate Homeland Security and Governmental Affairs Subcommittee on Emergency Management, Intergovernmental Relations, and the District of Columbia. There, he provided testimony on preparedness metrics and the benefits of grant reform.
- July 9, 2013; NEMA Legislative Committee Chairman Albert Ashwood provided testimony to the House Homeland Security Subcommittee on Emergency Preparedness, Response, and Communications on the use of social media during the response to the recent Oklahoma tornadoes. He also highlighted the joint report NEMA did with the Center for Naval Analysis.
- July 24, 2013; With help in providing content by Jerome Hatfield of New Jersey and Albert Ashwood of Oklahoma, Kurt Schwartz of Massachusetts was scheduled to testify before the House Transportation and Infrastructure Committee regarding the response to Hurricane Sandy and SRIA implementation. This hearing was postponed.

In addition to opportunities to provide testimony, NEMA has realized successes on the following legislative priorities:

- With the anticipation of the president's fiscal year 2014 budget, NEMA's *Proposal for a Comprehensive Preparedness Grant Structure* continues to be a topic of conversation. The National Governor's Association joined the debate which afforded the opportunity for NEMA President John Madden to act as a witness on the issue before the Senate appearing as a joint NEMA-NGA witness. The issue has primarily stalled at this time pending legislative language from the administration.
- The budget outlook for fiscal year 2014 remains incomplete, but outreach to Appropriations Committees continues to highlight the importance and return on investment of Emergency Management Performance Grants (EMPG). The joint NEMA-IAEM report on the return on investment of EMPG once again impacted the 2014 discussion with the Senate even highlighting language from the report in their report language.
- Once again, EMAC received the desire line item funding in the Senate Appropriations bill. Discussions continue with House staff to impress upon them the importance of this system.
- Both the Emergency Management Institute and Center for Homeland Defense and Security received necessary language in House and Senate Appropriations bills for sustained funding in 2014.

Even though the Senate moved their Homeland Security budget in late July, much larger debates over health care funding and sequestration stalled the process until after the August recess. Once Congress returns the second week of September, it will be a race to the end of the fiscal year to resolve the budgetary debate and likely pass a Continuing Resolution. The rescheduled SRIA hearing will also be due for rescheduling.

Once again, Congress is turning their attention toward the sequestration and debate over the 2013 budget and potential year-long continuing resolution. As we continue to advance our 2013 legislative priorities, the commitment by NEMA membership to consistently inform and educate Members of Congress is critical to advancing the emergency management profession. Please check the [Government Relations](#) page of the NEMA website where there will be links to bill summaries, reports on the latest Congressional action, and much more!

CAPITOL HILL HIGHLIGHTS

Since the 2013 Mid-Year Forum here in D.C., NEMA continues to closely monitor the unpredictable and oftentimes volatile atmosphere of Washington politics. Building momentum in an election year was difficult but the constant need for homeland security and emergency management expertise provided many opportunities to continue educating Hill staff on critical issues affecting the States. With the interest in homeland security and emergency management growing, NEMA was able to provide witnesses in two different hearings that discussed some of the issues in homeland security and emergency management. The hearings titled, “measuring the impact of preparedness grants” and “The use Social Media in Disasters” gave great insight into the priorities Congress has for the upcoming months. As Congress carries on and legislation continues to move throughout both houses, we are looking forward to examining the ways NEMA can help inform Congress and assure that emergency management and homeland security remain top priorities in the months to come.

SENATE MOVES DHS BILL FORWARD

The DHS appropriations process has been put to the test recently. The Senate Appropriations Subcommittee on Homeland Security moved forward the department’s funding for FY 2014. The full committee wasted little time and sent the bill to the full Senate for consideration. The process of conferencing the [House](#) and [Senate](#) versions will likely begin shortly, but overall NEMA priorities fared well. A few highlights include:

- Both houses funded EMPG at \$350 million. They both also continue the separate line items for FEMA’s salaries and expenses which eliminate the need for the department to skim 3% off the allocations before distribution.
- The House and Senate were very close in their numbers for the homeland security grants at \$1.5 billion and \$1.502 billion respectively. The Senate continues the specific funding lines for SHSGP, UASI, and port and transit grants while the House continues provisions for the Secretary to decide.
- The Senate funds EMI at \$20 million and the funding account for CHDS is where it needs to be with the House providing \$27 million and the Senate \$29 million.
- The DRF is once again well-funded as both chambers provide \$6.221 billion.
- A full analysis of the two bills is available on the NEMA website: www.nemaweb.org.

MEASURING THE IMPACT OF PREPAREDNESS GRANTS

On June 25th, NEMA President John Madden represented NEMA before the Senate Subcommittee for Emergency Management, Intergovernmental Relations, and the District of Columbia. The hearing discussed measuring the impact of preparedness grants since September 11, 2001. Madden explained that grant reform will support performance measurement. “Therefore, any new grant framework should have consistent methods to measure or assess progress in achieving core capabilities”, he added. Madden stated that a new grant structure needed to ensure continuous assessment of risk across all levels of government, encourage strategic plans versus spending plans, base funding allocations on priority needs, and measure progress to fill capability gaps.



Picture by NEMA Staff

The members of the subcommittee were very responsive to Madden’s testimony. Chairman Begich (D-AK) asked if Madden believed FEMA was moving in the right direction with measurement capability. Madden stated there was a constant chase between intent and execution in which comfortable things are measured before challenging things. He also explained the strategic value emphasized on thinking, planning, and priority sets that would yield spending

SOCIAL MEDIA IN DISASTERS

On July 9th Albert Ashwood, testified on NEMA’s behalf before the House Committee on Homeland Security, Subcommittee on Emergency Preparedness, Response, and Communications. The hearing was the second in a series on social media in disasters and how new technology is transforming preparedness, response, and recovery. Ashwood began describing the severe weather events that took place in Oklahoma. He explained how social media was used during the response process and how it is still being used in the recovery process. The recent survey from the joint effort of the Center of Naval Analysis and



Picture by NEMA Staff

NEMA was also discussed. Ashwood explained that the survey discovered the capabilities of social media needed to be determined, information needed to be verified, implementation barriers still existed, familiarity with social media was on the moderate level, and social media is being used in some capacity during disasters. Overall, the hearing concluded with the thought that social media is evolutionary and the emergency management community must not ignore it.

NATIONAL FLOOD INSURANCE PROGRAM

The Government Accountability Office (GAO) reported that allowing Americans to buy more coverage under the federally run flood insurance program could help prevent the program from losing more money, but only if the government begins charging realistic insurance rates.

When lawmakers enacted legislation last year to revamp the National Flood Insurance Program (NFIP), they tasked the GAO with assessing whether it would be a good idea to raise the maximum amount of insurance coverage each property can get under the program. Currently, homeowners can only collect up to \$250,000 for damage to residential property, while commercial properties max out at \$500,000. The NFIP is currently \$24 billion in debt, most of which it accumulated due to Katrina and other extreme storms. A recent report stated, “Raising NFIP coverage limits would likely increase the program’s risk exposure, particularly in catastrophic years, although it could make coverage more affordable for some consumers.” The report also estimated the potential financial effect on NFIP if coverage limits had been raised between 2002 and 2011 and found that higher coverage limits would have been associated with increased net revenue, premiums less claim amounts, in most years.

The fiscal year 2014 House Appropriations bill for DHS prohibited FEMA from using any funds to raise flood insurance rates. Similarly, Senator Mary Landrieu (D-LA) continues to stand as a staunch advocate against raising rates and attempted several amendments to achieve similar prohibitions through Senate legislation. Hurricanes Rita and Katrina pushed NFIP into nearly \$18 billion worth of debt which has prompted Congress to begin discussing rate increases.

DRF LIKELY WILL NOT REQUIRE EMERGENCY FUNDING

Despite the devastation caused by the tornadoes in Oklahoma, the nation's Disaster Relief Fund could end the current budget year with \$3.5 billion on hand, a surplus which may allow Congress to avoid another bitter fight over offsets to emergency relief aid. FEMA raised its estimate of the potential fiscal 2013 surplus by about \$1 billion in a monthly report delivered to Congress. The increase is partly the result of a reduction in the estimate of payments from the fund for Hurricane Sandy recovery, which dropped to \$9 billion from \$10 billion.

FEMA delivered its report as the House was on track to pass FY2014 appropriations for DHS back in May which would replenish the Disaster Relief Fund with a \$6.2 billion injection. Although Congress is highly unlikely to complete annual appropriations by the start of fiscal 2014, special provisions could allow FEMA to tap into this fresh source of cash, which is provided outside of normal budget caps. Barring a major catastrophe, the disaster fund may have enough on-hand to avoid the need for supplemental funding measure for some time.

CYBER BILL SEES ANOTHER VETO THREAT FROM WHITE HOUSE

The Obama administration threatened to veto a House cybersecurity bill as currently written, saying the measure does not yet adequately ensure private companies will protect Americans' privacy. The White House said officials are concerned that the bill ([HR 624](#)), intended to expand the sharing of information regarding cybersecurity threats, would not require industry to take "reasonable steps" to strip data of irrelevant personal information before turning it over to the government or to other companies.

"Citizens have a right to know that corporations will be held accountable, not granted immunity, for failing to safeguard personal information adequately," the Statement of Administration Policy said. The veto threat came shortly after House Intelligence Committee leaders offered a major concession to the administration, proposing an amendment that would establish the Department of Homeland Security as the federal government's central hub for the information. In its current form, the measure would allow companies to share cybersecurity information with any government agency they choose. Opponents have argued that Defense Department agencies should not be permitted to collect the information and that a civilian entity such as DHS should be the appointed arbiter.

The White House complimented some elements of the bill, including changes made by the Intelligence Committee that loosened restrictions on how the government can use shared information, but it called the scope of liability in the bill for companies that share information overly broad. The threat was similar to one issued for a House-passed cybersecurity bill last year. House Intelligence Committee Chairman Mike Rogers (R-MI) and Ranking Member Dutch Ruppersberger (D-MD) said they were surprised and disappointed by the administration's statement. Their committee made several changes to the legislation that was intended to appease the executive branch, they said.

LEGISLATION OF THE 113TH CONGRESS

While battles over the fiscal cliff and sequestration can stall other priorities on Capitol Hill, legislation continues to be introduced that affect the emergency management community. The bills below represent the key pieces of legislation NEMA has been watching so far this year.

S. 21 Cybersecurity and American Cyber Competitiveness Act of 2013: The bill was introduced by Senator John D. Rockefeller (D-WV) in January 2013. The bill would improve communication and collaboration between the private sector and the federal government to secure the U.S. against cyber-attack, enhances the competitiveness of U.S. and create jobs in the information technology industry, and protect the identities and sensitive information of U.S. citizens and businesses. The bill was referred to Committee and will end-up being one of many bills introduced to address the growing threat of cyber-attacks in the United States.

HR. 307 Pandemic and All Hazards Preparedness Reauthorization Act of 2013: Congressman Mike Rogers (R-AR) introduced HR 307 in January of 2013 and was quickly passed by the House. The bill will reauthorize certain programs under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to public health security and all-hazards preparedness and response, and for other purposes. On February 27 the Senate passed the bill under an expedited legislative process.

S. 1274 Federal Disaster Assistance Nonprofit Fairness Act of 2013: The bill would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify that houses of worship are eligible for certain disaster relief and emergency assistance on terms equal to other eligible private nonprofit facilities. The bill was passed through the House very quickly without debate or committee action and is now over in the Senate for consideration. NEMA has not yet weighed in on this legislation.

S. 415 Small Business Disaster Reform Act: The bill would amend the Small Business Act with respect to obtaining the best available collateral for a disaster loan of not more than \$200,000 relating to damage to or destruction of the property of, or economic injury to, a small business concern. NEMA has sent a letter of support to Senator Landrieu.

HR. 2132 Natural Hazard Risk Reduction Act of 2013: The bill would amend the Earthquake Hazards Reduction Act of 1977. It would then revise and reauthorize through FY2017, the National Earthquake Hazards Reduction Program (NEHRP). The bill would also revise the responsibilities of Program agencies such as the National Institute of Standards and Technology (NIST), the Federal Emergency Management Agency (FEMA) and the United States Geological Survey (USGS). NEMA continues to support reauthorization of NEHRP but a final position on this bill is pending the introduction of a Senate version.

NEMA has been in discussion with the NEHRP Coalition about the reauthorization. Many topics such as, leadership, structure, and the funding of NEHRP have caught the attention of many organizations and the discussion has carried on. NEMA is working with the coalition and Jim Wilkinson of CUSEC on the details of the reauthorization. As things continue to move forward, NEMA will keep an eye on the legislation and any changes that come along. As mentioned earlier, a final position on the bill is pending the introduction of a Senate version.

Upon completion of the Forum, please visit the [NEMA Government Relations](#) page on the NEMA website for more detailed bill descriptions and summaries, committee hearing reports, and status of all important legislation. The NEMA-DC staff will answer any questions or comments you might have regarding your Congressional needs.

**This Legislative Update was prepared by Legislative Committee
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