



**LEGISLATIVE UPDATE**  
**2013 MID-YEAR EM POLICY & LEADERSHIP FORUM**  
**ALEXANDRIA, VIRGINIA**

## SUMMARY

Since the 2012 Annual Forum in October, NEMA continues to be a strong presence in the nation's Capital through consistent outreach, partner collaboration, and education efforts on Capitol Hill regarding emergency management priorities. As the new session gets underway, NEMA is well-positioned to remain a key resource for new and returning members of the 113<sup>th</sup> Congress.

The fall schedule for Congress was consumed with the November election and year-end "fiscal cliff" debate. A decision on the fiscal year 2013 federal budget was delayed six months until the end of March, and funding for Super Storm Sandy recovery dominated the debate through the New Year. In addition to the budgetary delays, the overarching issue of sequestration has been delayed until the spring of 2013.

Despite a condensed legislative calendar, NEMA was able to weigh-in on potential Stafford Act amendments to the first funding bill for Super Storm Sandy. The amendments were ultimately not adopted, but NEMA also worked with staff on the House Transportation & Infrastructure Subcommittee as they considered additional changes to the Stafford Act. While Congress struggles with the annual budgetary challenge NEMA remains a ready resource in Washington, D.C. and continues to represent the profession as a strong united front.

Since the 2012 Annual Forum, NEMA has realized successes on the following legislative priorities:

- Secured the passage of Senate Joint Resolution 44 (S.J.R. 44) granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding. The resolution was able to be passed in the House through the use of an expedited legislative strategy and sent to the President for signature. The bill was assigned Public Law number 112-282.
- During the "fiscal cliff" negotiations and discussions regarding Super Storm Sandy funding at year-end, NEMA was invited to weigh-in on potential amendments to the Stafford Act and provide substantive comments over the holiday season.
- 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. While no further hearings were held on the issue, the Administration has indicated their fiscal year 2014 budget will once again propose a grants reform package.
- The budget outlook for fiscal year 2013 remains incomplete, but education efforts with the Appropriations Committees continues to highlight the importance and return on investment of Emergency Management Performance Grants (EMPG). This includes a joint effort with IAEM on the third installment of the EMPG return on investment report.
- The House Transportation & Infrastructure Subcommittee on Economic Development, Public Buildings, and Emergency Management introduced the *Sandy Recovery Improvement Act*. , NEMA-DC continues to work with NEMA committees and officials in FEMA to fully understand the impact of this new legislation.
- Provided NEMA membership with legislative summaries of multiple bills including HR 307 *Pandemic and All Hazards Preparedness Reauthorization Act of 2013*, and HR 219, the *Sandy Recovery Improvement Act*.

Congress is now 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 watch for our expanded legislative update at 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 2012 Annual Forum in Seattle, 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. Following Super Storm Sandy's debut in the Northwest, emergency management policy was quickly linked with fiscal policy challenges the Hill continues to wrestle with in 2013. With a new Congress and a second-term Administration, we are looking forward to examining the ways NEMA can help inform in ways that assure emergency management and homeland security remain top priorities in the months to come.*

### **SEQUESTRATION SET TO AFFECT HOMELAND SECURITY PRIORITIES**

On March 1, the long-awaited sequester was allowed to take hold throughout federal agencies. Sequestration refers to the series of budget cuts, totaling \$1.2 trillion over 10 years that were scheduled to go into effect on January 1, 2013. As part of the year-end "fiscal cliff" deal, Congress extended the implementation to March 1. The cuts were evenly split between defense and domestic discretionary spending (with some exemptions, such as Social Security, Medicare, and veterans' benefits).

Sequestration originated as a result of the failure of the "Super Committee" to find spending cuts back in 2011 and even though significant time has passed, no viable resolution was found.

The following week, DHS and the Grants Programs Directorate (GPD) issues guidance outlining the full impact of sequestration. All programs in the State and Local Programs account (such as EMPG, SHSGP, Port, and Transit grants) were hit with a five percent reduction. The true nature of sequestration will not be seen until the end of the month when the next CR for the balance of fiscal year 2013 is passed. This is due primarily because the grants being cut have to receive an award, so the five percent reduction will come from the funding levels outlined in the CR (which will fund the government at 2012 levels).

On March 4, the House introduced a spending bill to take care of funding the government through the end of the fiscal year. It is a two part bill. The first part will fund Defense, Military Construction, and Veteran's Affairs through a traditional budget, or "omnibus." The second part of the bill will fund the rest of the government (including DHS and FEMA) under a year-long CR. As long as the CR goes until the end of the fiscal year, which is highly likely, FEMA will be allowed to award grants. NEMA has received confirmation from the Senate Appropriations Committee and FEMA that no special exceptions would be necessary for grants to be awarded under a year-long CR. The House proposal does recommend funding levels at the post-sequester rates, but the Senate is yet to act on this spending bill, so the landscape could still change significantly.

### **FIRST UP: PROVIDING AID TO SANDY VICTIMS**

From the moment Sandy began battering the East Coast in late October 2012, it was apparent federal aid (and significant Congressional input) would be needed in order to help recover from this devastating storm. The discussion around the actual need and the proper funding mechanism continued through November and December and while many proposals were put forward, no resolution was arrived at before the end of the 112<sup>th</sup> Congress. These heated debates caused rifts in both the Republican and Democratic parties and put lawmakers from the affected states on the offensive. With the threat of the fiscal cliff and the continued uncertainty about the fiscal year 2013 budget, the three issues created a perfect legislative storm that stalled any meaningful progress on this critical piece of legislation.

When Congress arrived for the start of the 113<sup>th</sup> Congress, it was clear the first order of business would have to be the aid to Sandy victims. In mid-January, the House approved the Sandy Aid Bill (HR 152) in a long awaited vote that created quite a bit of contention within the majority. The vote was 241-180 with 48 Republicans joining their Democrat colleagues to push the vote over the edge. HR 152 provided \$50.7 billion in aid to states hit hard by Super Storm Sandy and is significantly less than the original \$82 billion damage assessment that the Governors of New Jersey, New York, and Connecticut provided to the federal

government in the wake of the storm. In addition to the almost \$10 billion National Flood Insurance Program (NFIP) aid package passed earlier that month, Sandy aid totaled close to \$60 billion. In true Washington fashion, the road to the \$50.7 billion number was not easy. House leaders first offered a \$17 billion bill (giving member's political cover to vote for a less costly option) then accepted an amendment prepared by New York and New Jersey republicans and submitted by Representative Frelinghuysen (R-NJ) which added \$33.7 billion in additional aid. Many other amendments were not accepted, including one offered by conservative lawmakers who wanted across the board spending cuts to various programs in the 2013 budget. Following House passage, the Senate arrived in Washington and quickly passed the bill.

### **SANDY AID BILL BECOMES VEHICLE FOR MAJOR STAFFORD ACT REFORMS**

While the bulk of the overall Sandy funding bill was an emergency provision to ensure federal funds would be allocated to disaster victims, the second piece of the bill was aimed at amending the Stafford Act to allow for a more streamlined approach to emergency response and recovery. While a quick insert into the Sandy Aid bill, these provisions have been discussed for quite some time. In 2011, Representative Denham (R-CA) introduced a bill that would have reauthorized FEMA and provided the agency with more flexibility to assist communities rebuilding after disasters. The House passed the measure in September but after it went nowhere in the Senate, the bill's backers knew its only shot in the 113<sup>th</sup> Congress would be linking it to aid for victims of Super Storm Sandy. After watching his bill die in the last session, Denham resurrected many of its provisions in mid-January, calling the measure the *Sandy Recovery Improvement Act of 2013*. The House passed the new bill (HR 219), 403-0, the day it was introduced. Members also approved a Rules Committee proposal to fold the legislation into the Sandy funding bill.

Congress made changes to the disaster assistance system in 2006 (PL 109-295), but a few more years of hindsight revealed additional ways to streamline the process after Hurricane Katrina. For example, FEMA needed to be able to deliver money to communities immediately following a disaster to speed up the process of debris removal. The language in the bill allows FEMA to be more flexible with the kind of building plans it accepts. A city can now request to consolidate some of its school facilities or rebuild in a way that makes most sense for its demographics, rather than rebuilding its schools exactly how they were. The legislation also allows FEMA to issue fixed-price grants based on damage estimates, rather than requiring local governments to do the rebuilding work and receive reimbursement later. It lets the agency make limited repairs to housing for those displaced by a disaster, when doing so is less expensive than providing housing trailers. It also establishes a pilot program to decrease the time it takes to dispute a disaster assistance ruling. The legislation included language allowing tribal governments to make requests directly to the president for disaster declarations. In the past, tribes would only be eligible for the elevated federal assistance that comes with a presidentially declared disaster if the White House granted that distinction to the state their lands fall within.

### **113<sup>TH</sup> CONGRESS GETS ORGANIZED**

In 2010, the 112<sup>th</sup> Congress came barreling into town, ready to make a name for itself. The 113<sup>th</sup> Congress, in contrast, seems prematurely hardened to the heavy load facing them as they begin to tackle major fiscal and policy decisions affecting every aspect of the federal government for years to come. With many high-profile retirements and plenty of turn-over, committee structures look very different from the previous Congress. NEMA is excited to continue to work with our partners on the Hill and look forward to engaging with new Members and staff on key emergency management issues. The following Committees saw changes to their leadership.

- **Senate Homeland Security and Governmental Affairs:** For the first time since 2004, neither Senator Susan Collins (R-ME) nor Former Senator Joseph Lieberman (I-CT) holds leadership positions on this Committee. Following Senator Lieberman's retirement in 2012, Senator Tom Carper (D-DE) assumed the Chairmanship while Senator Tom Coburn (R-OK) has been named

the Ranking Member. On a Subcommittee level, Senator Mark Begich (D-AK) and Senator Rand Paul (R-KY) lead the Emergency Management Subcommittee.

- **House Committee on Homeland Security:** Due to term limits placed on Republican House Committee Chairmen, Representative Peter King (R-NY) stepped down from the Homeland Security Committee and was replaced with Representative Michael McCaul (R-TX). Representative Bennie Thompson (D-MS) continues to serve as the Ranking Member on that Committee. Representatives Susan Brooks (R-IN) and Donald Payne (D-NJ) will lead the Subcommittee on Emergency Preparedness, Response, and Communications.
- **House Transportation and Infrastructure Committee:** Representative Lou Barletta (R-PA) assumed the Chairmanship of the T&I Subcommittee on Economic Development, Public Buildings, and Emergency Management from Representative Jeff Denham (R-CA). Representative Eleanor Holmes Norton (D-DC) continues to serve as Ranking Member.

## LEGISLATION OF THE 113<sup>TH</sup> 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.*

**Fiscal Year 2013 and 2014 Budget:** The federal budgets are starting to overlap successively each year. Congress failed to adopt a fiscal year 2013 budget, instead opting for a Continuing Resolution (CR) which expires March 27. Concurrently, the White House has delayed the submission of a 2014 budget due to the uncertainty of the sequestration debate. By most accounts, Congress will extend the current CR to run through the balance of fiscal year 2013 (funding the government at 2012 levels), the President will submit his budget sometime late March, and the hope is to return to a normal Appropriations process by the end of fiscal year 2013.

NEMA continues to monitor the budgetary situation extremely closely. Appropriators are well aware of our priorities, and outreach is even conducted to FEMA and OMB on a regular basis to discuss priorities and concerns with funding bills.

**HR. 152 Disaster Relief Appropriations Act of 2013:** The bill provided supplemental appropriations for the fiscal year ending September 30, 2013, to improve and streamline disaster assistance for Super Storm Sandy. The legislation provides \$50.7 billion in aid to states hit hard by Super Storm Sandy. In addition to the \$10 billion NFIP aid package passed in early January, Sandy aid ended-up totaling nearly \$60 billion. The bill also included HR 219 or the *Sandy Recovery Improvement Act of 2013* which was intended to improve and streamline disaster assistance for Hurricane Sandy. The full text can be found [here](#).

**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.

**HR. 592 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.

*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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